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Thirteenth Kerala Legislative Assembly

Bill No. 378

**THE KERALA TOWN AND COUNTRY PLANNING
BILL, 2015**

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THE KERALA TOWN AND COUNTRY PLANNING BILL, 2015

A

BILL

to provide for the promotion of planned development and regulation of growth of urban and rural areas in the State with focus on scientific spatial planning and to secure to their present and future inhabitants, sanitary conditions, amenity and convenience and for matters connected therewith or incidental thereto.

Preamble.—WHEREAS, it is expedient to provide for the promotion of planned development and regulation of growth of urban and rural areas in the State with focus on scientific spatial planning and to secure to their present and future inhabitants, sanitary conditions, amenity and convenience and for matters connected therewith or incidental thereto;

BE it enacted in the Sixty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Kerala Town and Country Planning Act, 2015.

(2) It shall be deemed to have come into force on the 23rd day of September, 2013.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “accommodation reservation” means a permission to the owner of the land, which is required for public amenities in any plan prepared under this Act, to use the potential of a plot in the form of built-up space guided by

Floor Area Ratio, in addition to the area required for the amenities, in lieu of the cost of the land and the built-up space of such amenity, to be transferred to the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, as the case may be;

(b) "amenities" include roads, open spaces, parks, recreational grounds, playgrounds, water, gas and power supply, street lighting, sewerage, drainage, public facilities and other utilities, services and conveniences;

(c) "building" means any structure, for whatsoever purpose and of whatsoever material constructed and every part thereof whether used for human habitation or not and includes foundations, plinth, walls, floors, roofs, chimneys, plumbing and building services, verandah, balcony, cornice or projections, part of building or anything affixed thereto or any wall enclosing or intended to enclose any land or space and signs and outdoor display structures;

(d) "building operation" includes,—

(i) erection or re-erection of a building or any part of it;

(ii) roofing, re-roofing of any part of a building or open space;

(iii) any material alteration or enlargement of any building; and

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

(e) "Chief Town Planner" means an officer with prescribed qualification in Town and Country Planning in the Department of Town and Country Planning appointed by the Government;

(f) "compulsory acquisition" means acquisition of land as earmarked for compulsory acquisition in the Plans under this Act;

(g) "Detailed Town Planning Scheme" means a comprehensive plan for a particular area within the local planning area, conceived within the framework of the Master Plan, if any, for the local planning area, providing detailed proposals for spatial development of such particular area indicating the manner in which the use of land and development therein shall be carried out;

(h) "development" means carrying out of building, engineering, mining or other operations, in, on, over or under the land, or making of any material change in any building or land, or in the use of any building or land, and includes subdivision of any land;

(i) "District Planning Committee" means the Committee constituted by the Government for a district under section 53 of the Kerala Municipality Act, 1994 (20 of 1994), to prepare a draft development plan for the district as a whole and to exercise such other functions assigned to it by the Government;

(j) "execution plan" means a plan prepared for a period of five years for the district, metropolitan area or local planning area, as the case may be, providing the goals, policies, strategies, priorities and programmes for spatial development of the area for the period;

(k) "floor area ratio" means the quotient obtained by dividing the total floor area on all floors by the area of the plot;

(l) "Government" means the Government of Kerala;

(m) "industry" means an industry as defined in the Industrial Disputes Act, 1947 (Central Act 14 of 1947);

(n) "joint planning area" means an area declared to be a Joint Planning Area under section 40 of this Ordinance;

(o) "land pooling" means assembling of small land parcels into a large land parcel providing it with infrastructure in a planned manner and returning the re-constituted land to the owners, after deducting the cost of the provision of infrastructure and public spaces by the sale of some land or otherwise where infrastructure is provided;

(p) "local planning area" means the area under the jurisdiction of a Municipal Corporation, a Municipal Council or a Town Panchayat constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994), or of a Village Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(q) "Local Self Government Institution" means a Local Self Government Institution as defined in the Kerala Municipality Act, 1994 (20 of 1994);

(r) "master plan" means a comprehensive plan for a local planning area covering the whole area or part thereof or a joint planning area, as the case may be, conceived within the framework of the perspective plan, if any, providing long-term policies, programmes and detailed proposals for spatial development of such area indicating the manner in which the use of land and development therein shall be carried out;

(s) "metropolitan area" means an area notified by the Governor under clause (c) of article 243P of the Constitution of India to be a Metropolitan Area;

(t) "Metropolitan Planning Committee" means the Committee constituted by the Government for a Metropolitan area, under section 54 of the Kerala Municipality Act, 1994, to prepare a draft development plan for the Metropolitan area as a whole, and to exercise such other functions assigned to it by the Government;

(u) "natural hazard prone area" means an area likely to have moderate to very high damage risk of earth quakes or cyclones, significant flood flow or inundation, land slide potential or proneness, sea erosion, wild fire or one or more of similar hazards;

(v) "occupier" includes,—

(i) any person who, for the time being, is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building;

(ii) any owner in occupation of, or otherwise using his land or building;

(iii) a tenant of any land or building who does not pay any rent;

(iv) a licensee in occupation of any land or building; and

(v) any person who is liable to pay to the owner, charges for the use and occupation of any land or building;

(w) "operational construction" means any construction whether temporary or permanent, which is necessary for the operation, maintenance, development or execution of any of the following services, namely:—

- (i) railways;
- (ii) national highways;
- (iii) national waterways;
- (iv) major ports;
- (v) airports and aerodromes;
- (vi) posts, telephones, wireless, broadcasting and other like forms of communication;
- (vii) regional grid for electricity;
- (viii) roads, bridges and street furniture by Central and State Government; and
- (ix) any other service which the Government may, if it is of the opinion that the operation, maintenance, development or execution of such service is essential to the life of the community, by notification, declare to be a service for the purposes of this Act, but shall not include the construction of a building, structure, installation or any extension thereof, as the case may be, used for residential, commercial, public and semi-public, industrial and warehousing purposes;

(x) "owner" includes a person who for the time being is receiving or entitled to receive, or has received, the rent or premium for any land whether on his own account or on account of, or on behalf of, or for the benefit of any other person or as an agent, trustee, guardian or receiver for any other person or for any religious or charitable institution, or who would so receive the rent or premium or be entitled to receive the rent or premium if the land was let to a tenant;

(y) "perspective plan" means a long-term plan approximately for a period of twenty years providing goals, policies, strategies and general programmes for spatial development of the State, District or a Metropolitan area, as the case may be;

(z) "plan" means a comprehensive document providing long-term policies, programmes or detailed proposals for spatial development of a particular area, indicating the manner in which the use of the land and development therein shall be carried out, which shall also contain maps and reports to support, as may be prescribed and includes a perspective plan for the State, a perspective plan for a District, a perspective plan for a Metropolitan Area, a Master Plan for a local planning area or part thereof, a master plan for a joint planning area and a Detailed Town Planning Scheme for any particular area within the local planning area, prepared under this Act unless otherwise specified in this Act;

(aa) "prescribed" means prescribed by rules made under this Act;

(ab) "residence" means the use for human habitation of any building and appurtenant land or part thereof and includes gardens, grounds, garages, stables and out houses, if any, appertaining to such building;

(ac) "spatial planning" means a scientific discipline adopted for town and country planning, with a comprehensive approach, for the physical organisation of space according to an overall strategy, directed towards promoting sustainable and inclusive development of urban and rural areas providing geographical expression to developmental, economic, social, cultural, environmental and ecological policies of society;

(ad) "transferable development right" means a development right to transfer the potential of a plot designated for a public purpose in a plan under this Act, expressed in terms of total permissible built-up space calculated on the basis of floor area ratio allowable for that plot, for utilisation by the owner himself or by way of transfer by him to someone else from the present location to a specified area in the plan as additional built-up space over and above the permissible limit in lieu of compensation for the surrender of the concerned plot free from all encumbrances to the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, as the case may be.

CHAPTER II

STATE TOWN AND COUNTRY PLANNING BOARD AND THE
PERSPECTIVE PLAN FOR THE STATE

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

(2) The Board shall consist of a Chairperson, Vice-Chairperson or Vice-Chairpersons and twenty-nine other members as specified in sub-section (4).

(3) The Chief Minister of the State shall be the Chairperson of the Board and the Minister or Ministers in-charge of Town and Country Planning, Municipalities, Panchayats, Rural Development and Planning in the State shall be its Vice-Chairperson or Vice-Chairpersons.

(4) The other members of the Board shall be the following, namely:—

(a) the Vice-Chairperson of the State Planning Board;

(b) the Chief Secretary to Government;

(c) the Principal Secretary to Local Self Government Department;

(d) the Secretaries to Government in-charge of Local Self Government Department, Revenue Department, Finance Department, Agriculture Department, Environment Department and Transport Department as nominated by the Government;

(e) the Chief Town Planner;

(f) the Land Revenue Commissioner;

(g) the Chief Engineer, Local Self Government Department;

(h) the Chief Engineer (Roads), Public Works Department;

(i) the Head of the Kerala Forest and Wildlife Department;

(j) the Chairperson of the Kerala State Pollution Control Board;

(k) the Chairperson of the Kerala State Electricity Board Limited;

(l) the Managing Director of the Kerala Water Authority;

(m) two Members of Parliament, as nominated by the Government;

(n) two members of the State Legislative Assembly, as nominated by the Government, of whom one shall be the Leader of Opposition in the State Legislative Assembly;

(o) two Chairpersons of the District Planning Committees and/or Metropolitan Planning Committees, as nominated by the Government;

(p) the Chairperson of the Chamber of the Mayors of the Municipal Corporations;

(q) the Chairperson of the Chamber of Municipal Chairpersons of the Municipal Councils;

(r) the President of the Kerala Grama Panchayat Association; and

(s) three non-official members, as nominated by the Government, of whom one person shall be with expertise and qualification in Town and Country Planning and two persons shall, in the opinion of the Government, possess special knowledge or practical experience in matters relating to transportation, agriculture or economics.

(5) The Principal Secretary to Government, in-charge of Local Self Government Department in the State shall be the ex-officio Member-Secretary of the Board and the Chief Town Planner shall be its Joint Secretary.

(6) The following persons may be invited to the meetings of the Board as Special Invitees, as and when their presence is required at those meetings, namely:—

(a) representatives of the Ministries of the Central Government, in-charge of Railways, Civil Aviation, Shipping, Defence, Transport and Communications, Environment, Urban Development, Rural Development, etc.;

(b) Secretaries to the Government Departments other than those mentioned in clause (d) of sub-section (4);

(c) the Chairperson of the Institute of Town Planners, India, Kerala Regional Chapter; and

(d) the Chairpersons of the District Planning Committee, the Metropolitan Planning Committee and the Development Authority concerned.

4. *Powers and functions of the Board.*—The Board shall,—

(a) advise the Government on matters relating to policy formulation for spatial planning, development and use of rural and urban land in the State;

(b) guide and advise the District Planning Committees and the Metropolitan Planning Committees if any, on matters relating to spatial planning and development of their respective areas;

(c) co-ordinate, monitor and evaluate the spatial planning and development activities under various Government Departments, quasi-Government agencies and Local Self Government Institutions, in the context of the Perspective Plan for the State and other Plans under this Act;

(d) prepare or get prepared the Perspective Plan for the State under this Act;

(e) prepare or get prepared plans on any subject or for any area within the State falling in more than one district;

(f) evaluate and review the physical achievements of the investments made by various Local Self Government Institutions, in the context of implementation of the Plans prepared under this Act, based on the consolidated reports forwarded by the District Planning Committees, the Metropolitan Planning Committees and the Development Authorities and submit reports thereon to the Government;

(g) advise the Government on,—

(i) resolving issues, if any, pertaining to inter-district spatial planning and development, resource utilization and infrastructure development;

(ii) identification of probable location of major investment inputs which are likely to have substantial impact on the development scenario of the State; and

(h) perform such other functions as may be prescribed.

5. *Committees to be constituted by the Board.*—(1) For the purpose of assisting the Board in exercising any of its powers or performing any of its functions as may be specified by it, the Board may constitute one or more Committees.

(2) Any Committee constituted under sub-section (1) shall consist of such members as may be specified by the Board and shall also include the Chief Town Planner or an officer authorised by him.

(3) The Board shall have the power to co-opt any person who is not a member of the Board as a member of any Committee constituted under sub-section (1), as may be deemed necessary.

6. *Term of office and conditions of service of the non-official members of the Board.*—(1) The term of office, conditions of service and the allowances payable to the non-official members of the Board shall be such as may be prescribed.

(2) A non-official member of the Board appointed under this Act may resign the membership of the Board by giving notice in writing to the Government and on such resignation being accepted by the Government, that person shall cease to be a member of the Board. A non-official member may be removed from office by the Government following the procedure laid down in section 95.

7. *Meetings of the Board.*—(1) The Board shall meet at such times and places, not less than twice in a calendar year and shall observe such procedure as may be prescribed in regard to the transaction of its business at such meetings, including quorum of the meeting.

(2) The Chairperson or in the absence of the Chairperson, one of the Vice-Chairpersons or in their absence, any member chosen by the members present from among themselves, shall preside at a meeting of the Board.

8. *Matters that may be dealt with in the Perspective Plan for the State.*—The Perspective Plan for the State shall contain long-term policies and strategies for spatial development approximately for a period of twenty years and shall *inter alia* deal with all or any of the following matters, namely:—

- (a) physical and natural resource potentials and their utilisation;
- (b) urbanisation, population assignment, settlement pattern of urban and rural centres with their hierarchy and functional specialization;
- (c) national and state level transportation network;
- (d) infrastructure development;
- (e) generalised land utilisation;
- (f) natural hazard prone areas;

- (g) protection of environmentally and ecologically sensitive areas;
- (h) conservation of national and state level heritage areas;
- (i) spatial dimensions of the following sectors, namely:—
 - (i) development of trade, commerce and industries;
 - (ii) agriculture and rural development; and
 - (iii) poverty alleviation and employment generation in both formal and informal sectors;
- (j) mobilization of fiscal resource for plan implementation;
- (k) any other particulars and details as may be deemed necessary for ensuring planned development of the State and as may be directed by the Government;
- (l) development vision for the State; and
- (m) development strategies and policies.

9. *Procedure for preparation, publication and sanctioning of Perspective Plan for the State.*—(1) The Board shall, with the advice of the Chief Town Planner and in consultation with the District Planning Committees, the Metropolitan Planning Committees, if any, the Government Departments, Quasi-Government agencies concerned, and considering the Plans prepared under this Act and inputs if any, from the Local Self Government Institutions prepare or get prepared and publish the draft Perspective Plan for the State within five years from the date of constitution of the Board.

(2) The Perspective Plan for the State shall be prepared taking into account various regions in the State for achieving balanced spatial development and shall specify phasing of the implementation of the Plan in periods of five years preferably to be co-terminus with the State Five Year Plans.

(3) The draft of the Perspective Plan for the State shall be published in the website of the technical secretariat of the Board and the notice of the publication shall be notified in the Official Gazette in the prescribed manner and in at least two newspapers having wide circulation in the State, of which one must be in the regional language, specifying the place or places where a copy of the draft Perspective Plan for the State may be inspected, and also inviting objections and suggestions to be filed within a period of one hundred and eighty days from the date of publication of the notice in the Official Gazette. The Board shall also forward a copy of the draft Perspective Plan for the State

to the District Planning Committees and the Metropolitan Planning Committees, if any, which in turn shall forward relevant extracts thereof to the Local Self Government Institutions within their jurisdiction for information.

(4) The Board shall consider all such objections and suggestions and modify, if necessary, the draft Perspective Plan for the State, within sixty days from the time limit prescribed for receiving objections and suggestions, and the draft Perspective Plan for the State, as approved by the Board, shall be forwarded to the Government for sanction.

(5) The Government shall consider the draft Perspective Plan for the State and sanction the same with or without modifications, within sixty days from the date of its receipt, and the fact of sanction by the Government of the Perspective Plan for the State shall be notified in the notice board of the technical secretariat of the Board, in the Official Gazette, and in at least one newspaper having wide circulation in the State stating the place or places where a copy thereof shall be available for reference and for sale.

(6) The Government shall have the power to extend the time limit prescribed in sub-sections (3), (4) and (5) above up to a period not exceeding six months.

10. *Officers and Staff of the Department of Town and Country Planning.*—

(1) There shall be a Department of Town and Country Planning with the Chief Town Planner as the Head of the Department to advise the Government on matters related to town and country planning.

(2) The Government shall appoint such officers and staff in the Department of Town and Country Planning with such terms and conditions of service as may be prescribed and the office of the Chief Town Planner shall function as the technical secretariat of the Board.

11. *Functions of the Chief Town Planner.*—The duties and functions of the Chief Town Planner shall include the following, namely:—

(a) advise and render technical assistance to the Government pertaining to spatial development in urban and rural areas in the State and implementation of relevant State and Central programmes pertaining to the same;

(b) advise and render technical assistance to the Commission in exercising the functions assigned to the Commission as specified in Section 4;

(c) advise and render technical guidance and support to the District Planning Committees, the Metropolitan Planning Committees, the Development Authorities, the Joint Planning Committees, the Municipal Corporations, the

Municipal Councils, the Town Panchayats and the Village Panchayats in exercising the functions assigned to them under this Act;

(d) advise and render technical assistance to Government in scrutinising various Plans, prepared under this Act;

(e) prepare or get prepared Master Plans and Detailed Town Planning Schemes, in the event of default by a Joint Planning Committee, Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, as the case may be, and if so directed by the Government:

Provided that the Joint Planning Committee, Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall publish the plan so prepared and get the same approved as per the procedure provided for in this Act, and the expenses in connection with preparation of such plans shall be met by them;

(f) provide or organise necessary research inputs and other studies for formulation of policies, strategies, norms, standards, laws, rules, regulations and guidelines pertaining to spatial planning and development in urban and rural areas in the State, either through in-house facility and/or through outsourcing;

(g) provide and promote manpower training facilities relating to spatial planning;

(h) perform functions as the Technical Secretariat of the Kerala Urban Art Commission as provided under Chapter XII of the Act; and

(i) perform any other function pertaining to spatial planning, as may appear to him to be necessary, and as may be directed by the Government, from time to time.

CHAPTER III

DISTRICT PLANNING COMMITTEE AND PLANS FOR THE DISTRICT

12. *District Planning Area.*—For the purposes of this Act, the area of a district in the State, shall be deemed to be the District Planning Area.

13. *District Planning Committee and Plans for the district.*—(1) The District Planning Committee constituted by the Government under section 53 of the Kerala Municipality Act, 1994 shall prepare the development plan for the district as a whole under sub-section (10) thereof, which shall comprise of a long-term Perspective Plan and five year Execution Plans and exercise such other functions assigned to it under this Act;

(2) The district level officer of the Department of Town and Country Planning of the Government shall render necessary technical assistance to the District Planning Committee in matters relating to spatial planning, and the district office of the Department of Town and Country Planning shall function as the Spatial Planning Wing of the District Planning Committee.

14. *Powers and functions of District Planning Committee.*—(1) The District Planning Committee, for the purposes of this Act, shall formulate development goals, objectives, policies and priorities in matters relating to planning, development and use of rural and urban land in the district and shall have due regard to the overall objectives and priorities set by the Government and the Government of India, all Plans prepared under this Act which have relevance to the district concerned, matters of common interest among the Local Self Government Institutions in the district, integrated development of infrastructure, environmental conservation and spatial development.

(2) The District Planning Committee shall—

(a) prepare or get prepared for the district as a whole, in consultation with the Local Self Government Institutions in the district, the district level officer of the Department of Town and Country Planning of the Government, and other Government Departments and agencies in the district,—

(i) a Perspective Plan for the district, taking into account the plans, if any, prepared by various Local Self Government Institutions and any other Plans prepared under this Act which have relevance to the district;

(ii) Execution Plans, taking into account the perspective plan prepared under sub-clause (i) and any other plans under this Act;

(b) consult non-governmental institutions, organizations, and professional bodies if deemed necessary in the preparation of plans for the district;

(c) monitor continuously the physical achievements of the investments made by the various Local Self Government Institutions and quasi-Government agencies within the district in the context of plans prepared under this Act and submit a consolidated report to the Board;

(d) co-ordinate planning and development activities among the Government departments, quasi-Government agencies within the district and/or otherwise in the context of Plans under this Act;

(e) formulate policies and identify projects for integrated development of district level infrastructure and facilitate their implementation through public, private or joint sector participation and/or otherwise;

(f) advise Government and Local Self Government Institutions on identification of probable location of major investment inputs which are likely to have substantial impact on the development scenario of the District/State;

(g) resolve conflicts, if any, on the following, namely:—

(i) issues regarding development of peripheral areas of urban centres;

(ii) sharing of physical and natural resources among various Local Self Government Institutions in the district;

(iii) sites for disposal of sewage and solid waste;

(iv) overlapping functions of various agencies involved in planning and development; and

(v) any other issue within the purview of the District Planning Committee;

(h) perform any other incidental, supplemental or consequential function as may be necessary and required for the purposes of carrying out its functions under this Act.

(3) For the purpose of assisting the District Planning Committee in exercising such of its powers, discharging such of its duties or performing such of its functions under this Act, the District Planning Committee may constitute one or more special committees:

Provided that the District Planning Committee may also constitute working groups for various sectors for giving guidance and support to the special committees in the preparation of perspective plan and execution plan.

15. *Perspective Plan for the district and matters that may be dealt with in the Perspective Plan.*—The District Planning Committee constituted by the Government under Section 53 of the Kerala Municipality Act, 1994 shall prepare the Perspective Plan for the district and it shall contain long-term policies and strategies for spatial development, approximately for a plan period of twenty years and shall *inter alia* deal with all or some of the following matters, namely:—

(a) physical and natural resource potentials and their utilisation;

(b) population assignment and settlement pattern including rural as well as urban centres and their hierarchy and functional specialization;

(c) district level transportation system;

- (d) generalized land utilisation pattern;
- (e) housing and shelter development;
- (f) conservation of environment, forests, ecologically sensitive areas and heritage zones;
- (g) integrated infrastructure development covering water, energy, sanitation, education, health, recreation, communication and other utilities, facilities and services;
- (h) development of special areas, if any, such as tribal areas, coastal areas, economically backward areas, areas for establishment of new towns, etc.;
- (i) natural hazard prone areas;
- (j) development of various sectors, namely:—
 - (i) agriculture and rural development;
 - (ii) trade, commerce and industries;
 - (iii) human resources;
- (k) mobilization of fiscal resources for Plan implementation;
- (l) any other particulars and details as may be considered necessary for ensuring planned development of the State and as may be directed by the Government;
- (m) integrated development vision of the district; and
- (n) development strategies and policies for integrated development.

16. *Execution Plan for the district and matters that may be dealt within the Execution Plan.*—The District Planning Committee shall prepare Execution Plan for the district for a period of five years taking into account the perspective plan prepared under sub-section (1) of section 15 and any other Plans under this Act, development goals, objectives and priorities identified for the five year plan period, sectoral requirements and their spatial implications, which shall be the implementation plan and shall *inter alia* deal with all or some of the following matters, namely:—

- (a) such matters contained in clauses (a) to (k) of section 15 as may be considered necessary;
- (b) development issues;
- (c) strategies for the integrated development;

(d) sectoral development policies, strategies and proposals of sectors like agriculture, fisheries, animal husbandry, forest, industries, transportation, infrastructure, water, health, education, energy, tourism etc.;

(e) identification of projects and programmes;

(f) phasing of district development plan into five annual plans by sectoral programmes, projects and schemes indicating physical targets and fiscal requirements;

(g) financial resource planning; and

(h) any other particulars and details as may be considered necessary by the District Planning Committee or as may be directed by the Government.

17. *Procedure for preparation, publication and sanctioning of Perspective Plan for the district.*—(1) As soon as may be after the commencement of this Act, the District Planning Committee shall notify the intention to prepare a Perspective Plan for the district in the Official Gazette and in at least one newspaper having wide circulation in the prescribed manner and such notification shall state the boundaries of the District Planning Area and the purpose for which such Plan is intended to be prepared.

(2) The District Planning Committee shall, not later than two years from the date of notification of intention to prepare a Perspective Plan in the Gazette as per sub-section (1), prepare or get prepared and publish, the draft Perspective Plan for the district in the website and the notice of the publication shall be notified in the Official Gazette and in at least two newspapers having wide circulation in the district, of which one must be in the regional language, specifying the place or places where a copy of the draft Perspective Plan for the district may be inspected, and also inviting objections and suggestions to be filed within a period of sixty days from the date of publication of the notice in the Official Gazette. The District Planning Committee shall forward a copy of the draft Perspective Plan for the district or relevant extracts thereof to the Local Self Government Institutions within their jurisdiction.

(3) The District Planning Committee shall as far as possible within sixty days from the time limit prescribed for receiving objections and suggestions under sub-section (2) consider all the objections and suggestions received and give effect to such modifications as may be considered necessary and the Perspective Plan for the district as recommended by the District Planning Committee shall be submitted to the Government for sanction:

Provided that the District Planning Committee may appoint a special committee consisting of not more than five of its members and the district level

officer of the Department of Town and Country Planning of the Government for processing the objections and suggestions and to submit its report to the District Planning Committee.

(4) The Government may, in consultation with the Board, within sixty days of the date of receipt of the Perspective Plan for the district forwarded to it under sub-section (3), and after ensuring that the Perspective Plan for the district is within the framework of the Perspective Plan for the State, if prepared, and any other Plans under this Act, priorities and objectives set by the Government and the Government of India, sanction the same with or without modifications:

Provided that if the Perspective Plan for the district is returned for incorporating modifications, if any, suggested by the Government, the modified Plan shall be resubmitted within sixty days and the Government may sanction the Plan as if the Plan is submitted for sanction afresh.

(5) As soon as may be, after the Perspective Plan for the district has been sanctioned by the Government, the District Planning Committee shall forward a copy thereof to each of the Local Self Government Institutions in the district, and also publish, the fact of sanction of the Perspective Plan for the district by the Government, in the Official Gazette and in at least one newspaper having wide circulation in the district, for information of the public and also specifying the place or places where a copy of the Plan may be available for reference or for sale.

(6) The Government shall have the power to extend the time limit prescribed in sub-sections (2) (other than the time limit prescribed for the preparation of the plan), (3) and (4) above up to a period not exceeding six months.

18. *Procedure for preparation and sanctioning of Execution Plan for the district.*—(1) Not later than six months from the date of sanction of the Perspective Plan for the district by the Government under sub-section (5) of section 17, the District Planning Committee shall prepare Execution Plan for the district for the first five year of the twenty year period of the Perspective Plan and shall forward to the Government for sanction.

(2) The Government may, in consultation with the Board, within sixty days of the date of receipt of the Execution Plan for the district forwarded to it under sub-section (1), and after ensuring that the Execution Plan for the district is in conformity with the Perspective Plan for the district and any other plans under this Act, priorities and objectives set by the Government and the Government of India, sanction the same with or without modifications:

Provided that if the Execution Plan for the district is returned for incorporating modifications, if any, suggested by the Government, the modified Plan shall be resubmitted within sixty days and the Government may sanction the Plan as if the Plan is submitted for sanction afresh.

(3) As soon as may be, after the Execution Plan for the district has been sanctioned by the Government, the District Planning Committee shall forward a copy thereof to each of the Local Self Government Institutions in the district.

(4) Immediately after the expiry of four years from the date of approval of the Execution Plan under sub-section (2), but not later than four months thereafter, the district planning committee shall review such plan and prepare a fresh execution plan for five years commencing from the date of expiry of such plan in force after incorporating such modifications and amendments as may be considered necessary and get it sanctioned under this Act.

19. *District Planning Committee to issue guidelines for preparation of five year and annual plans of Local Self Government Institutions.*—District Planning Committee may, from time to time, issue guidelines for the preparation of five year and annual plans of Local Self Government Institutions such that these plans are prepared taking into account the Perspective Plan and Execution Plan of the district and any other plans under this Act.

CHAPTER IV

METROPOLITAN PLANNING COMMITTEE AND PLANS FOR THE METROPOLITAN AREA

20. *Declaration of Metropolitan Area.*—Any notification under clause (c) of Article 243P of the Constitution of India to specify an area to be a Metropolitan Area, shall define the limits of such area and such limits shall be as decided by the Government in consultation with the Board:

Provided that the District Planning Committee will not have jurisdiction over such Metropolitan Area.

21. *Metropolitan Planning Committee and Plans for Metropolitan Area.*—The Metropolitan Planning Committee, if any, constituted by the Government under section 54 of the Kerala Municipality Act, 1994 (20 of 1994), shall prepare the draft development plan for the Metropolitan Area under sub-section (7) thereof, which shall comprise a Perspective Plan for the Metropolitan Area and Execution Plans for the Metropolitan Area and exercise such other functions assigned to it under this Act.

22. *Powers and functions of Metropolitan Planning Committee in respect of spatial planning.*—(1) The Metropolitan Planning Committee, for the purposes of this Act, shall formulate development goals, objectives, policies and priorities in matters relating to planning, development and use of rural and urban land in the metropolitan area and shall have due regard to the overall objectives and priorities set by the Government and the Government of India, all Plans prepared under this Act which have relevance to the metropolitan area concerned, matters of common interest among the Local Self Government Institutions in the metropolitan area, integrated development of infrastructure, environmental conservation, spatial development.

(2) The Metropolitan Planning Committee shall,—

(a) prepare or get prepared, in consultation with the Local Self Government Institutions in the metropolitan area, the district level officer of the Department of Town and Country Planning of the Government, and other Government Departments and agencies in the Metropolitan Area,—

(i) a Perspective Plan for the Metropolitan Area, taking into account the Plans, if any, prepared by various Local Self Government Institutions in the Metropolitan Area and any other Plan prepared under this Act which have relevance to the Metropolitan Area;

(ii) Execution Plans, taking into account the perspective plan prepared under sub-clause (i) and any other plans under this Act which have relevance to the Metropolitan Area;

(b) consult non-governmental institutions, organizations, and professional bodies, if deemed necessary, in the preparation of Perspective Plan and Execution Plan for the Metropolitan Area;

(c) monitor continuously the physical achievements of the investments made by the various Local Self Government Institutions and Quasi-Government agencies within the metropolitan area in the context of Plans prepared under this Act and submit a consolidated report to the Board;

(d) co-ordinate planning and development activities among the Government Departments, Quasi-Government agencies within the metropolitan area and/or otherwise in the context of plans under this Act;

(e) resolve conflicts, if any, on the following, namely:—

(i) issues regarding development of peripheral areas of urban centres;

(ii) sites for disposal of sewage and solid waste;

(iii) overlapping functions of various agencies involved in planning and development; and

(iv) any other issue within the purview of the Metropolitan Planning Committee;

(f) advise Government and Local Self Government Institutions in the Metropolitan Area on identification of probable location of major investment inputs which are likely to have substantial impact on the development scenario of the Metropolitan Area/State;

(g) formulate policies and identify projects for integrated development of metropolitan area level infrastructure and facilitate their implementation through public, private or joint sector participation and/or otherwise;

(h) sort-out matters relating to sharing of physical and natural resources within the Metropolitan Area;

(i) perform any other incidental, supplemental or consequential function as may be necessary and required for the purposes of carrying out its functions under this Act.

(3) For the purpose of assisting the Metropolitan Planning Committee in exercising such of its powers, discharging such of its duties or performing such of its functions under this Act, the Metropolitan Planning Committee may constitute one or more special committees:

Provided that the Metropolitan Planning Committee may also constitute working groups for various sectors for giving guidance and support to the special committees in the preparation of perspective plan and execution plan.

23. Metropolitan Planning Committees, Perspective Plan for the Metropolitan Area and matters that may be dealt with in the Perspective Plan.—The Metropolitan Planning Committee, constituted by Government under section 54 of the Kerala Municipality Act, 1994, shall prepare the Perspective Plan for the Metropolitan Area containing long-term strategies and policies for spatial development, approximately for a plan period of twenty years and shall deal, *inter alia* with all or some of the following matters, namely:—

(a) physical and natural resource potentials and their utilisation;

(b) population assignment and settlement pattern including rural as well as urban centres and their hierarchy and functional specialization;

(c) transportation system including mass transport;

(d) generalized land utilisation pattern;

(e) housing and shelter development;

(f) protection of environmentally and ecologically sensitive areas and conservation of heritage;

(g) integrated infrastructure development covering water, energy, sanitation, education, health, recreation, communication and other utilities, facilities and services;

(h) development of special areas, if any, such as industrial townships, coastal areas, pilgrim centres, etc.;

(i) natural hazard prone areas ;

(j) development of various sectors, namely:—

(i) agriculture and rural development;

ii) trade, commerce and industries;

(k) fiscal resource requirements and its mobilization including the extent and nature of investments likely to be made in the area;

(l) any other particulars and details as may be considered necessary for ensuring planned development and as may be directed by the Government;

(m) integrated development vision of the Metropolitan Area;

(n) development strategies and policies for integrated development.

24. *Execution Plan for the Metropolitan Area and matters that may be dealt with in the Execution Plan.*—The Metropolitan Planning Committee shall prepare Execution Plan for the Metropolitan Area for a plan period of five years taking into account the perspective plan prepared under section 23, any other Plans under this Act, development goals, objectives and priorities identified for the five year plan period; sectoral requirements and their spatial implications; which shall be the implementation plan and shall *inter alia* deal with all or some of the following matters, namely:—

(a) such matters contained in sub-clauses (a) to (j) of section 23 as may be considered necessary;

(b) development issues;

(c) strategies for the integrated development;

(d) sectoral development policies, strategies and proposals of sectors like agriculture, fisheries, animal husbandry, forest, trade and commerce, industries, transportation, water, health, education, energy, tourism etc.;

(e) identification of projects and programmes;

(f) phasing of metropolitan area perspective plan into five year plans by sectoral programmes, projects and schemes indicating physical targets and fiscal requirements;

(g) financial resource planning; and

(h) any other particulars and details as may be considered necessary by the Metropolitan Planning Committee or as may be directed by the Government.

25. Procedure for preparation, publication and sanctioning of Perspective Plan for the Metropolitan Area.—(1) As soon as may be after its constitution, the Metropolitan Planning Committee, shall notify the intention to prepare a Perspective Plan for the Metropolitan Area, in the Official Gazette and in at least one newspaper having wide circulation in the metropolitan area, in the prescribed manner and such notification shall state the boundaries of the Metropolitan Planning Area and the purpose for which such plan is intended to be prepared.

(2) The Metropolitan Planning Committee shall, not later than two years from the date of notification of the intention to prepare a Perspective Plan in the Official Gazette as per sub-section (1), prepare or get prepared and publish draft Perspective Plan for the Metropolitan Area in the website and the notice of publication shall be notified in the Official Gazette and in at least two newspapers having wide circulation in the metropolitan area, of which one must be in the regional language, specifying the place or places where a copy of the draft Perspective Plan for the Metropolitan Area may be inspected, and also inviting objections and suggestions to be filed within a period of sixty days from the date of publication of notice in the Official Gazette. The Metropolitan Planning Committee shall forward a copy of the draft Perspective Plan for the Metropolitan Area or relevant extracts thereof to the Local Self Government Institutions within their jurisdiction.

(3) The Metropolitan Planning Committee shall as far as possible within sixty days from the time limit prescribed for receiving objections and suggestions under sub-section (2) shall consider all the objections and suggestions received and give effect to such modifications as may be considered necessary and the Perspective Plan for the Metropolitan Area as recommended by the Metropolitan Planning Committee shall be submitted to the Government for sanction:

Provided that the Metropolitan Planning Committee may appoint a special committee consisting of not more than five of its members and the district level officer of the Department of Town and Country Planning of the Government for processing the objections and suggestions and to submit its report to the Metropolitan Planning Committee.

(4) The Government may, in consultation with the Board, within sixty days from the date of receipt of the Perspective Plan for the Metropolitan Area forwarded to it under sub-section (3) and after ensuring that the Perspective Plan for the Metropolitan Area is within the framework of the Perspective Plan for the State and any other Plans under this Act, priorities and objectives set by the Government and the Government of India, sanction the same with or without modifications:

Provided that if the Perspective Plan for the Metropolitan Area is returned for incorporating modifications, if any, suggested by the Government, the modified Plan shall be resubmitted within sixty days and the Government may sanction the Plan as if the Plan is submitted for sanction afresh.

(5) As soon as may be, after the Perspective Plan for the Metropolitan Area has been sanctioned by the Government, the Metropolitan Planning Committee shall forward a copy thereof to each of the Local Self Government Institutions in the Metropolitan Area, and also publish the fact of sanction of the Perspective Plan for the Metropolitan Area by the Government, in the Official Gazette and in at least one newspaper having wide circulation in the Metropolitan Area, for information of the public and also specifying the place or places where a copy of the Plan may be available for reference or for sale.

(6) The Government shall have the power to extend the time limit prescribed in sub-sections (2) (other than the time limit prescribed for preparation of the Plan), (3) and (4) above up to a period not exceeding six months.

26. Procedure for preparation and sanctioning of Execution Plan for the Metropolitan Area.—(1) Not later than six months from the date of sanction of the Perspective Plan for the Metropolitan Area by the Government under sub-section (4) of section 25, the Metropolitan Planning Committee shall prepare Execution Plan for the first five year of the twenty year period of the Perspective Plan for the Metropolitan Area as a whole and shall forward the same to the Government for sanction.

(2) The Government may, in consultation with the Board, within sixty days of the date of receipt of the Execution Plan for the Metropolitan Area forwarded to it under sub-section (1), and after ensuring that the Execution Plan for the Metropolitan Area is in conformity with the Perspective Plan for the Metropolitan Area and any other Plans under this Act, priorities and objectives set by the Government and the Government of India, sanction the same with or without modifications:

Provided that if the Execution Plan for the Metropolitan Area is returned for incorporating modifications, if any, suggested by the Government, the modified Plan shall be resubmitted within sixty days and the Government may sanction the Plan as if the Plan is submitted for sanction afresh.

(3) As soon as may be, after the Execution Plan for the Metropolitan Area has been sanctioned by the Government, the Metropolitan Planning Committee shall forward a copy thereof to each of the Local Self Government Institutions in the Metropolitan Area.

(4) Immediately after the expiry of four years from the date of approval of the Execution Plan under sub-section (2), but not later than four months thereafter, the Metropolitan Planning Committee shall review such plan and prepare a fresh execution plan for five years commencing from the date of expiry of such plan in force after incorporating such modifications and amendments as may be considered necessary and get it sanctioned under this Act.

27. Metropolitan Planning Committee to issue guidelines for preparation of five year and annual plans of Local Self Government Institutions.—Metropolitan Planning Committee may, from time to time, issue guidelines for the preparation of five year and annual plans of Local Self Government Institutions, such that these plans are prepared in conformity with the Perspective Plan and Execution Plan of the Metropolitan Area and any other plans under this Act.

CHAPTER V

PLANS FOR LOCAL PLANNING AREAS

28. Local Planning Area.—From the date of commencement of this Act, the area under the jurisdiction of a Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat shall be deemed to be a Local Planning Area, for the purposes of this Act.

29. Variations in the Local Planning Area.—(1) In case the Government vary the area of jurisdiction of a Municipal Corporation, Municipal Council or Town Panchayat as provided under section 4 of the Kerala Municipality Act, 1994 or of a Village Panchayat as provided under section 4 of the Kerala Panchayat Raj Act, 1994, as the case may be, the Local Planning Area shall stand modified accordingly.

(2) The Government may, by notification in the Official Gazette, direct that all or any of the rules, regulations, bye-laws, orders and directions made or issued and powers conferred and in force in a Local Planning Area at the time,

with such exceptions, adaptations and modifications as may be considered necessary by the Government, shall apply to the area modified under sub-section (1) and such rules, bye-laws, orders, directions and powers shall forthwith apply to such Local Planning Area without further publication.

30. *Powers and Functions of the Municipal Corporations, Municipal Councils etc. in relation to spatial planning.*—Notwithstanding anything contained in the Kerala Municipality Act, 1994 or the Kerala Panchayat Raj Act, 1994, Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat shall have the following additional functions for the purpose of this Act, namely:—

(a) prepare or get prepared for the Local Planning Area or part thereof,—

(i) a master plan, taking into account the Plans, if any, prepared under this Act which have relevance to the Local Planning Area;

(ii) execution plans, taking into account the master plan and other Plans, if any, prepared under this Act which have relevance to the Local Planning Area;

(b) implement all or any of the provisions contained in the Plans under this Act by formulating and executing Projects, Land Pooling Schemes, Detailed Town Planning Schemes or otherwise;

(c) promote, regulate and control land use and developmental activities in the Local Planning Area as per the Plans under this Act;

(d) set-up special function agencies, if necessary, for specific functions such as plan preparation, implementation of projects and guide, direct and assist such agencies on matters pertaining to their respective functions; and

(e) perform such other functions as are supplemental, incidental or consequential to any of its functions and or as may be directed by the Government, the Board, the District Planning Committee, or the Metropolitan Planning Committee, from time to time.

31. *Delegation of powers to the Standing Committees.*—The Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, as the case may be, if so decided by a resolution, may delegate, any of its powers and functions regarding spatial planning under this Act, except its power under sub-section (4) of section 36, to the Standing Committee responsible for spatial planning or town planning in a Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, as the case may be.

32. *Appointment of special committees and working groups.*—(1) For the purpose of assisting the Municipal Corporation, the Municipal Council, the Town Panchayat or the Village Panchayat concerned in exercising such of its powers, discharging such of its duties or performing such of its functions under this Act, the Municipal Corporation, the Municipal Council, the Town Panchayat or the Village Panchayat concerned may constitute one or more special committees. Such special committees shall consist of the following persons, namely:—

(i) the Chairperson of the Municipal Corporation, the Municipal Council, the Town Panchayat or the Village Panchayat, as the case may be, who shall be the chairperson of the special committee;

(ii) members of the Municipal Corporation, the Municipal Council, the Town Panchayat or the Village Panchayat concerned, as nominated by the respective council/committee;

(iii) the district officer of the Department of Town and Country Planning or his representative;

(iv) the Secretary of the Local Self Government Institution concerned, who shall be the convenor.

(2) The Municipal Corporation, the Municipal Council, the Town Panchayat or the Village Panchayat shall have the power to co-opt as a member of the special committee constituted under sub-section (1), any person who is not a member of that Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, as may be deemed necessary.

(3) The Municipal Corporation, the Municipal Council, the Town Panchayat or the Village Panchayat may constitute working groups as per the guidelines for the prevailing Five Year Plan or in such manner as may be prescribed, for various sectors for giving guidance and support to the special committees in the preparation of master plan and execution plan.

33. *The Department of Town and Country Planning and the Plans under this Act.*—The Department of Town and Country Planning of the Government shall, guide and advise the Municipal Corporation, the Municipal Council, the Town Panchayat or the Village Panchayat concerned, its Standing Committee or any other special committees constituted under sub-section (1) of section 32 or the working groups constituted under sub-section (3) of section 32 in the performance of their functions under this Act.

34. *Matters that may be dealt with in the Master Plan.*—(1) The Master Plan shall be prepared through a participatory process and shall generally indicate the manner in which development of the Local Planning Area or part thereof shall be carried out and also the manner in which the use of land shall be regulated.

(2) The Master Plan may include the following, namely:—

(a) A development concept and strategy with a long-term vision, approximately for a period of twenty years, having regard to the policies and strategies for the Local Planning Area or part thereof concerned, as laid down in the Perspective Plan for the State, the plans for the district and the Metropolitan Area, if any, under this Act. It may also incorporate goals, objectives, strategies and policies pertaining to all or some of the sectors of spatial development that are pertinent to the local planning area or part thereof, as the case may be;

(b) Master Plan documents with land use proposals, development control regulations and Plans for infrastructure development;

(c) statement of community involvement in the preparation, implementation and monitoring of the Master Plan;

(d) situational analysis including history of development, present status and trend of development, regional context, physiographic and demographic characteristics, influence area and its characteristics including settlement pattern, rural-urban relationship and fringe area developments etc.; and

(e) existing land use.

(3) In particular, the Master Plan shall provide for current issues, prospects and proposals regarding all or any of the following, namely:—

(i) economic base and employment in sectors like agriculture, trade, commerce and industries in both formal and informal sectors;

(ii) hierarchy of commercial areas, dispersal of commercial activities and related issues;

(iii) dispersal of industries and restriction on specific type of industries in both formal and informal sectors;

(iv) population assignment, space requirement for various activities and designating the use of land for such purposes;

(v) housing, including affordable housing, informal sector housing, resettlement strategy and slum upgradation;

(vi) educational facilities, including specialised education and research centres, health facilities, including specialised hospitals, cultural and religious facilities, public and semi-public institutions;

(vii) system of open space, play fields and recreation areas, conservation areas, ecologically and environmentally sensitive areas, natural hazard prone areas and public gathering grounds;

(viii) transportation covering roads, railways, waterways, pedestrian-pathways and related activity centres, parking and terminal facilities, mass transportation system and its integration with activity nodes, integration of land use with activity nodes and land use pattern, airport and seaport etc;

(ix) utilities and services such as water supply, drainage, sewerage, solid waste management, energy, communication, fire protection, cremation and burial grounds, slaughter houses etc.;

(x) tourism, environmental conservation, heritage, coastal area development and the like; and

(xi) proposals for Transferable Development Rights, Accommodation Reservation, Land Pooling Schemes or any other similar technique for promoting planned development;

(xii) development control regulations for promoting and regulating the use and development of land including regulations for natural hazard prone areas, imposition of conditions and restrictions in regard to the building line, open space to be maintained about buildings, Floor Area Ratio, coverage, height, number of storeys and character of buildings and density of built-up area allowed in specified area, the use and purpose for which buildings or specified areas of land may or may not be appropriated, the subdivision of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, parking spaces, and the size of projections and advertisement signs and the like; and

(xiii) such other proposals for public purpose as may, from time to time, be approved by the Municipal Corporation, the Municipal Council, the Town Panchayat or the Village Panchayat concerned, or as may be directed by the Government or the District Planning Committee or the Metropolitan Planning Committee, as the case may be, in this behalf.

35. *Matters that may be dealt with in the Execution Plan.*—The Execution Plan may include the following, namely:—

(a) development issues and consolidation of suggestions of grama sabha/ward sabha/ward committee, as the case may be;

(b) development strategies for integrated development;

(c) sectoral development policies, strategies and proposals of sectors like agriculture, fisheries, animal husbandry, forest, industries, transportation, infrastructure, water, drainage, sewerage, solid waste management, health, education, energy, tourism suggested phasing of the proposal etc.;

(d) implementation mechanism which may include identification of sector-wise schemes and projects to be implemented by Central or State Government departments, the Local Self Government Institutions concerned, corporate bodies, co-operatives, private and joint sectors and/or otherwise;

(e) fiscal requirements and resource mobilisation proposals;

(f) any other matter as may be considered necessary for carrying out the objects of this Act; and

(g) monitoring and review mechanism.

36. *Procedure for preparation, publication and sanctioning of Master Plan.*—(1) A Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may, at any time, by resolution, decide to prepare or adopt a Master Plan for the Local Planning Area or part thereof and shall notify the intention of the same in the Official Gazette and in at least one newspaper having wide circulation in the area in the prescribed manner and such notification shall state the boundaries of the Local Planning Area or part thereof and the purpose for which such Plan is intended to be prepared.

(2) The Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat shall, in consultation with the Department of Town and Country Planning of the Government and other Government Departments and agencies, within two years from the date of notification of the intention to prepare the Plan under sub-section (1), prepare or get prepared a draft Master Plan for the Local Planning Area or part thereof after reviewing such Plans, if any, prepared earlier and forward the Plan with Council resolution to the Government in such form as may be prescribed.

(3) The Government, on receipt of the draft Master Plan as per sub-section (2) may, in consultation with the Board and/or the Chief Town Planner, accord approval, within a period of sixty days from the date of receipt of such Plan, for publication, by the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned.

(4) The Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall, within sixty days from the date of receipt of approval for publication under sub-section (3), publish the draft Master Plan in the website; and a notice of publication, in the Official Gazette and in at least two newspapers having wide circulation in the Local Planning Area of which one must be in the regional language, inviting objections and suggestions to be submitted within sixty days from the date of publication of the notice in the Gazette, specifying the place or places where a copy thereof shall be available for inspection by the public:

Provided that the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall publish such a notice, even if the draft Plan is prepared or got prepared by the Chief Town Planner under clause (e) of section 11.

(5) Immediately after a draft Master Plan is published under this Act, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall forward a copy of the published Master Plan to the District Planning Committee or Metropolitan Planning Committee, as the case may be, and the District Planning Committee or the Metropolitan Planning Committee may, as far as possible, within sixty days from the date of the receipt of such Plan furnish their remarks, if any, on the Plan, to Government.

(6) Simultaneously with the publication of the notice under sub-section (4), the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall, appoint a special committee under section 32 of this Act, which shall process the objections and suggestions and hear all such persons who have made a request in writing for being so heard and submit its report in the prescribed format to the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, as far as possible within sixty days from the time limit prescribed for receiving objections and suggestions.

(7) The Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall, as far as possible within sixty days from the date of receipt of the report of the special committee under sub-section (6), shall consider such objections or suggestions and the report of the special committee on such objections or suggestions and may modify the Plan as may be considered necessary and submit the Master Plan as passed or adopted by the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, together with the objections and suggestions in original, the report of the special committee and the recommendations thereon under this sub-section to the Government for sanction.

(8) The Government may, as far as possible within a period of sixty days from the date of receipt of the Master Plan as per sub-section (7), after considering the objections and suggestions, if any, the recommendations of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned thereon, the remarks, if any, received from the District Planning Committee or the Metropolitan Planning Committee on the draft Plan and after ensuring compliance with the provisions of the Perspective Plans and any other Plans prepared under this Act, accord sanction to the Plan with or without modifications and publish a notice in the Official Gazette intimating the fact of sanction of the Master Plan:

Provided that the Government may obtain technical remarks of the Chief Town Planner to ensure compliance with the Plans under this Act and priorities and objectives set by the Government and Government of India and also on any other aspects pertaining to the Master Plan:

Provided further that if the Master Plan is returned for incorporating modifications, if any, suggested by the Government, the modified Plan shall be resubmitted within ninety days to the Government for sanction as if the Plan is submitted afresh under this Act:

Provided also that if the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned fails to resubmit the Plan within the time limit specified in the foregoing proviso, the Government may, in relation to the Plan, pass such orders as they may deem fit.

(9) When a Plan returned for modifications is modified by the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned, the Plan so modified shall, before resubmission to the Government for sanction, be published and passed by the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat in the same manner as a draft Plan in cases in which the modification involves the inclusion or exclusion from the local planning area or part thereof any land or the acquisition of any land not originally proposed to be acquired.

(10) As soon as may be, after the Master Plan has been sanctioned by the Government, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall forward a copy thereof to the District Planning Committee or Metropolitan Planning Committee, as the case may be, and shall publish a notice regarding the sanction of the Master Plan by the Government in at least one local newspaper, also stating the place or places where a copy thereof shall be available for reference or for sale. The Master Plan as sanctioned by the Government or its extracts shall also be published in the website of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned.

(11) The Government shall have power to extend the time limit prescribed in sub-sections (3) to (8) above up to a period not exceeding six months based on the recommendation of the Chief Town Planner.

(12) The restrictions imposed under section 63 shall continue to be in operation until the Master Plan is sanctioned, even if the time limit prescribed under sub-sections (2) to (8) are not complied with:

Provided that in cases where a sanctioned Master Plan already exists, its provisions shall only apply until the published Master Plan is sanctioned in accordance with this Act.

37. Procedure for preparation and sanctioning of Execution Plan.—(1) A Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat shall, taking into account the Master Plan for the local planning area or part thereof shall prepare Execution Plan for the first five years along with the preparation of the Master Plan but not later than four months thereafter from the date of sanction of the Master Plan for the local planning area or part thereof by the Government under sub-section (8) of section 36 and shall forward to the District Planning Committee or the Metropolitan Planning Committee, as the case may be, for sanction:

Provided that the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall prepare the Execution Plan, even if the draft Master Plan is prepared or got prepared by the Chief Town Planner under clause (e) of Section 11.

(2) The District Planning Committee or the Metropolitan Planning Committee, may, in consultation with the Department of Town and Country Planning of the Government, within thirty days of the date of receipt of the Execution Plan forwarded to it under sub-section (1), and after ensuring that the Execution Plan is in conformity with the Master Plan and any other Plans under this Act, priorities and objectives set by the Government and the Government of India, sanction the same with or without modifications:

Provided that if the Execution Plan is returned for incorporating modifications, if any, suggested by the District Planning Committee or the Metropolitan Planning Committee, the modified Plan shall be resubmitted within thirty days and the District Planning Committee or the Metropolitan Planning Committee may sanction the Plan as if the Plan is submitted for sanction afresh.

(3) As soon as may be, after the Execution Plan for the local planning area or part thereof has been sanctioned by the District Planning Committee or the Metropolitan Planning Committee, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat shall publish the same in the website of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned.

(4) Immediately after the expiry of three years from the date of approval of the Execution Plan under sub-section (2), but not later than four months, thereafter, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat shall review such Plan and prepare a fresh Execution Plan for four years commencing from the date of expiry of such Plan in force after incorporating such modifications and amendments as may be considered necessary and get it sanctioned under this Act.

(5) The District Planning Committee or the Metropolitan Planning Committee as the case may be, shall have power to extend the time limit prescribed in sub-sections (2) and (4) above up to a period not exceeding four months based on the recommendation of the District Town Planner.

38. *Master Plans that are published but not sanctioned within the time limit prescribed.*—Notwithstanding anything contained in this Act, in respect of any area for which a planned development is necessary and the published Plan is not sanctioned within the time limit prescribed, the Government may, after making such enquiry as they may deem necessary, in consultation with the Chief Town Planner and the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned, require the Master Plan to be processed and sanctioned as provided for in this Act.

39. *Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat to necessarily make Master Plans in certain cases.*—Notwithstanding anything contained in this Act, in respect of any area for which a planned development is necessary but not initiated by the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, as the case may be, Government may, after making such enquiry as may be deemed necessary, by a notification in the Official Gazette, require the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat to prepare, publish and submit for sanction the Master Plan as provided under this Act and the notification so issued shall be deemed to be the notification of the intention to prepare the plan under sub-section (1) of section 36 and the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat shall proceed in accordance with this Act.

CHAPTER VI

JOINT PLANNING COMMITTEE AND PLANS FOR JOINT PLANNING AREA

40. *Joint Planning Area.*—The Government may, in consultation with the Board and the Chief Town Planner, by notification in the Official Gazette, declare an area to be a Joint Planning Area consisting of the area of more than one Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, either in full or in part, for the purpose of planning of the area in which they are jointly interested or for which they are jointly responsible.

41. *Joint Planning Committee and Master Plan for the Joint Planning Area.*—(1) Subject to such rules as the Government may make in this behalf, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat declared to be part of a Joint Planning Area under section 40, shall constitute a

Joint Planning Committee with the district officer of the Department of Town and Country Planning having jurisdiction over the area as Member Secretary:

Provided that two third of the members of the Joint Planning Committee shall be elected members of the Municipalities and the Village Panchayats in the Joint Planning Area.

(2) Government may, by notification in the Gazette, constitute a Joint Planning Committee for any Joint Planning Area declared so under section 40.

(3) The procedure to be followed in the meetings of the committee including the quorum for such meeting shall be governed by such rules as may be prescribed.

42. *Powers and functions of Joint Planning Committee.*—The functions of a Joint Planning Committee shall be the following:—

(i) prepare or get prepared a Master Plan for the Joint Planning Area, in tune with the contents of Plans, if any, under this Act. The Joint Planning Committee shall, for the purposes of Plan preparation, publication and sanction, follow the procedure which a Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat has to follow in respect of a Local Planning Area under Chapter V of this Act;

(ii) set-up special function agencies, if required, and guide, direct and assist them on matters pertaining to their respective functions; and

(iii) perform such other functions as are supplemental, incidental or consequential to item (i) and (ii) above or as may be directed by the Government, the District Planning Committee or the Metropolitan Planning Committee, as the case may be, from time to time.

43. *Functions of the constituent units of the Joint Planning Committee.*—The Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned of the Joint Planning Committee shall,—

(a) prepare Execution Plan for their respective local planning areas taking into account the Master Plan for the Joint Planning Area;

(b) implement proposals contained in the Master Plan for the Joint Planning Area under this Act;

(c) promote, regulate and control the developmental activities in their respective local planning areas in accordance with the Master Plan for the Joint Planning Area;

(d) perform any other functions as directed by the Government, the District Planning Committee, or the Metropolitan Planning Committee, as the case may be, from time to time.

DETAILED TOWN PLANNING SCHEMES

44. *Power of the Municipal Corporations, Municipal Councils, etc. to take-up Detailed Town Planning Schemes.*—Subject to the provisions of this Act, and the rules made thereunder, a Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may undertake development of an area, including regulation of activities in that area, under its jurisdiction, by framing and implementing Detailed Town Planning Schemes, within the frame work of Master Plan, if any, under this Act.

45. *Matters that may be dealt with in a Detailed Town Planning Scheme.*—(1) A Detailed Town Planning Scheme may contain detailed proposals, including but not limited to the following matters, namely:—

- (a) establishment of new development centres;
- (b) establishment of commercial centres, including specialised markets, wholesale and retail trade centres;
- (c) establishment of tourist centres and tourism related infrastructure;
- (d) establishment of industries, industrial estates, factories, service industries etc.;
- (e) development and landscaping of open spaces, recreational grounds, parks, zoological and botanical gardens and social forestry;
- (f) conservation of ecologically sensitive areas;
- (g) protection of environmentally sensitive areas;
- (h) conservation of heritage sites and buildings, objects of historical importance or natural beauty and of buildings actually used for religious purposes;
- (i) proposals for natural hazard prone areas;
- (j) control of air and water pollution;
- (k) housing schemes for different income groups including housing for economically weaker sections of the society, infirmaries, destitutes, women and children in distress, disabled, handicapped, senior citizens etc.;
- (l) redevelopment and renewal of blighted areas;

(m) resettlement, rehabilitation and upgradation of slum areas;

(n) provision of health care, religious, cultural and educational facilities;

(o) provision of water supply and electricity;

(p) provision of sanitary arrangements including construction of drains and public conveniences etc., disposal of sewage, solid waste;

(q) construction, reconstruction, alteration, improvement and maintenance of public roads and streets, bridges, pedestrian facilities, parking facilities, transport terminals including bus depots, bus bays, bus stops, street lighting and avenue plantation, improvement of road junctions;

(r) provision of public transportation including mass transportation;

(s) provision of communication facilities;

(t) informal sectors;

(u) provision of burial and cremation grounds, and slaughter houses;

(v) demolition of obstructive buildings or obstructive portions of buildings, closure or demolition of dwellings and portions of dwellings unfit for human habitation;

(w) acquisition of land by purchase, lease or otherwise and erection thereon of such buildings or carrying out such operations as may be necessary for the purposes of its functions; and

(x) such other matters not inconsistent with the objects of this Act, as may be considered necessary.

(2) Every Detailed Town Planning Scheme shall contain details, as far as may be applicable, in respect of—

(a) land assembly over which the Detailed Town Planning Scheme is to be implemented;

(b) layout plan and other relevant drawings and details including, if necessary, the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the number, and character of buildings allowed in specified areas, the purposes for which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, floor area ratio, coverage, height, parking space, the size of projections and advertisement signs and hoardings;

(c) total estimated cost, source of funding, cost recovery statement, if any;

(d) manner of disposal of assets, if any;

(e) management and maintenance mechanism; and

(f) any other matters as may be considered necessary for ensuring planned development.

46. Procedure for preparation, publication and sanctioning of Detailed Town Planning Scheme.—(1) A Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may, at any time, by resolution, decide to prepare or adopt a Detailed Town Planning Scheme and shall notify the intention of the same, in the Official Gazette and in at least one newspaper having wide circulation in the prescribed manner and such notification shall state the boundaries of the planning area and the purpose for which such Plan is intended to be prepared.

(2) Every Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat shall, in consultation with the Department of Town and Country Planning of the Government having jurisdiction over the area and other Government Departments and agencies, prepare or get prepared a draft Detailed Town Planning Scheme for the planning area within two years from the date of notification in the Official Gazette of the intention to prepare the Plan under sub-section (1), after reviewing Plans, if any, prepared earlier, duly approve such Plan through resolution of the Council, and publish the draft Detailed Town Planning Scheme in the website and the notice of publication in the Official Gazette and in at least two newspapers having wide circulation in the local planning area, of which one must be in the regional language, specifying the place or places where a copy of the same is available for inspection and also inviting objections and suggestions to be submitted within sixty days from the date of publication of the notice in the Official Gazette.

(3) Immediately after a Detailed Town Planning Scheme is published under this Act, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall forward a copy of the published Detailed Town Planning Scheme to the District Planning Committee or Metropolitan Planning Committee, as the case may be, and the District Planning Committee or the Metropolitan Planning Committee may, as far as possible, within sixty days from the date of the receipt of such Detailed Town Planning Scheme furnish their remarks, if any, on such Detailed Town Planning Scheme to Government.

(4) After the expiry of the period allowed under sub-section (2) for filing objections and suggestions, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall consider all the objections and suggestions received and shall after allowing a reasonable opportunity of being heard, to any person who has made a request for being so heard, make such modifications in the Detailed Town Planning Scheme as it considers proper, as far as possible, within a period of sixty days from the time limit prescribed for receiving objections and suggestions under sub-section (2) and shall submit the Detailed Town Planning Scheme with or without modifications, together with all objections and suggestions in original, for sanction of the Government.

(5) The Government may, as far as possible, within sixty days from the date of the receipt of such Detailed Town Planning Scheme after considering remarks, if any, received from the District Planning Committee or the Metropolitan Planning Committee, as the case may be, and in consultation with the Chief Town Planner, either accord sanction with or without modifications or refuse such sanction specifying reasons thereof:

Provided that if the Detailed Town Planning Scheme is returned for incorporating modifications, if any, suggested by the Government, the modified Detailed Town Planning Scheme shall be resubmitted within ninety days for sanction as if the same is submitted afresh under this Act.

(6) Immediately after a Detailed Town Planning Scheme is sanctioned by the Government under this Act, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall notify the fact of sanctioning of the Detailed Town Planning Scheme in the Gazette and publish a

notice in at least one local newspaper having wide circulation mentioning the place or places where a copy of the same shall be available to the public for reference or for sale. The sanctioned Detailed Town Planning Scheme shall also be published in the website of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned. The Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall also forward a copy of the sanctioned Detailed Town Planning Scheme to the District Planning Committee or Metropolitan Planning Committee, as the case may be.

(7) The provisions of the Detailed Town Planning Scheme published under sub-section (2) shall continue to be in operation until the same is sanctioned, even if the time limit prescribed under sub-sections (2) to (5) are not complied with:

Provided that in cases where a sanctioned Master Plan or Detailed Town Planning Scheme already exists in the area, its provisions shall only apply until the published Detailed Town Planning Scheme is sanctioned in accordance with this Act.

47. Power to engage consultants and to set-up special function agencies.—A Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, with the prior approval of the Government, may set-up special function agencies for the performance of such specific functions, not inconsistent with the objects of this Act, in such cases where it considers appropriate that it would be in public interest and would effect economy and efficiency in the performance of the functions assigned to it.

48. Detailed Town Planning Schemes that are published but not sanctioned within the time limit prescribed.—Notwithstanding anything contained in this Act, in respect of any area for which planned development is necessary and the published Detailed Town Planning Scheme is not sanctioned within the time limit prescribed, the Government, may, after making such enquiry as they may deem necessary, require the Municipal Corporation, Municipal Council, Town Panchayat, Village Panchayat or Planning and Development Authority concerned to process and sanction the Detailed Town Planning Scheme as laid down in this Act.

49. *Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat to necessarily make Detailed Town Planning Scheme in certain cases.*—Notwithstanding anything contained in this Act, in respect of any area for which planned development is necessary but not initiated by the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned, the Government, may, after making such enquiry as may be deemed necessary, by a notification in the Official Gazette, require the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat to prepare, publish and submit for sanction a Detailed Town Planning Scheme as provided under this Act and the notification so issued shall be deemed to be the notification of the intention to prepare the plan under sub-section (1) of section 46.

CHAPTER VIII

REVIEW, REVISION, VARIATION AND REVOCATION OF PERSPECTIVE PLAN, MASTER PLAN AND DETAILED TOWN PLANNING SCHEME

50. *Review, revision, variation and revocation of Plans prepared under the Act.*—(1) Immediately after the expiry of ten years from the date of sanction of a Perspective Plan, Master Plan or Detailed Town Planning Scheme under this Act or at an earlier date with the concurrence of the Government, the State Town and Country Planning Commission, the District Planning Committee, Metropolitan Planning Committee, Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, as the case may be, shall review, revise or get revised such Plan incorporating such modifications as may be considered necessary and get it sanctioned in accordance with the provisions of this Act:

Provided that a Master Plan or a Detailed Town Planning Scheme shall be revoked by a subsequent Master Plan or Detailed Town Planning Scheme, as the case may be.

(2) The authority concerned may, after such review, vary a Plan in part and get such varied Plan sanctioned in accordance with the provisions of this Act.

(3) Notwithstanding anything contained in this Act, Government may, at any time, by notification in the Gazette, vary a Plan sanctioned under this Act:

Provided that before issuing such notification, Government shall publish a draft of such notification in the prescribed manner and shall circulate copy thereof to the authority concerned and shall consider any objection or suggestion which may be received on such draft from such authority or any person interested in the Plan and may make such modification as the Government consider proper.

CHAPTER IX

DEVELOPMENT AUTHORITIES

51. *Constitution of Development Authority.*—(1) The Government may, in the interests of planned development in any area, in consultation with the Commission and the Chief Town Planner, by notification in the Gazette, constitute with effect from such date and for such areas as may be specified in the notification, a Development Authority to exercise the powers and to perform the functions under section 56 of this Act.

(2) The Development Authority shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and shall by the said name sue and be sued.

52. *Chairman of Development Authority.*—The Government shall appoint the Chairman of the Development Authority on such terms and conditions of service as may be prescribed, who shall hold office during the pleasure of the Government, provided that the term of office of the Chairman shall not in any case exceed three years.

53. *Composition of Development Authority.*—The Development Authority shall consist of—

(a) the General Council; and

(b) the Executive Committee.

54. *The General Council.*—(1) The General Council shall be constituted by the Government and shall consist of the following members, namely:—

(a) the Chairman of the Development Authority, Ex-officio, who shall be the Chairman of the General Council;

(b) not less than two persons nominated by the Government from among the members of the Local Self Government Institutions having jurisdiction in the area for which the Development Authority has been constituted;

(c) the members of the State Legislative Assembly representing any area within the jurisdiction of the Development Authority:

Provided that if any member of the State Legislative Assembly representing any area within the jurisdiction of the Development Authority becomes a Minister, he may nominate a person from his constituency to represent him in the General Council;

(d) The Secretary of the Municipal Corporation, if any, the Town Planner of the Town and Country Planning Department of the district concerned, the Executive Engineer (Roads) of the Kerala State Public Works Department of the area concerned;

(e) not more than eight other persons nominated by the Government in such manner as may be prescribed;

(f) the Member Secretary of the Development Authority, nominated by the Government who shall be an officer not below the rank of a Senior Town Planner of the Department of Town and Country Planning;

(2) The Government shall prescribe the strength of the General Council which shall not be less than fifteen or more than thirty (excluding the Chairman).

(3) The members nominated under sub-section (1) shall hold office during the pleasure of the Government and their terms and conditions of service shall be such as may be prescribed:

Provided that the term of office of a non-official member so nominated shall not in any case exceed three years:

Provided further that a member nominated under clause (b) of sub-section (1) shall cease to be a member on his ceasing to be a member of the Local Self Government Institution in the area:

Provided also that a member under clause (c) of sub-section (1) shall cease to be a member of the General Council on his ceasing to be a member of the State Legislative Assembly representing any area within the jurisdiction of the Development Authority.

(4) The General Council shall be the policy making body for determining the lines on which the improvement and development of the area within the jurisdiction of the Development Authority shall proceed and shall have the power to review the actions of the Executive Committee in implementing the policies determined by the General Council.

55. *The Executive Committee.*—(1) The Executive Committee shall be constituted by the Government and shall consist of the following members, namely:—

(a) the Chairman of the Development Authority, ex-officio, who shall be the Chairman of the Executive Committee;

(b) not more than two persons, depending upon the strength of the General Council, nominated by the Government from among the members of the General Council nominated under clause (b) of sub-section (1) of section 54;

(c) not more than four persons, depending upon the strength of the General Council, nominated by the Government from among the members of the General Council under clause (c) of sub-section (1) of section 54;

(d) The Secretary of the Municipal Corporation, if any, the Town Planner of the Town and Country Planning Department of the district concerned, the Executive Engineer (Roads) of the Kerala State Public Works Department of the area concerned;

(e) Not more than two persons, depending upon the strength of the General Council, nominated by the Government from among the members of the General Council under clause (e) of sub-section (1) of section 54;

(f) the Member Secretary of the Development Authority, ex-officio.

(2) The Government shall fix the strength of the Executive Committee which shall not be less than five and more than ten, excluding the Chairman.

(3) A member nominated to the Executive Committee shall hold office during the pleasure of the Government and their terms and conditions of service shall be such as may be prescribed:

Provided that the term of office of a non-official member of the Executive Committee shall not in any case exceed three years:

Provided further that a member of the Executive committee shall cease to be such member on his ceasing to be a member of the General Council.

(4) The executive powers of the Development Authority shall vest in the Executive Committee and the Committee shall be responsible for carrying out the powers and functions under section 56 and for giving effect to the policies laid down by the General Council for the improvement and development of the area within the jurisdiction of the Development Authority.

56. Powers and functions of Development Authority.—Subject to the provisions of the Kerala Municipality Act, 1994 (20 of 1994) and the Kerala Panchayat Raj Act, 1994 (13 of 1994), the powers and functions of a Development Authority shall include the following:—

(i) preparation and implementation of land re-adjustment or land pooling or land banking schemes for the purpose of implementation of projects in the Development Authority area, in tune with the provisions of this Act;

(ii) promoting planned development as envisaged in the Plans for the Development Authority area, through tools like Transfer of Development Rights, Accommodation Reservation etc.;

(iii) set-up special function agencies, if required, and guide, direct and assist them on matters pertaining to their respective functions;

(iv) co-ordination of implementation of Plans under this Act in the Development Authority area;

(v) perform such other functions as are supplemental, incidental or consequential to items (i) to (iii) above or as may be directed by the Government, the District Planning Committee or the Metropolitan Planning Committee, as the case may be, from time to time.

57. Functions of Member Secretary.—(1) Subject to the general powers of the Development Authority and without prejudice to the powers of the Chairman under this Act, the Member Secretary who shall be the Chief Executive of the Development Authority shall have the following functions, namely:—

(i) all budgetary, planning, enforcement and supervisory functions of the Development Authority;

(ii) making available to the Development Authority all the information relating to the administration and accounts of the Authority as well as other matters whenever called upon by the Authority to do so;

(iii) preparation and submission of the annual reports and audited accounts of the Development Authority for its approval within three months of the close of every financial year and thereafter submit copies of the same to the Development Authority;

(iv) appointment of the staff of the Development Authority.

(2) If, in the opinion of the Member Secretary, any resolution passed by the Development Authority contravenes any provision of this Act or any other law or any rule, notification, regulation or bye-law made or issued under this Act or any other law or any order passed by the State Government or it is prejudicial or detrimental to the interests of the Development Authority, he shall within fifteen days of passing such resolution, refer the matter to the Government and inform the Development Authority at its next meeting of the action taken by him and until the orders of the Government on such reference are received, the Member Secretary of the Development Authority shall not be bound to give effect to the resolution.

58. *Staff of Development Authority.*—The Development Authority shall appoint such officers and staff in the Development Authority with such terms and conditions of service as may be prescribed.

59. *Transfer of staff, assets and liabilities of the Development Authority.*—In case the Development Authority constituted under this Act ceases to function, the staff, the assets and liabilities of such wound up Authority shall be transferred to the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned in the Development Authority area or as decided by the Government.

60. *Power of Government to make rules to prescribe functions and powers of General Council, Executive Committee etc.*—The Government may, by notification in the Official Gazette, make rules prescribing powers and functions of the General Council, Executive Committee and the Member Secretary and on any other matters relating to the functioning of the Development Authority. The term of office and conditions of the service of the non-official members of the Development Authority shall be such as may be prescribed.

CHAPTER X

CONTROL OF USE AND DEVELOPMENT OF LAND

61. *Use and development of land to be in conformity with Master Plans and Detailed Town Planning Schemes under this Act.*—After the coming into operation of a Master Plan or Detailed Town Planning Scheme under this Act, no person shall use or cause to use any land or carry-out development in any land, or change the use of land otherwise than in conformity with the Master Plans and Detailed Town Planning Schemes under this Act.

Note:—Provisions of Detailed Town Planning Schemes shall prevail over the provisions of the Master Plans where both Plans are in force in an area.

62. *The date of coming into operation of the Plan.*—The date of coming into operation of the Plan for the purpose of section 61 shall be the date of publication of the notice in the Official Gazette intimating the fact of sanction of the Plan by the Government.

63. *Interim Development Orders and the restrictions after notifying the intention to prepare Plans.*—(1) Notwithstanding anything contained in this Act, with the general object of controlling interim development of land included in any planning area notified under this Act, the Municipal Corporation, Municipal Council, Town Panchayat, Village Panchayat or Joint Planning Committee, as the case may be, may prepare Interim Development Orders and forward the same to the Government for sanction.

Note:—For the purpose of this section, the expression 'interim development' means development during the period between the date of notification of intention to prepare a Plan under this Act and the date of coming into operation of the Plan.

(2) Government may, in consultation with the Chief Town Planner, approve the Interim Development Orders forwarded to it under sub-section (1) with or without modifications.

(3) The main intention of the Plan shall be stated clearly in the Interim Development Orders and it may also provide for all or any of the following, namely:—

(a) circulation network and building lines;

(b) space standards;

(c) prohibiting the erection or re-erection of any building or construction of any road or making of any excavation or permitting development of land either unconditionally or subject to any condition specified in the order;

(d) limiting the number of buildings, regulating the size, height, design and external appearance of buildings;

(e) restricting the manner in which buildings may be used; and

(f) prohibiting building operations or regulating such operations in respect of such matters as may be prescribed.

(4) The restrictions imposed by the Interim Development Orders shall cease to operate with the coming into operation of the Plan:

Provided that the Interim Development Orders shall cease to operate in the event of failure to publish the Plan within the time limit prescribed for publication of the Plan under this Act:

Provided further that the Interim Development Orders shall cease to operate in the event of failure to sanction the published Plan within the time limit prescribed for the purpose under this Act and thereafter the use and development of land in the area shall be governed by the provisions of the published draft Plan:

Provided also that where no such interim development orders are issued, use and development of land in the area shall be governed by the provisions of the published draft Plan from the date of publication of the notice in the Official Gazette inviting objections and suggestions thereon under the provisions of this Act:

Provided also that in the case of a Master Plan or a Detailed Town Planning Scheme deemed to have been published under this Act provided in section 113, Government may, in consultation with the Chief Town Planner and the Local Self Government Institution concerned, by order, issue Interim Development Orders for the purpose of controlling use and development of land in the area.

64. *Land Development Permit*.—No development or change of use of any land shall be undertaken or carried out,—

(a) without obtaining permission in writing from the Secretary of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned in such manner as may be prescribed; and

(b) without obtaining a certificate from the Secretary of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned to the effect that the development charges payable under this Act have been paid:

Provided that no such permission or certificate shall be necessary for the operational constructions, of the departments of Central or State Government, Quasi-Government Institutions or Local Self Government Institutions, as may be notified by the Government from time to time.

65. *Application for Land Development Permit*.—(1) Any person or body intending to carry out any development on any land shall make an application in writing to the Secretary of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned for permission in such form and containing such particulars and accompanied by such documents, fee and Plans as may be prescribed.

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

(a) the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may, within a period of thirty days, pass an order,—

(i) granting permission unconditionally; or

(ii) granting permission subject to such conditions as it may consider fit to make it in conformity with the Plans and the laws in force;

(iii) refusing permission stating the reasons thereof; and the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned may impose conditions,—

(A) to the effect that the condition granted is only for a limited period and that after the expiry of that period, the land shall be restored to its previous condition or the use of the land permitted shall be discontinued; and

(B) for regulating the development or use of any other land under the control of the applicant or for carrying out of the works on any such land as may appear to the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned expedient, for the purpose of the permitted development.

(3) The Secretary of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned in dealing with the applications for permission shall have regard to the provisions of the Master Plans and Detailed Town Planning Schemes in force or the Interim Development Orders as provided under this Act.

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

(5) Any such order shall be communicated to the applicant in the manner prescribed.

(6) In the case of the departments of Central or State Government or Quasi-Government Institutions intending to carry out any development other than operational constructions on any land, the concerned department or institution, as the case may be, shall intimate in writing to the Secretary of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned, of its intention to do so, giving full particulars thereof and accompanied by such documents as may be prescribed by the Government from time to time, at least, thirty days prior to the undertaking of such development.

(7) Where the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned has raised any objection pertaining to the proposals received in respect of conformity of the proposed development, either to any matter in sub-section (3) or to any of the building rules in force at the time, the departments of Central or State Government or the Quasi-Government Agencies, as the case may be, shall make necessary modifications in the proposals for development to clear the objections raised by the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned:

Provided that the Secretary of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall intimate the objections, if any, within thirty days of receipt of the proposal.

66. *Power of revocation or modification of Development Permit.*—If it appears to the Secretary of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned, that it is expedient that any permission granted to develop land should be either revoked or modified, having regard to a Master Plan or Detailed Town Planning Scheme prepared or under preparation under this Act or on being satisfied that the permission was issued by mistake or that a patent error has crept in it or that the permission was happened to be issued on misrepresentation of fact or law or that the development if carried on will be a threat to life or property, the Secretary of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned may, after giving the person concerned an opportunity of being heard against such revocation or modification, either revoke the permission or modify the permission to such extent as it appears to be necessary.

67. *Obligation to acquire land in certain cases.*—(1) Where any land is designated for compulsory acquisition in a Master Plan or Detailed Town Planning Scheme sanctioned under this Act and no acquisition proceedings are initiated for such land under the Land Acquisition Act in force in the State within a period of two years from the date of coming into operation of the Plan, the owner or person affected may serve on the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned, within such time and in such manner, as may be prescribed, a notice (hereinafter referred to as "the purchase notice") requiring the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned to purchase the interest in the land in accordance with the provisions of this Act.

(2) On receipt of any purchase notice under sub-section (1), as soon as possible, but not later than sixty days from the date of receipt of the purchase notice, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat as the case may be, through a resolution decide to acquire the land, where the land is designated for compulsory acquisition for the purpose of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat.

(3) Where the land is designated for compulsory acquisition for the purpose of any Government Department or Quasi-Government Agency, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat shall forward such notice to the Government.

(4) In case the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned decides not to acquire the land, it shall initiate variation of the plan suitably in accordance with this Act.

(5) In case the land acquisition could not be effected within a period of two years from the date of resolution to acquire the land, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall initiate variation of the plan suitably in accordance with this Act.

(6) On receipt of a purchase notice under sub-section (2), the Government shall in consultation with the Government Department or Quasi-Government Agency concerned, not later than six months from the date of receipt of the purchase notice, confirm the purchase notice. In any other case, Government may require the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned to vary the plan suitably in accordance with this Act:

Provided that in case the land acquisition could not be effected within a period of two years from the date of confirmation of the purchase notice, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall initiate variation of the plan suitably in accordance with this Act under intimation to the Government.

(7) If no order has been passed by the Government within a period of six months from the date of receipt of the purchase notice, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall, *suo moto* initiate variation of the plan suitably in accordance with this Act:

Provided that where variation proceedings of the Plan are initiated under this section, the Secretary of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall, in consultation with the Chief Town Planner, take suitable decision on any application for land development permit received under section 64.

68. *Power to require stoppage or removal of unauthorised development, imposition of penalty etc.*—(1) Where any development or change of use of any land or building has been or is being carried out,—

(a) in contravention of any Master Plan or Detailed Town Planning Scheme under this Act; or

(b) without permission as required under this Act; or

(c) without obtaining a certificate regarding payment of development charges under this Act; or

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

(e) after the permission for development has been revoked under this Act; or

(f) in contravention of the permission which has been modified under this Act, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned, shall serve on the owner a notice requiring to stop the development or change of use of land with immediate effect, and also requiring within such period not exceeding one month, after the service of the notice, to take such steps as may be specified in the notice,—

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

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

(iii) to pay the development charges and such penalty, if any, as may be prescribed, in cases specified in clause (c).

(2) In particular, any such notice may, for the purpose of sub-section (1), require,—

(a) the demolition or alteration of any building or works;

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

(c) the discontinuance of any use of land:

Provided that in case the notice required the discontinuance of any use of the land, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall serve a notice on the occupier also.

(3) Any person aggrieved by any such notice may, within the period specified in the notice, apply for permission, as provided under section 65 with such modifications as may be required, for the retention on the land of any building or work, or for the continuance of any use of land, to which the notice is related:

Provided that no development or change of use of land shall be continued until final determination of such application and further procedure as per the notice shall not be effected till then.

(4) The provisions of section 65 shall apply to such application with such modifications as may be required.

(5) If permission is granted on such 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 the notice shall have full effect regarding other buildings or works or other parts of the land.

(6) If within the period specified in the notice or within such period after the disposal of the application for permission, the notice or so much of it that continues to have effect, is not complied with, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned may,—

(a) take steps to prosecute the owner, for not complying with the notice and in case where the notice required the discontinuance of any use of land, prosecute the owner, occupier or any other person who uses the land or causes or permits the land to be used in contravention of the notice;

(b) cause the restoration of the land to its condition before the development took place and secure compliance with the conditions of the permission, 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, by taking such steps as the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned may consider necessary, including demolition or alteration of any building or works or carrying out of any building or other operations; or

(c) require any police officer to remove such person and all his workmen from the land at any time after the service of such notice and such police officer shall comply with the same; or

(d) cause to ensure that the development or change of use of land is not continued and to seal the unauthorised development, if deemed necessary; or

(e) recover the cost of any expense incurred by it in this regard from the owner as arrears of land revenue.

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

69. Removal or discontinuance of unauthorised development of temporary nature.—(1) Notwithstanding anything herein before contained in this Chapter, where any person has carried out any development unauthorisedly as indicated in sub-section (1) of section 68, but of a temporary nature, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned may, by an order in writing direct that person to remove any such structure erected or work done, or discontinue the use of land within fifteen days from the receipt of the order or as specified therein and if thereafter the person does not comply with the order within the said period, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned may authorise any of its officers or employees, to have such work summarily removed or such use summarily discontinued without any notice, as directed in the order and any further unauthorised development, shall be removed or discontinued summarily without making any order as aforesaid.

(2) The Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned may recover the cost of any expenses incurred by it in this regard from the owner as arrears of land revenue.

(3) Government may, if deemed necessary appoint such additional officers and staff, as may be prescribed, to ensure that the powers specified in sections 68 and 69 are exercised.

70. Applicability of the provisions to a Joint Planning Committee.—For the purposes of this Chapter, a Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may also include a Joint Planning Committee constituted under section 41 of the Act.

71. *Power of the Municipal Corporations, Municipal Councils etc. to prepare Land Pooling Schemes.*—Subject to the provisions of this Act or any other law in force, a Municipal Corporation, Municipal Council, Town Panchayat, Village Panchayat may, for the purpose of implementing the proposals contained in the Plans under this Act, prepare one or more Land Pooling Schemes for any part of the area within its jurisdiction and get them sanctioned by the Government in the prescribed manner:

Provided that the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may entrust the preparation of the Land Pooling Scheme to a Development Authority having jurisdiction over the area constituted under this Act:

Provided further that the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat shall permit any development in such area only with the concurrence of the Development Authority:

Provided also that the Government may entrust a Land Pooling Scheme to a Development Authority if it deems fit.

72. *Contents of Land Pooling Scheme.*—The Land Pooling Scheme shall, *inter alia*, contain the following particulars, namely:—

(a) the boundary, extent, ownership, tenure and existing use of all original plots covered by the Land Pooling Scheme;

(b) reservation, acquisition or allotment of land in the Scheme area, with general indication of the uses as contained in the Master Plan or Detailed Town Planning Scheme, if any, in force in the area and the terms and conditions, if any, subject to which, such land is to be put to that use;

(c) the laying out or relaying out of the land either vacant or already built upon;

(d) the extent to which it is proposed to alter the boundaries of the original plots in accordance with the proposed Land Pooling Scheme as the reconstituted final plots;

(e) an estimate of the total cost of the Land Pooling Scheme, the net cost to be borne by the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned and the period within which the scheme is proposed to be implemented;

(f) proposals for natural hazard prone areas, the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot, the number, height and

character of buildings allowed in specified areas, the purposes for which buildings or specified areas may or may not be used, the sub-division of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, parking space, and the size of projections and advertisement signs.

73. *Reconstitution of original plots into final plots.*—(1) In a Land Pooling Scheme, for reconstituting the plots, the size and shape of every reconstituted plot shall be determined, so far as may be, to render it suitable for building purposes, and, where a plot is already built upon, to ensure that the buildings, as far as possible, comply with the provisions of the Land Pooling Scheme.

(2) For the purpose of sub-section (1), the Land Pooling Scheme may also contain proposals,—

(a) to form a final plot by reconstitution of an original plot, by alteration of the boundaries of the original plot, if necessary;

(b) to form a reconstituted final plot from an original plot, by transfer wholly or partly from the adjoining lands;

(c) to allot a reconstituted final plot to any owner dispossessed of land, in furtherance of the objectives of the Land Pooling Scheme;

(d) to transfer the ownership of an original plot from one person to another;

(e) to provide, with the consent of the owners, that two or more original plots, each of which is held in ownership severally or jointly, shall after reconstitution, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot;

(f) for assigning roles and responsibilities of the owners of the land and building, and also of various agencies involved in providing infrastructure, and

(g) the procedure to be adopted, in cases where a minority of the land owners object to the implementation of the scheme.

Note:—For the purpose of this section, the term “original plot” shall mean the plot originally used for reconstitution in a Land Pooling Scheme and the term “final plot” shall mean the plot which is allotted to the owner in lieu of original plots.

74. *Preparation, publication and sanction of Land Pooling Scheme.*—(1) The Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may, through a resolution, decide to prepare a Land Pooling Scheme in respect of any part of the area within its jurisdiction.

(2) The procedure to be followed for the preparation, publication and sanction of the Land Pooling Scheme shall be as may be prescribed.

CHAPTER XI

IMPLEMENTATION OF PLANS

75. Local Self Government Institutions to implement projects through Annual Plans and Five Year Plans.—Every Local Self Government Institution, while framing the proposals for inclusion in the Annual Plans and the Five Year Plans under decentralised planning, as provided under section 175 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or section 51 of the Kerala Municipality Act, 1994 (20 of 1994), as the case may be, shall give due regard to the proposals envisaged in the Plans prepared under this Act.

76. Government Departments and other authorities to take into account Plans prepared under this Act while drawing up projects.—The Plans prepared under this Act shall be duly considered by the Government Departments, the State Planning Board, the District Planning Committee, Local Self Government Institutions and the Development Agencies while drawing up projects for implementation.

77. Power to acquire land, under the Land Acquisition Act, in force.—Any land required, reserved or designated in a Plan under this Act, shall be deemed to be a land needed for a public purpose within the meaning of the Land Acquisition Act in force, and may be acquired by the Government on request by the District Planning Committee, the Metropolitan Planning Committee, the Municipal Corporation, the Municipal Council, the Town Panchayat or the Village Panchayat, as the case may be, or by any Development Authorities constituted under this Act or Government Departments or Quasi-Government agencies.

78. Acquisition of property for implementation of Plans.—A Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat or Development Authority may acquire any movable or immovable property by purchase, exchange, gift, lease, mortgage, negotiated purchase or by any other method permissible under any law, for the purpose of the implementation of a Plan under this Act.

79. Transfer of Government land to the Local Self Government Institutions.—The Government may, by order and on such terms and conditions as may be agreed upon between the Government and a Local Self Government

Institution, placed at the disposal of that Local Self Government Institution, any developed or undeveloped Government land situated within their jurisdiction for the purpose of development in accordance with the Plan under this Act.

80. *Acquisition of land by way of according Transferable Development Right.*—A Development Authority, Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may, with the consent of the owner, acquire land for public purposes by way of according Transferable Development Right through issue of Development Right Certificate, to be registered, in lieu of payment towards the cost of land in such manner as may be prescribed:

Provided that the Transferable Development Right expressed in terms of area of total permissible built-up space calculated on the basis of Floor Area Ratio permissible for the concerned land, is utilised as additional built-up space over and above the permissible built-up space by the owner who may use it by himself or transfer it to any other person in full or in part from the present location for use in areas earmarked for the purpose in the Master Plan or the Detailed Town Planning Scheme.

81. *Acquisition of land and built-up space by way of Accommodation Reservation.*—A Development Authority, Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may, with the consent of the owner, and in the manner prescribed, acquire land and built-up space for public purposes, indicated in a sanctioned Master Plan or Detailed Town Planning Scheme, by way of Accommodation Reservation, by permitting in the form of built-up space guided by permitted Floor Area Ratio in addition to built-up space required for the amenity, in lieu of the cost of land and the built-up space for the amenity transferred to the Development Authority, Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned as may be prescribed.

82. *Development works by promoters.*—Subject to the provisions of this Act and the rules made thereunder, a Development Authority, Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, for the purpose of implementing the proposals contained in a sanctioned Plan, may permit a private or joint sector promoter, to undertake or carry-out a development work within the area of its jurisdiction as per the guidelines, if any, issued by the Government.

83. *Levy of development charges.*—(1) Subject to the provisions of this Act and the rules made thereunder, and with the previous sanction of the Government, a Development Authority, Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may, by a notification published in the Official Gazette, Levy Development Charges,—

(a) on the carrying out of any development of land or on any change of use of land or building for which permission is required under Chapter X;

(b) on any development necessitating provision or augmentation of infrastructure or amenity; and

(c) on the vacant land (the development charges being termed as 'Developed Vacant Land Cess');

Provided that no development charges shall be leviable on any land vested in or under the control or possession of the Central Government, the State Government, Development Authority or any Local Self Government Institution.

(2) The rates of development charges to be levied under sub-section (1) and the manner of assessment and recovery shall be such as may be prescribed.

(3) The Government may, by rules, provide for exemption from the levy of development charges on any land.

84. *Appeals on the levy of Development Charges.*—Any appeal relating to the levy, assessment or recovery of a development charge under this Act, shall lie to the Tribunal for Local Self Government Institutions constituted under Section 271 S of the Kerala Panchayat Raj Act, 1994 (13 of 1994).

85. *Levy of user fee.*—(1) In order to recover fully or partly the capital expenditure and the cost of maintenance of utilities, amenities, services or facilities provided by a Development Authority, Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, it may levy and collect a charge from the users thereof, to be called the user fee.

(2) The amount of user fee to be levied and the manner of assessment and collection shall be such as may be prescribed.

(3) The Development Authority, Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned may assign, on such terms and conditions, as may be agreed, the task of providing and maintaining utility, amenity, service or facility, within the area of its jurisdiction, to any person or agency including an association or body of individuals, whether corporate or not, and permit them to collect such user fee from such beneficiaries and subject to such terms and conditions as may be prescribed.

CHAPTER XII

THE KERALA URBAN ART COMMISSION

86. *Constitution of the Kerala Urban Art Commission.*—The Government may, by notification in the Official Gazette, constitute an Urban Art Commission for the State to be called the Kerala Urban Art Commission with a view to preserving, developing and maintaining the aesthetic quality of urban and environmental design within the State.

87. *Members of the Kerala Urban Art Commission.*—(1) The Commission shall consist of a Chairperson and such number of official and non-official members, as may be prescribed and as the Government may, by notification in the Official Gazette, appoint and may include persons who, in the opinion of the Government, possess special knowledge or practical experience in urban and environmental design or architecture and related subjects.

(2) The Secretary to Government, Local Self Government Department, dealing with matters relating to town and country planning, shall be the ex-officio Chairperson of the Kerala Urban Art Commission and the Chief Town Planner shall be its ex-officio Member-Secretary.

(3) The term of office, conditions of service and allowances payable to the non-official members shall be such as may be prescribed.

88. *Special invitees to be co-opted.*—The Kerala Urban Art Commission may co-opt persons who have knowledge in the subjects mentioned in sub-section (1) of section 87 as permanent or special invitees to the Commission, for specific purposes.

89. *Appointment of sub-committees by the Kerala Urban Art Commission.*—For the purpose of assisting the Kerala Urban Art Commission in exercising such of its powers, discharging such of its duties or performing such of its functions as may be specified by it, the Kerala Urban Art Commission may constitute one or more sub-committees with any member or special invitee of the Kerala Urban Art Commission and Secretary of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned, and/or officials of other Departments or Quasi-Government agencies concerned, as may be deemed necessary.

90. *Technical Secretariat of the Kerala Urban Art Commission.*—The Office of the Chief Town Planner shall function as the Technical Secretariat of the Kerala Urban Art Commission and in order to enable to perform the functions of the Kerala Urban Art Commission under this Act, the Government may provide such additional officers and staff, as it may consider necessary.

91. *Functions of the Kerala Urban Art Commission.*—(1) It shall be the general duty of the Kerala Urban Art Commission to advise the Government in matters related to preserving, developing and maintaining the aesthetic quality of urban and environmental design within the State and to provide advice and guidance to any Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat in respect of any project of building operations or engineering operations or any development proposal which affects or is likely to affect the sky-line or the aesthetic quality of surroundings or any public amenity provided therein.

(2) Subject to the provisions of sub-section (1), the Kerala Urban Art Commission may scrutinise, approve or modify proposals in respect of projects referred to it by the Government, Municipal Corporation, Municipal Council, Town Panchayat, Village Panchayat or any Government Department or Quasi-Government agency.

(3) Subject to the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958) and the Kerala Ancient Monuments and Archaeological Sites and Remains Act, 1968 (26 of 1969) the Kerala Urban Art Commission may,—

(i) identify buildings and precincts which require conservation and prepare or get prepared list of such buildings and precincts and grade them;

(ii) inspect sites, buildings and structures thereon and conduct studies, surveys and documentation for listing and status monitoring of buildings, precincts from time to time, through any person or agency authorised by the Kerala Urban Art Commission.

(iii) conduct or get conducted detailed studies, surveys and documentation for formulation of model Plans and development controls in respect of any such building or precinct listed by the Kerala Urban Art Commission, zones which require urban design control identified in any Plan under this Act;

(iv) prescribe any architectural style or character or feature to any such building or precinct or zone identified in any Plan under this Act;

(v) submit periodical reports to the Government on matters pertaining to performance and activities carried out by the Kerala Urban Art Commission and matters related thereto;

(vi) take measures for creating public awareness on the importance of urban and environmental design and matters related thereto;

(vii) advise the Government or the Local Self Government Institutions concerned on any subject mentioned above and referred to it.

(viii) attend to any such other matter, as may be prescribed.

92. *Services of the Government Departments etc., to the Kerala Urban Art Commission.*—The Kerala Urban Art Commission may, for carrying out any of its functions, obtain the services of Government Departments, Quasi-Government agencies, Local Self Government Institutions, consultants or experts.

93. *Meetings of the Kerala Urban Art Commission.*—The Kerala Urban Art Commission shall meet at such times and places and shall observe such procedure, as may be prescribed.

94. *Fund for the Kerala Urban Art Commission.*—A separate fund shall be created for carrying out the objectives of the Kerala Urban Art Commission, which shall be kept at the disposal of the Kerala Urban Art Commission.

95. *Removal of non-official members of the State Town and Country Planning Board, the Development Authority and the Kerala Urban Art Commission.*—(1) The Government may, by order, remove from office any non-official member of the State Town and Country Planning Board and the Kerala Urban Art Commission, if he—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence, which in the opinion of the Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as Chairperson or member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his function; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) No such member shall be removed under clauses (d) and (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

96. *Power of Government to make regulations.*—The Government shall have power to make regulations for ensuring performance of the functions of the Kerala Urban Art Commission as provided in this Act.

CHAPTER XIII

FINANCE, ACCOUNTS AND AUDIT

97. *Planning and Development Fund.*—(1) Every Municipal Corporation, Municipal Council, Town Panchayat, Village Panchayat or Development Authority shall maintain a separate fund called Planning and Development Fund for the purposes of this Act, to which shall be credited,—

(a) any sum of money received from the Government or any other State, National or International agency by way of grants, loans, advances, or otherwise for the performance of functions under this Act;

(b) all development charges or other charges or fees received under this Act or rules made thereunder;

(c) contributions from the fund of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned;

(d) any sum of money borrowed under Section 110 from the market, with the approval of Government by way of debentures, bonds and other means in the manner prescribed;

(e) any sum of money earned from remunerative projects by way of rent or otherwise and disposal of its assets; and

(f) any other sum of money received by the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned from any other source for performing its functions under this Act.

(2) The Planning and Development Fund shall be applied towards meeting the following expenses, namely:—

(a) the expenditure incurred in the administration of this Act;

(b) the cost of acquisition of land in the local planning area for purposes of planned development under this Act;

(c) the expenditure for infrastructure development and development of land in the local planning area as envisaged in the Plans under this Act;

(d) any expenses incurred by the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned in connection with preparation of Plans under this Act; and

(e) the expenditure for such other purposes not inconsistent with the provisions of this Act.

98. *Fund of the Board, the District Planning Committee and the Metropolitan Planning Committee.*—The Board, the District Planning Committees, the Metropolitan Planning Committees and the Development Authorities may, if so permitted by the Government, maintain a separate fund to which shall be credited all the money received by them under this Act and shall be applied towards meeting the expenses for discharging their functions under this Act.

99. *Contributions by the Municipal Corporations, Municipal Councils, etc. to the Planning and Development Fund and other funds.*—(1) Every Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned at the beginning of each financial year shall contribute a sum equivalent to half per cent of the total sum of money credited during the preceding year to its Planning and Development Fund constituted under sub-section (1) of section 97.

(2) The Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may also contribute to the fund maintained by the Board, a District Planning Committee or a Metropolitan Planning Committee, as the case may be, and a Development Authority if any, any sum as may be fixed by the Government.

100. *Accounts and Audit.*—(1) The Board, the District Planning Committees, the Metropolitan Planning Committees, the Development Authorities, the Municipal Corporations, the Municipal Councils, the Town Panchayats and the Village Panchayats shall maintain proper accounts and other relevant records in respect of the funds maintained by them under this Act and prepare an annual statement of accounts in such form as may be prescribed.

(2) The accounts maintained under sub-section (1) shall be subject to audit annually, by the auditor under the Kerala Local Fund Audit Act, 1994 (14 of 1994).

(3) All the accounts and other records of the Board shall be made available to the auditor for the purpose of the audit.

(4) The Government shall cause the audit report to be laid, as soon as may be, after they are received, before the Legislative Assembly.

101. *Annual Reports.*—(1) The Board shall prepare for each financial year a report of its activities, in the previous financial year and submit the report to the Government in such form and on or before such date as may be prescribed.

(2) Every Local Self Government Institution and Development Authority shall prepare every year a report on its activities relating to the implementation of the Plans under this Act for each financial year, clearly specifying sector wise physical targets achieved along with relevant financial statements and submit the report to the District Planning Committee or the Metropolitan Planning Committee, as the case may be, which shall consolidate such reports and submit a consolidated report to the Board, in such form and on or before such date as may be prescribed.

CHAPTER XIV

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

102. *Power of entry.*—For the purpose of making or execution of any Plan, persons appointed or authorised by the Board, the District Planning Committees, the Metropolitan Planning Committees, the Chief Town Planner, the Development Authorities, the Joint Planning Committees, the Municipal Corporations, the Municipal Councils, the Town Panchayats or the Village Panchayats or persons appointed or authorised by them or by the Government shall have the same power to enter upon, survey and set-up marks on property and to do all acts necessary for such purposes, subject to the same conditions and restrictions, as the Secretary, of a Municipality and the officers authorised by him have in respect of the powers under the enactment relating to the municipalities for the time being in force.

103. *Penalty for obstructing implementation.*—Whoever,—

(a) obstructs any person engaged or employed by the Board or the District Planning Committee or the Metropolitan Planning Committee or the Development Authority or the Joint Planning Committee or the Local Self Government Institution or any person with whom the Board or the District Planning Committee or the Metropolitan Planning Committee or the Development Authority or the Joint Planning Committee or the Local Self Government Institution has entered into a contract, in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Act; or

(b) removes any mark set-up for the purpose of indicating any level or direction necessary for the execution of works authorised under this Act, shall on conviction be punishable with imprisonment for a term which may extend to two months or with fine which may extend to five thousand rupees or with both.

104. *Compounding of offences.*—(1) Any person authorised in this behalf by general or special order by the Commission or the District Planning Committee, or the Metropolitan Planning Committee or the Municipal Corporation, the Municipal Council, the Town Panchayat or the Village Panchayat concerned, may either before or after the institution of the proceedings, compound any offence made punishable by or under this Act.

(2) When an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

105. *Trial of Offences.*—No court inferior to that of a Magistrate of the First Class shall try an offence punishable under this Act.

106. *Fine realised to be paid to the fund of the authority concerned.*—All fines realised in connection with prosecution under this Act shall be paid to the fund of the Board, the District Planning Committee, the Metropolitan Planning Committee, the Development Authority, the Municipal Corporation, the Municipal Council, the Town Panchayat or the Village Panchayat, as the case may be, in the manner prescribed.

107. *Jurisdiction of Civil Courts barred.*—Save as otherwise expressly provided in this Act, every order passed or direction or notice issued by the Government or the Board, the Chief Town Planner, the District Planning Committee, the Metropolitan Planning Committee, the Municipal Corporation, the Municipal Council, the Town Panchayat or the Village Panchayat, as the case may be, under this Act shall be final. No Civil Court shall have jurisdiction to entertain any suit, legal proceedings challenging the legality or propriety or any order made or action taken under this Act.

108. *Validation of acts and proceedings.*—No act done or proceeding taken under this Act shall be questioned on the ground merely of the existence of any vacancy of a member in the Board, the District Planning Committee, the Metropolitan Planning Committee, the Development Authority, the Joint Planning Committee, the Municipal Corporation, the Municipal Council, the Town Panchayat, the Village Panchayat concerned or the Kerala Urban Art Commission.

109. *Power to delegate.*—(1) The Board or the District Planning Committee or the Metropolitan Planning Committee may, by a resolution, direct that any power exercisable by it under this Act or rules made thereunder may also be exercised by any Local Self Government Institution or by any officer of the Board, the District Planning Committee, the Metropolitan Planning Committee, the Government or the Development Authority or the Local Self Government Institution, as mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(2) A Development Authority, Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may by a resolution direct that any power exercisable by it under this Act or rules made thereunder, except the power to prepare a Master Plan, Detailed Town Planning Scheme or Land Pooling Scheme or to make regulations, may also be exercised by any of its officers or officers of the Government, in such cases and subject to such conditions, if any, as may be specified therein.

(3) The delegation of any power to an officer of the Government under sub-section (1) or sub-section (2) shall not be made without prior sanction of the Government.

110. *Power of the Local Self Government Institutions and Development Authority to borrow money.*—A Local Self Government Institution or a Development Authority may, from time to time, borrow at such rate of interest and for such period and upon such terms, as the Government may approve, any sum of money required for efficient performance of the functions assigned to it under this Act and the rules made thereunder, subject to the provisions in the Kerala Local Authorities Loans Act, 1963 (30 of 1963) and the rules made thereunder.

111. *Control by the Government.*—(1) The Board, the Chief Town Planner, the District Officers of the Department of Town and Country Planning of the Government, the District Planning Committees, the Metropolitan Planning Committees, the Development Authorities, the Joint Planning Committees, the Local Self Government Institutions and the Secretaries of the Local Self Government Institutions shall carry-out such directions, as may be issued to them, from time to time, by the Government for the efficient administration of this Act.

(2) In case of any dispute in connection with the exercise of its powers and discharge of its functions by the Board or any District Planning Committee, Metropolitan Planning Committee, Development Authority, Joint Planning Committee or Local Self Government Institution under this Act, the decision of the Government on such disputes shall be final.

(3) The Government shall extend assistance to the District Planning Committees, the Metropolitan Planning Committees, the Joint Planning Committees and the Local Self Government Institutions, in the preparation of Plans by them, by sharing data, rendering service of officers and the like.

112. *Power to make rules.*—(1) The Government may, by notification in the Official Gazette, make rules to carry-out the provisions of this Act.

(2) Any rule made under this Act, may provide that a breach thereof shall be punishable, with fine not exceeding ten thousand rupees, and in case of continuing breach, with fine which may extend to five hundred rupees for every day during which the breach continues after first conviction.

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

(a) the manner in which the use of the land and development therein shall be carried out in a plan, supported by maps and reports and the notifications to be issued and the procedure to be followed in the preparation and sanction as well as subsequent review, revision and revocation of a plan under this Act;

(b) the functions other than those provided for in section 4 to be performed by the Board;

(c) the term of office, conditions of service and the allowances payable to the non-official members of the Board and Development Authority;

(d) the manner in which the notice of the publication of a draft perspective plan under sub-section (3) of section 9, sub-section (1) of section 17, sub-section (1) of section 25 and sub-section (1) of section 36 are to be notified;

(e) the terms and conditions of service of the officers and staff of the department of Town and Country Planning and the Development Authority;

(f) the procedure to be followed in the meetings of the Joint Planning Committee;

(g) the terms and conditions of service of the staff of the Development Authority;

(h) the manner in which working groups may be constituted;

(i) matters in respect of which building operations may be prohibited or regulated through interim development order under section 63;

(j) the manner in which the permission for development or change of use of land is to be given by the Secretary of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat;

(k) the form of application for permission for land development and the particulars to be contained therein, the documents, fees and plans to accompany such forms;

(l) the manner in which the order of granting permission subject to conditions and refusal of permission for land development, is to be communicated to the applicant;

(m) documents and plans to accompany the intimation to carry-out land development in the case of Central or State Government or Quasi-Government Institutions, to be given to the Secretary of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat;

(n) the time and manner in which a notice is to be served by the owner of a land which is designated for compulsory acquisition in a plan sanctioned, but could not be acquired, requiring the Government or Quasi-Government agency, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned to purchase the interest in the land;

(o) additional officers and staff to be appointed by the Government to ensure that the powers specified in sections 68 and 69 are exercised;

(p) the procedure to be followed for the preparation, publication and sanction of the Land Pooling Scheme;

(q) the manner in which land is to be acquired for public purposes by way of according transferable development right;

(r) the manner in which land is to be acquired by way of accommodation reservation;

(s) the manner of assessment and recovery of rates of development charges;

(t) land to be exempted from the levy of development charges;

(u) the amount of user fee to be levied, the manner of assessment and collection;

(v) terms and conditions subject to which user fee shall be collected from beneficiaries;

(w) the form in which and the date on which the annual report of the Board, shall be prepared;

(x) the form in which and the date on which the annual report of a Local Self Government Institution is to be prepared and submitted to the District Planning Committee or the Metropolitan Planning Committee as the case may be;

(y) the term of office, conditions of service and the allowances payable to the non-official members of the Kerala Urban Art Commission;

(z) the time and place of meeting of the Kerala Urban Art Commission and the procedure with regard to transaction of its business;

(aa) the manner in which a separate fund shall be created for the Kerala Urban Art Commission;

(ab) the manner in which money may be borrowed by Local Self Government Institutions and Development Authorities under section 110;

(ac) the form in which annual statement of accounts is to be prepared by the Board, District Planning Committee, Metropolitan Planning Committee, Development Authority and Local Self Government Institutions;

(ad) the form of preparation of annual statement of accounts;

(ae) the form in which and the date within which annual reports are to be prepared by the Board and Local Self Government Institutions;

(af) the manner in which the fine realized in connection with prosecution is to be paid to the fund of the authority concerned;

(ag) any other matter which is to be or may be prescribed.

(4) Every rule or regulation made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or regulation or decides that the rule or regulation should not be made, the rule or regulation shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

113. *Repeal and saving.*—(1) With effect on and from the commencement of this Act, the Town Planning Act, 1108 ME (Act IV of 1108 ME), the Travancore Town and Country Planning Act, 1120 (Act XXI of 1120 ME), the Madras Town Planning Act, 1920 (Madras Act VII of 1920) and the Kerala Town and Country Planning Ordinance, 2015 (11 of 2015) shall stand repealed.

(2) Notwithstanding such repeal,—

(i) any General Town Planning Scheme for an area including Master Plan or Development Plan or a Detailed Town Planning Scheme published and/or sanctioned under the repealed Acts shall be deemed to be a Master Plan or a Detailed Town Planning Scheme as the case may be, published and/or sanctioned under this Act;

(ii) any appointment, rules, bye-laws, regulations or forms made, notifications, notice, order, scheme or direction issued, tax, fee, fine or other penalty imposed, license, permission or exemption granted or plans prepared under the repealed enactments and in force at such commencement, shall in so far as they are not inconsistent with the provisions of this Act, continue to be in force as if made, issued, imposed or granted, as the case may be, under the provisions of this Act, until superseded, amended or modified by any appointment, rules, by-laws or regulations, notifications, notice, order, scheme, direction, tax, fee, fine or other penalty, license, permission or exemption made, issued, imposed, or granted or plans prepared, as the case may be, under this Act;

(iii) the Committees in office at the commencement of this Act appointed by the Government to exercise the powers and perform the functions under the repealed Acts shall continue as if it were Committees constituted under the said Acts, till corresponding Committees are constituted under this Act or they are dissolved by the Government, whichever occurs earlier;

(iv) any tax, cess, fee, fine, surcharge or other amount due to the Government, the Development Authorities or the Local Self Government Institutions at such commencement shall, without prejudice to any action already taken under the repealed enactments, be recoverable under this Act in accordance with the provisions therein as if they were due under the provisions of this Act;

(v) all contracts entered into and all instruments executed under the repealed Acts shall be deemed to have been entered into or executed under this Act;

(vi) in all suits and legal proceedings pending at such commencement in which the officers of the Town and Country Planning Department are parties the corresponding officers under this Act shall be deemed to have been substituted;

(vii) the officers and employees in the service of the department of Town and Country Planning in office at such commencement shall be deemed to have been transferred to the services of the corresponding department constituted under this Act;

(viii) Any Development Authority constituted under the repealed enactments and in office at such commencement shall be deemed to be a Development Authority constituted under this Act. Such Development Authorities shall continue in office till such time as the Government may, by notification, in the Official Gazette, constitute Development Authorities under this Act.

(3) Notwithstanding the repeal of the Kerala Town and Country Planning Ordinance, 2015 (11 of 2015) anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

The Acts which were prevailing in the State in respect of the Town and Country Planning were the Town Planning Act, 1108 (ME), the Travancore Town and Country Planning Act, 1120 (ME) and the Madras Town Planning Act, 1920 were applicable to the erstwhile Travancore-Cochin area and the Malabar area respectively.

The Master Plans and the Detailed Town Planning Schemes for the State were prepared and were given sanction based on the said Legislations. When the Kerala Municipality Act, 1994 and Kerala Panchayat Raj Act, 1994 were enacted based on the 73rd and 74th Constitutional amendments, though provisions were incorporated therein, for the Constitution of the District Planning Committee and the Metropolitan Planning Committee, the provisions with respect to spatial planning were not included. Further, due to the absence of unified laws with regard to Town and country planning, it has become imperative to bring a unified legislation in this matter, by repealing the aforementioned Acts. As per the Judgment dated 9th January, 2011 of the Hon'ble High Court of Kerala in WP (C) No. 24526/2009-I, 22857/10F, the provisions of the Town Planning Act, 1108 and the Madras Town Planning Act, 1920, were declared unconstitutional and are inconsistent with the provisions of the Kerala Municipality Act, 1994. While considering the Writ Appeal filed against the said judgments the Hon'ble High Court has directed the Government to bring an integrated legislation in a time bound manner.

Therefore, Government have decided to bring a new legislation by repealing the Town Planning Act, 1108 (ME) the Travancore Town and Country Planning Act, 1120 (ME) and the Madras Town Planning Act, 1920, for the purpose.

As the Legislative Assembly of the State of Kerala was not in session and above proposal to bring in a legislation have to be given effect to immediately, the Kerala Town and Country Planning Ordinance, 2013 (51 of 2013) was promulgated by the Governor of Kerala on the 20th day of September, 2013 and the same was published in the Kerala Gazette Extraordinary No. 2741 dated 23rd September, 2013.

A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 3rd day of January, 2014 and ended on the 6th day of February, 2014.

As the provisions of the said Ordinance are to be kept alive, the Kerala Town and Country Planning Ordinance, 2014 (7 of 2014) was promulgated by the Governor on the 10th day of February, 2014 and the same was published in the Kerala Gazette Extraordinary No. 472 dated 11th February, 2014.

A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 9th day of July, 2014 and ended on the 17th day of July, 2014.

As the provisions of the said Ordinance are to be kept alive, the Kerala Town and Country Planning Ordinance, 2014 (16 of 2014) was promulgated by the Governor on the 20th day of July, 2014 and the same was published in the Kerala Gazette Extraordinary No. 1859 dated 20th July, 2014.

A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 1st day of December, 2014 and ended on the 18th day of December, 2014.

As the provisions of the said Ordinance are to be kept alive, the Kerala Town and Country Planning Ordinance, 2015 (3 of 2015) was promulgated by the Governor on the 9th day of January, 2015 and the same was published in the Kerala Gazette Extraordinary No. 71 dated 9th day of January, 2015.

A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 6th day of March, 2015 and ended on the 23rd day of March, 2015.

As the provisions of the said Ordinance are to be kept alive, the Kerala Town and Country Planning Ordinance, 2015 (6 of 2015) was promulgated by the Governor on the 10th day of April, 2015 and the same was published in the Kerala Gazette Extraordinary No. 817 dated 10th day of April, 2015.

A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 8th day of June, 2015 and ended on the 30th day of July, 2015.

As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately, the Kerala Town and Country Planning Ordinance, 2015 (11 of 2015) was promulgated by the Governor on the 18th day of September, 2015 and the same was published in the Kerala Gazette Extraordinary No. 2117 dated 18th day of September, 2015.

This Bill seeks to replace Ordinance No. 11 of 2015 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

If the Bill is enacted and brought into operation a recurring expenditure to the tune of rupees two crore six lakhs and non-recurring expenditure of the tune of rupees thirty two lakhs and fifty thousand is expected to incur from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Item (ix), of sub-clause (w) of clause 2 of the Bill seeks to empower the Government to issue notification to declare a service essential to the life of the community to be a service.

2. Sub-clause (1) of clause 6 of the Bill seeks to empower the Government to prescribe the term of office and conditions of service of the non-official members of the Board.

3. Sub-clause (1) of clause 7 of the Bill seeks to empower the Government to prescribe the procedure with regard to transaction of the business at its meeting, including quorum.

4. Sub-clause (3) of clause 9 of the Bill seeks to empower the Government to issue notification regarding the publication and sanctioning of Perspective Plan for the State.

5. Sub-clause (2) of clause 10 of the Bill seeks to empower the Government to prescribe the terms and conditions of service of officers and staff in the Department of Town and Country Planning.

6. Sub-clause (1) of clause 17 of the Bill seeks to empower the Government to prescribe the manner of issuing notification regarding the preparation of perspective plan for the District.

7. Sub-clause (1) of clause 25 of the Bill seeks to empower the Government to prescribe the manner of issuing notification regarding preparation of perspective plan for the Metropolitan Area.

8. Sub-clause (2) of clause 34 of the Bill seeks to empower the Government to prescribe the manner of giving guidelines to the working groups in the preparation of Master Plan and Execution Plan.

9. Sub-clause (2) of clause 36 of the Bill seeks to empower the Government to prescribe the form for submission of Master Plan before the Government.

10. Sub-clause (3) of clause 41 of the Bill seeks to empower the Government to prescribe the procedure to be followed in the meetings of the Joint Planning Committee, including quorum.

11. Clause 49 of the Bill seeks to empower the Government, to issue notification requiring the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat to prepare, publish and submit for sanction a Detailed Town Planning Scheme.

12. Sub-clause (3) of clause 54 of the Bill seeks to empower the Government to prescribe the terms and conditions of service of the nominated members of the General Council.

13. Sub-clause (3) of clause 55 of the Bill seeks to empower the Government to prescribe the terms and conditions of service of a member nominated to the Executive Committee.

14. Clause 58 of the Bill seeks to empower the Government to prescribe the terms and conditions of service of the officers and staff of the Development Authority.

15. Item (a) of clause 64 of the Bill seeks to empower the Government to prescribe the manner in which the permission is to be granted by the Secretary of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat for the development of land.

16. Sub-clause (2) of clause 74 of the Bill seeks to empower the Government to prescribe the procedure to be followed for the preparation, publication and sanction of the Land Pooling Scheme.

17. Clause 86 of the Bill seeks to empower the Government to constitute an Urban Art Commission for the State to be called the Kerala Urban Art Commission by notification in the Official Gazette.

18. Sub-clause (3) of Clause 87 of the Bill seeks to empower the Government to prescribe the term of office, conditions of service and allowances payable to the non-official members of the Kerala Urban Art Commission.

19. Sub-clause (1) of clause 101 of the Bill seeks to empower the Government to prescribe the manner of preparation of annual report.

20. Clause 106 of the Bill seeks to empower the Government to prescribe the manner in which fines realised in connection with prosecution shall be paid to the fund of the Board, the District Planning Committee, the Metropolitan Planning Committee, the Development Authority, the Municipal Corporation, the Municipal Council, the Town Panchayat or the Village Panchayat:

21. The matters in respect of which rules and regulations may be made or notifications may be issued are matters of procedure and are of routine or administrative nature. Further, the rules, after they are made, are subject to the scrutiny by the Legislative Assembly. The delegation of legislative power is, thus, of a normal character.

MANJALAMKUZHI ALI

NOTES ON CLAUSES

Clause 2.—This clause seeks to define certain words and expressions used in the Bill.

Clause 3.—This clause seeks to provide for the constitution of the State Town and Country Planning Board.

Clause 4.—This clause seeks to provide for the powers and functions of the State Town and Country Planning Board.

Clause 5.—This clause seeks to provide for the constitution of Committees by the State Town and Country Planning Board.

Clause 6.—This clause seeks to provide for the term of office and conditions of service of the non-official members of the State Town and Country Planning Board.

Clause 7.—This clause seeks to provide for the procedures regarding the meetings of the State Town and Country Planning Board.

Clause 8.—This clause seeks to provide for the matters that may be dealt with in the Perspective Plan for the State.

Clause 9.—This clause seeks to provide for the procedure for preparation, publication and sanctioning of Perspective Plan for the State.

Clause 10.—This clause seeks to provide for the appointment of Officers and Staff of the Department of Town and Country Planning.

Clause 11.—This clause seeks to provide for the functions and duties of the Chief Town Planner.

Clause 12.—This clause seeks to provide for the District Planning Area in the State.

Clause 13.—This clause seeks to provide for the functions of the District Planning Committee while preparing the development plans for the districts.

Clause 14.—This clause seeks to provide for the powers and functions of District Planning Committee in respect of spatial planning.

Clause 15.—This clause seeks to provide for the preparation of Perspective Plan for the districts by the District Planning Committees and the matters that may be dealt with in the Perspective Plan.

Clause 16.—This clause seeks to provide for the procedure for preparation of Execution Plans for the district and matters that may be dealt within the Execution Plan.

Clause 17.—This clause seeks to provide for the procedure for preparation, publication and sanctioning of Perspective Plan for the district.

Clause 18.—This clause seeks to provide for the procedure for preparation and sanctioning of Execution Plan for the district.

Clause 19.—This clause seeks to provide for the issue of guidelines by the District Planning Committee for preparation of five year and annual plans of Local Self Government Institutions.

Clause 20.—This clause seeks to provide for the declaration of a Metropolitan Area by the Government.

Clause 21.—This clause seeks to provide for the functions of Metropolitan Planning Committee while preparing draft development plan for the Metropolitan Area.

Clause 22.—This clause seeks to provide for the Powers and functions of the Metropolitan Planning Committee in respect of Spatial Planning.

Clause 23.—This clause seeks to provide for the preparation of Metropolitan Planning Committees for the Metropolitan Area and matters that may be dealt within the Perspective Plan.

Clause 24.—This clause seeks to provide for the preparation of Execution Plan for the Metropolitan Area and matters that may be dealt within the Execution Plan.

Clause 25.—This clause seeks to provide for the procedure for preparation, publication and sanctioning of Perspective Plan for the Metropolitan Area.

Clause 26.—This clause seeks to provide for the Procedure for preparation and sanctioning of Execution Plan for the Metropolitan Area.

Clause 27.—This clause seeks to provide for the Metropolitan Planning Committee to issue guidelines for preparation of five year and annual plans of Local Self-Government Institutions.

Clause 28.—This clause seeks to provide for the definition of Local Planning Area.

Clause 29.—This clause seeks to provide for the variations in the Local Planning Area.

Clause 30.—This clause seeks to provide for the powers and functions of the Municipal Corporations, Municipal Councils etc. in relation to spatial planning.

Clause 31.—This clause seeks to provide for the delegation of powers to the Standing Committees.

Clause 32.—This clause seeks to provide for the appointment of special committees and working groups.

Clause 33.—This clause seeks to provide for the Department of Town and Country Planning and the Plans under this Act.

Clause 34.—This clause seeks to provide for the matters that may be dealt within the Master Plan.

Clause 35.—This clause seeks to provide for the matters that may be dealt within the Execution Plan.

Clause 36.—This clause seeks to provide for the procedure for preparation, publication and sanctioning of Master Plan.

Clause 37.—This clause seeks to provide for the procedure for preparation and sanctioning of Execution Plan.

Clause 38.—This clause seeks to provide for the procedure to be taken in respect of the Master Plans that are published but not sanctioned within the time limit prescribed.

Clause 39.—This clause seeks to provide for the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat to necessarily make Master plans in certain cases.

Clause 40.—This clause seeks to provide for defining a Joint Planning Area.

Clause 41.—This clause seeks to provide for the Joint Planning Committee and Master Plan for the Joint Planning Area.

Clause 42.—This clause seeks to provide for the powers and functions of Joint Planning Committee.

Clause 43.—This clause seeks to provide for the functions of the constituent units of the Joint Planning Committee.

Clause 44.—This clause seeks to provide for the power of the Municipal Corporations, Municipal Councils, etc. to take up Detailed Town Planning Schemes.

Clause 45.—This clause seeks to provide for the matters that are to be dealt within a Detailed Town Planning Scheme.

Clause 46.—This clause seeks to provide for the procedure for preparation, publication and sanctioning of Detailed Town Planning Scheme.

Clause 47.—This clause seeks to provide for the power to engage consultants and to set-up special functional agencies.

Clause 48.—This clause seeks to provide for the Detailed Town Planning Schemes that are published but not sanctioned within the time limit prescribed.

Clause 49.—This clause seeks to provide for the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat to necessarily make Detailed Town Planning Scheme in certain cases.

Clause 50.—This clause seeks to provide for review, revision, variation and revocation of Plans prepared under the Act.

Clause 51.—This clause seeks to provide for the Constitution of Development Authority.

Clause 52.—This clause seeks to provide for the appointment of the Chairman of Development Authority.

Clause 53.—This clause seeks to provide for the Composition of Development Authority.

Clause 54.—This clause seeks to provide for the General Council.

Clause 55.—This clause seeks to provide for the Executive Committee.

Clause 56.—This clause seeks to provide for the powers and functions of Development Authority.

Clause 57.—This clause seeks to provide for the functions of Member-Secretary.

Clause 58.—This clause seeks to provide for the Staff of Development Authority.

Clause 59.—This clause seeks to provide for the transfer of staff, assets and liabilities of the Development Authority.

Clause 60.—This clause seeks to provide for the power of Government to make rules to prescribe functions and powers of General Council, Executive Committee etc.

Clause 61.—This clause seeks to provide for the use and development of land to be in conformity with Master Plans and Detailed Town Planning Schemes under this Act.

Clause 62.—This clause seeks to provide for the date of coming into operation of the Plan.

Clause 63.—This clause seeks to provide for interim development orders and the restrictions after notifying the intention to prepare Plan.

Clause 64.—This clause seeks to provide for Land Development Permit.

Clause 65.—This clause seeks to provide for an application for Land Development Permit.

Clause 66.—This clause seeks to provide for the power of revocation.

Clause 67.—This clause seeks to provide for the obligation to acquire land in certain cases.

Clause 68.—This clause seeks to provide for the power to require stoppage or removal of unauthorised development, imposition of penalty etc.

Clause 69.—This clause seeks to provide for the procedure for removal or discontinuance of unauthorised development of temporary nature.

Clause 70.—This clause provide for applicability of the provisions to a Joint Planning Committee.

Clause 71.—This clause seeks to provide for the power of the Municipal Corporations, Municipal Councils etc. to prepare Land Pooling Schemes.

Clause 72.—This clause seeks to provide for the contents of Land Pooling Scheme.

Clause 73.—This clause seeks to provide for the procedure for the reconstitution of original plots into final plots.

Clause 74.—This clause seeks to provide for the preparation, publication and sanction of Land Pooling Scheme.

Clause 75.—This clause seeks to provide for the Local Self Government Institutions to implement projects through Annual Plans and Five Year Plans.

Clause 76.—This clause seeks to provide for the Government Departments and other authorities to take into account Plans prepared under this Act while drawing up projects.

Clause 77.—This clause seeks to provide for the power to acquire land, under the Land Acquisition Act, in force.

Clause 78.—This clause seeks to provide for the acquisition of property for implementation of Plans.

Clause 79.—This clause seeks to provide for the transfer of Government land to the Local Self Government Institutions.

Clause 80.—This clause seeks to provide for the acquisition of land by way of according Transferable Development Right.

Clause 81.—This clause seeks to provide for the acquisition of land and built-up space by way of accommodation reservation.

Clause 82.—This clause seeks to provide for the Development works by promoters.

Clause 83.—This clause seeks to provide for the levy of development charges.

Clause 84.—This clause seeks to provide for the appeals on the levy of development charges.

Clause 85.—This clause seeks to provide for the levy of user fee.

Clause 86.—This clause seeks to provide for the constitution of the Kerala Urban Art Commission.

Clause 87.—This clause seeks to provide for the Members of the Kerala Urban Art Commission.

Clause 88.—This clause seeks to provide for the Special invitees to be co-opted.

Clause 89.—This clause seeks to provide for the appointment of Sub-Committees by the Kerala Urban Art Commission.

Clause 90.—This clause seeks to provide for the Technical Secretariat of the Kerala Urban Art Commission.

Clause 91.—This clause seeks to provide for the functions of the Kerala Urban Art Commission.

Clause 92.—This clause seeks to provide for the services of the Government Departments etc. to the Kerala Urban Art Commission.

Clause 93.—This clause seeks to provide for the meetings of the Kerala Urban Art Commission.

Clause 94.—This clause seeks to provide for fund for the Kerala Urban Art Commission.

Clause 95.—This clause seeks to provide for the removal of non-official members of the State Town and Country Planning Board, the Development Authority and the Kerala Urban Art Commission.

Clause 96.—This clause seeks to provide for the power of Government to make regulations.

Clause 97.—This clause seeks to provide for the Planning and Development Fund.

Clause 98.—This clause seeks to provide for the fund of the Board, the District Planning Committee and the Metropolitan Planning Committee.

Clause 99.—This clause seeks to provide for the contributions by the Municipal Corporations, Municipal Councils, etc. to the Planning and Development Fund and other funds.

Clause 100.—This clause seeks to provide for the accounts and audit.

Clause 101.—This clause seeks to provide for the Annual Reports.

Clause 102.—This clause seeks to provide for the power of entry.

Clause 103.—This clause seeks to provide for the penalty for obstructing implementation.

Clause 104.—This clause seeks to provide for the compounding of offences.

Clause 105.—This clause seeks to provide for the trial of offences.

Clause 106.—This clause seeks to provide for the fine realised to be paid to the fund of the authority concerned.

Clause 107.—This clause seeks to provide for the bar of jurisdiction of Civil Courts to entertain any suit or legal proceeding challenging the legality or propriety of any order made or action taken under this Act.

Clause 108.—This clause seeks to provide for the validation of acts and proceedings under this Act.

Clause 109.—This clause seeks to provide for the delegation of powers.

Clause 110.—This clause seeks to provide for the power of the Local Self Government Institutions and Development Authority to borrow money.

Clause 111.—This clause seeks to provide for the control by the Government.

Clause 112.—This clause seeks to provide for the power of Government to make rules and regulations for carrying out the provisions of the Act.

Clause 113.—This clause seeks to provide for the repealing of the Town Planning Act, 1108 ME (Act IV of 1108 ME), the Travancore Town and Country Planning Act, 1120 (Act XXI of 1120 ME), the Madras Town Planning Act, 1920 (Madras Act VII of 1920) and the Kerala Town and Country Planning Ordinance, 2015 (11 of 2015) from the coming into force of this Act and further to validate the plans published, sanctioned and which are in force as per the said Acts notwithstanding such repeal and other matters specifically provided if so it shall stand repealed.
