

बिहार सरकार
नगर विकास एवं आवास विभाग

अधिसूचना

सं० 11 न०वि०(मा०)-05/2013 अधिसूचना सं० 44, दिनांक-31-01-14 का निम्नलिखित अनुवाद
बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है जो भारतीय संविधान के अनुच्छेद
348 के खण्ड (3) के अधीन अंग्रेजी भाषा में उसका प्राधिकृत पाठ समझा जायेगा।

बिहार राज्यपाल के आदेश से

31.1.2014
(डॉ०एस०सिद्धार्थ)
सरकार के सचिव
नगर विकास एवं आवास विभाग।

BIHAR GOVERNMENT
URBAN DEVELOPMENT & HOUSING DEPARTMENT

Notification

No. 45 UD&HD, - In exercise of powers conferred by section 81 of the Bihar Urban Planning And Development Act 2012 (Bihar Act 20, 2012) the Governor of Bihar is pleased to make Rule,

CHAPTER-I

1. **Short Title, Extent and Commencement. (Section 1 of the Act)** -(1) This Rule may be called Bihar Urban Planning and Development Rule, 2014.
 - (2) It shall extend to the whole of the State of Bihar or part thereof as may be notified by the State Government, excluding cantonment areas there in.
 - (3) It shall come into force on such date as the State Government may, by notification in the official gazette, appoint and different dates may be appointed for different areas of the State.
2. **Definitions. (Section 2 of the Act)** -In this Rule, unless there is anything repugnant in the subject or context:-
 - (i). "Agriculture" includes horticulture, farming, raising of crops, fruits, vegetables, flowers, grass, fodder, trees or any other kind of cultivation, dairy, animal husbandry, breeding and keeping of live-stock, including cattle, horses, donkeys, mules, pigs, fish, poultry and bees; and the use of land for any purpose which is ancillary to the farming of land or its cultivation or to any other agriculture purposes, but does not include the use of land attached to a building for the

purposes of a garden to be used alongside such building, and the expression "Agricultural" shall be construed accordingly;

- (II). **"Amenities"** include all the supportive activities to the resident population as per the prevailing/prescribed norms such as roads and streets, open spaces, water and electric supply, street lighting, sewerage, drainage, nursery, crèche, all kinds of school, all categories of clinics and hospitals, community hall, library, convenience shopping, playfields, parks and playgrounds, green areas, police stations, public parking, bus station, fire station, post offices, essential EWS Housing for the resident population, area for informal sector, all the components necessary to facilitate barrier free accessibility for the senior citizens and physically challenged persons and other utilities, services and conveniences as may be delineated by the Government;
- (III). **"Appropriate Authority"** in relation to a Planning Area, means the Planning Authority or the Bihar Urban Planning and Development Board or any other authority established or notified for that area by the Government including but not limited to the District Planning Committee, Metropolitan Planning Committee and relevant Local Authorities;
- (IV). **"Area"** means the smaller unit divided for the purpose of preparing a development scheme or plan;
- (V). **"Area of Bad Layout or Obsolete Development"** means an area consisting of land which is badly laid out or of obsolete development, together with other land contiguous or adjacent thereto, which is defined by a Development Plan as an Area of Bad Layout or Obsolete Development;
- (VI). **"Area Development Scheme"** means an area development scheme prepared under this Act;
- (VII). **"Board"** means the Bihar Urban Planning and Development Board constituted under this Act;
- (VIII). **"Building"** includes any structure or part of a structure which is intended to be used for residential, industrial, commercial or other purposes whether in actual use or not, and compound wall or fencing thereof;
- (IX). **"Building Operations"** include
 - (a) erection or re-erection of a building, or any part of it;
 - (b) roofing, re-roofing of any part of a building or open space;
 - (c) any material alteration or enlargement of any building;
 - (d) any such alteration of a building as is likely to affect an alteration of its drainage or sanitary arrangements, or materially affect its security or basic structure;
 - (e) the construction(s) of a door opening on any street or land not belonging to the owner;
- (X). **"Commerce"** means carrying on any trade, business or profession, sale or exchange of goods of any type whatsoever, and includes the running of, with a view to making profit, hospital, nursing homes, infirmaries, educational institutions and also includes hotels, restaurant, boarding houses, not attached to

any educational institution, sarai, banquet halls, marriage hall, guest houses, coaching institution, training centers, call centers, and the expression "Commercial" shall be construed accordingly;

- (XI). **"Company"** means a body corporate registered under the Companies Act, 1956;
- (XII). **"Commercial Use"** includes the use of any land or building or a part thereof for purposes of commerce as defined or for storage of goods, or as an office whether attached to industry or otherwise;
- (XIII). **"Court"** means any court empowered by the Government to perform the functions of the court under this Act, within the pecuniary and local limits of its jurisdiction;
- (XIV). **"Development"** with all its grammatical variations, and cognate expressions means the carrying out construction of any building, engineering, mining, or other operations in, on, or over or under land or the making of any material change in any building or land or in the use of any building or land, and includes layout and sub-division of any land;
- (XV). **"Development Plan"** means a plan for the development or redevelopment or improvement of an area within the jurisdiction of a Planning Authority and includes a Regional Development Plan, a Metropolitan Development Plan, Area Development Plan, Master Plan, Town Development Plan, Zonal Development Plan, District Development Plan, or any other plan or scheme prepared under this Act by whatsoever name known;
- (XVI). **"District"** means a district in the State of Bihar;
- (XVII). **"Government"** means the Government of the State of Bihar;
- (XVIII). **"Heritage Building"** shall mean any building of one or more premises or any part thereof or structure or artifact, duly certified by the Bihar Urban Arts and Heritage Commission constituted under this Act or the Archeological Survey of India or any other designated Government Authority of the Central Government or Government of Bihar, as requiring conservation or preservation for historical or architectural or artistic or artisanal or aesthetic or cultural or environmental or ecological purpose(s), including such portion of land adjoining such building or part thereof as may be required for fencing or covering or in any manner preserving the historical or architectural or aesthetic or cultural or environmental value of such building;
- (XIX). **"Heritage Precincts"** means spaces or premises, duly certified by the Bihar Urban Arts and Heritage Commission constituted under this Act or the Archeological Survey of India or any other designated Government Authority of the Central Government or Government of Bihar as requiring conservation or preservation for historical or architectural or aesthetic or cultural purposes and walls or other boundaries of a particular areas or place or building which may enclose such space by an imaginary line drawn around it or a combination of one or more of these measures;
- (XX). **"Industry"** includes the carrying on of any manufacturing process as defined in the Factories Act, 1948, and "industrial" shall be construed accordingly;

- (xxi). **"Infrastructure"** means any project, public amenity or public utility or service, which is required for smooth, productive and efficient functioning of the Planning Area such as trunk infrastructure, access from or to the nearest major road, bulk supply of drinking water (surface water and ground water with trunk line), power (electric substation and network), health, education facilities, transport (major roads such as national highways, state highways, major district roads, other district roads, , bridges, bypasses and underpasses), common effluent treatment plants (CETP), sewage treatment plant (STP), solid waste disposal system and receptacles, communication network, sectoral shopping markets, institutional buildings, malls and multiplexes, cinema halls, community halls, open air theatres, playgrounds, civic and cultural facilities, public parking areas etc.;
- (xxii). **"Land"** includes benefits arising out of land, and things attached to the earth or permanently fastened to anything attached to the earth;
- (xxiii). **"Land Use"** means the major use for which a land is being used on any specified date;
- (xxiv). **"Layout"** means the laying out a parcel of land or lands into building plots with laying of roads or streets with formation, leveling, metalling or black topping or paving of the roads and footpaths, and laying of the services such as water supply, drainage, street lighting, open spaces and includes land sub-division for the purpose of building in such plots;
- (xxv). **"Local Authority"** means Urban Local Bodies constituted under the Bihar Municipal Act, 2007 (Bihar Act 11 of 2007), as in force in the state of Bihar or Panchayati Raj Institutions constituted under Bihar Panchayat Raj Act, 2006 or any other authority or corporation defined as Local Authority under any other Act;
- (xxvi). **"Metropolitan Area"** means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by public notification to be a Metropolitan Area;
- (xxvii). **"Metropolitan Planning Committee"** means a committee constituted for a Metropolitan Area by the Government in accordance with Article 243ZE of the Constitution of India;
- (xxviii). **"Notification"** means a notification published in the Official Gazette;
- (xxix). **"Occupier"** includes-
- (a) a tenant;
 - (b) an owner in occupation of, or otherwise using his land;
 - (c) a rent free tenant of any land;
 - (d) a licensee in occupation of any land or building; and
 - (e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;
- (xxx). **"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:-

- (a) railways;
- (b) national highways;
- (c) national waterways;
- (d) major ports
- (e) riverfront development;
- (f) airways and aerodromes;
- (g) posts and telegraphs, telephones, wireless broadcasting and other like forms of communication;
- (h) regional grid for electricity;
- (i) any other service, deemed important and essential to the life of the community and so notified by the Government;

Explanation: - For the removal of doubts, it is hereby declared that the following shall not be deemed as "construction" within the meaning of this clause –

- (i) New residential buildings (other than gate lodges, quarters for limited essential operational staff and the like), roads and drains in railway colonies, hotels, clubs, institutes and schools, in the case of railways; and
 - (ii) A new building, new structure or new installation or any extension thereof, in the case of any other service;
- (XXXI). **"Owner"** in relation to any property, includes any person who is, for the time being receiving or entitled to receive, whether on his own account or on account of, or on behalf of, or for the benefit of, any other person or as an agent, trustee, guardian, manager or receiver for any other person or for any religious or charitable institution, the rents or profits of the property; and also includes a mortgagee in possession thereof;
- (XXXII). **"Peripheral Area"** means such area in the periphery of the Planning Area(s) as delineated by the Government;
- (XXXIII). **"Plan"** means the statement of proposals, policies and development briefs for securing, promoting and regulating development in a Planning Area, and includes a map or maps or sets of documents or all of them;
- (XXXIV). **"Plot"** means a portion of land numbered and shown as one plot in a Development Plan, Area Development Scheme etc.;
- (XXXV). **"Planning Area"** means a territorial unit demarcated and declared by the Government for the purposes of planning under this Act and shall be known by such name as the Government may decide,
- (XXXVI). **"Planning Authority"** means the "Planning Authority", as constituted under this Act or any other such Local Authority, as may be so designed this Act or any other such body or corporation, as may be so designated by the Government;
- (XXXVII). **"Preservation"** means and includes retaining the existing form and fabric of a place or structure in its existing state and checking deterioration;
- (XXXVIII). **"Prescribed"** means prescribed by Rules and Regulations made under this Act;

- (XXXIX). **"Publication"** means the act or process of publishing by the Appropriate Authority in the official Gazette of Government of Bihar, newspaper, magazine, website or any other means;
- (XL). **"Public Place"** means any place or building which is open to the use and enjoyment of the public whether it is actually used or enjoyed by the public or not and whether the entry is regulated by any charge or not;
- (XLI). **"Restoration"** means and includes retaining the existing fabric of a place to a earlier known state by removing accretions or by reassembling existing components without replacing by new materials;
- (XLII). **"Regulations"** means the Regulations made under this Act by the Planning Authority in exercise of its power and includes zoning and other regulations made as a part of a Development Plan, Area Development Scheme etc.;
- (XLIII). **"Reconstruction"** means and includes restoring a place or structure as early as possible to a known earlier state and distinguished by the introduction of materials (new or old) into the fabric, this shall not include either recreation or conjectural reconstruction;
- (XLIV). **"Relocation of population"** in relation to an Area of Bad Layout or Obsolete Development or a slum area, means making available, in that area or elsewhere, of accommodation, for residential purposes or for carrying on business or other activities, together with amenities, to persons living or carrying on business or other activities in the said area who have to be so accommodated so that the said area may be properly planned in the prescribed manner;
- (XLV). **"Rules"** means the Rules made under this Act, by the Government;
- (XLVI). **"Scheme"** means a development or a planning scheme prepared under this Act, and includes plans and maps, together with the regulatory and descriptive matter, if any, relating to such scheme;
- (XLVII). **"Tribunal"** means the tribunal constituted by the Government under this Act;
- (XLVIII). **"Utility"** means services such as roads including approach roads, bridges, bypasses and underpasses, street lights, water supply system, sewerage system, storm water drainage system, electrical network, communication network, sewage treatment plants, percolation wells, solid waste disposal system, collection, treatment, discharge and disposal of industrial, institutional and township waste, gas pipeline, common effluent treatment plants (CETP), spaces for informal services etc., and any other as may be delineated by the Government;
- (XLIX). **"Zone"** means a territorial unit or part in which any Planning Area, may be sub-divided for the purposes of securing, promoting and regulating development under this Act, and the expression "Zoning Regulation" shall be construed accordingly;
- (L). **"Zonal Plan" or "Zonal Development Plan"** means in respect of a zone, a plan detailing out the proposals of the Development Plan and acting as a link between the Development Plan and the layout plan. It may contain a site plan and land use plan with approximate location and extent of land uses such as residential public and semi-public building or works, urban and civic utilities, roads, housing,

recreation, industry, business, markets, and other matters relating to the development of the zone;

- (LI). **"Zoning Regulations"** mean, in respect of a zone, regulations for regulating and controlling of land use and enforcing of layout plan and prescribing regulatory principles for buildings such as permissible Floor Area Ratio, Floor Space Index, height of the building, building lines, parking, etc.;

Note:- Words and expressions not defined in this Rule shall have the same meaning as assigned to them in the Bihar Urban Planning and Development Act, 2012, Bihar Municipal Act, 2007 and Bihar Apartment Ownership Act, 2006, as amended from time to time.

CHAPTER-II

BIHAR URBAN PLANNING AND DEVELOPMENT BOARD

3. **Constitution of Bihar Urban Planning and Development Board. (Section 3 of the Act)** -(1) after the commencement of this Act, the Government has, by notification in the official gazette संख्या - 4 (न०) विधि -05/2009 (पार्ट-I) 35 न० वि० एवं आ० वि०, पटना, दिनांक 28/01/2014, constituted and appointed the Bihar Urban Planning and Development Board for carrying out the functions assigned to it under the Act. The Board is comprised of the following members:-

(i)	Development Commissioner	-	Chairperson
(ii)	Agriculture Production Commissioner /Principal Secretary/Secretary, Agriculture Department	-	Member
(iii)	Principal Secretary/ Secretary, Health Department	-	Member
(iv)	Principal Secretary/ Secretary Planning & Development Department	-	Member
(v)	Principal Secretary/ Secretary Panchayati Raj	-	Member
(vi)	Principal Secretary/ Secretary Industries Department	-	Member
(vii)	Principal Secretary/ Secretary, Finance Department	-	Member
(viii)	Principal Secretary/ Secretary Rural Development Department	-	Member
(ix)	Principal Secretary/ Secretary Education Department	-	Member
(x)	Principal Secretary/ Secretary Revenue and Land Reforms Department	-	Member
(xi)	Principal Secretary/ Secretary		

	Water Resource Department	-	Member
(xii)	Principal Secretary/ Secretary Environment and Forest Department	-	Member
(xiii)	Principal Secretary/ Secretary Road Construction Department	-	Member
(xiv)	Principal Secretary/ Secretary Building Construction Department	-	Member
(xv)	Principal Secretary/ Secretary Transport Department	-	Member
(xvi)	Principal Secretary/ Secretary Public Health Engineering Department	-	Member
(xvii)	Principal Secretary/Secretary Disaster Management Department	-	Member
(xviii)	Secretary, Department of Law	-	Member
(xix)	Principal Secretary/Secretary Tourism Department	-	Member
(xx)	Principal Secretary/Secretary /Secretary Art, Culture and Youth Department	-	Member
(xxi)	Principal Secretary/Secretary Rural Work Department	-	Member
(xxii)	Principal Secretary/Secretary /Food and Supply (Civic) Department	-	Member
(xxiii)	Principal Secretary/ Secretary Urban Development and Housing Department	-	Member Secretary
(xxiv)	Two Experts of National Repute on Urban and Regional Planning nominated by the Government	-	Member
(xxv)	Senior Law Officer nominated by the Advocate General	-	Member
(xxvi)	Chief Town Planner, Urban Development and Housing Department	-	Member

- (2) To carry out the functions and powers of the Act, the Board may invite representative(s) of Ministry of Urban Development, Ministry of Housing and Poverty Alleviation, Ministry of Environment and Forest, Ministry of Railway, Ministry of Civil Aviation, Ministry of Road Transport and Highways, Government of India as special invitee members for its functioning.

- (3) The Board may nominate or co-opt any person/persons whom it may think necessary for the functioning of the Board.
- (4) The Board as a body corporate having perpetual succession and a common seal may sue in its corporate name.
- (5) The State Government may, if it thinks fit, appoint one of the members as the Vice-Chairman of the Planning Authority.

4. Functions and Powers of the Board. (Section 4 of the Act) -(1) Subject to the provisions of the Act and Rules, the functions of the Board shall be to advise the Government in matters relating to planning and development and use of rural and urban land in the State, to guide, direct and assist the Metropolitan Planning Committee or any other Planning Authority/(ies) constituted under the Act and to perform such other functions as the Government may, from time to time assign to the Board.

- (2) In particular and without prejudice to the generality of the foregoing provision, the Board may and, if required by Government, shall :

- (a) advise on the delineation of the Planning Area(s) for purposes of planned development and direct the preparation of Development Plan by the Planning Authorities;
- (b) direct the preparation of one or more Development Plan(s) by the Planning Authorities or Metropolitan Planning Committees undertake, assist and advise on the coordination of planning and implementation of physical development programmes;
- (c) undertake, assist and encourage the collection, maintenance, and publication of statistics, bulletins, and monographs and other such activities like seminars, training of personals, association with professional and research organization etc. on regional and urban planning;
- (d) direct the preparations of one or more regional development plan, regional transportation plans, town development plans.
- (e) direct the preparations of one or more regional natural resources and environmental conservation Plans.
- (f) perform any other functions which is incidental, supplemental or consequential to any of the functions aforesaid or as decided by the Government.

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

5. Appointment of Committee by the Board. (Section 5 of the Act) -(1) For assisting the Board in exercising its powers, discharging its duties or performing its functions, the Board may constitute one or more committees.

- (2) Any such committee or committees constituted under Sub-Section (1) shall consist of such members as may be specified by the Board and the Board may nominate one of the members as the Chairman of the committee.
- (3) The Board shall have the power to co-opt as a member of any Committee constituted under sub-section (1), any person having experience in matters of planning and development but, who is not a member of the Board.

6. **Terms of office and Conditions of Service of Members of the Board. (Section 6 of the Act)** -(1) The term of office and conditions of service of the members and employees of the Board shall be such as may be decided by the State Government, and they shall be entitled to receive such salaries or allowances or both as may be fixed by the Government.
- (2) The control and restriction in relation to the appointment of officers and other employees to the Board shall be as per the State Civil Service Rules.
 - (3) The Government, may if it thinks fit, terminate the appointment of any member of the Board at any time in case of misconduct by such member.
 - (4) A member of the Board appointed according to Section 3(1)-(xxiv, xxv) may resign his membership of the Board by giving notice in writing to the Government and on such resignation, being accepted by the Government, he shall cease to be a member of the Board.
 - (5) Any vacancy so created can be filled up by the Government.
7. **Meetings of the Board. (Section 7 of the Act)** -(1) The Board shall meet at such times and place as the chairman thinks fit, not less than twice in a calendar year and shall make regulations for regulating the procedure and conduct for the transaction of its business at such meetings.
- (2) The Chairperson or in absence of the Chairperson, any member chosen by the members from amongst themselves, shall preside over the meeting of the Board.
 - (3) All questions at the meeting of the Board shall be decided by a majority of votes of the members present and voting and in case of equality of votes, the person presiding shall have a casting vote.
8. **Secretariat of the Board. (Section 8 of the Act)** - (1)The office of the Town and Country Planning Organization located in the Urban Development and Housing Department, Government of Bihar shall act as the Secretariat of the Board.
- (2) The Government shall provide all requisite office space, personnel and financial assistance to the Board and its Secretariat.

CHAPTER-III

DECLARATION OF PLANNING AREAS AND CONSTITUTION OF PLANNING AUTHORITIES

9. **Declaration of Planning Areas. (Section 9 of the Act)** -(1)The Government may, for the purpose of securing planned development of regions or areas within the State, on advice of the Board, declare by notification, any such region or area or regions or areas, including a Metropolitan Area or area for development of new towns in the State to be a Planning Area, by whatsoever name known for the purposes of this Act.
- (2) The declaration of the planning area shall be widely published in at least two local newspapers having wide circulation as well as by public notice affixed at prominent places, Government offices, local authorities and public places situated within Planning Area. The same shall also be published in the official Government Website.

- (3) Every such notification shall precisely define the limits of such Planning Area. The planning area can be defined in one or a combination of the following manner :
- a) Planning Area shall be distinctly shown on map with GIS coordinates on the Scale 1:8000.
 - b) Planning Area shall as far as possible include full Plot Numbers (Survey No.). In a Situation where a plot is divided by the Boundary of the Planning Area, the same shall be distinctly shown.
 - c) The planning area can also be defined by village boundaries, Panchayat boundaries, block boundaries, sub-division boundaries and district boundaries. In a situation where these administrative units are divided by the Boundary of the Planning Area, the same shall be distinctly shown.

In case of a dispute between the above modes of definition of a planning area, the details specified in the revenue cadastral map shall prevail.

- (4) The Government may declare, with reference to a Planning Area, its surrounding area, defined clearly and unambiguously, as its Peripheral Area. The Peripheral Area as delineated by the Government shall be distinctly shown on a map in one of the methods defined in rule 9 (3).

Provided that extension to such area shall not exceed one km from any point at its boundary.

- (5) The Government may, after consultation with the Board and the concerned Planning Authorities, amalgamate two or more Planning Areas into one Planning Area, sub-divide Planning Area(s) into different Planning Areas and include such sub-divided areas in any other Planning Area.
- (6) The Government may, by notification, direct that all or any of the Rules, Regulations, orders, directions and powers made, issued, conferred and in force in any other Planning Area at the time, with such exceptions, adaptations and modifications, as may be considered necessary by the Government, shall apply to the area declared as amalgamated with or included in a Planning Area under this Section and such Rules, Regulations, bye-laws, orders, directions and powers shall forthwith apply to such Planning Area without further publication.
- (7) When Planning Areas are amalgamated or sub-divided or such sub-divided areas are included in other Planning Areas, the Government shall, after consultation with the Board, frame a scheme determining what portion of the balance of the funds shall vest in the Planning Authority (ies) concerned and in what manner the properties and liabilities of the Planning Authority (ies) shall be apportioned amongst them and on the scheme being notified, the fund, property and liabilities shall vest and be apportioned accordingly.
- (8) On or after the date of such notification of declaration of the Planning Area as well as Peripheral Area, the Government may impose one or all of the following restrictions:
- a) Government may impose specific conditions for any type of transaction or any use of land in any part lying within these areas for such period as it considers necessary for preparation and implementation of the Development Plan.

- b) The Government may impose a ban on the sale, transfer in any form or change of land use of a specific area or any part lying within these areas for such period as it considers necessary for preparation and implementation of the Development Plan.

10. Power to Withdraw Planning Area from operation of this Act. (Section 10 of the Act)

-(1) The Government may, by notification, withdraw from the operation of any of the provisions of this Act, the whole or a part of any Planning Area declared. Such an Area shall be distinctly defined in one of the forms mention in rule 9(3).

If any area of the Planning Area is withdrawn from the operation of any of the provisions of the Act, it shall be published in at least two local newspapers having wide circulation as well as by public notice affixed at prominent places, Government offices, local authorities and public places situated within the Planning Area. The same shall also be published in the official Government Website.

(2) When a notification is issued under this section in respect of any Planning area hereunder:

- (a) The relevant provisions of this Act and all notifications, Rules and regulations, orders, directions and powers issued, made or conferred hereunder shall, cease to apply to the said area.
- (b) The Government shall, after consulting the Board and the Local Authority (ies) concerned, frame a scheme determining the portion of the balance of the fund of the Planning Authority that shall vest in the Government and the Local Authority (ies) concerned and in what manner the properties and liabilities of the Planning Authority shall be apportioned between the Government and the Local Authority (ies) and on the scheme being notified, the fund, property and liabilities of the Planning Authority shall vest and be apportioned accordingly.

11. Constitution of Planning Authority. (Section 11 of the Act)

-(1) Any time after the declaration of a Planning Area under Section-9, the Government shall, by notification, constitute an authority for such area to be called the Planning Authority of that Planning Area and it shall be known by such name as the Government may determine.

(2) Every Planning Authority constituted under sub-section (1) shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both moveable and immovable, to contract, and by the said name sue and be sued.

(3) The planning authority shall consist of the following members namely:

- (i) A Chairman of the rank of not less than Secretary to the Government or equivalent to be appointed by the State Government.
- (ii) The Chief Town Planner of Town and Country Planning Organization or his representative, ex-officio.
- (iii) All District Magistrates of the concerned district
- (iv) All Municipal Commissioners/Executive officers of the Urban Local Bodies not exceeding four.
- (v) Such officials of the State Government to be nominated by the State Government not exceeding five, ex-officio; who represent departments

concerning the activities to be carried out in the planning area.

- (vi) Persons who possesses special knowledge or practical experience in town planning to be appointed by the State Government not exceeding two.
- (vii) A member secretary to be appointed by the State Government who shall also be designated as the Chief Executive Officer of the Planning Authority.

12. **Vice-Chairman of the Planning Authority:** The State Government may if it thinks fit appoint one of the members as the Vice-Chairman of the Planning Authority.
13. **Delegation of Functions to the Local Authority:** The Planning Authority may, with the approval of the Government, delegate any of its functions to the Local Authority (ies) within its jurisdiction.
14. **Office of The Planning Authority:** The Planning Authority shall have its office at such place as the Government may specify in this behalf.
15. **Constitution of Committee(s):** The Planning Authority may set up such committee(s) as it considers necessary for performance of any of the functions assigned to it or prescribed.
16. **Terms of Office. (Section 12 of the Act):** -(1) The term of office and conditions of service of the members of Planning Authority other than the ex-officio members and their entitlement to receive such remuneration or allowances or both shall be as the Government may by order determine.
 - (2) If the Government is of the opinion that any member of a Planning Authority is guilty of misconduct in the discharge of his duties or is incompetent or has become incapable of performing his duties as such member, or should for any other good and sufficient reasons, be removed, the Government may, after giving him an opportunity to be heard, remove him from office.
 - (3) Any member of a Planning Authority other than an ex-officio member may at any time resign by writing under his hand addressed to the Government or the authority in the manner prescribed and upon the acceptance thereof, the office of such member shall become vacant.
 - (4) In the event of a vacancy occurring in the office of any member of a Planning Authority, the vacancy may be filled up by nomination or appointment, as the case may be, and the person so nominated or appointed shall hold office for so long as the member in whose place he is nominated or appointed would have held office, if the vacancy had not occurred.
 - (5) The term of office and condition of service of the members of Planning Authority other than ex-officio members shall be such as may be decided by the state Government and the members shall be entitled to receive such remuneration or allowances or both as the State Government may by order determine.
17. **Association with Experts:** (1) A Planning Authority may with the previous sanction of the Government, associate with itself or consult such persons whose assistance or advice it may desire for the purpose of performing any of its functions under this Act and such person may be paid by the Planning Authority such remuneration or fees as may be sanctioned by the State Government.

- (2) The person so assisting or advising the Planning Authority may take part in the meetings of the authority relevant to the purpose for which he is associated or consulted but shall not have the right to vote at a meeting or take part in the meeting of the authority relating to the matters concerned with any other purpose.
18. **Meetings of the Planning Authority. (Section 13 of the Act):** (1) The Planning Authority shall meet once in three months at such time and place as the Chairman determine and may subject to the provisions of this sub section make regulations for regulating the procedure and conduct of its business at its meetings.
- (2) The Chairman, and in his absence, any other member chosen by the members present from amongst themselves shall preside at the meeting of the Planning Authority.
- (3) Agenda to be prepared and circulated to all members at least seven days before the date of the meetings.
- (4) 1/4 of total members shall form minimum quorum for businessing the meeting.
- (5) all proceedings to be recorded in minutes.
- (6) All questions at the meeting of the Planning Authority shall be decided by a majority of votes of the members present and voting and in case of equality of votes, the person presiding shall have a casting vote.
19. **Staff of the Planning Authorities. (Section 14 of the Act) -** (1) Subject to the prior approval of the Government, a Planning Authority may appoint such number of officers and other employees as it considers necessary for the efficient performance of its functions under this Act and may determine their qualification designations and grades.
- (2) The officers and employees appointed under sub-section (1) shall be entitled to receive such salaries or allowances and shall be governed by such terms and conditions of service, as may be determined by Government.
- (3) The member Secretary of the Planning Authority and the officers and employees of that authority shall work under the supervision and control of its Chairman.
20. **Power to Designate a Local Authority as Planning Authority. (Sections 15 of the Act) -**(1) The Government may, instead of constituting a Planning Authority for a Planning Area, designate any Local Authority functioning in a Planning Area or part thereof, as the Planning Authority for that Planning Area.
- (2) The Local Authority designated under sub-section (1) as the Planning Authority shall for the purpose of performing the functions assigned to as planning authority under this act, setup a planning committee consisting of the following members namely:
- (i) Six members of the local authority appointed by it out of whom one shall be designated as the Chairman;
- (ii) The Chief Town Planner or his representative to be nominated by the state government.
- (iii) One official of the State Government to be nominated by the state government, ex-officio.
- (iv) Persons who possesses special knowledge or practical experience in town planning to be appointed by the State Government not exceeding two.

- (v) Chief officer or Executive Officer of the local authority, as the case may be to be the Secretary of the local authority.
- (3) The Planning Committee setup under sub Rule (2) shall have all the powers responsibility and status as are given to a standing committee appointed under the Bihar Municipal Act, 2007.

21. Functions and Powers of the Planning Authorities. (Section 16 of the Act) -

(1) Subject to the provisions of this Act the functions and powers of the Planning Authority shall be:

- (i) To undertake the preparation of the Development Plans under the provisions of this Act for the planning area.
- (ii) To undertake the preparation of the Area Development Schemes under the provisions of this Act, if so desired by the state Government.
- (iii) To carry out surveys in the planning area for the preparation of the Development Plans or Area Development Schemes.
- (iv) To control the development Activities in accordance with the Development Plan in the planning area.
- (v) To levy and collect such scrutiny fees for scrutiny of documents submitted to the appropriate authority for permission for development as may be prescribed by the regulations.
- (vi) To enter into contracts, agreements or arrangements with any person or organization as the Planning Authority may deem necessary for performing its function.
- (vii) To acquire, hold, manage and dispose of property, movable or immovable, as it may deem necessary.
- (viii) To execute works in connection with all physical infrastructure works such as supply of water, disposal of sewerage and drainage, power, gas supply etc. and provision of other services and amenities.
- (ix) To levy and collect such fees for the execution of works referred to in above clause and for provision of other services and amenities as may be prescribed in the regulations.
- (x) To exercise such other powers and perform such other functions as are supplemental, incidental or consequential to any of the foregoing powers and functions or as may be directed by the State Government.
- (2) The Planning Authority may, with the approval of the State Government, delegate any of its power and function to the Local Authority or Authorities within its jurisdiction.
- (3) For the performance of its functions mentioned in sub-section (1), a Planning Authority may carry out or cause to be carried out surveys of its Planning Area and to prepare report or reports of such surveys, and to perform any other function which is supplemental, incidental, or consequential to any of its functions :
 - (a) A Planning Authority may, with the previous sanction of the Government, associate with itself such persons whose assistance or advice it may desire for the purpose of performing any of its functions under this Act and such persons

may be paid by the Planning Authority such remuneration or fees as may be sanctioned by the Government.

- (b) The person so assisting or advising the Planning Authority may take part in the meetings of the authority relevant to the purpose for which he is associated or consulted but shall not have the right to vote at a meeting or take part in the meeting of the authority relating to matters concerned with any other purpose.
- (c) The Planning Authority shall have its office at such place as the State Government may specify in this behalf.
- (d) The Planning Authority may consult the offices of Revenue Department for performance of its functioning.

22. Expenses of Planning Authority. (Section 17 of the Act) -(1)The Government may, by an order in writing, determine the part of expenses incurred by a Planning Authority in discharge of its functions which a Local Authority (ies) functioning in the Planning Area shall pay as contribution, either in one lump sum or in installments specified in the order, and the part of expenses to be paid by the government.

- (2) The Local Authority shall, not later than thirty days of the receipt of the order under sub-section (1), pay to the Planning Authority concerned the amount of contribution specified in the order in the manner indicated therein and if the Local Authority fails to so pay such amount, the State Government may, on receipt of necessary intimation from the Planning Authority, pay it to the Planning Authority and recover it from the Local Authority by giving a notice of not less than three weeks to pay the amount due. In case the Local Authorities fails to pay within the time limit given, the Government may deduct this amount from the grants payable to the Local Authorities.

CHAPTER-IV

PREPARATION OF LAND USE MAP AND LAND USE REGISTER

23. Preparation of Land Use Map and Land Use Register. (Section 18 of the Act) -(1) Every Planning Authority, after its formation, shall in consultation with the District Magistrate within two (2) years or such reasonable time as Government may by an order determine, prepare a present Land Use Map and a Land Use Register in the Form A with these Rules, indicating the present use of every piece of land in the Planning Area.

Provided that for reasons to be recorded in writing, this period may be extended twice by six months each by the Government.

Provided that no title or right shall accrue to anyone due to entries in Land Use Map and Land Use Register so prepared.

- (2) The Government shall, by notification specify the date with reference to which the present land use of any land in the State has to be determined and different dates may be fixed for different areas of the State. Such a notification shall be widely published in at least two local news papers having wide circulation as well as by public notice affixed at prominent places, Govt. offices, Local Authorities and Public Places situated within Planning Area. The same shall be published in the official Government website .

Provided that, if a Planning Authority or a Local Authority has prepared a map or a register of the area before the application of the Act to that area, the map or the register already prepared, after such examination as the Planning Authority considers necessary, may be treated as a Land Use Map and Land Use Register prepared under this section by the Planning Authority.

- (3) Such a Land Use Map shall be on a scale not lower than 1cm = 80 M (1:8000) and shall show in distinguishing colors, the area of sites and the land uses to which they are put on the relevant date. The distinguishing colors to be used in the land use map shall be as under ;

Sr. (4)	Land Use	Graphic symbol colour symbol
1	Vacant Land (Partly Built but Occupied)	White
2	Residential Use	Yellow
(5) 3 E	Commercial Use	Blue
4 v	Industrial Use	Violet
5 r	Agricultural Use	Bluish Green
6 y	Recreational Use	Green
7 s	Public Purpose	Red
8 u	Transport & Communications	Grey
(4) 9 L	Public Utilities	Brown
10 a	Reservation of Land	White with Orange Verge
11 d	Water Body	Light Blue

Use Map shall be distinctly shown on Map with GIS coordinates on Revenue Map on the scale 1cm = 80 M (1:8000).

24. Publication of Land Use Map and Land Use Register. (Section 19 of the Act) -(1)

After preparation of the Land Use Map and Land Use Register, the Planning Authority shall publish a notice, specifying the place or places where copies of the same may be inspected, and inviting objections from any person with respect to the Land Use Map and Land Use Register within thirty (30) days of the publication of such notice. Such a notice shall be widely published in at least two local newspapers having wide circulation as well as by public notice affixed at prominent places, Govt. offices, Local Authorities and Public Places situated within the area. The same shall be published in the official Government website.

- (2) After the expiry of the period mentioned in Sub-Section (1) an officer of the Planning Authority or a committee appointed by the Planning Authority for this purpose shall,

after allowing a reasonable opportunity of being heard to all the persons who have filed the objections and after conducting such enquiry as may be necessary, make a report to the Planning Authority.

- (3) The Planning Authority shall consider the report as submitted in sub-section (2) and make such modifications in the Map or Register or both as it considers proper and adopt the Land Use Map and Land Use Register by a resolution.
- (4) After the adoption of the Land Use Map and the Land Use Register, the Planning Authority shall, publish a public notice of the adoption of the Land Use Map and Land Use Register and the place or places where copies of the same may be inspected and shall submit copies of the Land Use Map and Land Use Register to the Board and the Government. Such a notice shall be widely published in at least two local news papers having wide circulation as well as by public notice affixed at prominent places, Govt. offices, Local Authorities and Public Places situated within the area. The same shall be published in the official Government website.
- (5) A copy of such public notice shall also be published in Official Gazette. The publication of the copy of the public notice in the Official Gazette in respect of the Land Use Map and Land Use Register shall be conclusive evidence that the Land Use Map and Land Use Register has been duly prepared and adopted.

25. Power of Government to prepare the Land Use Map and the Land Use Register. (Section 20 of the Act) -(1)Where by virtue of the forgoing provisions of this chapter, a Land Use Map and a Land Use Register is to be prepared then;

- (a) if within the prescribed period or within such period which the Government has extended, no Land Use Map or Land Use Register has been prepared by the Planning Authority, or
 - (b) if at any time the Government requires to prepare such Land Use Map or Land Use Register on an urgent basis and the Planning Authority has failed to prepare the same within the stipulated/prescribed time-frame, the Government may direct the Town and Country Planning Organization (TCPO), Urban Development and Housing Department, Government of Bihar or any other agency to prepare the Map and the Register.
- (2) After preparation of the Land Use Map and the Land Use Register, the Town and Country Planning Organization or the designated agency shall submit the same to the Board and shall follow the procedure and exercise the power of the Planning Authority under section 19 of the Act.
 - (3) Any expenses incurred under this section in connection with the making of the Land Use Map and the Land Use Register with respect to the Planning Area of a Planning Authority shall be paid by the respective Planning Authority or the Government.

CHAPTER-V

PREPARATION, CONTENTS AND APPROVAL OF THE DEVELOPMENT PLAN

- 26. Preparation of the Development Plan. (Section 21 of the Act) -**(1) As soon as may be, after the declaration of a Planning Area, the Planning Authority shall, but not later than two years after such declaration or within such time as the Government may from time to

time determine, prepare and submit to the Government through Board a plan (hereinafter called "Development Plan") for the Planning Area or any of its parts with a time frame of twenty years or such extended period as may be specified by the Government.

Provided further that for a Metropolitan Area, the Development Plan shall be submitted to the Government in consultation with the Board by the Metropolitan Planning Committee, which may append its comments and suggestions with the Plan provided that while appending its comments and suggestions, the Metropolitan Planning Committee shall have regard to

- (a) plans prepared by the Municipalities, District Planning Committee and the Panchayats in the Metropolitan area
- (b) matters of common interests between Municipalities and the Panchayats including coordinated spatial planning of the area sharing of water and other physical and natural resources, the integrated development of infrastructure and environment conservation
- (c) the overall objectives and priorities set by Government of India and the Government of the Bihar
- (d) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the Government of the Bihar and other available resources whether financial or otherwise.

(2) The Development Plan shall :

- (a) indicate the manner in which the Planning Authority proposes that land in such area should be used and define and provide for all the matters that have to be or may be indicated;
- (b) allocate areas or zones of land for use;
 - (i) for residential, commercial, industrial and agricultural purposes;
 - (ii) for public and semi-public open spaces, parks and playgrounds; and
 - (iii) for such other purposes as the Planning Authority may think fit;
- (c) indicate, define and provide for—
 - (i) existing and proposed national highways, arterial roads, ring roads, and major streets; and
 - (ii) existing and proposed other lines of communication, including railways, airports and canals;
 - (iii) areas reserved for agriculture, public and semi-public, open spaces, parks, playgrounds gardens and other recreational uses, green belts, heritage area precincts and natural reserve;
 - (iv) comprehensive land allocation of areas or zones for residential, industrial, agricultural and other purposes;
 - (v) complete road and street pattern and traffic circulation pattern for present and future requirements;
 - (vi) major road and street improvements;
 - (vii) areas reserved for public buildings and institutions and for new civic development;

- (viii) areas for future development and expansion, and areas for new housing;
- (ix) amenities, services and utilities; and
- (x) all such matters as may be prescribed by the Rules or may be directed by the Government or the Board to be indicated, defined, and provided for;
- (d) Include Zonal Development Plan with Zoning Regulations to regulate within each zone, the location, density of population, FAR, height, number of floor sand size and number of buildings and other structures, the size of yards, courts and other open spaces and the use of buildings, structures, land and any other matter as required;
- (e) indicate the stages by which the plan proposals are proposed to be carried out, together with financial implication of each stage.
- (3) The Development Plan may -
 - (a) indicate, define and provide for -
 - (i) all such matters including planning standards, gross and net densities and guiding principles as the Planning Authority may consider expedient to be indicated, defined and provided for in the Development Plan ;
 - (ii) the existing and proposed public and semi-public buildings;
 - (iii) detailed development of specific areas for housing, shopping centers, industrial areas and civic centers, educational and cultural institutions ;
 - (iv) detailed redevelopment or renewal of specific areas for housing, shopping centers, industrial areas, civic centers, educational and cultural institutions and other related purposes.
 - (v) control of architectural features, elevation and frontage of buildings and structures; and
 - (vi) a five year development programme within the framework of the staging referred to in sub-section (2) (e).
 - (b) designate land as subject to acquisition for any public purpose, and in particular, but without prejudice to the generality of this provision for the purposes of -
 - (i) the Union of India, the State, and the Local authorities or any other authority established by law and public utility concerns;
 - (ii) any of the matters as are referred to in Sub-Section (2).
 - (iii) dealing satisfactorily with the Areas of Bad Layout or Obsolete Development and slum areas and provision for relocation of population;
 - (iv) the provision for open spaces, parks, and playgrounds;
 - (v) securing the use of the land in the manner specified in the Development Plan;
- (4) In the case of a Metropolitan Area, the Development Plan may indicate define and provide, in addition to all matters as defined above, for all or any of the following matters, namely -

- (a) Metropolitan road and rail system, including terminals for road, rail, air, and water, traffic and a rapid transit system;
 - (b) Metropolitan systems for water supply, drainage and sewerage and waste disposal;
 - (c) Metropolitan system of electric power generation and distribution;
 - (d) Metropolitan systems of parks, playgrounds and other recreational facilities;
 - (e) Metropolitan system of gas generation and supply;
 - (f) Such other amenities and facilities as may be required by the metropolitan area; and
 - (g) Any other matter as may be prescribed.
- (5) Subject to the provisions of the Rules made under this Act for regulating the form and contents of the Development Plan, any such plan shall include such maps and such descriptive matters as may be necessary to explain and illustrate the proposals in the Development Plan.

27. Use of Distinguishing Colours in Development Plan. (Section 21 of the Act) - (1)

The distinguishing colours to be used in the Development Plan under section 21 shall be as under;

Sr.	Land Use	Graphic symbol colour symbol
1	Vacant Land (Partly Built but Occupied)	White
2	Residential Use	Yellow
3	Commercial Use	Blue
4	Industrial Use	Violet
5	Agricultural Use	Bluish Green
6	Recreational Use	Green
7	Public Purpose	Red
8	Transport & Communications	Grey
9	Public Utilities	Brown
10	Reservation of Land	White with Orange Verge
11	Water Body	Light Blue

- (2) Such a Development Plan shall be on a scale not lower than eighty meter to a centimeter (1:8000) and shall show in distinguishing colours the area or sites and the uses to which they are proposed to be put.
- (3) The base map of the Development Plan shall be on the GIS base data to meet with the present day context scenario and technological advancement for the preparation of the

Development Plan. Ground truthing with revenue maps will be required while synchronizing the satellite imageries with appropriate surveys. The said base map shall not in any manner affect any revenue rights. All revenue rights will remain same as per the prevailing revenue maps and revenue records.

28. Contents of Development Plan. (Section 22 of the Act) -(1) The Planning Authority shall consider and incorporate, while preparing the Development Plan, such information and details including land use, Zoning Regulation, development control regulations, whether the Planning Area is a Natural Hazard Prone Area, within a time frame of twenty years or such extended period as may be specified by the Government:

- (a) prepare a topographical map for the Planning Area and also earmark lands fit for agriculture (wet and dry), and allied sectors like animal husbandry, dairy, poultry, horticulture, floriculture, forestry (including social forestry), urban agriculture and wasteland fit for various kinds of development;
- (b) identify and map the facilities at the level of village, block, city and district.
- (c) identification and demarcation of zones and sub zones, within the holistic framework of the Development Plan.
- (d) collect, compile and update the information on natural and human resources and the demographic profile, for preparing the database at block, city and district level for decentralized planning.
- (e) modify, amend and consolidate the objectives and strategies made for five years or annual draft Development Plans of rural and urban areas, considering the overall objectives of development
- (f) prepare the plan for entire Planning Area and consolidate the schemes and plans prepared by the Zila Parishad, various village Panchayats, Panchayat Samitis, Nagar Panchayat, Municipal Council and Municipal Corporations of that Planning Area.

(2) In particular and without prejudice to the generality of the foregoing provisions the Development Plan shall have all or some of the following contents:-

- (a) Status report and proposals for infrastructure development;
- (b) Status reports and proposals for public utilities;
- (c) Status reports and proposals on water for irrigation;
- (d) Status reports and proposals for creation, upgradation and development of amenities and utilities;
- (e) policy, programmes and schemes for location and establishment of new towns, satellite townships, and integrated housing projects, proposals for housing for EWS and LIG groups, proposals for real estate and building projects;
- (f) formulation of schemes, policies and programmes for:-
 - (i) creation / upgradation of education and health facilities;
 - (ii) growth of the informal sector;
 - (iii) tourist centers, amusement parks, recreation facilities, parks and playground;

- (iv) development of religious areas requiring facilities for pilgrims;
 - (v) location for industrial parks, commercial complexes, malls and multiplexes;
 - (vi) creation and or up gradation of existing small scale, large scale industrial parks , IT Parks, logistic hubs for employment generation;
 - (vii) promotion of trade, commerce and industry;
 - (viii) growth centers and, markets for agriculture, dairy, fisheries, and horticulture;
 - (ix) development of special areas if any such as tribal areas, or economically backward areas;
 - (x) mapping of vulnerable areas which are disaster prone and a plan for pre-disaster, disaster mitigation and post-disaster requirements for speedy recovery to normal life;
 - (xi) optimal land utilization and preservation of agriculture;
 - (xii) human resource development;
 - (xiii) development in productive sectors;
 - (g) to identify the local needs and objectives within the framework of the national and state objectives.
 - (h) any other matter or content as directed by the Government.
- (3) **Contents of Regional Development Plan:** The Development Plan shall have one or more Regional Development Plan.
- (1) The regional development plan shall propose or provide for all or any of the following matters, namely:-
- (a) Broad demarcation of areas for agriculture, forestry, mineral development, urban and rural settlements and other activities;
 - (b) Reservation of land for recreation, botanical and zoological gardens, natural reserves, animal sanctuaries, dairies and health resorts and for preservation, conservation and development of areas of natural scenery, forest, wild life, natural resources and landscaping;
 - (c) Preservation of objects, features, structures of places of historical, natural, archaeological or scientific interest and educational value;
 - (d) Preservation of erosion, provision for a forestation or reforestation, improvement and redevelopment of water front areas, rivers and lakes;
 - (e) Transport and communications network such as roads, highways, railways, waterways, canals and airports including their future development;
 - (f) Proposals for irrigation, water supply, hydro-electric works, flood control and prevention of river and sources of water supply pollution;
 - (g) Rural and urban centers, both existing and new, indicating the extent of their anticipated growth;
 - (h) Regulations for regulating the use of land in accordance with the goals and objectives of the Regional Development Plan, for preserving,

protecting and enhancing the natural amenities within the regional planning area and for related purposes; and

- (i) shifting of population, or industry from over populated and industry congested areas, and indicating the density of population or the concentration of industry and other economic activity to be allowed in any area;
 - (j) Such other matters as are incidental to or emerging from the above.
- (2) The draft regional development plan as submitted to the Board shall, in particular, include :-
- (a) recommendations to the Government regarding the directions to be issued to the concerned local authorities and other planning and development authorities in the region and the different departments of the Government, if any, in respect of enforcement and implementation of the proposals contained in the draft regional development plan;
 - (b) A report indicating the priorities assigned to works included in the draft regional development plan and the phasing of the programme of development as such.

(4) Contents of Zonal Development Plan

- (1) Each planning area may be divided into convenient zones as delineated on the development plan, based on-
 - (a) requirement of urban areas,
 - (b) requirement of rural areas, if any, situated in the planning area,
 - (c) necessity for control and regulation of land use and buildings,
 - (d) establishment of new towns, satellite townships, and housing schemes,
 - (e) establishment of residential, commercial, industrial, institutional and educational centres,
 - (f) need for growth centres and growth nodes,
 - (g) proposals for urban agriculture and peri-urban areas.
- (2) After the approval of the development plan for the planning area and delineation of establishment of zones, or as soon as may be thereafter, the respective planning authority shall proceed with the preparation of zonal development plans for any of the zones delineated and included in the planning area as may be deemed necessary.
- (3) The respective planning authority may take up zones on priority basis where development is likely to take place and thus take action for preparation of zonal development plan.
- (4) A Zonal Development Plan may;
 - (i) contain a site plan and land use plan for the development of the zone and show the approximate locations and extents of land uses proposed in the zones for such purposes as roads, housing, schools, recreation, hospitals, industry, business, markets, public works and utilities, public buildings, public and private open spaces and other categories of public and private uses;
 - (ii) specify the standards of population density and building density;

- (iii) show every area in the zone which may, in the opinion of the planning authority, be required or declared for development or re-development;
- (iv) in particular, contain provisions regarding all or any of the following matters, namely
 - (a) the division of any site into plots for the erection of buildings;
 - (b) the allotment or reservation of lands for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes;
 - (c) the development of any area, into a new town, satellite township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;
 - (d) the erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and height and character of buildings;
 - (e) the amenities, utilities and services to be provided in relation to any site or buildings on such site whether before or after the erection of buildings.
 - (f) the prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or building designed for particular purposes in the locality;
 - (g) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at and colour scheme which they shall be maintained;
 - (h) the restrictions regarding the use of any site for purposes other than erection of buildings;
 - (i) any other matter which is necessary for the proper development of the zone or any other area thereof according to plan and for preventing buildings being erected haphazardly in such zone or area;

(5) **Contents of Town Development Plan**

- (1) As soon as may be, after the designation of any site for a Town Development Plan the planning authority shall prepare and submit to the Government, through the Board, a plan hereinafter called the "Town Development Plan" for the site designated for the town or any part of it.
- (2) Contents of Town Development Plan may propose or provide for all or any of the following matters –
 - (i) the manner in which the land in the town development plan area shall be used;
 - (ii) the allotment or reservation of land for residential, commercial, industrial and agricultural purposes and for parks, play-fields and open spaces;
 - (iii) the allotment and reservation of land for public buildings, institutions and for civic amenities;

- (iv) the making of provision for roads and streets ;
- (v) improvement scheme of existing roads and streets;
- (vi) the areas reserved for future development, expansion and for new housing scheme;
- (vii) the provision for the improvement of areas of bad layout or obsolete development and slum areas and for relocation of population;
- (viii) the amenities, services and utilities;
- (ix) the provision for detailed development of specific areas for housing, shopping, industries and civic amenities and educational and cultural facilities;
- (x) the control of architectural features, elevation and frontage of buildings and structures;
- (xi) the provision for regulating the zone, the location, height, number of storeyes and size of buildings and other structures, the size of the yards and other open spaces and the use of buildings, structures and land;
- (xii) the stages by which the town development plan shall be carried out; and
- (xiii) such other matters as may be decided by the Government from time to time.

29. Development Plan prepared prior to the Application of this Act to be deemed Development Plan. (Section 23 of the Act) -If a Local Authority or Town and Country Planning Organization has already prepared a Development Plan for a Planning Area before the application of this Act to that area, the Planning Authority constituted for that area may adopt the Development Plan already prepared, with or without modifications, and the same shall be deemed to be a Development Plan for the purposes of this Act

30. Power of Government to prepare Development Plan. (Section 24 of the Act) -(1) Where by virtue of the foregoing provisions of this Act, a Development Plan is to be prepared,

- (a) if within the period prescribed or within such period which the Government has extended, no Development Plan has been prepared by the Planning Authority, or
- (b) if at any time the Government requires to prepare such a Development Plan on an urgent basis, the Government may direct Town and Country Planning Organization for preparation of Development Plan. The Town and Country Planning Organization shall, for this purpose, follow the procedure and exercise the powers of Planning Authority under this Act.

(2) Any expense(s) incurred under this Section in connection with the preparation of the Development Plan for the Planning Area of Planning Authority, shall be paid by the Planning Authority.

31. Modification of Development Plan by the Board. (Section 25 of the Act) -As soon as may be, after the Development Plan has been submitted to the Board but not later than thirty days from the date of submission, the Board shall direct the Planning Authority to make

such modifications in the Development Plan as the Board thinks fit and thereupon the Planning Authority shall make these modifications.

32. **Public Notice of the Development Plan. (Section 26 of the Act)** - (1) After the modifications, if any, directed by the Board have been made, the Planning Authority shall publish a public notice in the Official Gazette of the preparation of the Development Plan and the place or places where copies of the same may be inspected, inviting objections in writing from any person with respect to the Development Plan within a period of two months.

Such a public notice shall be published in at least two news papers having wide publicity within the area of the Planning Authority and on the official website inviting objections on the Development Plan proposals in writing from any person within a period of two months from the date of publication of the public notice in the official gazette. Such notice shall be as far as possible be in Form B. Copies of notice shall also be pasted at the head office of the Planning Authority and at other prominent places in the declared Planning Authority area.

- (2) After the expiry of the period mentioned in this Rule, the Planning Authority shall appoint a Committee of following members to consider the objections filed and report on them:-

- (i) The Chief Executive Officer of the Planning Authority
- (ii) District Collector or his representative of the rank of not less than ADM of the Planning Area
- (iii) The Municipal Commissioner/Executive officer of the largest Urban Local Body in the Jurisdiction
- (iv) Chief Town Planner, of the Planning Authority
- (v) Persons who possesses special knowledge or practical experience in town planning to be appointed by the State Government not exceeding two.

The committee shall submit its report to the Authority within a period of three month from the date of its constitution. The Planning Authority shall consider the report of the committee and may make such modifications in the Development Plan as it thinks fit within a period of three months from the receipt of the committee report and submit the Development Plan, with or without modification, under section 26 to Government for sanction together with the committee report through the Planning Board.

- (3) The Committee so appointed shall have power to co-opt any other person with the consent of the concerned authority and such co-opted person shall have a right to take part in the discussions of the Committee relevant to that purpose but shall not have a right to vote at the meeting and shall not be a member for any other purpose.
- (4) The Committee so appointed shall afford a reasonable opportunity of being heard, to any person, including representatives of Government Departments, or Local Authorities who have filled any objections, and who have made a request for being so heard.

33. **Approval by the Government. (Section 27 of the Act)** -After the receipt of the Development Plan, together with the report of the Committee, the Government may either approve the Development Plan, with or without modifications in following manner ;

- (1) The State Government may sanction the Development Plan and Development Control Regulations under section 27, if no modification is proposed.
- (2) If any modifications in the Development Plan or Development Control Regulations submitted to the State Government under section 27 are considered necessary by the State Government then the State Government may sanction the Development Plan and Development Control Regulations with modifications or
- (3) The Government may return the Development Plan to the Planning Authority to modify the plan or to prepare a fresh plan in accordance with such directions as the Government may issue in this behalf.

34. Publication of the Development Plan. (Section 28 of the Act) -(a)

Immediately after the Development Plan has been approved by the Government, the Planning Authority shall publish a public notice in the Official Gazette, Official Web Site and in a local newspaper, of the approval of the Development Plan and the place or places where copies of the Development Plan may be inspected.

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

35. Development Plan for Additional Area. (Section 29 of the Act) -If any time after a

Planning Authority has declared a Development Plan or after a Development Plan prepared by a Planning Authority has been approved, the jurisdiction of the Planning Authority is extended by inclusion of an additional area, the Planning Authority in accordance with the provisions of this Act for the preparation of a Development Plan, shall prepare and publish a Development Plan for such additional area either separately or jointly with Development Plan prepared for the area originally under its jurisdiction, and submit it to the Government for approval after following the same procedure as is followed for submission of a Development Plan.

Provided that, where a Development Plan for the additional area requires modifications in the Development Plan of the original area, the Planning Authority shall revise the Development Plan after following the procedure laid down herein for modification of the Development Plan.

36. Variation to the Approved Development Plan. - (1) If on a proposal from any Planning

Authority in this behalf or otherwise the State Government is of the opinion that it is necessary in the public interest to make any variation in the approved Development Plan (hereinafter referred to as "variations"), it shall publish in the official Gazette,

- (a) The variation proposed in the approved Development Plan.
- (b) The amendments, if any, in the Development Control Regulations
- (c) The approximate cost, if any, involved in the acquisition of the land, which by virtue of the variation would be reserved for a public purpose, along with a notice, inviting suggestions and the objections from any person with respect to the variation within a period of two months from the date of publication of the variation.

- (2) After considering suggestions and objections, if any, received under this Rule, within the period specified therein and after considering the Planning Authority in a case where the variation is not proposed by the Planning Authority, the State Government

by notification, sanction the variation with or without modifications as it may consider fit to do and such variation shall come into force on such date as may be specified in the notification.

- (3) From the date of coming into force, the variation, the provisions of the Act and the Rules shall apply to such variation, as they apply to an approved Development Plan.
 - (4) If any person is affected by such variation has incurred any expenditure in complying with the approved Development Plan as it existed before such variation such person shall be entitled to receive compensation,
 - (i) where the variation is made on the proposal of the Planning Authority, from that Authority
 - (ii) In any other case, from the State Government, if such expenditure is rendered abortive by reason of the variation of the Development Plan.
37. **Revision of Approved Development Plan.** – At least once in ten years from the date on which an approved Development Plan comes into force, the Planning Authority shall revise the Development Plan after carrying out, if necessary, a fresh survey and the provisions of the Act, shall so far as may be, apply to such revision.

CHAPTER-VI

CONTROL OF DEVELOPMENT AND USE OF LAND

38. **Use and Development of Land to be in conformity with Development Plan.** (Section 30 of the Act) -After the coming into operation of any Development Plan in any area, no person shall use or permit to be used any land or carry out any development in that area otherwise than in conformity with such Development Plan;
Provided that the Planning Authority may allow the continuance for a period not exceeding 10 years, upon such terms and conditions as may be prescribed in the Development Control Regulations made in this behalf, of the use of any land for the purpose for and to which it is being used on the date on which such Development Plan came into operation.
39. **Prohibition of Development without payment of development charges and without permission.** (Section 31 of the Act) -(1)After the application of this Act to any area and subject to the provisions relating to development charges and other provisions of this Act, no development or change of use of any land shall be undertaken or carried out in that area :-
 - (a) without obtaining a certificate from the Planning Authority certifying that the development charge as levied; and
 - (b) without obtaining the permission in writing as provided for in Sub Section(2)(2) Provided that no such permission shall be necessary –
 - (i) for carrying out such works for the maintenance, improvement or other alteration of any building, which effect only the interior of the building or which do not materially affect the external appearance of the building;

- (ii) for the carrying out of any work in compliance with any order or direction made by any authority under any law for the time being in force;
 - (iii) for the carrying out of any works by any authority in exercise of its powers under any law for the time being in force;
 - (iv) for the carrying out by the Central or the State Government or any Local Authority of any works required for the maintenance or improvement of a highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street;
 - (v) for the carrying out by the Central or the State Government or any Local Authority of any work for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables, telephone or other apparatus or the breaking open of any street or other land for such purpose;
 - (vi) for any excavation (including wells) made in the ordinary course of an agricultural operation;
 - (vii) for the construction of a road intended to give access to land solely for agricultural purposes;
 - (viii) for the normal use of land which has been used temporarily for other purposes;
 - (ix) in case of land, normally used for one purpose and occasionally used for any other purpose, for the use of land for that other purpose on occasions;
 - (x) for use, for any purpose incidental to the use of a building for human habitation or any other building or land attached to such building.
- (3) The Planning Authority on receipt of application in Form-C shall within three months grant permission, refuse to grant permission or grant permission with such conditions or modifications as it thinks fit in Form-D.

40. Permission for Development in Peripheral Area. (Section 32 of the Act) -Any person intending to carry out any development on any land and building in an area declared as a Peripheral Area to a Planning Area shall make an application in writing to the Planning Authority for permission in Form-C and containing such particulars and accompanying such documents and fees as prescribed in Form-C.

Provided that, such permission will be given, only if proposed development can be integrated with the land use nature of the Planning Area in the manner prescribed in these Rules.

41. Permission for Development. (Section 33 of the Act) -(1) After notification of the Development Plan every land use, every institution of use, change in land use, every building operation and every development in the Planning Area shall conform to the Development Plan.

- (2) Any person or body(excluding a department of Central or State Government or Local Authority) intending to carry out any development on any land in conformity with the Development Plan shall make an application in writing to Planning Authority for permission in Form-C containing such documents and Plans as prescribed in Form-C.

- (3) On such application having been duly made and on payment of the development charge and other fees levied under this Act or Rules or Regulations made there-under:
- (a) The Planning Authority shall pass orders within thirty days :
 - (i) granting permission unconditionally; or
 - (ii) granting permission subject to condition as it may think fit; or
 - (iii) refusing permission
 - (b) Without prejudice to the generality of the foregoing clause the Planning Authority may impose conditions –
 - (i) to the effect that the permission granted is only for a limited period and that after the expiry of that period the land shall be restored to the previous condition or the use of land permitted shall be discontinued.
 - (ii) for regulating the development or use of any other land under the control of applicant or for the carrying out of works on any such land as may appear to the Planning Authority expedient for the purpose of permitted development.
- (4) Every order of permission, refusal of permission or permission with conditions shall be recorded in writing and communicated to the applicant as prescribed in Form-D.
- (5) The development permission order may among other conditions contain the relevant provisions of Development Plan, requirement for road and other communication network system and the area of land affected by and to be surrendered to the Planning Authority which may be entitled and reckoned for computation of Transferable Development Right in the manner prescribed in the Development Control Regulations.
- (6) In case of a department of Central or State Government or Local Authority (where Local Authority is not also the Planning Authority) intending to carry out any development other than Operational Constructions on any land the concerned department or the authority as the case may be shall notify in writing to the Planning Authority of its intention to do so giving full particulars thereof and accompanied by such documents and plans as may be prescribed by the Government from time to time, at least one month prior to the undertaking of such development. Where the Planning Authority has raised any objection in respect of the conformity of the proposed development either to Development Plan or to any of the building bye-laws in force at the time or due to any other material consideration, the department or Local Authority, as the case may be, shall –
- (a) either make necessary modifications in the proposal for development to meet the objection raised by the Planning Authority, or
 - (b) submit the proposals for development together with objections raised by the Planning Authority to the Government for decision. When such proposals and objections have been submitted to the Government, no development shall be undertaken until the Government has finally decided the matter.

The Government on receipt of the proposals for development together with the objections raised by the Planning Authority, shall in consultation with the Town and Country Planning Organization either approve the proposals with or without the

modifications or direct the concerned departments or Local Authority as the case may be to make such modification as considered necessary.

42. **Appeal against grant of development permission subject to conditions or refusal of development permission. (Section 34 of the Act)** -(1) Any applicant aggrieved by an order passed under Section-31, Section-32 and Section-33, may appeal to the Tribunal constituted under this Act.

(2) After hearing the appellant and the Planning Authority, the Tribunal may pass an order dismissing the appeal or accepting the appeal by –

- (a) granting permission unconditionally; or
- (b) granting permission subject to such condition as it may think fit; or
- (c) removing the conditions subject to which permission has been granted; and imposing other conditions, if any, as it may think fit.

43. **Lapse of Permission. (Section 35 of the Act)** -Every permission granted under Section-31, Section-32 and Section-33 shall remain enforced for a period of two (2) years from the date of such grant and there after it shall lapse.

Provided that the Planning Authority may, on an application made to it, from time to time, extend such period by not more than six months at a time, but the extended period shall in no case exceed three (3) years in aggregate;

Provided further that the lapse of permission as aforesaid shall not bar any subsequent application for fresh permission under this Act.

44. **Revocation of permission. (Section 36 of the Act)** -The Planning Authority may revoke any development permission issued under Section-31, Section-32 and Section-33 whenever it is found that it was obtained by making any false statement or misrepresentation or suppression of any material fact.

45. **Power of Revocation and Modification of Permission for Development. (Section 37 of the Act)** -(1) If at any time it appears to the Planning Authority that it is necessary or expedient, having regard to the Development Plan that may have been prepared or may be under preparation, or to be prepared, and also having regard to any variation made in the Development Plan and to any other material consideration, that any permission to develop land or building granted under this Act or any other law, should be revoked or modified, the Planning Authority may, by a notice, after giving the person concerned an opportunity of being heard, by an order, revoke or modify the permission to such extent as appears to be necessary;

Provided that where permission relates to change of use of land or any building operation or other operation, no such order shall be passed after the change has taken place.

- (2) When any permission is revoked or modified by an order made under Sub-Section (1), and any owner claims compensation from the Planning Authority within a period of two months from the date of receipt of the order of the Planning Authority, for the expenditure incurred in carrying out any development after the grant of permission and in accordance with such permission, which has been rendered abortive by the revocation or modification, the Planning Authority shall, after giving the owner

reasonable opportunity of being heard, assess and offer such compensation to the owner as it thinks fit.

- (3) If the owner does not accept the compensation and within a period of one month from the date of receipt of the order from the Planning Authority shall give a notice of his refusal to accept the compensation, the Planning Authority shall refer the matter for the adjudication to the Tribunal constituted under Chapter-XII of the Act as and the decision of the Tribunal shall be final and binding on the owner and the Planning Authority.

46. **Deviation During Development or Undertaking of Layout Works and Unauthorized Development or Construction. (Section 38 of the Act)** -(1) If during the execution of any development works, layout works, and civil works any deviation or departure is to be made from the development permission order granted, the owner shall obtain revised sanction as per the procedure laid down in Section-33.

- (2) Where a development or construction is found to have been undertaken by an owner, builder or developer without approval, without obtaining a development permission order, or in violation of the Development Plan, Zonal Development Plan or an Area Development Scheme or any rule, regulation or order, the Planning Authority or the Local Authority on its own or on advice of the Planning Authority concerned shall take immediate necessary steps against the said unauthorized development or construction as per the provisions of the Act or any other law.

47. **Connection of Public Utilities to only Permitted Buildings. (Section 39 of the Act)** -Local bodies, organizations or agencies responsible for provision of public utilities like supply of drinking water, electricity, drainage, sewerage facility and rendering such other services to buildings, or installations in the Planning Area shall provide electricity and water connection or such other public services to only such buildings which have been permitted by the competent authority under law.

Provided that in the case of connection(s) to be given to unauthorized buildings, Government may prescribe the conditions under which the same could be done.

48. **Plans to Stand Modified in Certain Cases. (Section 40 of the Act)** -(1) Where any land situated in any Planning Area is required under a Development Plan or Zonal Development Plan to be kept as an open space or un-built upon or is made subject to compulsory acquisition in such a Plan and if at the expiration of two years from the date of operation of the plan or amendment of the Development Plan (making the land subject to compulsory acquisition), the land is not acquired or compulsorily acquired for the purpose of the Development Plan, the owner of the land may serve on the Government a notice requiring his interest in the land to be so acquired.

- (2) If the government fails to acquire the land within a period of a six months from the date of receipt of the notice under sub-section (1), the Development Plan or Zonal Development Plan, as the case may be, shall have effect after the expiration of the said six months, as if the land were not required to be kept as an open space or un-built upon or were not designated as subject to compulsory acquisition.

49. **Penalty for Unauthorized Development or for Use in Non-Conformity with the Development Plan. (Section 41 of the Act)** -(1) Any person who, whether at his own

instance or at the instance of any other person or body commences, undertakes or carries out any development, or institutes or changes the use of any land or building.

- (a) in contravention of any Development Plan;
- (b) without necessary permission as required under this Act;
- (c) in contravention of any condition subject to which such permission has been granted;
- (d) after the permission for development has been revoked under section-39; or
- (e) in contravention of the permission which has been modified under section-39;

shall be punishable with simple imprisonment for a term which may extend to six months, or with a fine which may extend to one lac rupees or with both and in the case of a continuing offence with a further fine which may extend to one thousand rupees for every day during which the offence continues after conviction for the first commission of the offence.

- (2) Any person who continues to use or allows the use of any land or building in contravention of the provisions of a Development Plan without having been allowed under section-33, section-34 and section-35 or where the continuance of such use after the period for which the use has been allowed or without complying with the terms and conditions under which the continuance of such use is allowed, shall be punishable with simple imprisonment for a term which may be extend to six months, or with a fine which may be extend to fifty thousand rupees or with both and in the case of continuing offence with a further fine which may be extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

50. Power to Require Removal of Unauthorized Development. (Section 42 of the Act)

-(1) Where any development of land has been or is being carried out as described in section-41, the Planning Authority shall serve on the owner a notice in Form-E requiring him for removal of un-authorised development, within such period, not exceeding one month, as may be specified therein, after the service of the notice, to take such steps as may be specified in the notice, which, inter-alia, may order,

- (a) in cases specified in clauses (a), (b) or (d) of sub-section (1) of Section-41 to restore the land to its condition before the said development took place;
- (b) in cases specified in clause (c) or (e) of sub-section (1) of Section-41 to secure compliance with the conditions or with the permission as modified;

- (2) In particular, any such notice may, for the purpose aforesaid require-

- (a) the demolition or alteration of any building or works;
- (b) the carrying out on land, or any building of other operations; or
- (c) the discontinuance of any use of land and building;

Provided that in case the notice required the discontinuance of any use of land or building, the Planning Authority shall serve a notice on the Occupier also.

- (3) Any person aggrieved by such notice may within the prescribed period -

- (a) apply for permission with respect to Section-31, Section-32 and Section-33 as the case may be for the retention of land or any buildings or works or for the continuance of any use of the land, to which the notice relates; or

- (b) appeal to the Tribunal as may be prescribed.
- (4) (a) The notice shall be of no effect pending the final determination or withdrawal of the appeal before the Tribunal.
- (b) (i) The provisions of Section-34 shall apply to such application with such modifications as may be necessary.
- (ii) If such permission as aforesaid is granted on that application, the notice shall not take effect, or if such permission is granted for the retention only of some buildings or works or for the continuance of use of only a part of the land, the notice shall not take effect regarding such buildings or works or such part of the land, but shall have full effect regarding other buildings or works or other parts of the land.
- (5) The Tribunal may dismiss the appeal or accept the appeal by quashing or varying the notice as it may think fit.
- (6) If within the period specified in the notice or within such period after the disposal or withdrawal of the application for permission or the appeal under Sub-Section (3) the notice or so much of it as continues to have effect, or the notice with variation made in appeal, is not complied with, the Planning Authority may-
 - (a) prosecute the owner for not complying with the notice and in case where the notice required the discontinuance of any use of land, any other person also who uses the land or causes or permits the land to be used in contravention of the notice; and
 - (b) (i) in the case of a notice requiring the demolition or alteration of any building or works on any building to restore it to a condition before the development took place and secure the compliance with the conditions of the permission or with the permission as modified, take such steps as the Planning Authority may consider necessary including demolition or alteration of any building or works or carrying out of any building or other operations;
 - (ii) the Planning Authority may recover the cost of any expenses incurred by it on performing its duties under sub-clause (i) above, from the owner as arrears of land revenue.
- (7) Any person prosecuted under clause (a) of Sub-Section (6) shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to fifty thousand rupees, or with both and in the case of a continuing offence, with a further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

51. Power to Stop Unauthorized Development and Requisition of Police. (Section 43 of the Act) -(1) Where any development of land or building as described in section-38 is being carried out but has not been completed, the Planning Authority may serve on the owner and the person carrying out the development a notice in Form-E requiring the development of land or building to be discontinued from the time of the service of such notice.

- (2) Where such notice has been served, the provisions of Sub-Section (2) and Sub-Section (3) of Section-42 shall apply with such modification as may be necessary;

Provided that provisions of clause (a) of Sub-Section-(4) of Section-42 shall not apply and in spite of the filing of an application for permission for development or an appeal as provided in Sub-Section (3) of Section-42, the notice shall continue to have full effect.

- (3) Any person, who continues to carry out the development of land and building, whether for himself or on behalf of the owner or any other person, after such notice has been served, shall be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to fifty thousand rupees or with both and when the non-compliance is a continuing one, with a further fine which may extend to five hundred rupees for every day after the date of the service of the notice during which non-compliance has continued or continues.
- (4) If such notice is not complied forthwith, the Planning Authority or such officer of the Planning Authority, who may be authorized in this behalf, may require any police officer to remove such person and all assistants and workmen from the land at any time after the service of such notice and such police officer shall comply with the requisition accordingly.
- (5) After the requisition under Sub-Section (4) has been complied with, the Planning Authority or such officer of the Planning Authority who may be authorized in this behalf, may, if he thinks fit, depute, by a written order, a police officer or any officer or employee of the Appropriate Authority to watch the land or building in order to ensure that the development is not continued.
- (6) where a police officer or an officer or an employee of the Planning Authority has been deputed under Sub-Section (5) to watch the land or building the cost of such deputation shall be paid by the person at whose instance such development is being continued or to whom notice under Sub-Section (1) was given and shall be recoverable from such person as arrears of land revenue.

52. Power to Require Discontinuation of Use of Land and Removal or Alteration of Building. (Section 44 of the Act) -(1) If it appears to the Planning Authority that it is expedient in the interest of proper planning in the Planning Area including the interests of provision of civic facilities, infrastructure and other amenities, having regard to the Development Plan prepared, or under preparation, or to be prepared, and to any other material consideration:

- (a) that any use of land should be discontinued; or
- (b) that any conditions should be imposed on the continuance thereof; or
- (c) that any building or works should be altered or removed; the Planning Authority may serve notice on the owner,
 - (i) to require the discontinuance of that use of land; or
 - (ii) to impose such conditions, as may be specified in the notice, on the continuance thereof; or
 - (iii) to require such steps, as may be specified in the notice in Form-E to be taken for the alteration or removal of any buildings or works, as the case may be,

within such period, being not less than one month, as may be specified therein, after the service of the notice.

- (2) Any person aggrieved by such notice, may within the said period and in the manner prescribed in Form (F), appeal to the Tribunal;
- (3) If an appeal is filed under Sub-Section (2), the provisions of clause (a) of Sub-Section (4) of section-42 and Sub-Section (5) of Section-42 shall apply, with such modifications as may be necessary.
- (4) If any person-
 - (a) who has suffered damage in consequence of the compliance with the notice, by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land; or
 - (b) who has carried out any works in compliance with the notice, or in compliance with the notice in Form-E, the land becomes incapable of reasonably beneficial use.claims, from the Planning Authority, compensation in respect of that damage, or of any expenses reasonably incurred by him for complying with the notice, the Planning Authority shall designate an officer to hear the applicant and make a report to the authority. The Planning Authority shall, after consideration of the aforesaid report, assess the compensation and offer it to the applicant under the provisions of this Act and Rules made thereon.
- (5) If the owner does not accept the compensation and within a period of one month from the date of receipt of the order from the Planning Authority shall give a notice of his refusal to accept the compensation, the Planning Authority shall refer the matter for the adjudication to the Tribunal constituted under Chapter-XII or to the Board of Revenue as prescribed in the Rules under the Act and the decision of the Tribunal or the Board of Revenue shall be final and binding on the owner and the Planning Authority.

53. **Interim Provision Pending Preparation of Development Plan. (Section 45 of the Act)** -Where the Planning Authority, in the exercise of its functions and powers with respect to any area under it, is required to have regard to the provisions of a Development Plan before such Development Plan has become operative, the Planning Authority shall have regard to the provisions of the Development Plan for securing the proper planning of the concerned area.

CHAPTER-VII

AREA DEVELOPMENT SCHEME

54. **Preparation of Area Development Scheme. (Section 46 of the Act)** -Subject to the provisions of this Act or any other law for the time being in force, the Planning Authority may, not later than six months after the Development Plan/s has been approved by the Government, invite Area Development Scheme(s) for the purpose of implementing the proposals contained in the Development Plan from eligible developers for the area or areas within its jurisdiction or any part thereof.

Explanation -

- (i) Eligible Developer for the purposes of aforesaid section shall include:
 - (a) Individual or Partnership Firm or Body of Individuals or Association of Persons including Registered Societies and Trusts;
 - (b) Company incorporated under Companies act, 1956;
 - (c) Government Undertaking such as Board, Corporation, Authority or any other entity incorporated under any law for the time being in force.
- (ii) Government may prescribe qualification criteria for the eligible developers through notification, if required. The Government may also prescribe the minimum area required to qualify under the area development scheme, which in no case shall be less than 10 Ha.

Provided that when the declaration of a Development Plan has been notified in the official Gazette, the Government may direct a Planning Authority to prepare or invite Area Development Schemes for the areas contained within the Planning Area.

55. Application for Area Development Scheme. (Section 47 of the Act) -(1) The eligible developers shall make an application in Form(G) before the Planning Authority for approval of the Area Development Scheme(s).

- (2) The application shall be accompanied by the following documents ---
 - (a) detailed project report of the Area Development Scheme comprising details as mentioned in the section-48
 - (b) consent of 80 percent of land owners and 80 percent of the total plot area in form of registered title documents or registered power of attorney or registered development agreement in the favour of developer.

56. Scope and Contents of the Area Development Scheme. (Section 48 of the Act) -

(1) An Area Development Scheme may be made in accordance with provisions of this Act in respect of any land which is:-

- (a) in the process of development,
- (b) likely to be used for any development including building purposes, or
- (c) already built upon.

Explanation :- The expression "land likely to be used for building purposes" shall include any land likely to be used as or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreational grounds, parking spaces, or for the purpose of executing any work upon or under the land incidental to a scheme, whether in the nature of a building work or not.

- (2) An Area Development Scheme may make provisions for any or all of the following matters, namely :-
 - (a) the area, ownership and tenure of all existing plots covered by the scheme;
 - (b) the laying out or relaying out of land, either vacant or already built upon;
 - (c) the filling up or reclamation of low-lying swamp or unhealthy areas or leveling up of land;
 - (d) layout of new streets or roads, construction, diversion, extension, alteration, improvement, closure or relocation of streets, roads and communications;

- (e) the reconstitution of plots;
- (f) the construction, alteration and removal of buildings, bridges and other structures;
- (g) the allotment or reservation of land for roads, open spaces, gardens, parks, recreation grounds, schools, markets, residential purposes, industrial and commercial activities, green belts and dairies, transport facilities and public purposes of all kinds, the portion of land which can be acquired;
- (h) undertaking housing schemes for different income groups, including housing for economically weaker sections (EWS), commercial areas, industrial estates, provision of community facilities like schools, hospitals, and similar types of developments;
- (i) drainage, sewerage, surface or sub-soil drainage and sewage disposal;
- (j) lighting;
- (k) water supply;
- (l) water harvesting scheme ;
- (m) details of route in and around the plot for movement of fire brigade, ambulance and other disaster management equipment and their place of parking in case of an eventuality.
- (n) the preservation and protection of objects of historical importance or of natural beauty and of buildings actually used for religious purposes;
- (o) the imposition of conditions and restrictions in regard to the open space to be maintained around buildings, the percentage of building area for a plot, the number, height and character of buildings allowed in specified areas, the purposes for which buildings or specified areas may or may not be appropriate, the sub-division of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, parking space and loading and unloading space for any building and the size of projections and advertisement signs;
- (p) the suspension, so far as may be necessary, for the proper carrying out of the scheme, of any rule, bye-law, regulation, notification or order made or issued under any Act which the State Legislature is competent to amend;
- (q) acquisition by purchase, exchange or otherwise of any property necessary for or effected by the execution of the scheme;
- (r) the reservation of land for development of infrastructure, parks, common amenities, parking etc, shall be made from the total area covered under the scheme, as follows:-
 - (i) not less than 15percent for roads;
 - (ii) not less than five percent for parks, playgrounds, garden and open spaces;
 - (iii) not less than five percent for social infrastructure and public utility places;

provided that percentage of the allotment of land specified in paragraph (i) to (iii) may be altered by the government depending upon the nature of development and for the reasons to be recorded in writing.

The above calculation for reservation of land will not include Government lands, Public Lands and lands which is not a part of the schedule of land mentioned in rule 55 (2) (b).

- (s) such other matters not inconsistent with the objects of this Act, as may be directed by the Government or as may be prescribed by the Rules.

57. Land Owner to be a Permanent Stakeholder in the Area Development Scheme.

(Section 49 of the Act) - In an Area Development Scheme, referred in Section-47, while reconstituting the plot(s), the developer shall ensure that every land owner shall get back at least 10 percent of his land area in the scheme, as may be shown in reconstitution and allotment statement in Form-H. Such lands cannot be transferred in any form or sold by the owners within a period of ten years from the date of such allotment.

58. Approval of the Area Development Scheme. (Section 50 of the Act) - (1) The Area Development Scheme that may be prepared under the Act shall give due regards to the proposals of the Development Plans and Development Control Regulations.

- (2) The Area Development Scheme that may be prepared shall be published in the official Gazette by Notification as well as by public notice in the at least two local news papers for inviting objections from the owners of the land and all such interested persons who have filed objections and who have made request for being so heard be given an opportunity to represent in person with relevant documents and evidence within a period of two months. The Planning Authority shall take suitable decisions on the objections received and direct the developer to make necessary amendments.
- (3) The Planning Authority shall examine such a scheme and approve the same with or without modifications within a period of one month.
- (4) The Area Development Scheme shall contain the following particulars namely;
 - (i) The area, ownership and tenure of each plot.
 - (ii) The particulars of the land allotted or reserved with a general indication of the use to which such land is to be put and the terms and conditions subject to which such land is to be put to such uses.
 - (iii) The extent to which it is proposed to alter the boundaries of each plot.
 - (iv) An estimate of the net cost of the scheme to be borne
 - (v) Full description of all details of the scheme
 - (vi) Full description of water supply lines, drainage, sewerage, electricity and other utility networks.
 - (vii) Details of route in and around the plot for movement of fire brigade, ambulance and other disaster management equipment and their place of parking in case of an eventuality.
 - (viii) The laying out or relaying out of the land either vacant or already built upon
 - (ix) Details of water harvesting scheme

- (x) The filling up of reclamation of low lying, swampy or unhealthy areas or leveling up of land; and
 - (xi) Any other particulars as may be required
- (5) The Planning Authority after carrying out all necessary procedure required under the Act and as prescribed under these Rules shall submit Area Development Scheme as approved under Section 50 (Approval of Area Development Scheme) of the Act to the Board along with copies of its decisions and copies of the decisions in the appeal, within a period of one month from the date of the receipt of the decision of the Tribunal.
59. **Power of the Government to require the Planning Authority to make Area Development Scheme. (Section 51 of the Act)** -(1) The Government may, in respect of any Planning Area after making such enquiry as it deems necessary, direct the concerned Planning Authority to make and publish in the manner prescribed in these Rules, an Area Development Scheme in respect of any land in regard to which a development scheme may be made.
- (2) If the Planning Authority fails to make the Area Development Scheme within three months from the date of direction made under Sub-Section (1), the Government may direct the Town and Country Planning Organization (TCPO) to make and publish and submit the Area Development Scheme to the Government, and thereupon the provisions of this Act shall, as far as may be applicable, apply to the making of such Area Development Scheme.
60. **Power of Government to suspend Rules, Bye-laws or Regulations. (Section 52 of the Act)** -(1) Where the Planning Authority has approved the Area Development Scheme through order published in Official Gazette under Section 50, the Government may, on an application by the Planning Authority, suspend by order published in the official Gazette to such extent only as may be necessary for the purpose of carrying out of the Area Development Scheme, any rule, bye-law, regulation, notification or order made or issued under any law which the Legislature of the State is competent to amend.
- (2) Any order issued under sub-section (1) shall cease to operate in the event of the Area Development Scheme being withdrawn by the Planning Authority either on its own or under the directions of the Government.
61. **Appeal against Matters Determined by the Authority. (Section 53 of the Act)** - From every decision of the Planning Authority in matters arising out of aforesaid provisions, an appeal shall lie within one month from the date of the decision, to the Tribunal constituted under this Act.
62. **Exclusion or Limitation of Compensation in Certain Cases. (Section 54 of the Act)**-(1) No compensation shall be payable in respect of any property or private right of any sort which is alleged to be injuriously affected by reason of any provision(s) contained in the Area Development Scheme, if under any other law for the time being in force applicable to the area for which such Area Development Scheme is made, no compensation is payable for such injurious affection.
- (2) Any property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provision contained in an Area Development Scheme

securing the amenity of the area included in such Area Development Scheme or any part thereof or imposing any conditions and restrictions in regard to any of the matters specified in clause (m) of sub-section (2) of Section 48.

63. Decision of Planning Authority to be Final in Certain Matters. (Section 55 of the Act)- (1) Where no appeal has been made under Section 53, the decision of the Planning Authority shall be final and binding on the parties.

- (2) Where an appeal has been made under Section 53 and a copy of the decision in appeal is received by the Planning Authority, it shall then, where necessary, make variation in the Area Development Scheme in accordance with such decision and may also rectify such error(s) or omission(s), if any, as may have been brought to its notice after publication of the Area Development Scheme and shall also forward such Area Development Scheme together with copies of its decisions and copies of the decisions in appeal to the Board.

64. Power to Vary Scheme on Ground of Error, Irregularity or Informality. (Section 56 of the Act) -(1) If after the Area Development Scheme has come into force, the Planning Authority considers that the Area Development Scheme is defective on account of an error, irregularity or informality or that the Area Development Scheme needs variation or modification of a minor nature, the Planning Authority shall, by notification in the Official Gazette, prepare and publish a draft of such variation.

- (i) The Planning Authority shall by a notification in the official Gazette prepare and publish a Draft of such variation for which public notice may be advertised in at least two local news papers.
- (ii) The Draft variation that may be published as above shall give every amendment proposed to be made in the Area Development Scheme and such other particulars as may be required in making these variations.
- (2) The draft variation published under Sub-Section (1) shall state every amendment proposed to be made in the Area Development Scheme, and if any such amendment relates to a matter specified in any of the sub-clauses of sub-section (2) of Section 48, the draft variation shall also contain such other particulars as may be prescribed.
- (3) The draft variation shall be open to the inspection of the public at the office of the Planning Authority during office hours for one month.
- (4) Not later than one month from the date of the publication of the draft variation, any person affected thereby may communicate in writing his objections to the Planning Authority.
- (5) After receiving the objections under sub-section (4) the Planning Authority shall after making such enquiry as it may think fit, notify the variation with or without modification by notification in the Official Gazette.
- (6) From the date of the notification of the variation, with or without modifications, such variation shall take effect as if it were incorporated in the Area Development Scheme.

65. Power to Vary Area Development Scheme. (Section 57 of the Act) -Any Area Development Scheme may at any time be varied by a subsequent Area Development Scheme made, and published in accordance with this Act :

Provided that, when an Area Development Scheme is so varied, the provisions of this Act shall, so far as may be applicable, apply to such variation and making of subsequent Area Development Scheme; and the date of publication of the varied Area Development Scheme shall be deemed to be the date of publication of the Area Development Scheme referred in the relevant Sections.

66. **Execution of Works in the Area Development Scheme by Developer. (Section 58 of the Act)** -(1) All works proposed in the Area Development Scheme as approved by Planning Authority shall be completed by the Developer within the period specified in the approval of the Scheme ;
- (2) If the Developer fails to complete the work within the specified period or within the period extended under sub-section (1), the Planning Authority shall require the Developer to complete the works within a further period as it may consider reasonable or appoint other agency/agencies to complete such works at the cost of the Developer and may impose such penalties on the Developer as prescribed in the Development Control Regulations.

CHAPTER-VIII

LEVY, ASSESSMENT AND RECOVERY OF DEVELOPMENT CHARGE

67. **Development Charge. (Section 59 of the Act)** -(1) Where permission for use or change of use or development of any land or building is granted under Chapter-VI of the Act in the whole or any part of the Planning Area, and such change is capable of yielding a better income to the owner, the Appropriate Authority may levy a development charge.
- (a) The different rates of development charges may be specified for different parts of the development area and for different uses such as :-
- (i) Industrial ;
 - (ii) Commercial;
 - (iii) Residential; &
 - (iv) Miscellaneous.
- (b) In classifying the land or buildings under any of the purposes mentioned in clause (a), the predominant purpose for which such lands and buildings are used shall be the main basis.
- (2) The rates of development charges shall be determined -
- (a) In case of land, at a rate to be specified per Hectare, and
 - (b) In case of a building, at a rate to be specified per Square Meter of the floor area of the building :

Provided further that where land appurtenant to a building is used for any purpose independent of the building, development charge may be levied separately for such use also.

68. **Levy of Development Charge. (Section 60 of the Act)** -(1) Subject to the provisions of this Act a Planning Authority including a Local Authority where such Local Authority is the Planning Authority shall levy development charges, with the prior approval of the

Government, by notification, on the institution of use or change of use of land or building or development of any land or building for which permission is required under this Act within the Planning Area, at such rate which will be specified in the said notification;

- (i) The notification regarding levy of development charge shall be published by the appropriate authority in Official Gazette as well as in one or more local newspapers circulating within the area of the Appropriate Authority. Notice giving the extract of the Notification showing the rate of development charge for different area and for different uses as approved by the State Government shall be affixed on the Notice Board of the Appropriate Authority along with a Plan of the area showing boundaries of different areas and uses for which different development charge may have been approved by the State Government.
- (ii) Before submitting a proposal to the State Government for giving sanction to the levy of development charge in the area, the Appropriate Authority shall prepare a draft proposal giving rates of development charge for different area and for different use and publish the draft proposal in the Official Gazette by notification as well as by an advertisement in one or more local newspapers circulating in the area of the Appropriate Authority inviting general public to give their suggestions and objections on the draft proposal, within 3 months from the date of publication of draft proposal in the Official Gazette.
- (iii) The notice regarding draft proposal to levy development charge shall also be affixed on the notice board of the Appropriate Authority, the official website and at prominent places in the area of the Appropriate Authority.
- (iv) The draft proposal to levy the development charge shall show the grounds and reasons for working out the various rates of development charge for different areas and uses.
- (v) After considering the suggestions and objections that may be received on publication of the draft proposal under sub-rule (ii) on merits and after giving individual hearing to all where any application is made in this regards, the Appropriate Authority shall submit the proposal to levy development charge to the State Government for sanction.
- (vi) The proposal shall be submitted to the State Government for sanction along with all suggestions and objection applications that may have been received by the Appropriate Authority and the minutes of the personal hearing that may have been conducted at the request of any individual. While applying for the State Government sanction to the levy of development charge, the Appropriate Authority shall substantiate the proposal with statements, plans estimates, development works likely to be undertaken in the area etc.

Provided that rates of development charge may be different for the different parts of the Planning Area and for different uses.

- (2) The Government may provide for exemption from the levy of development charge on any development, or institution of change, or change of any use of any land and building. The Government may issue notification from time to time for giving

exemption from the levy of development charge on any development or institutions as it may think proper.

- (3) (a) The development charge on lands and buildings levied shall be assessed with reference to their use and location for different purposes.
- (b) The rate of development charge shall be fixed by the Government by notification.

69. **Assessment of Development Charge. (Section 61 of the Act)** - (1) Any person who intends to carry out any development or institute or change any use of any land or building for which permission is required under this Act, whether he has applied for such permission or not, or any person who has commenced the carrying out of any such development or has carried out such development or instituted or changed any such use, shall apply to the Appropriate Authority within such time and in such manner as may be specified in the development control regulations of the development plan for the assessment of development charge payable in respect thereof.

- (2) On an application being made under Sub-Section (1), or if no such application is made, after serving a notice in writing on the person liable to make such payment, the Planning Authority shall, after giving the person concerned an opportunity of being heard, and after calling for a report in this behalf from an officer of the authority, determine whether or not, and if so, what development charge is levied in respect of that land or building as a result of the carrying out of such development or institution of use, or change of use, the amount payable, and fix a date by which the payment shall be made.
- (3) The Planning Authority shall, give a reasonable opportunity of being heard to the person who has made an application under Sub-Section (1) or who has been served with a notice under Sub-Section (2);
- (4) After hearing the persons, the Planning Authority shall assess the amount of development charge by an order:

Provided that :-

- (a) where the application relates to the carrying out of any development, the Planning Authority may refuse to assess the development charge payable in respect thereof, unless it is satisfied that the applicant has an interest in the land sufficient to enable him to carry out such development, or that the applicant is able to obtain such interest and that the applicant will carry out the development within such period as the Planning Authority considers appropriate;
 - (b) where the application relates to use or change of use, the Planning Authority may refuse to assess the amount of development charge in respect thereof unless it is satisfied that the use will be instituted within such period as the Planning Authority considers appropriate.
- (5) On the determination of the development charge levied under Sub-Section (2), the Planning Authority shall give to the person liable to pay such charge a notice in writing of the amount of development charge payable by such person and the date by which such payment shall be made and such notice shall also state that in the event of failure to make such payment on or before such date interest at the rate as prevailing

on the relevant date as may be decided by the Authority, shall be payable from such date on the amount remaining unpaid.

- (6) (a) The development charge payable in respect of any land or building shall be a first charge on such land or building, subject to the prior payment of land revenue, if any, due to the Government thereon and any other sum due to the Planning Authority.
- (b) All development charges payable in respect of any land or building by any person shall, together with interest due up to the date of realization, be recoverable from such person or successor-in-interest in such land or building as arrears of land revenue.
- (7) An order of assessment of development charge shall be final and shall not be questioned in any Civil Court.

70. **Levy of Infrastructure and Amenities Charges. (Section 62 of the Act)** -(1) Every Local Authority or the Planning Authority, as the case may be, while according a building permit under the relevant laws, shall levy charges so as to meet the impact of development and for providing adequate infrastructure and basic amenities at the rates as determined and in accordance with such procedure as may be specified in the development control regulations of the development plan which shall not be less than minimum and not more than the maximum as decided by the Authority from time to time for different parts of the Planning Area and for different uses of a building.

- (2) The infrastructure and amenities charges shall be levied on any person who undertakes or carries out any such development or institutes any use or changes any such use of a building.
- (3) The collection of the infrastructure and amenities charges as decided by the Authority, shall be made within a period that may be specified in the demand notice issued by the Authority.

71. **Appeal. (Section 63 of the Act)** -(1) Any person aggrieved by an order passed by the Planning Authority may, within a period of two (2) months from the date on which the order was communicated to him, shall make an appeal to the Tribunal against such order in the manner prescribed, in the Civil Procedure Code affixing thereon Court Fee Stamp of required amount ;

Provided that the Tribunal may admit an appeal preferred after the expiration of the said period if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

- (2) The appeal shall be made and verified in the prescribed manner and shall be accompanied by such fee as may be prescribed by the Planning Authority.
- (3) In disposing of an appeal, the Tribunal may, after giving the appellant an opportunity of making his representation and also hearing the Planning Authority whose order is appealed against,-
 - (a) confirm, reduce, enhance, or annul such assessment; or
 - (b) set aside such assessment and direct the authority to make a fresh assessment after such further inquiry as may be directed; or
 - (c) pass such other order as it may think fit.
- (4) The decision of the Tribunal shall be binding on all the parties to such appeal.

- (5) Notwithstanding that an appeal has been preferred under Sub-Section (1), the payment of development charges in accordance with the order or decision of assessment against which the appeal has been preferred shall not be stayed.

Provided that the Tribunal may, in its discretion, give such directions as it thinks fit in regard to the payment of the development charges before the disposal of the appeal if the appellant furnishes sufficient security to its satisfaction for such payment in such form and in such manner as may be acceptable to the Authority.

- (6) Any order passed by the Tribunal under the provisions of this Rule shall be enforced by such authority as per the Revenue Procedure.

CHAPTER-IX

ACQUISITION AND DISPOSAL OF LAND

72. Power to Acquire land under the Land Acquisition Act. (Section 64 of the Act) -

(1) Any land required, reserved or designated in any Development Plan and Area development Scheme shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894, or any other Land Acquisition Act in force from time to time, and may be acquired by the Government under the said Act as modified in the manner provided in this Act on request by the respective Planning Authority or any Local Authority.

(2) Where any land has been acquired by the Government, after taking possession of the land, the Government may transfer the land to the Planning Authority or any Local Authority for the purpose for which the land has been acquired on payment by the Planning Authority or the Local Authority of the compensation awarded under that Act and of the fee.

(3) On receipt of an application made under Sub-section (1), if the Government is satisfied that the land specified in the application is needed for the public purpose specified therein, the Government may make a declaration to that effect in the Gazette, in the manner provided in section-6 of the Land Acquisition Act, 1894 in respect of the said land.

(4) On the publication of such declaration, the collector of the district within whose jurisdiction the land is situated, shall proceed to take order for the acquisition of such land under the said Act; and the provisions of that Act shall, so far as may be, apply to the acquisition of the said land.

73. Transfer of Government Land to the respective Planning Authority. (Section 65 of the Act) -

The Government may by order and on such terms and conditions as may be agreed upon between the Government and a Planning Authority, place at the disposal of the Planning Authority any developed and undeveloped government lands situated within the jurisdiction of the Planning Authority for the purpose of development in accordance with the provisions of this Act.

74. Purchase of Land by way of Negotiated Settlement. (Section 66 of the Act) -

Where after the publication of a Development Plan, any land is required, reserved or designated in such plan, the Planning Authority may enter into agreement with any person for acquisition from him by purchase by paying such amount as may be arrived through negotiated settlement;

Provided the amount shall not exceed the minimum reserve value of land by more than the limit as decided by the Board and approved by the Government

75. Acquisition of Land by Way of Transferable Development Right. (Section 67 of the Act) -

(1) Any area within a Planning Area may be acquired by the Planning Authority for public purposes with the consent of the owner, by way of according Transferable Development Right in lieu of compensation payable by the Authority in such manner as may be specified in the Development Control Regulations of the Development Plan. This will make available certain amount of additional built-up area in lieu of the area relinquished or surrendered by the owner of the land whose land or a part thereof, is required for public

purposes such as construction and widening of roads, development of parks, playgrounds, green area, civic amenities, recreational uses, urban infrastructure, implementation of Development Control and Zoning Regulations and conservation of heritage site or such other purposes as Government may notify with a view to make him available extra built-up area for himself or transfer it to another person for a consideration.

(2) The Transferable Development Right so permitted may be utilized either by himself or by transfer to any other person. The area remaining after surrender shall have such permissible built up area as per Development Control Regulation of Development Plan.

(3) The Authority after examining the proposal for according the Transferable Development Right to any owner and after hearing the owner, if required, shall issue the certificate of Transferable Development Right showing therein the built-up area available to the area of land that may be surrendered by the owner for implementation of Development Plan.

76. Acquisition of Land and Built-up Space by way of Accommodation Reservation.

(Section 68 of the Act) -A Planning Authority or the Local Authority may, with the consent of the owner, acquire land and built-up space for public purposes indicated in the Development Plan by according the owner, a built-up space equivalent to area of the land and the built-up space required for the amenity or facility, in lieu of the cost of land and the built-up space acquired for the infrastructure, public amenity, public utility and services transferred to the respective Planning Authority or Local Authority, as specified in the Regulations made under this Act for this purpose.

77. Disposal of Land and other Property by the respective Planning Authority.

(Section 69 of the Act) -The disposal of any land acquired by the Government and transferred to the respective Planning Authority with or without development thereon, or any other immovable property belonging to the Planning Authority shall be done in accordance with the Regulations made for the purpose.

78. Creation and Management of Development Land Bank. (Section 70 of the Act) -

The respective Planning Authority shall create and maintain a land bank, in which all lands acquired, allotted, purchased and obtained, shall be monitored and maintained and position reviewed periodically.

CHAPTER-X

FINANCE, ACCOUNTS AND AUDIT

79. Constitution of Fund. (Section 71 of the Act) -The Government may constitute a fund for the purpose of administration and furthering the functions of the Board, the Planning Authority or any other authority or committee constituted under this Act.

80. Fund of the Planning Authority. (Section 72 of the Act) -(1) Every Planning Authority shall have and maintain its own fund to which shall be credited:

- (a) all moneys received by the Planning Authority from the Government by way of grants, loans, advances, or otherwise;

- (b) all development charge or other charges or fees received by the Planning Authority under this Act or Rules or Regulations made the reunder;
 - (c) contribution from such Local Authority or authorities of the area included in the Planning Area of the Planning Authority, not exceeding such amount from the general fund of such Local Authority or authorities to the fund of the Planning Authority as the Government may specify from time to time; and
 - (d) all moneys received by the Planning Authority from any other source.
- (2) The fund shall be applied towards meeting –
- (a) the expenditure incurred in the administration of the Act and in the functioning of the authority;
 - (b) the cost of acquisition of land in the Planning Area for purpose of development;
 - (c) the expenditure for any development of land in the Planning Area; and
 - (d) the expenditure for such other purposes as the Government may direct.
- (3) Every Planning Authority may keep in an account of a scheduled Bank, such sum of money out of its fund as decided by the Planning Authority and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.
- (4) The Government may, make such grants, advances and loans to any Planning Authority, as it may deem necessary, for the performance of the functions under this Act; and all grants, loans and advances made shall be on such terms and conditions as the Government may determine.

81. Budget of the Planning Authority. (Section 73 of the Act) -Every Planning Authority shall prepare in such form and at such time every year as per the State Finance Rules; a budget in respect of the next financial year showing the estimated receipts and expenditure of the Planning Authority and shall forward to the Government and the Board, such number of copies thereof as may be prescribed in these Rules.

82. Accounts and Records. (Section 74 of the Act) -(1)Every Planning Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as prescribed by the Government.

- (2) The accounts of every Planning Authority shall be subject to audit annually by the Finance (Audit) Department of the State or a chartered account empanelled by the Controller and Auditor General or such other authority as decided by the Government, and any expenditure incurred by it in connection with such audit shall be payable by the Planning Authority.
- (3) The Finance (Audit) Department or a chartered account or any authority appointed by Government in connection with the audit of accounts of the Planning Authority shall have the same right, privilege and authority in connection with such audit as it has in connection with the Government accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Planning Authority.

- (4) The accounts of every Planning Authority as certified by the auditor together with the audit report thereon shall be forwarded annually to the Government and the Board.
83. **Annual Report. (Section 75 of the Act)** -(1) The Board shall prepare for every year a report of its activities during that year and submit the report to the Government in such form and on or before such date as may be prescribed by State Financial Rules.
 - (2) Every Planning Authority shall prepare for every year, a report of its activities during that year and submit the report to the Government and the Board in such form on or before such date as may be prescribed by the Government.
84. **Pension and Provident Fund. (Section 76 of the Act)** -(1) The Board and the Planning Authority shall constitute for the benefit of its whole time paid members and of its officers and other employees in such manner and subject to such conditions as may be prescribed by State Finance Rules, such pension and provident funds as it may deem fit.
 - (2) Where any such pension or provident fund has been constituted, the Government may declare that the provisions of the Bihar Pension Rules, 1950, Provident Fund Act, 1925 and Bihar Provident Fund Rules, 1948 shall apply to such fund as if it were a Government pension and provident fund.

CHAPTER-XI

URBAN ARTS AND HERITAGE COMMISSION

85. **Constitution of Urban Arts and Heritage Commission for the State. (Section 77 of the Act)** - (1) The Government may, by notification, constitute an Arts and Heritage Commission for the State, to be called "The Bihar Urban Arts and Heritage Commission" (hereinafter called the "**Commission**") which shall consist of a Chairperson and such other members, representing among others, Urban Planning, Visual arts, Architecture, Indian History or Archaeology, Tourism and the Environmental Sciences, as specified in the notification by the Government.
 - (2) The Commission shall make recommendations to the Government as to-
 - (a) the restoration and conservation of urban design and of the environment and heritage sites and buildings in the Planning Areas;
 - (b) the planning of future urban design and of the environment;
 - (c) the restoration and conservation of archaeological and historical sites and sites to high scenic beauty;
 - (3) The powers to be exercised and the functions to be performed and the procedure to be followed by the Commission shall be such as may be specified in the notification.
 - (4) The Government may, after consideration of the recommendations of the Commission and after giving an opportunity to the respective Planning Authority, Local Authority and other authorities concerned to make representation, issue such directions to the Planning Authority or Local Authority or other authorities concerned as they may think fit, and the Planning Authority or the Local Authority or other authorities shall comply with every such direction of the Government.
86. **Order of Government to be binding. (Section 78 of the Act)** -(1) The Government may in consultation with the Commission direct by notification that a Planning Authority or a

Local Authority shall enforce a specified colour and design scheme of the buildings in a particular locality or area within the jurisdiction of the Planning Authority or Local Authority

- (2) Notwithstanding anything contained in any Act, Rules, Regulations or bye laws, the order issued by Government under Sub-Section (1) shall be binding on the Planning Authority, Local Authority and the owner of the building(s).

CHAPTER-XII

TRIBUNAL

87. **Constitution of Tribunal. (Section 79 of the Act)**-(1) The Government may constitute such number of Tribunals as it may consider necessary for hearing appeals against the orders of a Planning Authority under the Act, and no Civil Court shall have jurisdiction to decide such disputes.

- (2) The Tribunal shall consist of a Chairman, and at least two other members.
- (3) The Chairman shall be a person who is or has been a District Judge and shall be appointed or deputed by the Government.
- (4) The members shall be persons who shall as far as possible have knowledge or experience of town planning or valuation of land or civil engineering, architecture, administrative or legal matters.
- (5) The Chairman and the other members shall be appointed members of the Tribunal for such period as may be prescribed by the Government.
- (6) The Government may, if it thinks fit, remove for incompetence or misconduct or any other good and sufficient reason, the Chairman and/ or any member appointed under sub-section (4):
- (7) If the Chairman or the member is removed or dies or refuses or neglects to act or becomes incapable of acting, the Government shall appoint forthwith a fit and proper person to take the place of such Chairman or the member.
- (8) The Tribunal shall have the same powers as are vested in a Civil Court under the Civil Procedure Code, 1908, in respect of the hearing of an appeal.

88. **Remuneration of Chairman and Members and payment of incidental expenses of Tribunal of Appeal. (Section 80 of the Act)**-(1) The Chairman and the members shall, save where they are Government officers, be entitled to such remuneration, either by way of monthly salary or by way of fees or partly in one way and partly in the other, as the Government may, from time to time, decide.

Provided that, in exceptional cases where the scheme is a large one or the work involved is complicated, the Government may authorize the Chairman and the members, even in case of salaried Government Officers, to receive such special salary or remuneration, as the Government may, by order, decide from time to time.

- (2) The salary of the Chairman of the Tribunal of Appeal or a member who is a salaried Government Officer, and any remuneration payable under Sub-Section (1) of this section and all expenses incidental to the working of the Tribunal of Appeal shall, unless the Government otherwise determines, be defrayed out of the fund of the Planning Authority and shall be added to the cost of the scheme.

FORM - A

(See Rule 23)

Land Use Register Under Section 18 of the Act
Bihar Urban Planning and Development Act, 2012

Sr. No.	Name of District	Name of Anchal/Block	Name of Village	Khata	Plot	Present Land Use	Date of Survey	Graphic Symbol / Colour Symbol

Authorized Officer

.....Planning Authority

FORM - B
(See Rule 32)

Public Notice for Inviting Objections on Development Plan, Section-26
Bihar Urban Planning and Development Act, 2012

NO. :-

Whereas the Planning Authority has Prepared development plan described in the schedule hereto annexed for the area known as

Now, therefore, in pursuance of the Act the Authority hereby gives notice that any objection which may be received from any person with respect to the Development Plan within a period of two months from the date of its publication in the Official Gazette shall be considered by the Authority.

SCHEDULE

Authorized Officer

.....Planning Authority

FORM - C

(See Rule 39(3), Rule 40 & Rule 41(2), Section 31, 32 & 33)

Application for Permission under Section 31 & 32

Bihar Urban Planning and Development Act, 2012

To,

The Chief Executive Authority,
Planning Authority.

I/We here by apply for permission for development as described in the accompanying maps and drawings.

Signature :

Date :

1. Applicants' Name
2. Postal Address
3. Applicant's interest in land with record of rights.
4. Description of land, Revenue village, Area Development Scheme, Survey Number, Final Plot No.
5. What is the present use of the land and or the building. If they are to be put to more than one kind of use, please give details of each use.
6. Please describe in short the development work stating the proposed use of land and for the building. If land and/or the building are to be put to more than one use, please give details of each use.

7. Is this land included in a layout sanctioned by the appropriate authority? If yes, please give date of sanction and reference. No, with a copy of the sanctioned layout. If not, is it approved by any other Authority? Give the name of such an Authority with date of sanction and reference number with a copy of the sanctioned layout.
8. For residential use, number of dwelling units and floor area on each floor.
9. Nature and manner of working of Industrial and Commercial establishment in case the proposed use is for industry/commerce.

What separate arrangements have been proposed to be made for loading and unloading of goods from the industrial or commercial goods vehicles.

What arrangements have been proposed to be made for disposal of industrial waste effluent.

Instructions to applicants regarding maps and documents to be submitted alongwith the application :-

The maps and drawings should be drawn or copies on a paper of proper and durable quality so that they are clearly and distinctly legible; every map and /or drawing shall have to be signed by the applicant and his Engineer/Surveyor. If copies of original maps or drawings are submitted they shall be true copies.

Layout Plan (Three copies)

Layout plan of the whole lands shall invariably accompany every application for permission to carry out development by way of building construction.

This map shall be drawn to a scale of not less than 1 c.m.=5 meters and show the following details :-

1. Boundaries of the S. No./Plots mentioned in the application and its layout by forming subdivisions.
2. Existing buildings and new buildings proposed to be constructed roads, streets, and carriage ways constructed thereon (existing construction should be shown distinctly from the proposed one), proposed new roads, and streets, their levels and width.
3. Proposed use of every building and open space not to be built over within a plot.
4. If the layout is for residential use maximum number of dwelling units that can be accommodated without any increase in future.
5. If the layout is for industrial or commercial use maximum area which can be built upon without any increase in future.
6. Existing facilities regarding water supply, sewerage, etc. diameter and gradient of water supply line, drainage, lines for the disposal of storm water as well as for sewerage.
7. Location of the plot in relation to the nearby public road.
8. Alignment and width of all the existing roads, including the road from which the plot has access from the major road. Existing access road and proposed new access road, if any, should be shown clearly and distinctly.
9. Existing trees and natural scenery worth preserving.
10. Drawings (2 copies) to a scale not less than 1 cm.=1 meter for the buildings existing as well as proposed with floor area for each floor.

Signature of the Applicant

Name-

Address

FORM – D

(See Rule 39(3) & Rule 41(4), Section 31 & 33)

Permission for Development

Bihar Urban Planning and Development Act, 2012

Permission is hereby granted/refused under section 33 of the Bihar Urban Planning and Development Act, 2012.

to*

to**

on the following conditions/grounds-

.....

.....

.....

Chief Executive Authority

Planning Authority

FORM – E

(See Rule 50, Rule 51 & Rule 52(1), Section 42, 43 & 44)

Notice for Removal of Un-authorised Development, Power to Stop Un-authorised Development &
Discontinuation of Use of Land
Bihar Urban Planning and Development Act, 2012

To,

Shri/Shrimati/Kumari*.....

Residing at.....at Room No.....

Taluka.....District.....

WHEREAS I the undersigned have reason to believe.

- (i) that you have carried out/are carrying on development work or you have retained the use of the building in respect of the premises described in the Schedule annexed hereto etc. in contravention of section 42,43 & 44.
- (ii) that have you done the work in respect of the premises described in the Schedule appended hereto in contravention of the modifications and conditions of sanction given under section 42,43 & 44
- (iii) that you have contravened the provisions of condition in respect of the premises described in the Schedule appended hereto;

NOW, THEREFORE, in pursuance of the provisions of Bihar Urban Planning and Development Act, 2012 :-

(1) You are hereby called upon,-

- a. to remove, pool down or alter the building or other work;
- b. to stop any development work being carried on by you.
- c. to discontinue the use of the property or part of the property.

OR

- d. to restore the land to its original conditions as the case may be within a period of seven days from the date of receipt of this notice.

(2) You are hereby further informed that,-

- i. if you fail to , -
 - a. remove, pull down or alter the building or other work ;
 - b. to stop any development work being carried on by you ;
 - c. to discontinue the use of the property or part of the property ;
 - d. to restore the land to its original conditions as the case may be ;

OR

ii. If you fail to show cause as to why the proposed order should not be made the appropriate authority shall,-

- a. remove, pull down or alter the building or other work ;
- b. stop any development work being carried on by you ;
- c. discontinue the use of the property or part of the property ; or
- d. restore the land to its original conditions as the case may be.

SCHEDULE

(Description of Work)

Signature of the authorized Officer/
Planning Authority

FORM - F
Appeal to the Tribunal
(Rule -52 (2), Section 44 of the Act.)

To,

Chairman

..... Tribunal

.....

Sir,

This appeal is being made after being aggrieved by the notice issued by the
..... Planning authority vide No..... dated

I have to state following facts for your kind consideration-

- 1.
- 2.
- 3.

Please accept and allow my appeal for consideration.

Signature of Aggrieved Person(s)-

Name-

Address-

FORM – G

(See Rule – 55, Section 47)

Application for permission of Area Development Scheme

To,

The Authorised Officer
..... Planning Authority
.....

I/We do hereby apply under Section 47 of the Bihar Urban Planning and Development Act, 2012 for Permission of Area Development Scheme (No. Part of the notified Development plan (period vide Notification No. dated the Particulars where of are given here under:-

- (1) Details of the Applicant (Eligible Developer)
 - (i) Name of the Applicant
 - (ii) Complete Address
- (2) Details of the Land covered under proposal of Area Development Scheme
 - (i) Name of villages and circle
 - (ii) KhesaraNos and Area
- (3) Enclosures with Application
 - (i) Eligibility criteria of the Developer (Rule-3, Section-46)
 - (a) Certified copy of registration
 - (b) Certified copy of memorandum/article of association and resolution of the Board of Directors in favour of the authorised Director
 - (ii) Consent of Land owners in favour of the Developer
 - (a) Name of land owner with parentage, and address
 - (b) Land details
 - (i) Area of land/Plot
 - (ii) Khasra Number
 - (iii) Village and Circle
 - (iv) Remarks if any.
 - (iii) Details including Maps and Contents the area Developer Scheme and Statements as per Rule-5(2) under section 48 of the Act.

Signature of Applicant
Address

FORM - H

(See Rule 57, Section 49,)

Area Development Scheme - Statement of Reconstitution & Allotment of Plot

Bihar Urban Planning and Development Act, 2012

Sr. No.	Name of Land owner	Survey no.	Area & in Sq.m	Plot no. of the Reconstituted plot	Area of the Reconstituted plot
1					
2					
3					
4					
5					

By order of the Governor of Bihar

31.1.2014

(Dr. S. Siddharth)

Secretary

Urban Development & Housing Department

Memo No. 45 /U.D&H.D

/Patna, dated 31-01-14

Copy to- Superintendent, Secretariat Printing Press, Gulzarbagh, Patna/ E-Gazette Cell, Finance Department, Patna, Bihar with C.D. for publication in an extra ordinary issue of the Bihar Gazette.

He is requested to make available 200 copies of published Gazette for official use immediately.

31.1.2014

Secretary

Urban Development & Housing Department

Memo No. 45 /U.D&H.D

/Patna, dated 31-01-14

Copy to- Divisional commissioner, Patna, Magadh, Bhagalpur, Tirhut, Saran, Munger, Kosi, and Purnea/ All District Magistrates for information and necessary action..

31.1.2014

Secretary

Urban Development & Housing Department

Memo No. 45 /U.D&H.D

/Patna, dated 31-01-14

Copy to- All Chief Concillors/ Duputy Chief Concillors/ All Municipal Commissioners/ All Municipal officers/ All Municipal Corporations/ All Municipal Councils/ All Nagar Panchayats for information and necessary action.

31.1.2014

Secretary

Urban Development & Housing Department

Memo No. 45 /U.D&H.D

/Patna, dated 31-01-14

Copy to- Principal Secretary to the Hon'ble Chief Minister/ Private Secretary to Hon'ble Minister, Urban Development & Housing Department, Patna, Bihar for information and necessary action.

31.1.2014

Secretary

Urban Development & Housing Department

