

Fifteenth Kerala Legislative Assembly
Bill No. 53

**THE KERALA TOWN AND COUNTRY PLANNING
(AMENDMENT) BILL, 2021**

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**THE KERALA TOWN AND COUNTRY PLANNING
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BILL

to amend the Kerala Town and Country Planning Act, 2016.

Preamble.—WHEREAS, it is expedient to amend the Kerala Town and Country Planning Act, 2016 (9 of 2016) for the purposes hereinafter appearing;

BE it enacted in the Seventy-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Town and Country Planning (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 25th day of February, 2021.

2. *Substitution of certain expressions for certain other expressions.*—In the Kerala Town and Country Planning Act, 2016 (9 of 2016) (hereinafter referred to as the principal Act),—

(i) for the words “Town and Country Planning Department”, wherever they occur, the words “Local Self Government Department (Planning)” shall be substituted;

(ii) for the words “perspective plan”, wherever they occur, the words “spatial perspective plan” shall be substituted;

(iii) for the words “Board” or “State Town and Country Planning Board”, wherever they occur, the words “State Town and Country Planning Committee” shall be substituted.

3. *Amendment of section 2.*—In section 2, of the principal Act,—

(i) after clause (b), the following clause shall be inserted, namely:—

“(ba) “Annual Plan” means socio-economic plan prepared by the State or Local Self Government Institutions for implementing schemes and projects within a fixed financial year, in accordance with development priorities of the State;”;

(ii) for clause (h), the following clause shall be substituted, namely:—

“(h) “development” means in a wider perspective, the social, economic and sustainable development of an area in total, and includes various aspects of development relating to land or space and shall specifically include sub division of any land, construction of the building, engineering, mining or other activities in, on, over or under the land, or making of any physical change in any building or land, or any change in the use of any building or land ;”;

(iii) after clause (h), the following clause shall be inserted, namely:-

“(ha) “disaster” means a disaster as defined in the Disaster Management Act, 2005 (Central Act 53 of 2005);”;

(iv) for clause (j), the following clause shall be substituted, namely:—

“(j) “Five Year Plan” means an economic plan prepared by the State or Local Self Governments to achieve the goals and objectives like growth, development, employment, self-reliance, and social justice for a period of five years or for a period as decided by the Government from, time to time; ”;

(v) after clause (n), the following clause shall be inserted, namely:—

“(na) “land” includes benefits arising out of land, and things attached to the earth or permanently fastened to anything attached to the earth and shall also include, but not limited to, water bodies, forest, mangroves, wetland and the like;”;

(vi) in clause (r), after the words “carried out” the words “and the said plan shall be in force for a period of fifteen years” shall be inserted;

(vii) after clause (t), the following clause shall be inserted, namely:—

“(ta) “mitigation” means mitigation as defined in the Disaster Management Act, 2005 (Central Act 53 of 2005) in force in the State;

(viii) after clause (x), the following clause shall be inserted, namely:—

“(xa) “Perspective Plan” means, for the purpose of this Act, a long term plan approximately for a period of twenty years providing the goals, policies and strategies for the economic and spatial development of the State, District or a Metropolitan area, as the case may be;”;

(ix) in clause (z), after the words and symbol “a master plan for a joint planning area” the symbol and words “ ,spatial plan for special area” shall be inserted;

(x) after clause (aa), the following clauses shall be inserted, namely:—

“(aaa) “priority action plan” means an action plan prepared within the framework of a plan prepared in accordance with this Act for a district, metropolitan area, local planning area, or a special area, as the case may be, indicating priorities and programmes for the spatial development of said area, and it shall form part of the respective plan;

(aab) “published plan” means a plan published, in accordance with the provisions of this Act and rules made thereunder, inviting objections and suggestions to be received within the prescribed time limit;”;

(xi) after clause (ab), the following clause shall be inserted, namely:—

“(aba) “sanctioned plan” means a plan published in accordance with the provisions of this Act and rules made thereunder, and sanctioned after incorporating suitable modifications, taking into consideration of the objections and suggestions if any;”;

(xii) after clause (ac), the following clauses shall be inserted, namely:—

“(aca) “Special Area” means an area, identified by the State or a Municipal Corporation or a Municipal Council constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994) or a Town Panchayat or a Village Panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) which needs immediate planning in the backdrop of disaster, environmental vulnerability, heritage conservation, urgent infrastructure development as directed by Government and such special area shall come under the jurisdiction of one or more Local Self Government Institutions;

(acb) “Spatial plan for a Special Area” means a plan prepared for a Special Area providing the policies, programmes and detailed proposals for spatial development of such area, and indicating the manner in which the use of land and developments therein shall be carried out;

(acc) “State Development Council” means the State Development Council constituted under section 55 of the Kerala Municipality Act, 1994 (20 of 1994);

(acd) “State Planning Board” means the advisory board constituted under the Government, to enable the Government to formulate development plans based on scientific assessment of the resources of the State

and growth priorities, and to facilitate planning and implementation of development schemes or projects in the State, as the case may be.”.

4. *Amendment of heading of Chapter II.*—In the principal Act, in Chapter II, for the heading “ STATE TOWN AND COUNTRY PLANNING BOARD AND THE PERSPECTIVE PLAN FOR THE STATE” , the heading “STATE TOWN AND COUNTRY PLANNING COMMITTEE AND THE SPATIAL PERSPECTIVE PLAN FOR THE STATE” shall be substituted.

5. *Substitution of new section for section 3 .*—In the principal Act, for section 3, the following section shall be substituted, namely:—

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

(2) The State Town and Country Planning Committee shall consist of a Chairperson, a Vice-Chairperson and other eighteen members as specified in sub-section (4).

(3) The Minister for Local Self Government Department, in the State, shall be the Chairperson of the State Town and Country Planning Committee, and the Vice-Chairperson of the State Planning Board shall be the Vice-Chairperson of the said Committee.

(4) The other members of the State Town and Country Planning Committee shall be the following, namely:—

(a) the Principal Secretary to Government, Local Self Government Department;

(b) the Secretaries of the Departments of Revenue, Finance, Agriculture, Planning and Economic Affairs, Environment, Public Works, Transport, Forest and Wildlife, Power and Water Resources;

(c) the Member of the State Planning Board in charge of Decentralised Planning;

- (d) the Chief Town Planner;
- (e) the Land Revenue Commissioner;
- (f) the Chairperson, Kerala State Pollution Control Board; and

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

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

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

- (a) representatives of the Ministries of the Central

Government, in-charge of Railways, Civil Aviation, Shipping, Defence, Transport and Communications, Environment and Forest, Urban Development, Rural Development, etc.;

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

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

- (d) the Chairpersons of the District Planning Committee, the Metropolitan Planning Committee, Local Self Government Institution and the Development Authority concerned; and

- (e) any other experts, officials, representatives of organizations and the like, with whom the State Town and Country Planning Committee desires to consult. ” .

6. *Amendment of section 4.*— In the principal Act, in section 4, in clause (f), for the word “operations”, the words “development activities” shall be substituted.

7. *Amendment of section 5.*—In section 5 of the principal Act, for the word “committees”, wherever it occurs, the words “sub committees” and for the word “committee” wherever it occurs, the words “sub committee” shall be substituted.

8. *Amendment of section 6.*— In section 6 of the principal Act, in sub-section (2), the words “for a period of not less than fourteen days” shall be omitted.

9. *Amendment of section 7.*— In sub-section (2) of section 7 of the principal Act, for the words “one of the Vice-Chairpersons”, the words “the Vice-Chairperson” shall be substituted.

10. *Substitution of new section for section 8.*— In the principal Act, for section 8, the following section shall be substituted, namely:—

“8. *Matters that may be dealt within the Spatial Perspective Plan for the State.*—(1) The Spatial Perspective Plan for the State shall contain,—

(a) integrated vision for the spatial development of the State;

(b) strategies and policies for spatial development approximately for a period of twenty years.

(2) The Spatial Perspective Plan for the State shall, *inter alia*, deal with all or any of the following matters, namely:—

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

(b) urbanisation, population assignment, settlement pattern of urban centres and rural centres with their hierarchy and functional specialisation;

(c) national and state level transportation network;

- (d) infrastructure development;
- (e) generalized land utilization;
- (f) natural hazard prone areas;
- (g) protection of environmentally and ecologically sensitive areas;
- (h) conservation of national and state level heritage areas;
- (i) spatial dimensions of the following sectors, namely:-

- (i) development of trade, commerce and industries;
- (ii) agriculture and rural development;

(j) any other particulars and details as may be deemed necessary for ensuring spatial planning of the State and as may be directed, by the Government.”.

11. *Amendment of section 9.*— In section 9 of the principal Act,—

(1) in sub-section (3), for the words “ one hundred and eighty”, the word “ninety” shall be substituted;

(2) in sub-section (4), for the words “ shall be forwarded to Government for sanction”, the words “ shall be forwarded to the State Development Council and the said fact shall be informed to the Government” shall be substituted;

(3) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) The State Development Council shall consider the draft Spatial Perspective Plan for the State, and forward the same to the Government for sanction, with suggestions for modifications, if any, as soon as may, within sixty days from the date of its receipt.”;

(4) in sub-section (5), for the words “one news paper”, the words, and brackets “two newspapers (of which one shall be in the regional language)”, and for the word “sale” the words “ sale and the spatial perspective plan for the State as sanctioned by the Government shall also be published in the official website of the Technical Secretariat of the State Town and Country Planning Committee” shall be substituted;

(5) after sub-section (5), the following sub-section shall be inserted, namely:—

“(5A) The Government shall forward the Spatial Perspective Plan for the State sanctioned under sub-section (5), to the State Planning Board for incorporating the Plan suitably in the State Perspective Plan, Five Year Plans and Annual Plans, or in any of them, as the case may be.”;

(6) in sub-section (6), after the brackets and figures “(3), (4)”, the brackets, figure and letter “ (4A)” shall be inserted.

12. *Amendment of section 11.*—In section 11 of the principal Act,—

(i) in clause (a), for the words “spatial development” the words “spatial planning and development” shall be substituted;

(ii) in clause (b), for the word “Commission” wherever it occurs, the words “ State Town and Country Planning Committee” shall be substituted;

(iii) in clause (e), after the words “Master Plans”, the words “spatial Plans for special Area” shall be inserted;

(iv) in clause (h), for the words “ Urban Art”, the words “Art and Heritage” shall be substituted;

(v) in clause (i), the words “to him” shall be omitted.

13. *Amendment of heading of CHAPTER III.*— For the heading of CHAPTER III of the principal Act, the heading “ DISTRICT PLANNING COMMITTEE AND THE SPATIAL PERSPECTIVE PLAN FOR THE DISTRICT” shall be substituted.

14. *Amendment of section 13.*—In section 13 of the principal Act,—

(1) in the marginal heading for the words “District Planning Committee and Plans for the District”, the words “District Planning Committee and the Spatial Perspective Plan for the District” shall be substituted;

(2) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The District Planning Committee constituted by the Government under section 53 of the Kerala Municipality Act, 1994 (20 of 1994) shall prepare or get prepared, the Spatial Perspective Plan for the district as a whole, which shall be the spatial component of the draft Development Plan for the district envisaged under section 53 of the Kerala Municipality Act, 1994 (20 of 1994) and exercise such other functions as assigned to it under this Act.”.

15. *Amendment of section 14.*— In section 14 of the principal Act,—

(1) in the marginal heading, for the words “ Powers and functions of the District Planning Committee”, the words “ Powers and functions of District Planning Committee in respect of spatial planning” shall be substituted;

(2) in sub-section (2),—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) prepare or get prepared for the District as a whole, in consultation with the Local Self Government Institutions in the district , the district level officer of the Local Self Government Department (Planning) of the Government and district level officers of other Government Departments and agencies in the district, a spatial Perspective Plan for the district, taking into account the plans, if any, prepared by various Local Self Government Institutions and any other plans prepared under this Act which have relevance to the district;”;

(ii) after clause (a), the following clause shall be inserted, namely:-

“(aa) Metropolitan Planning Committees, if any, having jurisdiction in any part of the district shall be consulted while preparing Spatial Perspective Plan for the district;”;

(3) in sub-section (3),—

(i) for the words “special committees”, the words “ sub committees” shall be substituted;

(ii) in the proviso, for the words “perspective plan and execution plan”, the words “spatial perspective plan” and for the word “special”, the word “sub” shall be substituted.

16. *Substitution of new section for section 15*.— In the principal Act, for section 15, the following section shall be substituted, namely:—

“15. *Spatial Perspective Plan for the district and the matters that may be dealt within the Spatial Perspective Plan*.—(1) The District Planning Committee constituted by the Government under section 53 of the Kerala Municipality Act, 1994 (20 of 1994) shall prepare or get prepared the Spatial Perspective Plan for the District and it shall contain an integrated vision, strategies and policies for the district on spatial development for a plan period of approximately twenty years.

(2) The Spatial Perspective Plan for the District shall, *inter alia*, deal with all or some of the following matters, namely:—

- (a) physical and natural resource potentials and their utilisation;
- (b) population assignment and settlement pattern including rural as well as urban centres and their hierarchy and functional specialization;
- (c) district level transportation system;
- (d) generalized land utilisation pattern;
- (e) housing and shelter development;
- (f) conservation of environment, forests, ecologically sensitive areas and heritage zones;
- (g) integrated infrastructure development covering water, energy, sanitation, education, health, recreation, communication and other utilities, facilities and services;
- (h) development of specific areas, if any, such as tribal areas, coastal areas, economically backward areas, areas for establishment of new towns, etc;

(i) situational analysis in respect of hazard, vulnerability, risk and proposals for mitigation and resilience;

(j) spatial development aspects of various sectors, namely:—

(i) agriculture and rural development and allied sectors;

(ii) trade, commerce and industries;

(iii) tourism;

(iv) animal husbandry and fisheries;

(v) any other sector which is determinant in the spatial planning and development of the District;

(k) mobilization of fiscal resources for Plan implementation; and

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

(3) Priority action plan, taking into account major schemes and projects envisaged in the spatial perspective plan for the District and also the development priorities assigned by the Central and State Governments, indicating phasing and prioritization of actions for the implementation of short, medium and long term sectoral programmes, projects and schemes or any other particulars as may be considered necessary in respect of spatial development by the District Planning Committee concerned.”.

17. *Omission of section 16.*— Section 16 of the principal Act shall be omitted.

18. *Amendment of section 17.*— In section 17 of the principal Act,—

(1) in sub-section (1), for the words “to prepare”, the words “to prepare or get prepared” shall be substituted;

(2) for the existing proviso to sub-section (3), the following proviso shall be substituted, namely:—

“Provided that the District Planning Committee may appoint a sub committee under sub-section (3) of section 14 consisting of not more than four of its members including the person nominated by the Government, two persons possessing special knowledge or practical experience in matters relating to transportation, agriculture, economics or environment and the district level officer of the Local Self Government Department (Planning) of the Government for processing the objections and suggestions and to submit its report to the District Planning Committee.”;

(3) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) The Government shall forward the Spatial Perspective Plan for the district sanctioned under sub-section (4) to the District Planning Committee concerned for incorporating its proposals suitably in the District Development Plan while preparing the same as envisaged under section 53 of the Kerala Municipality Act, 1994 (20 of 1994).”;

(4) in sub-section (5), for the word “sale” the following shall be substituted, namely:—

“sale and the Spatial Perspective Plan for the District sanctioned by the Government shall be published in the official website of the District Planning Committee.”.

19. *Omission of section 18.*—Section 18 of the principal Act shall be omitted.

20. *Amendment of section 19.*— In section 19 of the principal Act, for the words “Perspective Plan and Execution Plan of the district and any other plans under this Act”, the words “ spatial perspective plan” shall be substituted.

21. *Amendment of heading of Chapter IV.*—For the heading of CHAPTER IV of the principal Act, the following heading shall be substituted, namely:—

“METROPOLITAN PLANNING COMMITTEE AND THE SPATIAL PERSPECTIVE PLAN FOR THE METROPOLITAN AREA”.

22. *Substitution of new section for section 21.*— For section 21 of the principal Act, the following section shall be substituted, namely:—

“21. *Metropolitan Planning Committee and the Spatial Perspective Plan for the Metropolitan Area.*— The Metropolitan Planning Committee, if any, constituted by the Government under section 54 of the Kerala Municipality Act, 1994 (20 of 1994), shall prepare or get prepared a Spatial Perspective Plan for the Metropolitan Area, which shall be the spatial component of the draft Development Plan for the Metropolitan Area envisaged under section 54 of the Kerala Municipality Act, 1994 (20 of 1994) and exercise such other functions assigned to it under this Act.”.

23. *Amendment of section 22.*— In section 22 of the principal Act, —

(1) in sub-section (2),—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) prepare or get prepared, in consultation with the Local Self Government Institutions in the metropolitan area, the district level officer of the Local Self Government Department (Planning) of the Government, and other Government Departments and agencies in the Metropolitan Area, a Spatial Perspective Plan for the Metropolitan Area, taking into account the Plans, if any, prepared by various Local Self Government Institutions in the Metropolitan Area and any other plan prepared under this Act which have relevance to the Metropolitan Area.” ;

(ii) in clause (b), for the words “Perspective Plan and Execution Plan”, the words “ Spatial Perspective Plan” shall be substituted;

(2) in sub-section (3),—

(i) for the words “special committees”, the words “sub committees” shall be substituted;

(ii) in the proviso, for the words “ special committees in the preparation of perspective plan and execution plan”, the words “sub committee in the preparation of spatial perspective plan” shall be substituted.

24. *Substitution of new section for section 23.*— For section 23 of the principal Act, the following section shall be substituted, namely:—

“23. *Metropolitan Planning Committees and Spatial Perspective Plan for the Metropolitan Area and matters that may be dealt within the Spatial Perspective Plan.*—(1) The Metropolitan Planning Committee constituted by the Government under section 54 of the Kerala Municipality Act, 1994 (20 of 1994) shall prepare or get prepared the Spatial Perspective Plan for the Metropolitan Area and it shall contain an integrated vision strategies and policies for the Spatial development of the Metropolitan Area for a plan period of approximately twenty years.

(2) The Spatial Perspective Plan for the Metropolitan Area shall *interalia*, deal with all or any of the following matters, namely:—

- (a) physical and natural potentials and their utilisation;
- (b) population assignment and settlement pattern including rural as well as urban centres and their hierarchy and functional specialization;
- (c) transportation system including mass transport;
- (d) generalized land utilisation pattern;
- (e) housing and shelter development;
- (f) protection of environmentally and ecologically sensitive areas and conservation of heritage;
- (g) integrated infrastructure development covering water, energy, sanitation, education, health, recreation, communication and other utilities, facilities and services;
- (h) development of specific areas, if any, such as industrial townships, coastal areas, pilgrim centres etc.;
- (i) situational analysis in respect of hazard, vulnerability, risk and proposals for mitigation and resilience;
- (j) spatial development aspects of various sectors,namely:—

(i) agriculture and rural development;

(ii) trade, commerce and industries;

(iii) tourism ;

(iv) any other sector which is determinant in the spatial planning and development of the Metropolitan Area;

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

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

(3) Priority Action Plan, taking into account major schemes and projects envisaged in the Spatial Perspective Plan for the Metropolitan Area and also the development priorities assigned by the Central and State Governments, indicating phasing and prioritization of actions for the implementation of short, medium and long term sectoral programmes, projects and schemes or any other particulars as may be considered necessary in respect of spatial development by the Metropolitan Planning Committee concerned.”.

25. *Omission of section 24.*—Section 24 of the principal Act shall be omitted.

26. *Amendment of section 25.*— In section 25 of the principal Act,—

(1) in sub-section (1), for the words “to prepare”, the words “to prepare or get prepared” shall be substituted;

(2) in the proviso under sub-section (3), for the words, “temporarily a special committee”, the words “ a sub committee” shall be substituted.

(3) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A). The Government shall return the Spatial Perspective Plan for the Metropolitan area sanctioned under sub-section (4) to the Metropolitan

Planning Committee concerned, for incorporating its proposals suitably in the draft Development Plan for the Metropolitan area while preparing the same as envisaged under section 54 of the Kerala Municipality Act, 1994 (20 of 1994).” ;

(4) in sub-section (5), after the word and symbol “sale” the following shall be inserted, namely:—

“ The Spatial Perspective Plan for the Metropolitan area as sanctioned by the Government shall be published in the official website of the Metropolitan Planning Committee concerned.”.

27. *Omission of section 26.*—Section 26 of the principal Act shall be omitted.

28. *Amendment of section 27.*—In section 27 of the principal Act, for the words “ in conformity with the Perspective Plan and Execution Plan of the Metropolitan Area and any other plans under this Act”, the words “ taking into account of the State Planning framework for five year plans and Annual Plans of the Metropolitan Area” shall be substituted.

29. *Amendment of heading of Chapter V.*—For the heading in Chapter V of the principal Act, the heading “MASTER PLANS FOR LOCAL PLANNING AREAS” shall be substituted.

30. *Amendment of section 30.*—In section 30 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

“ (a) prepared or get prepared or adopt with or without modifications for the Local Planning Area or part thereof a master plan, taking into account the Plans, if any, prepared under this Act which is relevant to the Local Planning Area;”.

31. *Amendment of section 31.*— In section 31 of the principal Act, in the marginal heading after the words “Standing Committees” the words “in relation to spatial planning “shall be inserted.

32. *Amendment of section 32.*—In section 32 of the principal Act,—

(1) in sub-section (1), after clause (iv), the following clause shall be inserted, namely:—

“(v) Town Planner or Engineer of the Local Self Government Institution concerned, not below the rank of Assistant Town Planner or Assistant Engineer, who shall be the Joint Convenor.”;

(2) in sub-section (2), for the words “Town and Country Planning”, the words and symbol “Town and Country Planning or in Town/Spatial Planning” shall be substituted ;

(3) in sub-section (3), for the words “master plan and execution plan”, the words “master plan” shall be substituted;

(4) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Discuss the problems relating to development and consolidate the directions of gramasabha or ward sabha or ward committee. ”.

33. *Amendment of section 34.*— In section 34 of the principal Act,—

(1) in sub-section (2),—

(i) in clause (d), after the words and symbols “ developments etc. ; ” the word “ and “ shall be omitted;

(ii) after clause (e), the following clauses shall be inserted, namely:—

“(f) situational analysis in respect of hazard, vulnerability, risk and proposals for mitigation and resilience; and

(g) Priority Action Plan, taking into account major schemes and projects envisaged in the Master Plan for the Local Planning Area or part thereof along with development priorities assigned by the Central and State Governments, indicating phasing and prioritization of actions for the implementation of short, medium and long term sectoral programmes, projects and schemes or any other particulars as may be considered necessary in respect of spatial development by the Municipal Corporation, Municipal Council, Town Panchayat or Village

Panchayat concerned or as may be directed by the District Planning Committee or Metropolitan Planning Committee, as the case may be.” ;

(2) in sub-section (3), after clause (xiii) the following clause shall be inserted, namely:—

“(xiv) fiscal requirements and resource mobilization proposals.”.

34. *Omission of section 35.*—Section 35 of the principal Act shall be omitted.

35. *Amendment of section 36.*—In section 36 of the principal Act,—

(1) in sub-section (1), for the words “ adopt a master plan for the Local Planning Area or part thereof”, the words “ get prepared or adopt with or without modifications a master plan for the Local Planning Area or part thereof and shall notify the intention of the same in the Official Gazette and shall be duly published in the notice board and the website of the Local Self Government Institution, and in at least one newspaper having wide circulation in the area in the prescribed manner in a time bound manner” shall be substituted;

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat shall, in consultation with the Local Self Government Department (Planning) of the Government and other Government Departments and agencies, within two years from the date of notification in the Official Gazette regarding the intention to prepare the Plan under sub-section (1), prepare or get prepared or adopt with or without modifications a draft Master Plan for the Local Planning Area or part thereof, after reviewing such plans, if any, prepared earlier and after ensuring compliance with national policies, and forward the Master Plan along with resolution to the Government through the Chief Town Planner, in such form as may be prescribed:

Provided that the Chief Town Planner shall forward such plans to Government, as far as possible, within forty five days along with the remarks that whether such plans are in accordance with other plans under this Act and also with respect to any other matter pertaining to master plan.”;

(3) in sub-section (3), the words and symbol “ in consultation with the Board and/or the Chief Town Planner” shall be omitted;

(4) in sub-section (4), for the word “website”, the words “ website of the Local Self Government Institution” shall be substituted;

(5) in sub-section (5), after the words “to Government”, the words “and to the Local Self Government Institution concerned” shall be inserted;

(6) in sub-section (7),—

(i) after the words, “to the Government for sanction” , the words “through the Chief Town Planner” shall be inserted;

(ii) the following proviso shall be inserted, namely:—

Provided that the Chief Town Planner shall forward such plans to the Government, as far as possible, within forty five days along with the remarks that whether such plans are in accordance with other plans under this Act and also with respect to any other matter pertaining to master plan .”;

(7) in sub-section (8),—

(i) after the words “Village Panchayat concerned thereon”, the words “the remarks of the Chief Town Planner” shall be inserted;

(ii) for the words “the Perspective Plans and any other plan”, the words “any other plans” shall be substituted;

(iii) the first proviso shall be omitted ;

(8) for sub-section (12) and the proviso, the following sub-section shall be substituted, namely:—

“(12) In cases where a sanctioned Master Plan already exists, its provisions shall apply until the published Master Plan is sanctioned in accordance with the provisions of this Act .”.

36. *Omission of section 37.*—Section 37 of the principal Act shall be omitted.

37. *Amendment of section 38.*—In section 38 of the principal Act, the existing provision shall be numbered as sub-section (1) thereof, and after sub-section (1) as so numbered the following sub-sections shall be inserted, namely:—

“(2) In case the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned, fails to process and get the Plan sanctioned as required by Government as laid in sub-section (1), the Government may, by order, require the District Planning Committee to take action for obtaining sanction for the published Master Plan.

(3) The Government may require the District Planning Committee to constitute a sub committee as may be deemed necessary to perform the function under sub-section (6) of section 36 of the Act. The Chairman of the sub committee shall be one member nominated from the District Planning Committee and Convenor of the sub committee shall be the District Officer of the Local Self Government Department (Planning). The sub committee shall within sixty days of its constitution submit its report on the draft Plan to the District Planning Committee .

(4) The District Planning Committee shall, within thirty days of receipt of the report of the sub committee under sub-section (3) above, modify the draft Master Plan as considered necessary and submit the modified Plan as passed by the District Planning Committee together with the objections and suggestions in original, the report of the sub committee and the recommendations thereon to Government for sanction. The Government shall accord sanction to the Master Plan with or without modification and publish a notice in the Official Gazette intimating the fact of sanction of the Master Plan and the Local Self Government Institution concerned shall proceed in accordance with sub-section (10) of section 36 of this Act.

(5) In case the District Planning Committee fails to submit the draft Plan within three months from the date of order under sub-section (2), the Government in consultation with the Chief Town Planner and the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned, process and accord sanction to the Master Plan with or without modifications and publish a

notice in the Official Gazette intimating the fact of sanction of the Master Plan and the Local Self Government Institution concerned shall proceed in accordance with sub-section (10) of section 36 of this Act.”.

38. *Amendment of section 39.*—In section 39 of the principal Act, the following provisos shall be inserted, namely:—

“Provided that if the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned fails to comply with the above Government direction, the Government may issue direction as deemed necessary, under clause (e) of section 11 of this Act to prepare Master Plan for such area which shall be binding on the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned:

Provided further that, if the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat fails to publish such Master Plan as in the proviso under sub-section (4) of section 36 within the time limit prescribed, the Government may, *suo motu*, publish it, process objections and suggestions, modify the plan to the extent required and sanction it in accordance with this Act.”.

39. *Amendment of heading of CHAPTER VI.*—For the heading of CHAPTER VI in the principal Act, the heading “JOINT PLANNING COMMITTEE AND MASTER PLANS FOR JOINT PLANNING AREAS” shall be substituted.

40. *Amendment of section 41.*—In section 41 of the principal Act, in sub-section (1), the words and symbol “the Government may make in this behalf,” shall be omitted.

41. *Amendment of section 42.* —In section 42 of the principal Act,—

(i) for the words “ Joint Planning Committee shall be” the words “ Joint Planning Committee shall include” shall be substituted;

(ii) in clause (i), after the words “or get prepared”, the words “or adopt with or without modifications” shall be inserted.

42. *Amendment of section 43.* —Clause (a) of section 43 of the principal Act shall be omitted.

43. *Amendment of section 44.*—In section 44 of the principal Act,—

(i) the words and symbol “within the framework of the Master Plan if any, under this Act” shall be omitted;

(ii) the following proviso shall be inserted, namely:—

“Provided that Detailed Town Planning Scheme shall be prepared within the framework of Master Plan, if any, existing in an area.”.

44. *Amendment of section 46.*—In section 46 of the principal Act,—

(1) in sub-section (1), for the word “adopt”, the words “get prepared or adopt with or without modifications” shall be substituted;

(2) in sub-section (2),—

(i) after the words “or get prepared” the words “or adopt with or without modifications” shall be inserted;

(ii) after the word “website” the words “of the Local Self Government Institution” shall be inserted;

(3) in sub-section (4),—

(a) after the words “for sanction of the Government”, the words “through the Chief Town Planner” shall be inserted;

(b) the following proviso shall be inserted, namely:—

“Provided that the Chief Town Planner shall forward such plans to the Government within sixty days along with the remarks that whether such plans are in accordance with other plans under this Act and also with respect to any other matter pertaining to the Plan.” ;

(4) in sub-section (5), for the words “in consultation with”, the words “suggestions of” shall be substituted;

(5) for sub-section (7) and proviso, the following sub-section shall be substituted, namely:—

“(7) In cases where a sanctioned Detailed Town Planning Scheme already exists, its provisions shall apply until the Detailed Town Planning Scheme published in accordance with the provisions of the Act is sanctioned.”.

45. *Insertion of new CHAPTER after CHAPTER VII.*—After CHAPTER VII of the principal Act, the following CHAPTER shall be inserted, namely:—

“ CHAPTER VII A

SPATIAL AREA PLAN FOR SPECIAL AREA

49 A. *Declaration of Special Area.*—(1) A Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat shall, in consultation with the District Town Planner having jurisdiction over the area, by resolution of the council, delineate an area as a Special Area which needs immediate planning intervention specifying the purpose for which the plan is intended to be prepared.

(2) Government may, in consultation with the Chief Town Planner,

by order, delineate an area as a Special Area which needs immediate planning intervention specifying the purpose for which the plan is intended to be prepared.

49B. *Power of the Municipal Corporation, Municipal Council etc. to*

prepare Spatial plan for a Special Area.— (1) Subject to the provisions of this Act and the rules made thereunder, a Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may prepare or get prepared or adopt with or without modifications Spatial plan for a Special Area.

(2) The Government may, by order, require a Municipal Corporation, Municipal Council, Town Panchayat, or Village Panchayat to prepare or get prepared or adopt with or without modifications a Spatial plan for a Special Area.

(3) The Government may, if deemed necessary, by order, get prepared a Spatial plan for a Special Area in cases where immediate planning intervention is required.

49C. Matters that may be dealt within the Spatial plan for a Special Area.—(1) The Spatial plan for a Special Area shall generally indicate the manner in which spatial development of the Special Area shall be carried out and or the manner in which the use of land shall be regulated.

(2) The Spatial plan for a Special Area shall include the following, namely:—

(a) a development concept and a strategy for the spatial development of the Special Area. It may also incorporate, goals, objectives, strategies, and policies pertaining to various sectors of spatial development that are pertinent to the Special Area;

(b) situational analysis in respect of hazard, vulnerability, risk and proposals for mitigation and resilience;

(c) plan documents with land use proposals, Plans for infrastructure development and development control regulations; and

(d) priority action plan and implementation mechanism.

49D. Procedure for preparation and sanctioning of Spatial plan for a Special Area.— (1) The Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may, at any time, by resolution, decide to prepare or get prepared or adopt with or without modifications a Spatial plan for the area delineated as Special Area and shall notify the same in the website of the Local Self Government Institution concerned and in at least one newspaper having wide circulation in the area and such notification shall specify the boundaries of the Special Area and the purpose for which such plan is intended to be prepared.

(2) The Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat shall, within a period of six months from the date of notice in the newspaper, prepare or get prepared or adopt with or without modifications a draft Spatial plan for the Special Area, in consultation with the Local Self Government Department (Planning) of the Government and other Government departments and agencies concerned, and sanction the draft Plan and publish the draft Plan in the official website and the notice of publication in at least two

newspapers having wide circulation in the local planning area (of which one shall be in the regional language) specifying the place or places where a copy thereof shall be available for inspection and also inviting objections and suggestions to be submitted within thirty days from the date of publication of notice in the newspaper.

(3) Immediately after a Spatial plan for the Special Area is published under this Act, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall forward a copy of the published Plan to the District Planning Committee or Metropolitan Planning Committee, if any, and the District Planning Committee or the Metropolitan Planning Committee may, as far as possible, within twenty one days from the date of receipt of such Plan, communicate their remarks if any, on the Plan to the Local Self Government Institution concerned and the Government.

(4) After the expiry of the period allowed under sub-section (2) for filing objections and suggestions, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall consider the remarks of the Special Committee under section 32 of the Act, on all the objections and suggestions received and remarks, if any, of the District Planning Committee or Metropolitan Planning Committee, and make such modifications in the Spatial plan for the Special Area as it considers necessary within a period of thirty days from the time limit prescribed for receiving objections and suggestions under sub-section (2) and submit the Plan with or without modifications, together with all objections and suggestions in original, to Government for sanction through the Chief Town Planner:

Provided that the Chief Town Planner shall forward such plan to the Government within fourteen days with remarks whether such plan is in accordance with the other Plans under this Act, and also with respect to any other matter pertaining to the Spatial plan for the Special Area.

(5) The Government may, as far as possible, within twenty one days from the date of receipt of such Spatial plan for the Special Area, after considering remarks, if any, received from the District Planning Committee or the Metropolitan Planning Committee and remarks of the Chief Town Planner, either

accord sanction with or without modifications or refuse such sanction specifying reasons thereof:

Provided that if the Spatial plan for the Special Area is returned for incorporating modifications, if any, suggested by the Government, the modified Plan shall be resubmitted to Government for sanction within fifteen days from the date of receipt of the same as if it is submitted afresh under this Act:

Provided further that in case modification of a draft Plan involves, inclusion or exclusion of any land from the special area or new restrictions or acquisition of any land not originally proposed to be acquired, the modified Plan shall be republished and processed for sanction under the provisions of this Act after inviting objections and suggestions:

Provided also that the Government may extend the above time limits prescribed, as deemed necessary.

(6) The Government may, by notification in the Official Gazette, require a Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat to prepare or get prepared a Spatial plan for a Special Area, such notification shall be deemed to be a decision taken through a resolution to prepare or get prepared a Spatial plan for a Special Area under sub-section (1) of section 49D and the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall proceed in accordance with sub-sections (2) to (5).

(7) A Spatial plan for a Special Area got prepared by the Government under sub-section (3) of section 49B shall be published by the Government in the website and the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall publish the same in their official website, process and submit for sanction in accordance with sub-sections (2) to (5) .

(8) As soon as may be, after the Spatial plan for a Special Area has been sanctioned by the Government, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall forward a copy thereof to the District Planning Committee and Metropolitan Planning Committee, if any, and shall publish a notice regarding the sanction of the Spatial plan for the Special Area by the Government in at least one local newspaper, also stating the place or

places where a copy thereof shall be available for reference or for sale. The Spatial plan for the Special Area as sanctioned by the Government or its extracts shall also be published in the website of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned.”.

46. *Amendment of heading of CHAPTER VIII.*—For the heading of CHAPTER VIII in the principal Act, the Heading “ REVIEW, REVISION, VARIATION AND REVOCATION OF SPATIAL PERSPECTIVE PLAN, MASTER PLAN, DETAILED TOWN PLANNING SCHEME AND SPATIAL PLAN FOR A SPECIAL AREA” shall be substituted.

47. *Amendment of section 50.*—For sub-section (1) of section 50 of the principal Act, the following sub-section shall be substituted, namely:—

“(1) Immediately after the expiry of ten years from the date of sanction of a Perspective Plan, Master Plan, Spatial Plan for a Special Area or Detailed Town Planning Scheme under this Act or at an earlier date with the concurrence of the Government, the State Town and Country Planning Committee, the District Planning Committee, Metropolitan Planning Committee, Joint Planning Committee, Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat, as the case may be, shall review, revise or get revised such Plan incorporating such modifications as may be considered necessary and get it sanctioned in accordance with the provisions of this Act. The authority concerned shall ensure that the revised plan is sanctioned in accordance with the provisions of this Act before the expiry of the Plan period:

Provided that a sanctioned Master Plan shall be revoked by a subsequent Master Plan published and sanctioned in accordance with the provisions of this Act and a sanctioned Detailed Town Planning Scheme shall be revoked by a subsequent Detailed Town Planning Scheme published and sanctioned in accordance with the provisions of this Act:

Provided further that if it deemed necessary, a sanctioned Detailed Town Planning Scheme may be revoked by a Master Plan published and sanctioned in accordance with the provisions of this Act. In such cases, proposals in the existing

sanctioned Detailed Town Planning Scheme shall be specifically reviewed and suitably addressed in the master Plan stating clearly the reasons thereof.”.

48. *Substitution of new section for section 51.*—For section 51 of the principal Act, the following section shall be substituted, namely:—

“ 51. *Constitution of Development Authority.*—The Government may, in the interests of planned local development and for the implementation of major development projects and/or co-ordination of major schemes and projects and/or mobilisation of resources from various sources for implementation of major development projects, in an urban area or in any area with development potential in consultation with the Chief Town Planner, by notification in the Gazette, constitute with effect from such date and for such areas, as may be specified, in the notification, a Development Authority to exercise the powers and to perform the functions under section 56 of this Act.”.

49. *Amendment of section 54.*—In the principal Act, for clause (f) of subsection (1) of section 54, the following clause shall be substituted, namely:—

“(f) the Member Secretary of the Development Authority, who shall be an officer of the Government not below the rank of a Town Planner with not less than ten years of experience in Town and Country Planning or Municipal Administration.”.

50. *Amendment of section 61.*— In section 61 of the principal Act,—

(i) after the words “Master Plan”, the words “Spatial plans for a Special Area” and after the words “Master Plans”, the words “ Spatial plans for a Special Area” shall be inserted;

(ii) the words “or with prejudicial to” shall be omitted;

(iii) the existing note shall be omitted.

51. *Substitution of new section for section 62.*—For section 62 of the principal Act, the following section shall be substituted, namely:-

“62. *The date of coming into operation of a Plan .*—(1) For the purpose of section 61 the date of coming into operation of a plan shall be the date of

publication of notice in the Official Gazette inviting objections and suggestions, under the provision of this Act.

(2) In cases where a sanctioned Master Plan and a sanctioned Detailed Town Planning Scheme exist in an area, the provisions of the sanctioned Detailed Town Planning Scheme shall prevail over the provisions of the sanctioned Master Plan except in cases where the sanctioned Detailed Town Planning scheme is revoked by a sanctioned Master Plan under section 50 of this Act.

(3) In cases where a sanctioned Master Plan and a published Detailed Town Planning Scheme exist in an area, the provisions of the sanctioned Master Plan shall prevail over the provisions of the published Detailed Town Planning Scheme.

(4) In cases where a published Master Plan and a sanctioned Detailed Town Planning Scheme exist in an area, the provisions of the sanctioned Detailed Town Planning Scheme shall prevail over the provisions of the published Master Plan.

(5) In cases where a published Master Plan and a published Detailed Town Planning Scheme exist in an area, the provisions of the published Detailed Town Planning Scheme shall prevail over the provisions of the published Master Plan.

(6) The provisions of the Spatial plan for a Special Area sanctioned in accordance with this Act shall prevail over the provisions of any other Plan for the same area.”.

52. *Amendment of section 63.*—In section 63 of the principal Act,—

(1) in sub-section (1),—

(i) the words “Notwithstanding anything contained in this Act,” shall be omitted;

(ii) for the words “a decision has been taken by a resolution to prepare a plan or notified for preparing Detailed Town Planning Scheme,” the words “intention to prepare a Master Plan or a Detailed Town Planning Scheme has been notified” shall be substituted;

(2) for the existing note under sub-section (1), the following note shall be substituted, namely:—

“*Note*:—The expression ‘interim development’ means development during the period between the date of notification of intention in the Gazette to prepare a Plan and the date of publication of the draft Plan in the Official Gazette under this Act.”;

(3) in sub-section (2), after the words and symbol “with or without modifications.”, the following words shall be inserted, namely.—

“The fact of approval of the Interim Development Order shall be notified in the Gazette.”;

(4) in sub-section (4), for the words “coming into operation of the Plan”, the words “publication of notice of the Plan in the Official Gazette inviting objections and suggestions thereon under the provisions of the Act” shall be substituted;

(5) first, second, third and fourth provisos shall be omitted.

53. *Amendment of section 71.*— In section 71 of the principal Act,—

(i) the existing provision shall be numbered as sub-section (1) thereof, and in sub-section (1) as so numbered, after the words “prepare” the words “or get prepared or adopt with or without modifications” shall be inserted;

(ii) after sub-section (1) as so numbered, the following sub section shall be inserted, namely:—

“(2) The Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may also, through a resolution, decide to prepare or get prepared or adopt with or without modifications a Land Pooling Scheme in respect of any part of the area within its jurisdiction.”.

54. *Amendment of section 74.*— Sub-section (1) of section 74 of the principal Act shall be omitted.

55. *Amendment of section 76.*—In section 76 of the principal Act, after the words “District Planning Committee”, the words “Metropolitan Planning Committee” shall be inserted.

56. *Amendment of section 83.*—In section 83 of the principal Act, in sub-section (3), for the words “it is to be exempted”, the words “if it is deemed necessary” shall be substituted.

57. *Amendment of heading of CHAPTER XII.*—For the heading of CHAPTER XII in the principal Act the heading “THE KERALA ART AND HERITAGE COMMISSION” shall be substituted.

58. *Substitution of certain expressions for certain other expressions in Chapter XII.*—In CHAPTER XII of the principal Act, for the words “Urban Art” wherever they occur, the words “Art and Heritage” shall be substituted.

59. *Amendment of section 86.*—In section 86 of the principal Act,—

(i) after the word “preserving” the word “conserving” shall be inserted;

(ii) for the words “urban and environmental design” the words “landforms, built and environmental features/specifications, architectural character, and urban scape” shall be substituted.

60. *Amendment of section 91.*—In section 91 of the principal Act, after the word “preserving”, the word “conserving” shall be inserted.

61. *Amendment of section 97.*—In clause (b) of sub-section (1) of section 97 of the principal Act, for the words “other charges or fees ” the words “other charges or fines or fees ” shall be substituted.

62. *Omission of section 98.*—Section 98 of the principal Act shall be omitted.

63. *Omission of section 99.*—Section 99 of the principal Act shall be omitted.

64. *Amendment of section 100.*—In section 100 of the principal Act,—

(1) in sub-section (1), for the words “ and other relevant records in respect of the funds” , the words “ and proper records in respect of accounts” shall be substituted;

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The accounts maintained under sub-section (1) shall be subject to all audit procedures in force in the Government.”.

65. *Amendment of section 101.*—In section 101 of the principal Act, in sub-section (2) for the word “submit” wherever they occur the word “provide” and for the word “Board” the word “Government” shall be substituted.

66. *Amendment of section 102.*—In section 102 of the principal Act, for the words “persons appointed or authorized by the Board”, the words “the State Town and Country Planning Committee” shall be substituted.

67. *Amendment of section 106.*— In section 106 of the principal Act,—

(i) for the word “fund” , the word “account” shall be substituted.

(ii) the words and symbols “the District Planning Committee, the Metropolitan Planning Committee,” shall be omitted.

68. *Amendment of section 108.*— In section 108 of the principal Act, for the words “Urban Art” , the words “Art and Heritage” shall be substituted.

69. *Amendment of section 110.*— In section 110 of the principal Act,—

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

“ *Power of the Development Authority to borrow money*”;

(ii) in the existing provision, for the words “A Local Self Government Institution or a Development Authority”, the words “ A Development Authority” shall be substituted.

70. *Amendment of section 111.*—In section 111 of the principal Act, in the marginal heading, for the words “by the Government and the Board” , the words “by the Government etc.” shall be substituted.

71. *Amendment of section 112.*—In section 112 of the principal Act,—

(1) in subsection (2), for the words “rule or regulation”, the word “rule” shall be substituted;

(2) in sub-section (3),—

(i) in clauses (y), (z), (aa) for the words “ Urban Art”, the words “Art and Heritage” shall be substituted;

(ii) in clause (aa), for the word “fund”, the word “account” shall be substituted;

(iii) in clause (ab), for the words “Local Self Government Institutions and Development Authorities”, the words “ Development Authorities” shall be substituted;

(iv) in clause (af), for the word “fund”, the word “ account” shall be substituted;

(3) in sub-section (4), for the words “rule or regulation” wherever they occur the word “rule” shall be substituted.

72. *Repeal and saving.*—(1) The Kerala Town and Country Planning (Amendment) Ordinance, 2021 (122 of 2021) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Government have decided to amend the Kerala Town and Country Planning Act, 2016 (9 of 2016) by incorporating provisions relating to spatial plan for special area, which needs immediate planning intervention in the context of probable disaster impact, drastic environmental vulnerability, heritage conservation, urgent infrastructure development as directed by the Government in order to provide resilient infrastructure and urbanisation and to overcome the impact of Natural Calamities and floods, following the floods, in the year 2018 and also by incorporating certain other provisions.

2. Though a Bill to bring an Act of the State Legislature on this subject was published as Bill No 284 of the Fourteenth Kerala Legislative Assembly, the same could not be introduced in, and passed by, the Legislative Assembly.

3. As the Legislative Assembly of the State of Kerala was not in session and the above proposals had to be given effect to immediately, the Kerala Town and Country Planning (Amendment) Ordinance (42 of 2021) was promulgated by the Governor of Kerala on the 23rd day of February, 2021 and the same was published in the Kerala Gazette Extraordinary No. 977 dated 25th day of February, 2021.

4. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 24th day of May, 2021 and ended on the 10th day of June, 2021.

5. As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session, the Kerala Town and Country Planning (Amendment) Ordinance, 2021 (83 of 2021) was promulgated by the Governor of Kerala on the 1st day of July, 2021 and the same was published in the Kerala Gazette Extraordinary No. 1962 dated 3rd day of July, 2021.

6. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 22nd day of July, 2021 and ended on the 13th day of August, 2021.

7. As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session, the Kerala Town and Country Planning (Amendment) Ordinance, 2021 (122 of 2021) was promulgated by the Governor of Kerala on the 23rd day of August, 2021 and the same was published in the Kerala Gazette Extraordinary No. 2516 dated 26th day of August, 2021.

8. The Bill seeks to replace Ordinance No. 122 of 2021 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation would not involve any additional expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-section (1) of section 3 proposed to be inserted in the principal Act by clause 5 of the Bill, seeks to empower the Government to issue notification to constitute State Town and Country Planning Committee.

2. Sub-section (1) of section 36 of the principal Act proposed to be amended by Clause 35 of the Bill, seeks to empower the Government to notify in the Official gazette the intention to prepare and cause to be prepared, and to adopt with or without modifications a master plan for a Municipal Corporation, Municipal Council, Town Panchayat, Village Panchayat or local planning area or part thereof, and also to prescribe the manner of publishing it in the newspaper. Sub-section (2) of section 36 proposed to be inserted in the principal Act, by the said clause seeks to empower the Government to prescribe the form, for forwarding the Master Plan prepared or get prepared or adopted with or without modifications to the Government through the Chief Town Planner.

3. Sub-section (2) of section 38 of the principal Act proposed to be amended by Clause 37 of the Bill, seeks to empower the Government to issue orders, for taking steps to sanction the Master Plan in case, the steps are not taken.

4. Sub-section (2) of section 49 A, in CHAPTER VII A, proposed to be inserted in the principal Act, by clause 45 of the Bill, seeks to empower the Government to delineate an area as a Special Area which needs immediate planning intervention.

5. Sub-section (2) of section 49B in Chapter VII A, proposed to be inserted in the principal Act by the said clause, seeks to empower the Government to require a Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat to prepare or get prepare or adopt with or without modifications a Spatial plan for a Special Area by an Order.

6. Sub-section (3) of section 49B in Chapter VII A, proposed to be inserted in the principal Act by the said clause, seeks to empower the Government to issue an Order, to get prepare a Spatial plan for a Special Area in cases where immediate planning intervention is required.

7. Section 49 D in Chapter VII A proposed to be inserted in the principal Act by the said clause of the Bill, seeks to empower the Government, to issue notification in the Gazette, to require a Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat to prepare or get prepare a Spatial plan for a Special Area.

8. Section 51 proposed to be inserted in the principal Act by clause 48 of the Bill, seeks to empower the Government to constitute Development Authority in consultation with the Chief Town Planner.

9. The matters in respect of which rules may be made or notification may be issued are matters of procedure and are of routine or administrative in nature. Further, the rules, are subject to scrutiny by the Legislative Assembly. The delegation of legislative powers is, thus, of a normal character.

M.V. GOVINDAN MASTER.

NOTES ON CLAUSES

Clause 1.—This clause seeks to provide for short title and commencement of the proposed Act.

Clause 2.—This clause seeks to substitute certain expressions for certain other expressions used in the principal Act.

Clause 3.—This clause seeks to amend certain definitions of section 2 of the principal Act.

Clause 4. —This clause seeks to amend CHAPTER -II of the principal Act by substituting “STATE TOWN AND COUNTRY PLANNING COMMITTEE AND THE SPATIAL PERSPECTIVE PLAN FOR THE STATE”, for the heading “STATE TOWN AND COUNTRY PLANNING BOARD AND THE PERSPECTIVE PLAN FOR THE STATE”

Clause 5.—This clause seeks to substitute a new section for section 3 regarding the constitution of State Town and Country Planning Committee.

Clause 6.—This clause seeks to amend section 4 of the principal Act by substituting “evaluate and review development activities made by various Local Self Government Institutions”, for “ evaluate and review operations made by various Local Self Government Institutions”.

Clause 7.—This clause seeks to amend section 5 of the principal Act with respect to “Committees to be constituted by the Board” in order to provide for the constitution of “ sub committees by the State Town and Country Planning Committee”.

Clause 8.—This clause seeks to amend section 6 of the principal Act relating to “ Term of office and conditions of service of the non-official members of the Board”

Clause 9.—This clause seeks to amend section 7 of the principal Act relating to the “Meeting of the Board”.

Clause 10.—This clause seeks to insert a new section for section 8 in the principal Act relating to “ Matters than may be dealt within the Perspective Plan for the State”.

Clause 11.—This clause seeks to amend section 9 of the principal Act relating to procedure for preparation, publication and sanctioning of perspective plan for the State so as to provide for forwarding the draft perspective plan to the State Development Council and to provide that, the notification shall be issued specifying the places where the sanctioned master plan shall be available.

Clause 12.—This clause seeks to amend section 11 of the principal Act relating to the “functions of the Chief Town Planner”.

Clause 13.—This clause seeks to amend the heading of CHAPTER III in the principal Act.

Clause 14.—This clause seeks to amend section 13 of the principal Act relating to “District Planning Committee and Plans for the District”.

Clause 15.—This clause seeks to amend section 14 of the principal Act relating to “Powers and functions of District Planning Committee”.

Clause 16.—This clause seeks to amend section 15 of the principal Act relating to “Perspective Plan for the district and matters than may be dealt with in the Perspective Plan.

Clause 17.—This clause seeks to omit section 16 of the principal Act.

Clause 18.— This clause seeks to amend section 17 of the principal Act relating to the “Procedure for preparation, publication and sanctioning of Perspective plan for the district”.

Clause 19.—This clause seeks to omit section 18 of the principal Act.

Clause 20.—This clause seeks to amend section 19 of the principal Act relating to “District Planning Committee to issue guidelines for preparation of five year and annual plans of Local Self Government Institutions.

Clause 21.—This clause seeks to amend the heading of CHAPTER IV.

Clause 22.—This clause seeks to amend section 21 of the principal Act relating to “Metropolitan Planning Committee and Plans for Metropolitan Area”.

Clause 23.—This clause seeks to amend section 22 relating to “Powers and functions of Metropolitan Planning Committee in respect of spatial Planning”.

Clause 24.—This clause seeks to substitute a new section for section 23 of the principal Act relating to “Metropolitan Planning Committees, Perspective Plan for the Metropolitan Area and matters that may be dealt with in the Perspective Plan”.

Clause 25.—This clause seeks to omit section 24 of the principal Act.

Clause 26.—This clause seeks to amend section 25 of the principal Act relating to “*Procedure* for preparation, publication and Sanctioning of Perspective Plan for the Metropolitan Area”.

Clause 27.—This clause seeks to omit section 26 of the principal Act.

Clause 28.—This clause seek to amend section 27 of the principal Act relating to “Metropolitan Planning Committee to issue guidelines for preparation of five year and annual Plans of Local Self Government Institutions”.

Clause 29.—This clause seeks to amend the heading of CHAPTER V of the principal Act.

Clause 30.—This clause seeks to amend section 30 of the principal Act relating to “Powers and functions of the Municipal Corporations, Municipal Councils, etc. in relation to spatial planning”.

Clause 31.—This clause seek to amend section 31 of the principal Act relating to “Delegation of powers to the Standing Committees”

Clause 32.—This clause seeks to amend section 32 of the principal Act relating to “Appointment of special committees and Working Groups”.

Clause 33.—This clause seeks to amend section 34 of the principal Act relating to “Matters that may be dealt within the Master Plan”.

Clause 34.—This clause seeks to omit Section 35 of the principal Act.

Clause 35.—This clause seeks to amend section 36 of the principal Act relating to Preparation, publication and sanction of Master Plan

Clause 36.—This clause seeks to omit section 37 of the principal Act.

Clause 37.—This clause seeks to amend section 38 of the principal Act relating to the “Master Plans that are published but not sanctioned within the time limit prescribed” .

Clause 38.—This clause seeks to amend section 39 of the principal Act relating to “Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat to necessarily make Master Plans in certain cases”.

Clause 39.—This clause seeks to amend the heading of CHAPTER VI of the principal Act.

Clause 40.—This clause seeks to amend section 41 of the principal Act relating to “Joint Planning Committee and Master Plan for the Joint Planning Area”.

Clause 41.—This clause seeks to amend section 42 of the principal Act relating to “Powers and functions of Joint Planning Committee”.

Clause 42.—This clause seeks to amend section 43 of the principal Act relating to “Functions of constituent units of the Joint Planning Committee”.

Clause 43.—This clause seeks to amend section 44 of the principal Act relating to “Power of the Municipal Corporations, Municipal Councils, etc. to take up Detailed Town Planning Schemes”.

Clause 44.—This clause seeks to amend section 46 of the principal Act relating to “Procedure for preparation, publication and sanctioning of Detailed Town Planning Scheme”.

Clause 45.—This clause seeks to insert a new CHAPTER “Spatial Area Plan for Special Area” after CHAPTER VII in the principal Act.

Clause 46.—This clause seeks to amend the heading of CHAPTER VIII of the principal Act.

Clause 47.—This clause seeks to amend section 50 of the principal Act relating to “ Review, revision variation and revocation of plans prepared under the Act”.

Clause 48.—This clause seeks to insert a new section for section 51 relating to “Constitution of Development Authority”.

Clause 49.—This clause seeks to amend section 54 of the principal Act relating to “The General Council”.

Clause 50.—This clause seeks to amend section 61 of the principal Act relating to “Use and development of land to be in conformity with Master Plans and Detailed Town Planning Schemes Under this Act”.

Clause 51.—This clause seeks to amend section 62 of the principal Act by inserting a new section for section 62 relating to “The date of coming into operation of the plan”.

Clause 52.—This clause seeks to amend section 63 of the principal Act relating to “ Interim Development Orders and the restrictions after notifying the intention to prepare Plans.

Clause 53.—This clause seeks to amend section 71 of the principal Act relating to “Power of the Municipal Corporations, Municipal Councils etc. to prepare Land Pooling Schemes” .

Clause 54.—This clause seeks to amend section 74 of the principal Act relating to “Preparation, publication and sanction of Land Pooling Scheme” .

Clause 55.—This clause seeks to amend section 76 of the principal Act relating to “Government Departments and other authorities to take into account Plans prepared under this Act while drawing up projects”.

Clause 56.—This clause seeks to amend section 83 of the principal Act relating to “Levy of development charges”.

Clause 57.—This clause seeks to amend the heading of CHAPTER XII of the principal Act.

Clause 58.—This clause seeks to insert certain expressions for certain other expressions in CHAPTER XII of the principal Act.

Clause 59.—This clause seeks to amend section 86 of the principal Act relating to “ Constitution of the Kerala Urban Art Commission”.

Clause 60.—This clause seeks to amend section 91 of the principal Act relating to the “Functions of the Kerala Urban Art Commission”.

Clause 61.—This clause seeks to amend section 97 of the principal Act relating to “Planning and Development Fund”.

Clause 62.—This clause seeks to omit section 98 of the principal Act.

Clause 63.—This clause seeks to omit section 99 of the principal Act.

Clause 64.—This clause seeks to amend section 100 of the principal Act relating to “Accounts and Audit”.

Clause 65.— This clause seeks to amend section 101 of the principal Act relating to “Annual Reports”

Clause 66.- This clause seeks to amend section 102 of the principal Act relating to “Power of entry”.

Clause 67.— This clause seeks to amend section 106 of the principal Act relating to “Fine realised to be paid to the fund of the authority concerned”.

Clause 68.—This clause seeks to amend section 108 of the principal Act relating to “Validation of acts and proceedings” .

Clause 69.—This clause seeks to amend section 110 of the principal Act relating to “Power of the Local Self Government Institutions and Development Authority to borrow money”.

Clause 70.—This clause seeks to amend section 111 of the principal Act relating to “Control by the Government and the Board”.

Clause 71.—This clause seeks to amend section 112 of the principal Act relating to “Power to make rules and regulations”.

Clause 72.—This clause seeks to provide for “Repeal and saving”.

EXTRACT FROM THE KERALA TOWN AND COUNTRY
PLANNING ACT, 2016
(9 OF 2016)

** ** ** **

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

** ** ** **

(b) “amenities” include roads, open spaces parks, recreational grounds play grounds, water supply, supply of cooking gas, power supply, street lighting, sewerage. drainage, public facilities and other utilities, services and conveniences;

** ** ** **

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

** ** ** **

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

** ** ** **

(n) “joint planning area” means an area declared to be a joint Planning Area Under Section 40 of this Ordinance:

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

** ** ** **

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

** ** ** **

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

** ** ** **

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

** ** ** **

(aa) “prescribed” means prescribed by rules made under this Act:

(ab) “residence” means the use for human abitation of any building and appurtenant land or part there of and includes gardenes, grounds, garages, stables and out houses, if any appertaining to such building:

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

** ** ** **

CHAPTER II

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

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

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

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

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

- (a) the Leader of Opposition of the State Legislative Assembly;
- (b) the Vice-Chairperson of the State Planning Board;
- (c) the Chief Secretary to Government;
- (d) the Principal Secretary to Local Self Government Department;
- (e) the Secretaries to Government in-charge of Local Self Government Department, Revenue Department, Finance Department Agriculture Department, Planning and Economic Affairs Department, Environment Department and Transport Department as nominated by the Government;
- (f) the Chief Town planner;
- (g) the Land Revenue Commissioner;
- (h) the Chief Engineer, Local Self Government Department;
- (i) the Chief Engineer (Roads and Bridges), Public Works Department;
- (j) Head of the Department, Kerala Forest and Wild Life Department;
- (k) The Chairperson, Kerala State Pollution Control Board;

- (l) the Chairperson, Kerala State Electricity Board Limited;
 - (m) the Managing Director, Kerala Water Authority;
 - (n) two Members of Parliament, as nominated by the Government;
 - (o) two Members of the State Legislative Assembly, as nominated by the Government;
 - (p) two Chairpersons of the District Planning Committees and/or Metropolitan Planning Committees, as nominated by the Government;
 - (q) the Chairperson of the Chamber of the Mayors of the Municipal Corporations;
 - (r) the Chairperson of the Chamber of Municipal Chairpersons of the Municipal Councils;
 - (s) the President of the Kerala Grama Panchayat Association; and
 - (t) three non-official members, as nominated by the Government, of whom one person shall be with expertise and qualification in Town and Country Planning and other two persons shall, in the opinion of the Government, possess special knowledge or practical experience in matters relating to transportation, agriculture or economics:
- (5) The Principal Secretary to Government, in-charge of Local Self Government Department in the State shall be the ex-officio Member-Secretary of the Board and the Chief Town Planner shall be its Joint Secretary.
- (6) The following persons may be invited to the meetings of the Board as Special Invitees, as and when their presence is required at those meetings, namely:—
- (a) representatives of the Ministries of the Central Government, in-charge of Railways, Civil Aviation, Shipping, Defence, Transport and Communications, Environment, Urban Development Rural Development, etc;
 - (b) Secretaries to the Government Departments other than those mentioned in clause (d) of sub-section (4);
 - (c) the Chairperson of the Institute of Town Planners, India, Kerala Regional Chapter and
 - (d) the Chairpersons of the District Planning Committee, the Metropolitan Planning Committee and the Development Authority concerned.

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

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

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

- (a) physical and natural resource potentials and their utilisation;
- (b) urbanisation, population assignment, settlement pattern of urban centres and rural centres with their hierarchy and functional specialisation;
- (c) national and state level transportation network;
- (d) infrastructure development;
- (e) generalised land utilisation,
- (f) natural hazard prone areas;
- (g) protection of environmentally and ecologically sensitive areas;
- (h) conservation of national and state level heritage areas;
- (i) spatial dimensions of the following sectors, namely:—
 - (i) development of trade, commerce and industries;
 - (ii) agriculture and rural development; and
- (j) any other particulars and details as may be deemed necessary for ensuring spatial planning of the State and, as may be directed, by the Government;
- (k) development vision for the State; and
- (l) development strategies and policies.

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

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

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

** ** * ** *

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

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

** ** * ** *

(h) perform functions as the Ex-officio Member secretary of the Kerala Urban Art Commission as provided under Chapter 12 of the Act; and

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

CHAPTER III

DISTRICT PLANNING COMMITTEE AND PLANS FOR THE DISTRICT

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

** ** * ** *

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

(2) The District Planning Committee shall,—

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

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

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

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

Provided that the district planning committee may also constitute working groups for various sectors for giving guidance and support to the special committees in the preparation of prespective plan and execution plan.

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

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

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

(c) district level transportation system;

(d) generalized land utilisation pattern;

(e) housing and shelter development;

(f) conservation of environment, forests, ecologically sensitive areas and heritage zones;

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

(h) development of special areas, if any, such as tribal areas, coastal areas, economically backward areas, areas for establishment of new towns, etc;

(i) natural hazard prone areas;

(j) development of various sectors, namely:—

(i) agriculture and rural development;

(ii) trade, commerce and industries;

(iii) human resources;

(iv) district tourism promotion;

(k) mobilization of fiscal resources for Plan implementation;

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

(m) integrated development vision of the district; and

(n) development strategies and policies for integrated development.

16. *Execution Plan for the District and matters that may be dealt within the Execution Plan.*—The district Planning Committee shall prepare execution plan for the district for a period of five years taking into account the prospective plan prepared under sub section (1) of section 15 and any other plans under this

(4) The Government may, in consultation with the Board, within 60 days of the date of receipt of the perspective plan for the District forwarded to it under sub-section (3), and after ensuring that the perspective plan for the District is within the prime work of the perspective plan for the state, if prepared, and any other plans under this Act, priorities and objectives set by the Government and the Government of India, sanction the same with all without modifications:

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

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

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

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

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

(2) The Metropolitan Planning Committee shall,—

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

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

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

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

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

Provided that the Metropolitan Planning committee may also constitute working group for various sectors for giving guidance and support to the special committees in the preparation of perspective plan and Execution Plan.

23. *Metropolitan Planning committees Perspective Plan for the Metropolitan Area and matters that may be dealt with in the Perspective Plan.*—Metropolitan Planning committee, constituted by Government under Section 54 of the Kerala Municipality Act, 1994, shall prepare the perspective plan for the Metropolitan area containing long term strategies and policies for spatial development, approximately for a plan period of 20 years and shall be, *inter alia* with all or some of the following matters, namely:—

- (a) Physical and natural resource potentials and their utilization;
- (b) population assignment and settlement pattern including rural as well as urban centres and their hierarchy and functional specialization;
- (c) transportation system including mass transport;
- (d) generalised land utilization pattern;
- (e) housing and shelter development;

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

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

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

(i) natural hazard prone areas;

(j) development of various sectors, namely.—

(i) agriculture and rural development;

(ii) trade, commerce and industries;

(iii) tourism promotion of Metropolitan Area;—

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

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

(m) integrated development vision of the Metropolitan Area.

(n) development strategies and policies for integrated development.

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

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

- (b) development issues;
- (c) strategies and development policies for the integrated development;
- (d) sectoral development policies, strategies and proposals of sectors like agriculture, fisheries, animal husbandry, forest, trade and commerce, industries, transportation, water, health, education, energy, tourism, etc.;
- (e) identification of projects and programmes;
- (f) Phasing of metropolitan area perspective plan into five year plans by sectoral programmes, projects and schemes indicating physical targets and fiscal requirements;
- (g) financial resource planning; and
- (h) any other particulars and details as may be considered necessary by the Metropolitan Planning Committee or as may be directed by the government.

25. *Procedure for preparation, publication and sanctioning of Perspective Plan for the Metropolitan Area.*—(1) As soon as may be, after its constitution, the Metropolitan Planning Committee, shall take a decision to prepare a Perspective Plan for the Metropolitan Area.

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

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

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

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

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

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

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

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

** ** **

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

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

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

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

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

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

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

** ** ** **

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

(e) existing land use,

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

** ** ** **

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

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

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

(b) development strategies for integrated development;

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

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

(e) fiscal requirements and resource mobilization proposals;

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

(g) monitoring and review mechanism

36. *Procedure for preparation, publication and sanctioning of Master Plan.*—(1) A Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat may, at any time, by resolution, decide to prepare or adopt a Master Plan for the Local Planning Area or part thereof.

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

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

(4) The Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall, within sixty days from the date of receipt of approval for publication under sub-section (3) publish the draft Master Plan in the website; and a notice of publication, in the Official Gazette and in at least two newspapers having wide circulation in the Local Planning Area of which

one must be in the regional language, inviting objections and suggestions to be submitted within sixty days from the date of publication of the notice in the Gazette specifying the place or places where a copy thereof shall be available for inspection by the Public.

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

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

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

(8) The Government may, as far as Possible within a period of sixty days from the date of receipt of the Master Plan as per sub-section (7), after considering the objections and suggestions, if any, the recommendations of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned thereon, the remarks, if any, received from the District Planning Committee and the Metropolitan Planning Committee on the draft Plan and ensuring compliance with the provisions of the

Perspective Plans and any other plans prepared under this Act, accord sanction to the Plan with or without modifications and publish a notice in the Official Gazette intimating the fact of sanction of the Master Plan:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER VI

JOINT PLANNING COMMITTEE AND PLANS FOR JOINT PLANNING AREA

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41. *Joint Planning Committee and Master Plan for the joint Planning Area.*— (1) Subject to such rules as may be prescribed the Government may

make in this behalf, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat declared to be part of a Joint Planning Area under section 40 shall constitute a Joint Planning Committee with the district officer of the Department of Town and Country Planning having jurisdiction over the area as Member Secretary:

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

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

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

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

(a) prepare Execution Plan for their respective Local Planning Areas taking into account the Master Plan for the Joint Planning Area.

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CHAPTER VII

DETAILED TOWN PLANNING SCHEMES

44. *Power of the Municipal Corporation, Municipal Councils, etc. to take up detailed Town Planning Schemes.*—Subject to the provisions of this Act, and the Rules made thereunder, a Municipal Corporation, Municipal

Council, Town Panchayat or Village Panchayat may undertake development of an area, including regulation of activities in that area, under its jurisdiction, by framing and implementing detailed Town Planning Schemes, within the frame work of Master Plan, if any, under this Act.

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

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

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(4) After the expiry of the period allowed under sub-section (2) for filing objections and suggestions, the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned shall consider all the objections and suggestions received and shall after allowing a reasonable opportunity of being heard, to any person who has made a request for being so heard, make such modifications in the Detailed Town Planning Scheme as it considers

proper, as far as possible, within a period of sixty days from the time limit prescribed for receiving objections and suggestions under sub-section (2) and shall submit the detailed Town Planning Scheme with or without modifications, together with all objections and suggestions in original, for sanction of the Government.

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

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

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(7) The provisions specified under section 63 shall continue to be in operation until sanction has been accorded for the Detailed Town Planning Scheme, even if the time limit specified undersub-sections (2) to (5) are not complied with:

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

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49. *Municipal Corporation, Municipal Council, Town Panchayat or Village Pauchayat to necessarily make Detailed Town Planning Scheme in certain cases.*—Notwithstanding anything contained in this Act, in respect of any area for which planned development is necessary but not initiated by the

Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned, the Government, may, after making such enquiry as may be deemed necessary, by a notification in the Official Gazette, require the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat to prepare or get prepared, publish and submit for sanction a Detailed Town Planning Scheme as provided under this Act and the notification so issued shall be deemed to be the notification of the intention to prepare the plan under subsection (1) of section 46.

CHAPTER VIII

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

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

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

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this Act, the Municipal Corporation, Municipal Council, Town Panchayat, Village Panchayat or Joint Planning Committee, as the case may be, may prepare Interim Development Orders and forward the same to the Government for sanction.

*Note:—*For the purpose of this section, the expression ‘interim development’ means development during the period between the date of decision taken to prepare a Plan under this Act and the date of coming into operation of the Plan in the case of Master Plan and in the case of Detailed Town Planning Scheme the period between the date of notification of intention to prepare the Plan under this Act and the date of coming into operation of the Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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may constitute one or more sub-committees with any member or special invitee of the Kerala Urban Art Commission and Secretary of the Municipal Corporation, Municipal Council, Town Panchayat or Village Panchayat concerned, and/or officials of other Departments or quasi-Government agencies concerned, as may be deemed necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

persons appointed or authorised by them or by the Government shall have the same power to enter upon, survey and set up marks on property and to do all acts necessary for such purposes, subject to the same conditions and restrictions, as the Secretary of a Municipality and the officers authorised by him have in respect of the powers under the enactment relating to the Municipalities for the time being in force.

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

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

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

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

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