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No. 10410



Registered No.
PY/44/2021-23

புதுச்சேரி மாநில அரசிதழ்
La Gazette de L'État de Poudouchéry
The Gazette of Puducherry

PART - II

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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அதிகாரம் பெற்ற
வெளியீடு

Publiée par
Autorité

Published by
Authority

எண் } No. } No. }	புதுச்சேரி Poudouchéry Puducherry	திங்கட்கிழமை Lundi Monday	2022 ஆம் ஆண்டு 29 29th	ஆகஸ்ட் மீ Août August	29 2022 2022
(7 Bhadra 1944)					

**GOVERNMENT OF PUDUCHERRY
LEGISLATIVE ASSEMBLY**

No. XV PLA-3/LAS/REF/R.1/2022(3rd Session-Part-II).

Puducherry, the 29th August 2022.

Under rule 140 of Rules of Procedure and Conduct of Business of the Puducherry Legislative Assembly, the following Bill viz.,

- (i) The Puducherry Town and Country Planning (Amendment) Bill, 2022 (Bill No. 7/2022).

which was introduced in the Legislative Assembly on 29th August, 2022, is published for general information.

R. MOUNISSAMY,
Secretary.

THE PUDUCHERRY TOWN AND
COUNTRY PLANNING
(AMENDMENT) BILL, 2022
(Bill No. 7/2022)

A
BILL

**further to amend the Puducherry Town and Country
Planning Act, 1969.**

BE it enacted by the Legislative Assembly of
Puducherry in the Seventy-third Year of the Republic
of India as follows :—

Short title,
extent and
commencement.

1. (1) This Act may be called the Puducherry
Town and Country Planning (Amendment) Act, 2022.

(2) It shall extend to the whole of the Union
territory of Puducherry.

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

Substitution in
the Act.

2. In the Puducherry Town and Country Planning
Act, 1969 (hereinafter referred to as the principal Act)
for the existing words “Development Charges”,
wherever it exists, the words “Permit Charges” shall be
substituted.

3. In the principal Act, for the existing words
“Land Acquisition Act, 1894 (Central Act 1 of 1894)”,
wherever it exists, the words “The Right to Fair
Compensation and Transparency in Land Acquisition,
Rehabilitation and Resettlement Act, 2013 (Central Act
30 of 2013)”, shall be substituted.

Amendment of
section 34.

4. (i) In the principal Act, in section 34, for the
existing sub-section (2), the following shall be
substituted, namely:-

(2) The provisions of sub-section (2) of section
30 and sections 31, 32 and 33 with such modifications
as may be necessary shall apply for review of such
development plan after every five years.

(ii) In the said section, after the existing sub-section (2), the following shall be inserted, namely:-

“34 A. Change of Land use in the Development Plans: (1) The Government may *suo moto* or on a reference from the Planning Authority, make such modifications to the sanctioned development plan, as it thinks fit and which in its opinion are necessary, as prescribed.

(2) Before making any modifications in the development plans, the Planning Authority with the approval of the Board shall publish a notice in the Official Gazette inviting objections or suggestions from the public in writing within 15 days from the date of publication of the notice in the Official Gazette.

(3) After the expiry of the period mentioned in sub-section (2), the objections or suggestions shall be considered by a Committee consisting of the Chief Town Planner and two Members of the Planning Authority and submit a report to the Planning Authority within 15 days from the last date of filing of objections or suggestions.

(4) After the report is received, the final modification made under the provisions of this section shall be published in the Official Gazette with the approval of the Government within 45 days from the date of receipt of the report and the final modifications shall come into operation from the date of publication of such notification.

(5) The Planning Authority shall levy such fees and charges as may be prescribed in the regulations for any such modification effected to the sanctioned development plan from the land owners at whose instance the modifications are effected or who will have the advantage due to such modifications. These charges shall take into account, the benefits that accrue to the land owners from the change and shall seek to capture some share of the increased land value.

(6) Regulations for amendment of Development Plans and Change of Land Use shall be framed with the approval of the Government.

Amendment of section 46. 5. In the principal Act, after section 46, the following shall be inserted, namely:-

46-A Regulation and penalisation of unauthorised developments, unauthorised buildings and buildings constructed in deviation to the sanctioned plan: (1) (a) Notwithstanding anything contained in the Act or in any other law for the time being in force, the Government may by notification frame a scheme to regulate and penalise any development or construction of buildings, made, unauthorisedly or in deviation to the sanctioned plan, as a one time measure; and

(b) By levying such pecuniary amount as may be prescribed and upon such penalisation, pending or contemplated proceedings and action of enforcement shall be deemed to have been withdrawn and the Planning Authority shall issue necessary Occupancy Certificate to the owner or the individual as the case may be.

(c) Such Scheme shall be framed only after inviting claims and objections.

(2) Application for regulation under sub-section(1) shall be submitted within such time and in such manner as prescribed.

(3) The provisions in sub-section (1) shall not apply to-

(a) Any application made by any person who does not have any right over the land or building referred to in sub-section (1).

(b) The buildings constructed and completed before April 1987 and after 31-12-2021.

(c) Encroachment on lands belonging to Government/Local Bodies or property belonging to Public undertakings like Puducherry Housing Board, Puducherry

Industrial Promotion and Development Investment Corporation, Puducherry Urban Development Agency, Endowments, Work Board or any other public undertaking or Society controlled and funded by the Government.

(d) Lands declared as Surplus under the Pondicherry Land Reforms Act, 1973/Urban Land (Ceiling and Regulation) Act, 1976/Lands acquired under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013);

(e) Encroachments or developments on Tank bed and lake, canal bund lands, river course/drain/canals or any water body;

(f) Prohibited buildings under the Coastal Regulation Zone/Archaeological Survey of India and such other environmentally restricted Zones as prescribed in the respective regulations;

(g) Layout/Master Plan open spaces/areas earmarked for Recreation Use in Master Plan/Comprehensive Development Plan;

(h) Buildings affected under alignment of any proposed road under Master Plan/Comprehensive Development Plan/Road Development Plan or any public roads/foot path/public pathways.

(i) Building constructions that compromises on structural safety of the building.

(4) Any person aggrieved by any order passed under sub-section (1) by any officer or authority may prefer an appeal to a Committee constituted by the Government, within thirty days from the date of receipt of the order.

STATEMENT OF OBJECTS AND REASONS

1. In order to avoid confusion created due to collection of charges in the name of development charges by different agencies from the same person who undertakes the development works, it is proposed to substitute Development Charges as Permit Charges.
2. The Land Acquisition Act,1994 (Central Act 1 of 1894) has been repealed and “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) has been enacted. Therefore, it is proposed to amend the Act.
3. Simplification of land use conversion is one of the Business Reform Action Plan for Ease of Doing Business. The land use conversion process has to be simplified to reduce the timeline and to promote business activities in the territory.
4. The need for controlling and regulating unauthorised developments throughout the Union territory of Puducherry has been felt and was the concern of the Government for some time. The Town and Country Planning Board whose functions are to advise the Government in matters relating to Town Planning has suggested for issue of amendments to the Puducherry Town and Country Planning Act,1969 for regularisation of unauthorised constructions for providing solution to the unauthorised constructions.
5. The Bill seeks to achieve the above objects.

N. RANGASAMY,
Chief Minister.

FINANCIAL MEMORANDUM

This Bill need to substitute the words Development charges as Permit Charges *i.e.*, to rename Development Charge as Permit Charge and no expenditure is involved.

2. Clause 3 of the Bill provides for Substitution of Land Acquisition Act,1894 (Central Act 1 of 1894) as The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013 (Central Act 30 of 2013).

3. Clauses 4 of the Bill Provides for incorporating the provisions for land use conversion to simplify the procedure for land user conversion in the Development Plans and to make the process transparent.

4. Clause 5 of the Bill provides for regulation and penalisation of unauthorised developments, buildings and buildings constructed in deviation to the sanctioned plan by levying penalisation charges.

5. Thus, no additional expenditure is expected to be incurred from the exchequer of the Government of Puducherry. However, a revenue of ₹ 235 cores is expected.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 4 of the Bill empowers the Government to make regulations for amendment of development plans and change of land use. Clause 5 of the Bill empower the Government to frame Scheme for regulation of developments, buildings and buildings constructed unauthorisedly and in deviation to the sanctioned plans. The matters in respect of which Scheme shall be make are matters procedure or detail in nature.

2. The powers delegated are normal and not of an exceptional character.

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