

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 1st November 2012 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 46 of 2012

A Bill further to amend the Tamil Nadu Town and Country Planning Act, 1971.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Town and Country Planning (Amendment) Act, 2012.

Short title and commencement.

(2) It shall be deemed to have come into force on the 16th day of July 2012.

Tamil Nadu
Act 35 of
1972.

2. In section 57 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as the principal Act), sub-section (6) shall be re-lettered as clause (a) of that sub-section and after clause (a) as so re-lettered, the following clauses shall be added, namely:—

Amendment of
section 57.

“(b) No person shall continue the development after obtaining any order of stay or interim injunction from any court against the notice served by the appropriate planning authority under section 56 or under this section.

(c) Any development continued after obtaining the order of stay or interim injunction referred to in clause (b), shall be deemed to be unauthorised development and the appropriate planning authority may demolish such unauthorised development without any notice.”.

3. In section 83 of the principal Act,—

Amendment of
section 83.

(1) in sub-section (1), for the expression “one thousand rupees”, the expression “one lakh rupees” shall be substituted;

(2) in sub-section (2), for the expression “shall not be less than twenty-five rupees and not more than fifty rupees”, the expression “shall not be less than two thousand and five hundred rupees and not more than five thousand rupees” shall be substituted;

(3) after the Explanation thereunder, the following sub-section and Explanation shall be added, namely:—

“(3) Without prejudice to the provisions of sub-sections (1) and (2), whoever,—

(a) having been convicted in the prosecution under sub-section (5) of section 56, carried out any development of land or building as specified in clause (a) or (b) or (c) or (d) of sub-section (1) of section 56; or

(b) continues to carry out development of land or building, whether for himself or on behalf of the owner or on behalf of any other person, subsequent to the notice served under sub-section (1) of section 57,

shall, on conviction, be punishable with imprisonment for a term which shall not be less than three months and not more than three years and also with fine which shall not be less than fifty thousand rupees and not more than one lakh rupees.

Explanation.—For the purpose of this section and sections 84, 85 and 86, the term “whoever” means and includes the land owner, power of attorney holder, builder, promoter, architect and licensed surveyor, jointly and severally.”.

Amendment of section 84.

4. In section 84 of the principal Act, for the expression “shall not be less than fifty rupees and not more than one thousand rupees”, the expression “shall not be less than five thousand rupees and not more than one lakh rupees” shall be substituted.

Amendment of section 85.

5. In section 85 of the principal Act, in sub-section (2), for clause (b), the following clause shall be substituted, namely:-

“(b) such person shall, without prejudice to the provisions of clause (a), be punishable-

(i) with fine which shall not be less than two thousand and five hundred rupees and not more than fifty thousand rupees; and

(ii) in case of continuing failure, with fine which shall not be less than five hundred rupees and not more than ten thousand rupees for every day during which such failure continues.”.

Amendment of section 86.

6. In section 86 of the principal Act, for clauses (a) and (b), the following clauses shall be substituted, namely:-

“(a) for the first offence, with fine which shall not be less than five hundred rupees and not more than five thousand rupees; and

(b) for a second or any subsequent offence, with fine which shall not be less than two thousand rupees and not more than twenty thousand rupees.”.

Amendment of section 88.

7. In section 88 of the principal Act, in sub-section (2),-

(1) in item (i), for the expression “five hundred rupees”, the expression “fifty thousand rupees” shall be substituted;

(2) in item (ii), for expression “twenty-five rupees”, the expression “two thousand and five hundred rupees” shall be substituted.

Amendment of section 89.

8. In section 89 of the principal Act, in sub-section (1), the expression “within three months from the date of the commission of the offence” shall be omitted.

Insertion of new section 113-C.

9. After section 113-B of the principal Act, the following section shall be inserted, namely:-

“113-C. Exemption in respect of development of certain buildings.- Notwithstanding anything contained in this Act or any other law for the time being in force, the Government may, taking into consideration the ecology and environment of the area and having regard to public interest and in order to improve the infrastructure, reduce public inconvenience and ensure public safety in the area, by order, exempt any building or class of buildings developed on or before the 1st day of July 2007, from all or any of the provisions of this Act or any rule or regulation made thereunder, subject to the guidelines made in this behalf, by collecting such amount, not exceeding three times of the guideline value of the land, as may be prescribed. Different rates may be prescribed for different planning parameters and for different parts of the planning area.”.

Substitution of Schedule I.

10. For Schedule I to the principal Act, the following Schedule shall be substituted, namely:-

“SCHEDULE I.

(See section 83)

<i>Section.</i> (1)	<i>Sub-section or clause. (2)</i>	<i>Subject. (3)</i>	<i>Penalty. (4) Rs.</i>
47	...	Failure to use and develop the land in conformity with the development plan.	7,500
48	...	Erection of building or change in use of land without permission.	10,000
49	...	Failure to apply for permission and get permission.	5,000
56	(5)	Power to require the removal of unauthorised development.	5,000
57	...	Power to stop the unauthorised development.	5,000
62	...	Failure to comply to pay development charges.	10,000
106	...	Obstruction to the exercise of the power of entry by the Government servants or the servants of the planning authorities.	10,000".

Tamil Nadu
Ordinance
6 of 2012.

11. (1) The Tamil Nadu Town and Country Planning (Amendment) Ordinance, 2012 is hereby repealed.

Repeal and
saving.

(2) Notwithstanding such repeal, anything done or any action 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 need for controlling and regulating unauthorised developments throughout the State of Tamil Nadu has been keenly felt and was the concern of the Government for sometime. The Committee constituted under the Chairmanship of Justice Thiru S. Mohan, retired Judge of Supreme Court of India, to review the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) has suggested amendments for effective enforcement action and for providing limited solution to the unauthorised developments made prior to 1st day of July 2007. In this context the Committee has suggested certain amendments to sections 57, 83, 84, 85, 86, 88 and 89 of the Act, to insert a new section 113-C in that Act along with the guidelines proposed thereunder and to enhance the penalty amount specified in Schedule I to that Act. Accordingly, the Government decided to amend the said Act suitable for the above purpose and the Tamil Nadu Town and Country Planning (Amendment) Ordinance, 2012 (Tamil Nadu Ordinance 6 of 2012) was promulgated by the Governor on the 16th July 2012, and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 16th July 2012.

2. The Bill seeks to replace the said Ordinance.

R. VAITHILINGAM,
Minster for Housing and Urban Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The new section 113-C of the Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), proposed to be inserted by clause 9 of the Bill authorises the Government to make guidelines and to make rules prescribing the amount to be collected for the purposes specified therein.

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

A.M.P. JAMALUDEEN,
Secretary.