

## **Gujarat Town Planning And Urban Development (Amendment) Act, 1999**

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## **Gujarat Town Planning And Urban Development (Amendment) Act, 1999**

An Act further to amend the Gujarat Town Planning and Urban Development Act, 1976. It is hereby enacted in the Fiftieth Year of the Republic of India as follows :-

### **1. Short Title And Commencement :-**

(1) This Act may be called The Gujarat Town Planning and Urban Development (Amendment) Act, 1999.

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

### **2. Section 2 :-**

(1) Amendment of Sec. 2 of Presidents Act No. XXVII of 1976 :- In The Gujarat Town Planning and Urban Development Act, 1976 (hereinafter referred to as "the principal Act"), in Sec. 2, -

(i) in clause (iv), after the words and figure "under Sec. 5", the words, brackets and figure "and includes a local authority, designated as such under Sub-sec. (1) of Sec. 6 or Government company designated as such under Sec. 6A" shall be inserted.

(ii) after clause (xxix), the following clause shall be added, namely :- "(xxx) "Government company" means a Government company registered under the Companies Act, 1956 (I of 1956) which has one of its objects the development of an area;"

### **3. Amendment Of Sec. 5 Of Presidents Act No. Xxvii Of 1976** :-

In the principal Act, in Sec. 5, in sub-sec. (3), for clause (iii), the following clauses shall be substituted, namely :- \* First Published in Gujarat Govt. Gazette Extra Ordinary Part IV Page 2 dated 9-3-1999. "(iii) such persons not exceeding four from amongst the members of the local authorities functioning in the development area as may be nominated by the State Government;

(iii-a) the Presidents of the district panchayats functioning in the development area or in any part thereof, ex-officio;"

### **4. Amendment Of Sec. 6 Of Presidents Act No. Xxvii Of 1976** :-

In the principal Act, in Sec. 6 -

(1) in sub-sec. (2), after clause (ii), the following clauses shall be inserted, namely :-

(iii) "One official of the State Government to be nominated by the State Government, ex-officio;

(iv) Chief Officers or, as the case may be, Secretary of the local authority."

(2) in sub-sec. (3), after the words "Standing Committee", the words "or, as the case may be, Executive Committee" shall be inserted.

### **5. Insertion Of New Sec. 6A In Presidents Act No. Xxvii Of 1976** :-

In the principal Act, after Sec. 6, the following section shall be inserted namely :- "6A. Power to designate Government company as an Area Development Authority :- The State Government may, instead of constituting an area development authority for a development area, designate the Government company as the area

development authority for any development area."

**6. Amendment Of Sec. 7 Of Presidents Act No. Xxvii Of 1976**

**:-**

In the principal Act, in Sec. 7, in sub-sec. (1), in clause (ii), after the words "the preparation", the words "and execution" shall be inserted.

**7. Amendment Of Sec. 17 Of Presidents Act No. Xxvii Of 1976 :-**

In the principal Act, in Sec. 17 :-

(1) in sub-sec. (1), in clause (d), for the word, brackets and letter "Clause (b)", the words, brackets and letters "Clause (a), Clause (b)" shall be substituted; (2) in sub-sec. (2), for the word, brackets and letter "Clause (n)", the words brackets and letters "Clause (n) or Clause (o)" shall be substituted.

**8. Amendment Of Sec. 20 Of Presidents Act, No. Xxvii Of 1976 :-**

In the principal Act, in Sec. 20, in sub-sec. (1), for the words, brackets and letters "Clause (k) or Clause (n)", the words, brackets and letters "Clause (f), Clause (n) or Clause (o)" shall be substituted.

**9. Amendment Of Sec. 22 Of Presidents Act. No. Xxvii Of 1976 :-**

In the principal Act, in Sec. 22 :-

(1) in sub-sec. (1), the words "and not by any other authority" occurring at the end shall be deleted.

(2) after sub-sec. (2), the following sub-section shall be inserted, namely :- 1999 AMENDMENT TO ACT 3 "(2A) The State Government may, by notification in the Official Gazette, include in or exclude any area from an urban development area, amalgamate two or more urban development area into one urban development area, subdivide any urban development area into different urban development areas and include such sub-divided urban development area in any other urban development area.";

(3) in sub-sec.

(4) :- (a) in clause (ii), for the words "two in number", the words "four in number" shall be substituted;

(b) in clause (iii), for the words "two officials", the words "three officials" shall be substituted;

(c) after clause (vi), the following clause shall be inserted, namely :- "(vi-a) the Municipal Commissioner of the Municipal Corporation,

if any, functioning in the urban development area, ex-officio;".

**10. Amendment Of Sec. 23 Of Presidents Act No. Xxvii Of 1976 :-**

In the principal Act, in Sec. 23, in sub-sec. (1), in clause (ii), after the words "the preparation", the words "and execution" shall be inserted.

**11. Insertion Of New Sec. 23-A Presidents Act No. Xxvii Of 1976 :-**

In the principal Act, after Sec. 23, the following section shall be inserted, namely :- "23-A Entrustment of powers and functions to Government company :- The State Government may, by notification in the Official Gazette, entrust to the Government company, all or any of the powers and functions of the appropriate authority."

**12. Amendment Of Sec. 40 Of Presidents Act No. Xxvii Of 1976 :-**

In the principal Act, in Sec. 40, in sub-sec. (3), for clause (jj), the following shall be substituted, namely :-

"(jj) (a) the allotment of land from the total area covered under the scheme, to the extent of :-

(i) fifteen percent, for roads,

(ii) five percent for parks, play-grounds, gardens and open space.

(iii) five percent, for social infrastructure such as schools, dispensary, fire brigade, public utility place as earmarked in the Draft Town Planning Scheme, and

(iv) fifteen percent, for sale by appropriate authority for residential commercial or industrial use depending upon the nature of development. Provided that the percentage of the allotment of land specified in paragraphs

(i) to (ii) may be altered depending upon the nature of development and for the reasons to be recorded in writing;

(b) the proceeds from the sale of land referred to in para (iv) of subclause (a) shall be used for the purposes of providing infrastructural facilities.

(c) the land allotted for the purposes referred to in paragraphs (ii) and (iii) of sub-clause (a) shall not be changed by variation of schemes for the purpose other than public purpose."

**13. Amendment Of Sec. 42 Of Presidents Act No. Xxvii Of 1976 :-**

In the principal Act, in Sec. 42, in sub-sec. (1) :-

- (a) for the words "twelve months", the words "nine months" shall be substituted;
- (b) in the proviso, for the words "six months", the words "three months" shall be substituted.

**14. Amendment Of Sec. 48 Of Presidents Act No. Xxvii Of 1976 :-**

In the principal Act, in Sec. 48 :-

- (1) in sub-sec. (1), for the words "four months", the words "three months" shall be substituted;
- (2) in sub-sec. (2) for the words "four months", the words "three months" shall be substituted.

**15. Insertion Of New Sec. 48-A In Presidents Act No. Xxvii Of 1976 :-**

In the principal Act, after Sec. 48, the following section shall be inserted, namely :- "48-A. Vesting of land in appropriate authority :-

- (1) Where a draft scheme has been sanctioned by the State Government under sub-sec. (2) of Sec. 48, (hereinafter in this section, referred to as the sanctioned draft scheme), all lands required by the appropriate authority for the purposes specified in clauses (c), (f), (g) or (h) of sub-sec. (3) of Sec. 40 shall vest absolutely in the appropriate authority free from all encumbrances.
- (2) Nothing in sub-sec. (1) shall affect any right of the owner of the land vesting in the appropriate authority under that sub-section.
- (3) The provisions of Secs. 68 and 69 shall mutatis mutandis apply to the sanctioned draft scheme as if :-
  - (i) sanctioned draft scheme were a preliminary scheme, and
  - (ii) in sub-sec. (1), for the words "comes into force", the words, brackets and figures "the date on which the draft scheme is sanctioned under subsec. (2) of Sec. 48" were substituted."

**16. Amendment Of Sec. 50 Of Presidents Act No. Xxvii Of 1976 :-**

In the principal Act, in Sec. 50, after sub-sec. (1), the following proviso shall be added, namely :- "Provided that the State Government may, on the request made by the Appropriate Authority, appoint a Town Planning Officer within one month from the date of the publication of the Draft Scheme under sub-sec. (1) of Sec. 42."

**17. Amendment Of Sec. 51 Of Presidents Act No. Xxvii Of 1976 :-**

In the principal Act, in Sec. 51, for the proviso the following proviso shall be substituted, namely :- 1999 AMENDMENT TO ACT 5 "Provided that the State Government may, by order in writing, extend the said period by such further period not exceeding nine months in aggregate and any such order extending the period may be made so as to have retrospective effect : Provided further that the State Government, by order and for reasons to be recorded in writing, extend such further period not exceeding six months."

**18. Substitution Of Sec. 54 Of Presidents Act No. Xxvii Of 1976 :-**

In the principal Act, in Sec. 54, the following shall be substituted, namely :- "54.

(1) Any decision of the Town Planning Officer under clauses (iii), (iv), (vi), (vii), (viii) and (x) of sub-sec. (3) of Sec. 52 shall forthwith be communicated to the party concerned in the prescribed form and any party aggrieved by such decision may within one month from the date of communication of decision, present an appeal to the Board of Appeal constituted under Sec. 55.

(2) (a) A Board of Appeal existing immediately before the commencement of the Gujarat Town Planning and Urban Development (Amendment) Act, 1999 (Guj. II of 1999) shall continue to hear and decide appeal until the date on which the Board of Appeal is constituted (hereinafter referred to as the said date"), by the State Government under Sec. 55, and

(b) all appeals pending on the said date before any Board of Appeal shall stand transferred to the Board of Appeal so constituted."

**19. Amendment Of Sec. 55 Of Presidents Act No. Xxvii Of 1976 :-**

In the principal Act, in Sec. 55, for sub-sec. (1) the following shall be substituted, namely :-

"(1) (a) The State Government shall from time to time by an order published in the Official Gazette, constitute a Board of Appeal for hearing and deciding appeals under Sec. 54.

(b) The Board of Appeal shall consist of three Members, one of whom shall be its President and two persons, possessing such qualifications and experience as may be prescribe, as assessor.

(c) The President shall be a person who is or has been a District Judge or a Judge of the City Civil Court, Ahmedabad.

(d) The terms of appointment of the President of the Board of Appeal and conditions of service shall be such as may be

prescribed."

**20. Insertion Of New Sec. 70A In Presidents Act No. Xxvii Of 1976 :-**

In the principal Act, after Sec. 70, the following section shall be inserted, namely :- "70 A. Variation of Town Planning Scheme for land allotted for public purpose :-

If at any time after the final town planning scheme comes into force, the appropriate authority is of the opinion that the purpose for which any land is allotted in such scheme under any of the paragraphs

(ii) and (iii) of Sub-clause (a) of Clause (jj) of sub-sec. (3) of Sec. 40 requires to be changed to any other purpose specified in any of the said paragraphs, the appropriate authority may make such change after following the procedure relating to amendment of regulations, specified in Sec. 72 as if such change were an amendment regulations."

**21. Amendment Of Sec. 117 Of Presidents Act No. Xxvii Of 1976 :-**

In the Act, in Sec. 117, clause (a) shall be deleted.

**22. Amendment Of Sec. 117 Of Presidents Act No. Xxvii Of 1976 :-**

In the Act, in Sec. 118, in sub-sec. (2), in clause (xxx); for the words "the qualification words "the terms of appointment and conditions of service of President; qualifications" shall be substituted.