
Town Planning Laws (Amendment) Act, 1986

3 of 1987

CONTENTS

1. Short Title And Commencement
2. Amendment Of Act Iv Of 1108
3. Amendment Of Madras Act Vii Of 1920
4. Repeal And Saving

Town Planning Laws (Amendment) Act, 1986

3 of 1987

An Act further to amend the Town Planning Act (IV of 1108) and the Madras Town Planning Act, 1920 (Madras Act VII of 1920). WHEREAS it is expedient further to amend the Town Planning Act (IV of 1108) and the Madras Town Planning Act, 1920 (Madras Act VII of 1920), for the purposes hereinafter appearing; BE it enacted in the Thirty-seventh Year of the Republic of India as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Town Planning Laws (Amendment) Act, 1986.
- (2) It shall be deemed to have come into force on the 7th day of October, 1985.

2. Amendment Of Act Iv Of 1108 :-

In the Town Planning Act (IV of 1108),

(a) for section 53B, the following sections shall be substituted, namely :

"53B. Composition of Development Authority. -The Development Authority shall compose of,

- (1) the Chairman of the development authority;
- (2) the General Council; and
- (3) the Executive Committee.

53BA. Chairman of Development Authority. The Government shall appoint a person to be the Chairman of the development authority for such term not exceeding three years and on such terms and

conditions as they may fix.

53BB. The General Council.-(1) The General Council shall be constituted by the Government and shall consist of the following members, namely:

(a) the Chairman of the development authority, ex-officio; who shall be the Chairman of the General Council;

(b) not less than two persons nominated by the Government from among the members of the local authorities having jurisdiction in the area for which the development authority has been constituted: Provided that if for any reason there are no elected members in office in any of the local authorities within the jurisdiction of the development authority, the Government may nominate to the General Council persons who have been members of any such local authority;

(c) members of the State Legislative Assembly representing any area within the jurisdiction of the development authority;

(d) other persons nominated by the Government;

(c) the Secretary of the development authority, ex-officio.

(2) The General Council may also include representatives of transport undertakings or corporations established by or under any Central or State law, chambers of commerce, co-operative societies and similar bodies or associations, nominated by the Government.

(3) The Government shall fix the strength of the General Council which shall not be less than fifteen or more than thirty (excluding the Chairman), and the number of members to be nominated under clause (b) or clause (d) of sub-section (1):

Provided that the number of members nominated under clause (d) of sub-section (1) shall not exceed one-third of the total number of members of the development authority.

(4) The term of office of the members nominated under sub-section (1) or sub-section (2) shall be for a period not exceeding three years from the date of his nomination as may be fixed by the Government:

Provided that a member nominated under clause (b) of sub-section (1) or under sub-section (2) shall cease to be a member on his ceasing to be a member of the local authority or body or association, as the case may be:

Provided further that a member under clause (c) of sub-section (1) shall cease to be a member of the General Council on his ceasing to be a member of the State Legislative Assembly representing any area within the jurisdiction of the development authority.

(5) The General Council shall be the policy making body for deter

mining the lines on which the improvement and development of the area within the jurisdiction of the development authority shall proceed and shall have power to review the actions of the Executive Committee in implementing the policies determined by the Council.

53BC. The Executive Committee.-(1) The Executive Committee shall be constituted by the Government and shall consist of the following members, namely:

- (a) The Chairman of the development authority, ex-officio, who shall be the Chairman of the Executive Committee;
- (b) one or two persons, depending upon the strength of the General Council, nominated by the Government from among the members of the General Council nominated under clause (1) of sub-section (1) of section 53BB;
- (c) one or two persons, depending upon the strength of the General Council, nominated by the Government from among the members of the General Council under clause (c) of sub-section (1) of section 53BB;
- (d) other persons nominated by the Government from among the members of the General Council;
- (e) the Secretary of the development authority, ex-officio.

(2) The Government shall fix the strength of the Executive Committee which shall not be less than five and more than ten excluding the Chairman.

(3) The term of office of a member nominated to the Executive Committee shall be for a period not exceeding three years from the date of his nomination as may be fixed by the Government;

Provided that a member of the Executive Committee shall cease to be such member on his ceasing to be a member of the General Council.

(4) The executive powers of the development authority shall vest in the Executive Committee and the Committee shall be responsible for carrying out the provisions of this Act and for giving effect to the policies laid down by the General Council for the improvement and development of the area within the jurisdiction of the development authority.

53BD. Power of Government to prescribe functions and powers of General Council and Executive Committee.-Subject to the provisions of section 53BB and section 53BC, the General Council and the Executive Committee shall exercise such powers and perform such functions of the development authority as may be prescribed.";

(b) in section 53E, for the words "as though the words "development authority" the words, "as though the words "Executive Committee of the development authority" " shall be substituted;

(c) in section 53F,

(i) for the words "as though the words "development authority" " the words "as though the words-"Executive Committee of the development authority" " shall be substituted;

(ii) for the words "member of the development authority", the words "member of the Executive Committee of the development authority" shall be substituted;

(d) for section 53H, the following section shall be substituted, namely :

"53H. The General Council of the development authority and the Executive Committee of the development authority may, with the previous sanction of the Government, delegate any of their powers under this Act to the Chairman of the development authority or the Secretary or any other officer of the authority..

3. Amendment Of Madras Act Vii Of 1920 :-

In the Madras Town Planning Act, 1920 (Madras Act VII of 1920),

(a) for section 54B, the following sections shall be substituted, namely:

"54B. Composition of development Authority.--The development authority shall compose of,

(1) the Chairman of the development authority;

(2) the General Council; and

(3) the Executive Committee.

54BA. Chairman of Development Authority.--The Government shall appoint a person to be the Chairman of the Development authority for such term not exceeding three years and on such terms and conditions as they may fix.

54BB. The General Council.--(1) The General Council shall be constituted by the Government and shall consist of the following members, namely:

(a) the Chairman of the development authority, ex-officio; who shall be the Chairman of the General Council;

(b) not less than two persons nominated by the Government from among the members of the local authorities having jurisdiction in the area for which the development authority has been constituted: Provided that if for any reason there are no elected members in office in any of the local authorities within the jurisdiction of the

development authority, the Government may nominate to the General Council persons who have been members of any such local authority;

(c) members of the State Legislative Assembly representing any area within the jurisdiction of the development authority;

(d) other persons nominated by the Government;

(e) the Secretary of the development authority, ex-officio.

(2) The General Council may also include representatives of transport undertakings or corporation established by or under any Central or State law, chambers of commerce, Co-operative societies and similar bodies or associations, nominated by the Government.

(3) The Government shall fix the strength of the General Council which shall not be less than fifteen or more than thirty (excluding the Chair man) , and the number of members, to be nominated under clause (b), clause (d) of sub-section (1):

Provided that the number of members nominated under clause (d) sub-section (1) shall not exceed one-third of the total number of members of the development authority.

(4) The term of office of a member nominated under sub-section (1) or sub-section (2) shall be for a period not exceeding three years from the date of his nomination as may be fixed by the Government:

Provided that a member nominated under clause (b) of sub-section (1) or under sub-section (2) shall cease to be a member on his ceasing to be member of the local authority or body or association, as the case may be:

Provided further that a member under clause (c) of sub-section (1) shall cease to be a member of the General Council on his ceasing to be a member of the state Legislative Assembly representing any area within the jurisdiction of the development authority.

(5) The General Council shall be the policy making body for determining the lines on which the improvement and development of the area within the jurisdiction of the development authority shall proceed and shall have power to review the actions of the Executive Committee in implementing the policies determined by the Council.

54BC The Executive Committee.--(1) The Executive Committee shall be constituted by the Government and shall consist of the following members namely:

(a) The Chairman of the development authority, ex-officio, who shall be the Chairman of the Executive Committee;

(b) one or two persons, depending upon the strength of the

general Council, nominated by the Government from among the members of the General Council nominated under clause (b) of sub-section (1) of section 54BB;

(c) one or two persons, depending upon the strength of the General Council, nominated by the Government from among the members of the General Council under clause (c) of sub-section (1) of section 54BB;

(d) other persons nominated by the Government from among the members of the General Council;

(e) the Secretary of the development authority, ex-officio.

(2) The Government shall fix the strength of the Executive Committee which shall not be less than five and more than ten excluding the Chairman;

(3) The term of office of a member nominated to the Executive Committee shall be for a period not exceeding three years from the date of his nomination as may be fixed by the Government:

Provided that a member of the Executive Committee shall cease to be such member on his ceasing to be a member of the General Council.

(4) The executive powers of the development authority shall vest in the Executive Committee and the Committee shall be responsible for carrying out the provisions of this Act and for giving effect to the policies laid down by the General Council for the improvement and development of the area within the jurisdiction of the development authority.

54BD. Power of Government to prescribe functions and powers of General Council and Executive Committee.-Subject to the provisions of section 54BB and section 54BC, the General Council and the Executive Committee shall exercise such powers and perform such functions of the development authority as may be prescribed." ;

(b) in section 54E, for the words "as though the words "development authority" ", the words as though the words "Executive Committee of the development authority, shall be substituted;

(c) in section 54F,

(i) for the words "as though the words "development authority" ", the words "as though the words "Executive Committee of the development authority" ", shall be substituted;

(ii) for the words member of the development authority", the words "member of the Executive Committee of the development authority" shall be substituted;

(d) for section 54H, the following section shall be substituted, namely:

"54H. The General Council of the development authority and the Executive Committee of the development authority may, with the previous sanction of the Government, delegate any of their powers under this Act to the Chairman of the development authority or the Secretary or any other officer of the authority."

4. Repeal And Saving :-

(1) The Town Planning Laws (Amendment) Ordinance, 1986 (73 of 1986), 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 Town Planning Act (IV of 1108), or the Madras Town Planning Act, 1920 (Madras Act VII of 1920), as amended by the said Ordinance, shall be deemed to have been done or taken under the Town Planning Act IV of 1108) or, as the case may be, the Madras Town Planning Act, 1920 Madras Act VII of 1920), as amended by this Act.