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NOTIFICATION

No. LJD. 9/90/90 : the 17th August, 1990. The following Act of the Mizoram Legislative Assembly which received the assent of the Governor is hereby published for general information.

The Mizoram Act No. 12 of 1990.

The Mizoram Urban Regional Development Act, 1990. (Received the assent of the Governor of Mizoram on the 13th August, 1990).

AN
ACT

To make provision for the regulation of planned growth and development of Urban and rural areas and regions in relation to economic growth and protection and preservation and development of natural setting and urban environment and archaeological monuments and historical places within Mizoram.

Be it enacted by the Mizoram Legislative Assembly in the Fourty first Year of the Republic of India as follows namely :—

**CHAPTER—1.
PRELIMINARY**

Short title,
extent and
commencement.

1. (i) This Act may be called The Mizoram Urban and Regional Development Act, 1990.
- (ii) It shall extend to the whole of Mizoram.
- (iii) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas or regions.

Definitions

2. In this Act, unless the context otherwise requires-
 - (i) 'Adjunct' means such area around the monument as may be declared by the Government on the advice of the Department.
 - (ii) 'Agriculture' includes horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, fodders, trees or any kind of cultivation of soil, breeding and keeping of livestock including cattle, donkeys, mules, pigs, fish, poultry and bees and use of any land which is ancillary to the farming of land or other agricultural purposes of a garden to be used along with such building and 'agricultural' shall be construed accordingly;
 - (iii) 'Amenities' include roads and streets, open spaces, parks, recreational grounds, play grounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, service and conveniences;
 - (iv) 'Area of bad layout or absolute development' means an area or areas consisting of land which is badly laid out or of absolute development;
 - (v) 'Building' means construction for whatsoever purpose and of whatsoever materials constructed and every part thereof, whether used as human habitation or not, and includes plinth, walls, chimney, drainage, works fixed platforms, varandah, balcony, works cornice or projection or part of a building or anything affixed thereto construction enclosing or delimiting or intended to enclose or delimit any land or space.
 - (vi) 'Building Operations' includes -
 - (a) erection or re-erection of a building or any part of it;
 - (b) Roofing or re-roofing or any part of building or open space;
 - (c) Any materials alternation or enlargement or any building;
 - (d) Any such alternation of a building as is likely affect as alternation of its drainage or materially affects its security;
 - (e) The construction of a door opening on any street or land not belonging to the owner ;

(vii) 'Chief Urban Development Officer' means a person (qualified Town and Country Planner) appointed by the Government to perform the duties of a Chief Urban Development Officer of the Department and as empowered by the Government as such Chief Urban Development Officer under this Act;

(viii) 'Commercial use' means use of any land or building or part thereof for the purpose of carrying on any trade, business or profession, sale or exchange of goods of any type whatsoever and includes running of with a view to making profit, hospital, nursing home, infirmaries, educational institutions, hotels, restaurants and boarding houses not being attached to any educational institutions, sarais and also includes the use of any land or building for storage of goods or otherwise;

(ix) 'Committee' means such Advisory Committee set up by the Government under this Act;

(x) 'Court' means a principal Civil Court of original jurisdiction and includes any other Civil Court empowered by the Government of Mizoram to perform the functions of the Court under this Act within the pecuniary local limits of its jurisdiction;

(xi) 'Department' means the Urban Planning and Development Department constituted under this Act;

(xii) 'Development with its grammatical variation' means the carrying out of building, engineering, mining or other operations in, on, or over or under land or the making of any material change in any building or land in the use of any building or land and includes sub-divisions of any land;

(xiii) 'Development Plan' means integrated interim Development Plan, Regional Structure Development Plan, Urban Structure Development Plan, Sectoral or Rural Structure Development Plan, or Action Plan prepared under this Act;

(xiv) 'Engineering Operations' includes the formation of laying out of means of access to a road or the laying out of means of water supply, drainage, sewerage or of the electricity cables or lines or of telephone and other communications lines;

(xv) 'Existing land use map' means a map indicating the use to which lands in any specified area or regions are put at the time of preparing the map and includes the register prepared with the map giving details of land use;

(xvi) 'Government' means the Government of Mizoram;

(xvii) 'Industrial use' includes the use of any land or building or part thereof for purposes of industry as defined;

(xviii) 'Industry' includes the carrying on of any manufacturing process as defined in the Factories Act, 1948 (63 of 1948) and "industrial" shall be construed accordingly;

(xix) 'Land' includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(xx) 'Legislative Assembly' means the Legislative Assembly of Mizoram;

(xxi) 'Local Authority' means a Town or Village Council Committee or Board or District or Board other authority legally entitled to or entrusted by the Government with the control or management of a local fund or which is permitted by the Government to exercise the powers of a local "Authority concerned" if any land within its local limits falls in the area or regions of a plan prepared under this Act;

(xxii) 'Local Newspaper' means any registered newspaper either Mizo or English, published or circulated within the Planning area or regions;

(xxiii) 'Occupier' includes—

- (a) A tenant;
- (b) an owner in occupation of, or otherwise using his land;
- (c) a rent free tenant of any land;
- (d) a licensee in occupation of any land, and
- (e) any person who is liable to pay the owner damages for the use and occupation of any land;

(xxiv) 'Official Gazette' means the Mizoram Gazette issued by the Government of Mizoram from time to time;

(xxv) 'Operational construction' means any construction whether temporary or permanent, which is necessary for the development, execution, operation, maintenance of any of the following services, namely:—

- (a) railways
- (b) national highway
- (c) national waterways
- (d) inland waterways
- (e) major & minor ports
- (f) airways and aerodromes
- (g) Posts and telegraphs, telephones, wireless, broadcasting and other like forms of communications;
- (h) regional grid for electricity;

- (i) Any other services which the Government may, if it is of opinion that the operation, maintenance, development or execution of such other service is essential to the life of the Community by notification, declare to be a service for the purpose of this clause.

Explanation : for the removal of doubts, it is hereby declared that the construction of—

- (i) New residential buildings, except those connected with operation lodges, hospitals, clubs, institutions, schools, railway colony, roads, drains etc. in the case of railways; and
 (ii) a new buildings, new structure or new installation or any other service, shall not be deemed to be construction within the meaning of this clause.

(xxvi) 'Owner' includes a mortgaging in possession, a person who for the time being is receiving or is 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 guardian, or receiver for any other person or for any religious or charitable institution, or who would so receive the rent or premium if the land were let to tenant, and includes the Head of a Government Department, General Manager of a Railway, the Secretary or other principal Officer of a Local Authority, Statutory authority or Company in respect of properties under their respective control ;

(xxvii) 'Planning Area' means any area or areas declared to be planning area or areas under this Act ;

(xxviii) 'Planning Region' means any region or regions declared to be planning region or regions under this Act;

(xxix) 'Prescribed' means prescribed by rules or regulations made under this Act;

(xxx) 'Public Place' means any place or building which is open to the use and enjoyment of the public whether it is actually used or enjoyed by the public or not, and whether the entry is regulated by any charged or not;

(xxxi) 'Public Purpose' shall have the meaning assigned to it as Sub-section (j) of section 3 of the Land Acquisition Act, 1894 as amended from time to time. Central Act No. 1 of 1894

(xxxii) 'Qualified Town and Country Planner' means a person possessing Post Graduate Degree in City/Town/Urban and Regional Planning or equivalent Planning Degrees from a recognised Indian or Foreign Institutes;

(xxxiii) 'Reconstitution Plot' means a plot which is altered in ownership or in any other way by the making of Development Schemes:

(xxxiv) 'Regulation' means a regulation made under this Act by the Government and includes zoning and other regulations made as a part of a Development plan;

(xxxv) 'Relocation of population' means in relation to an area of bad layout of absolute development or a slum area, the making available, in that area or elsewhere, of accommodation, for business or other activities in the said area who have to be so accommodated so that the said area may be properly planned:

(xxxvi) 'Residence' includes the use for human habitation of any land or building or part thereof including gardens, grounds, garage, stables and out houses;

(xxxvii) 'Roads' means and includes any highway, streets, lanes, pathway, alley passageway, carriageway, footway, square, bridge whether private or public, whether thoroughfare or not, whether existing or proposed in any schemes and includes all bunds, channels, ditches, culverts, side walks and traffic islands;

(xxxviii) 'Rule' means a rule made under this Act:

(xxxix) 'Scheme' means a Development Scheme and includes a design/plan or plans together with the description matter, if any relating to such a scheme ;

(xl) 'Sector' means any sector of a planning area or region for which, under the development plan, a detailed development scheme is prepared;

(xli) 'Slum area' means any predominantly residential area, where the dwellings which by reason of delamination, overcrowding, congestion, faulty arrangement of any type of design, lack of ventilation, light or sanitary facilities or any combination of these factors which are detrimental to safety, health or moral and which ever is defined by a development plan as a slum area;

(xlii) 'Zone' means any one of the divisions in which the Planning areas or regions may be divided for the purposes of uses of land or for the purposes of development under this Act:

CHAPTER—II

ESTABLISHMENT OF THE URBAN PLANNING AND DEVELOPMENT DEPARTMENT

Establishment of Department and appointment of Staff.

3. (1) As soon as may be, after the commencement of this Act the Government shall, by notification in the Official Gazette, establish for the purpose of this Act, a technical Department to be called the Urban Planning and Development Department (hereinafter referred to as the 'Department') of that declared area or region having jurisdiction over that area or region and appoint an Officer for the purpose of carrying out power and functions for the purpose assigned to him under this Act as Chief Urban Development Officer (Qualified Town and Country Planner) for the purpose of Urban Planning and Regional Development of the State of Mizoram and may appoint such other categories of Officers (including expert in technical works) as it may deem fit.

Provided that until such time as the State Government is in a position to create a separate Department for the purposes of this Act, the Government may authorise the Local Administration Department to exercise the provision of this Act and to appoint suitable officers to exercise that powers of the Officers envisaged in this Act.

(2) The Chief Urban Development Officer shall exercise such powers and perform such duties as are conferred or imposed upon him by or under this Act and the officers or staff to assist within such area or region as the State Government may specify, exercise such powers and perform such duties conferred and imposed on the Chief Urban Development officer by or under this Act, as the State Government may, by special or general order, direct.

(3) The Officers and staff appointed to assist the Chief Urban Development Officer shall be sub-ordinate to him and shall work under his guidance, supervision and control.

(4) At the request of the Department, any member of the Mizoram Government service or any other Officer or servant of any Local Authority or authorities, may, with the consent of such member, officer, servant and the Mizoram Government Service or Advisory Board or that local authority as the case may be, temporarily appointed to the staff of the Department for such period as may be determined by the Department with like consent or be permanently appoint to such staff on such relating to pension or provident fund rights as may be agreed upon the Department and the Mizoram Government service or Advisory Board or that local authority.

(5) Where any person is temporarily appointed to the staff of the Department in pursuance of the provisions of sub-section (4) such person shall be subject to the same disciplinary control as any other member of such staff.

(6) The Department shall have with power to acquire, hold and dispose of property both moveable and immoveable and contract.

(7) The head of office of the Department shall be at the Capital of the State of Mizoram.

(8) The Department may with the prior approval of the Government, establish different offices for different areas or regions or subdivision or project or Block or District, Division, Circle and maintain branch offices.

CHAPTER—III

DEVELOPMENT PLANNING AREAS AND REGIONS

Planning
Areas and
Regions

4. (1) The State Government may, by notification
(a) declare any area or region in the State to be planning area or planning region for the purposes of this Act.

(b) define the limits of such area or region and specify the name by which such area or region shall be known.

(2) The State Government may, by notification alter the name of any such alteration, any reference in any law or instrument or other document to the area or region shall be deemed as renamed unless expressly otherwise provided or the context so requires.

(3) The State Government may, by notification

(a) alter the limits of area or region so as to include therein or exclude therefrom such area or region as may be specified in the notification;

(b) amalgamates two or more areas or regions so as to form one area or region;

(c) divide any area or region into two or more area or region, or

(d) declare that the whole or part of the area or region comprising an area or region shall cease to be area or region or part thereof.

Powers and
functions of
the Deptt.

5. (1) Subject to the provision of this Act and the rules framed thereunder and any directions which the Government may give, the powers and functions of the Department within any notified areas or regions under section 4 of this Act shall be—

(a) to prepare existing land use map,

(b) to prepare and enforce Integrated Interim Development Plan, Regional Development Plan, Urban Development Plan, Sectoral or Rural Development Plan and Action Plan in relation to economic growth and submit to the Government for approval and enforcement;

- (c) to prepare Development Scheme including capital investment and submit for approval of Government;
- (d) to undertake the implementation of Development Plans and Schemes as may be approved by the Government;
- (e) to formulate Human Settlement Policy for the State and also for various Housing Schemes under Development Plan and carry out building operation for implementation;
- (f) to formulate various Urban Development Schemes including State Capital Development and its region development scheme, re-development scheme and to undertake development in such areas or regions as may be approved by the Government;
- (g) to formulate schemes for environmental improvement of slum, environment planning and assess environment impact, co-ordinate with various environmental scheme and to undertake development in such areas or regions;
- (h) to prepare schemes for improvement of bad sanitation sites, unsound buildings, narrow streets and to undertake development in such areas or regions as may be approved by the Govt.;
- (i) to cause the clearance of improvement of slum and shanty areas and undertake the development of such areas or regions;
- (j) to carry out building, engineering operation and undertake such work in connection with road, water supply, electricity, disposal of sewerage and other services and amenities and the infrastructures development of such areas or region;
- (k) to formulate Development Schemes and carry out implementation of North Eastern Council of Urban Development of Projects and integrated Development of Small and Medium Town Schemes, sponsored by North Eastern Council and Central Government;
- (l) to formulate scheme for tourism development and for conservation of natural setting of scenic beauty, archaeological monuments and historical places and to undertake development in such areas or regions;
- (m) to prepare Regional and Rural Centre Development Plan and integrating Urban and Rural Development Schemes in relation to economic growth and carry out its implementation;
- (n) to prepare Development Plans, Development Schemes and Development Projects at the request of any Government agencies on behalf of such agency and to co-ordinate and supervise such plan and the execution of such projects or schemes;

- (o) to assess any land and building values and readjustment of plots and surrender of part of the land for public purpose within the Development Plans and charge service fee as determine by the Department from time to time;
 - (p) to accept gifts, grants, donations or subsidies whether in cash or otherwise and to apply them for carrying out any of the objects of the Department;
 - (q) to co-ordinate development activities of all Departments and agencies of the Government or to all authorities operating within the planning area or region;
 - (r) to acquire land, hold and manage such property both movable and immovable as the Department may deem necessary for the purposes of this act or any of its activities and to lease, sell or otherwise transfer any property hold by it;
 - (s) to purchase by agreement or to take on lease or sale under any form of tenancy, any land and to erect thereon such building;
 - (t) to carry out such operations as may be necessary for the purpose of carrying on its undertakings and provide facilities for the consignment, storage and delivery of goods;
 - (u) to enter into or perfrom such contracts as may be necessary for the performance of its duties and for exercise of its powers under this Act;
 - (v) to perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed and for these purposes it may carry out or cause to be carried out works and surveys within Planning area or region to prepare report or reports of such surveys and estimate such schemes under this Act;
- (2) The Department may entrust any Government agency or Local authority or Board to take up any one of the Development Schemes for efficient implementation of Development Plan:
- (3) As and when the Government agency or local authority is entrusted to carry out implementation of any one of the sectors within Development Plan under this Act, but found delayed in progress, the Department shall inform the government to decide the matter;
- (4) The Department may set up its own Advisory Committees in respect of Physical Planning, designing, construction and operating agencies or make arrangement thereof with the Government agencies or local authorities concerned and scientific research institutions or any person carrying on the business of Physical Planning Works, Architecture Works, Engineering Works or a contractor;

(5) The Department may establish, maintain and operate laboratories, experimental and scientific research wing for conducting experiments and research for various purposes and for carrying out any other functions;

(6) The Department may undertake or carry out any development of any land which has been transferred to it or placed at its disposal and carry out development under this Act even if such land is situated in any area or region which is not included in the planning areas or regions.

CHAPTER—IV

COMPULSORY ACQUISITION AND DISPOSAL OF LAND

Compulsory Acquisition of Land.

6. (1) Any area or region of land notified by the Government for the purpose of Development Plans, Interim Development Plan or Development or reserved or designated for Development Schemes preparation and its implementation or as notified by the Government for development or for any other functions of the Department under this Act, the Department shall compulsorily acquire such area or region of land under the Land Acquisition Act, 1894 as amended either or by agreement and, on its failure so to acquire, the Department shall make an application to the Government for acquiring such land under the Land Acquisition Act, 1894 as amended from time to time (Central Act No. 1 of 1894).

(2) On receipt of such application, if the Government is satisfied that the land specified in the application is needed for the public purpose therein specified it may cause action to be taken for acquisition of the said land and hand over to the Department.

(3) The acquisition of land shall be made in accordance with the provisions of the land Acquisition Act, 1894 as amended from time to time subject to the provisions of this Act (Central Act No. 1 of 1894).

(4) At any time, after the publication of the notification under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (as amended from time to time) in pursuance of action under sub-section (2) above, where the Government, on an application by the Department is satisfied that the possession of any land which is notified or reserved or allotted or designated for a public purpose or for preparation of Development Plans or Development Schemes or for any other functions of the Department under this Act, is urgently required in public interest by the Department that the possession of such land may be taken after giving a notice of fifteen days and thereupon the provisions of section 17 of the Land Acquisition Act, 1894 as amended from time to time shall mutatis mutandis apply.

Disposal of land by the Department.

- (1) Subject to any directions given by the Government under this Act, the Department may dispose of -
- (a) any land acquired by it without undertaking or carrying out any development thereon; or
 - (b) any such land after undertaking or carrying out such development as it thinks fit, to such persons, in such manner and subject to such conveniences and conditions as it considers expedient according to the schemes approved by the Government.
- (2) The powers of the Department with respect of the disposal of land acquired by it under this Act, shall be so exercised as to secure so far as practicable, that persons who are living or carrying on business, or other activities on the land so acquired shall, if they desire to obtain accommodation on land, belonging to the Department and are willing to comply with any requirements of the Department as to its development and use, have an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them:

Provided that where the Department propose to dispose of by sale any land without any development having been undertaken or carried out thereon, it shall offer the land, in the first instance, to the person from whom it was acquired if they desire to purchase it subject to such requirements as its development and use as the Department may think fit to impose.

- (3) Nothing in this Act shall be construed to enabling the Department to dispose of land by way of gift, mortgage or charge, but subject as aforesaid reference in this Act to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement right or privilege or otherwise.

CHAPTER—V

PREPARATION OF EXISTING LAND USE MAP AND REGISTER

Preparation of existing land use map and register.

8. (1) As soon as may be, after notification of the Planning areas or regions the Department shall obtain from any Government agency and any Local Authority such maps, survey reports, register and land records, as may be necessary for the purpose.
- (2) It shall be the duty of every Government agency and local authorities to furnish, as soon as may be, possible maps, reports, registers, records etc. as may require by the Department.

(3) The Department shall prepare an existing land use map and register and forthwith publish the same in such manner as may be prescribed together with public notice of the preparation of the map and of the place or places where the copies may be inspected, inviting objections and suggestions in writing from any person with respect thereto within thirty days from the date of publication of such notice.

(4) After the expiry of the period specified in the notice published under sub-section (1) the Department may, after allowing a reasonable opportunity of being heard to all such persons who have filed the objections therein as may be considered desirable.

(5) As soon as may be after the map and the register is adopted with or without modifications, the Department shall publish a public notice of the adoption of the maps and the place or places where the copies of the same may be inspected.

(6) A copy of the notice shall also be published in the official Gazette and it shall be conclusive evidence of the fact that the map has been duly prepared and adopted.

Freezing
of land use.

9. On the publication of the existing land use map under section 8 :—

(a) No person shall institute or change the use of any land or carry out any development of land for any purpose other than that indicated in the existing land use map without the permission in writing of the Department.

(b) No local authority or any officer or other authority shall, notwithstanding anything contained in any other law for the time being in force, grant permission for the change in use of land otherwise than as indicated in the existing land use map without the permission in writing of the Department.

(c) No Registrar or the Sub-Registrar, appointed under the Indian Registration Act 1908, shall in any planning area or region constituted under section 4, register any deed or document or transfer of any sub-division of land by way of sale, gift exchange, lease or mortgage with possession unless the sub-division of land is duly approved by the Department, subject to such rules as may be framed in this behalf by the State Government:

Central
Act No.
16 of
1908.

Provided that the Registrar or the Sub-Registrar may Register any transfer:—

- (i) Where the land is owned by the person and the transfer is made without involving any further divisions.
- (ii) Where the partition/sub-division of land is made in a joint Hindu family.

- (iii) Where the lease is made in relation to a part or whole of a building.
- (iv) Where the mortgage is made for procuring the loans for construction or improvements over the land either from the Government or from any other financial institution constituted or established under any law for the time being in force or recognised by the state Government.

Restric- 10. (1) Notwithstanding anything contained in any other law for the
tion on use of land or development thereof.

(1) Notwithstanding anything contained in any other law for the time being in force, on or after the date of publication of the draft Development Plans, no person, authority, Government agency or any other person shall change the use of land for any purpose other than agriculture or carry out any development in respect of any land contrary to the provisions of the draft Development Plan, without the prior approval of the Department or any Officer authorised by the Department in this behalf.

(2) Notwithstanding anything contained in any law for the time being in force, the permission referred to in sub-section (1) shall not be granted otherwise than in conformity with the provision of the draft or final Development Plan and no permission, if granted shall be construed to confer any legal right whatsoever on the person seeking the permission.

(3) If any work is carried out in contravention of the provision of this section, the Municipal Corporation or Municipal Committee or Local Authorities within its local area or region, and the Collector in area or region, outside such local areas or regions may cause such work to be removed or demolished at the cost of the defaulter, which shall be recovered from him in the same manner as of land revenue:

Provided that no action shall be taken under this sub-section unless the person concerned is given a reasonable opportunity of being heard and a notice calling upon him to remove or demolish the work within a time specified therein.

(4) Any person aggrieved by the order of the Municipal Corporation, Municipal Committee or Collector, Local authority as the case may be, calling upon to remove or demolish the work may prefer an appeal to the Department within fifteen days of the receipt of the notice under sub-section (3) and the order of the Department in such appeal shall be final.

CHAPTER—VI

PREPARATION OF DEVELOPMENT PLANS AND PROCEDURES FOR THEIR STATUTORY APPROVAL.

Procedure on the Development Plan preparation. 11. As soon as may be, after the declaration of Planning area or region and adoption of the existing Land use Map and the Register, the Department shall prepare integrated Development Plan in consultation with other Government agency and Local Authority, if any, and submit to the State Government for sanction within such time as may be prescribed may undertake any one of the procedures to prepare integrated Development Plans. There may be five procedures.

- 1) Interim Development Plan,
- 2) Regional Development Plan,
- 3) Urban Development Plan,
- 4) Sectoral or Rural Development Plan,
- 5) Action Plan.

Interim Development Plan. 12. (1) The Interim Development Plan shall :—

- (a) indicate broadly the land use proposed in the planning area or region;
- (b) a locate broadly areas or regions or sector of land for :—
 - (i) residential, industrial, commercial or agricultural purposes,
 - (ii) open spaces, parks and gardens, green belts, zoological gardens and playgrounds.
 - (iii) public institutions and offices
 - (iv) such special purposes as the Department may deem fit.
- (c) lay down the pattern of National and State Highway connecting the planning area or region with the rest of the region, ring roads, arterial roads and the major roads within the planning areas or regions;
- (d) provide for the location of airports, railway stations, bus terminal and indicate the proposed extension and development of railways and canals;
- (e) make proposals for general landscaping and preservation of natural areas or regions;
- (f) project the requirement of the planning area or region of such amenities and utilities as water, drainage, electricity and suggest their fulfilment;
- (g) propose broad based regulations for sectoral Development, by way of guidelines, within each sector of the location, heights, size of buildings and structures, open spaces, courtyards and the use to which such buildings and structures and land may be put;

- (h) lay down the broad-based traffic circulation pattern in a Village or Town or City;
- (i) suggest architectural control features, elevation and frontage of buildings and structures ;
- (j) indicate measures for flood control, landslide prone area prevention general environmental control;
- (k) indicate the phasing of the programme of development;

Regional Development Plan.

13. The Regional Development Plan shall indicate the manner in which land in the regions should be used, the phasing of development, the network of communications and transport, the proposals for conservation and development of natural resources, and in particular:

- (a) allocation of land to such purposes as residential, industrial, agricultural or as forest or for mineral exploitation;
- (b) reservation of open spaces for recreational purposes, gardens, tree belts, and animal sanctuaries;
- (c) access or development of transport and communication facilities such as roads, railways, waterways, and the allocation and development of airport;
- (d) requirements and suggestions for development of public utilities such as water supply, drainage and electricity;
- (e) allocation of areas or regions to be developed as "Special Areas or Historical Places" wherein new towns, townships, large industrial estates or any other type of large development projects may be established;
- (f) landscaping and the preservation of areas in their natural state;
- (g) measures relating to the prevention of erosion, including rejuvenation afforest areas or regions;
- (h) proposals relating to irrigation, landslide prone area, water supply or flood control works etc.;
- (i) indicate the phasing of the programme of development.

Urban Development Plan.

14. Urban Development Plan shall :—

- (a) indicate broadly the land use proposed in the planning areas or regions;
- (b) allocate broadly areas or sector of land for—
 - i) residential, industrial, commercial or agricultural purposes;
 - ii) open space, parks, gardens and play-grounds;

- iii) public institutions and offices;
- vi) such special purposes as the Department may deem fit;
- (c) lay down the pattern of National and State highways connecting the planning area or region with the rest of the regions, ring roads arterial roads and the major roads within the planning area or regions;
- (d) provide for the location of air-ports, railways stations, bus terminal and indicate the proposed extension and development of railways;
- (e) make proposals for general land scaping and preservation of natural areas or regions and historical places;
- (f) project the requirement of the planning area or region of such amenities and utilisation as water drainage, electricity and suggest their fulfilment;
- (g) propose broad-based regulations for sectoral development, by way of guideline, within each sector of the location, height, size of buildings and structures, open spaces, court-yards and the use to which such buildings and structures and land may be put;
- (h) lay down the broad-based traffic circulation patterns in a city;
- (i) suggest architectural control features; elavation and frontage of buildings and structures ;
- (j) indicate measures for flood control, lanslide prone area, prevention of air and water pollution, disposal of garbage and general environmental control;
- (k) indicate the land liable to acquisition for public purposes;
- (l) indicate the phasing of the programme of development.

Sectoral or Rural Development Plan. 15. The Department may on its own motion, at any time before or after the publication of the Development Plan, or thereafter if so required by the State Government shall, within six months or as fix by the Government from time to time of such requisition prepare a Sectoral Development Plan or Rural Development Plan.

Contents of Sectoral or Rural Development Plan. 16. (1) The Sectoral or Rural Development Plan shall—

- (a) indicate the land liable to acquisition for public purpose or the purposes of the Union Government, the State Government, the local authority or any other authority established by or under any enactment for the time being in-force;

Provided that no land shall be so designated unless the acquisition proceedings are likely to be completed within ten years of the preparation of the development plan;

- (b) define in detail and provide for areas or regions reserved for agriculture, public and semi-public open spaces, parks, playgrounds, gardens, recreational areas, green belts natural reserves and historical places ;
 - (c) allocate in detail areas or sectors for residential, commercial, industrial, agricultural and other purposes;
 - (d) define and provide for the complete road and street pattern for the present and in the future and indicate the traffic circulation;
 - (e) lay down in detail the projected road and street improvement;
 - (f) indicate and provide for areas or regions reserved for public buildings, institutions, and civic development;
 - (g) assess, make projections for and provide for the future requirements of amenities services and utilities such as municipal transport, electricity, water and drainage;
 - (h) prescribe in detail the sectoral regulations for each sector, with a view to facilitating and individual layout and regulating the location, height, number of stories and the size of buildings and other structures, the size of the court-yards, courts and other open spaces and the use of the buildings, structures and land;
 - (i) define areas or regions which have been badly laid out or areas which have developed so as to form slums, and provide for their proper development and/or relocation;
 - (j) designate areas or regions for future development and expansion, landslide prone area ;
 - (k) indicate the phasing of the programme of development.
- (2) The sectoral or Rural Development Plan may and if possible shall indicate—
- (a) control over architectural features, elevation and frontage of buildings and structures; and
 - (b) the details of development of specified areas, educational and cultural institutions and civic centres.

Publica- 17. (1) The Department shall forthwith publish the draft Development
tion of draft together with a notice of the preparation of the draft Development
Development Plan and the place or places where the copies may be inspected, invi-
Plan. ting objections and suggestions in writing from any person with respect
thereto, within thirty days from the date of publication of such
notice. Such notice shall specify in regard to the draft Development

Plan if the Department think fit, the following particulars, namely :—

- (1) the existing land use maps,
- (2) a narrative report, supported by maps, documents, and charts, explaining the provisions of the draft Development Plan;
- (3) the provisions of enforcing the draft Development plan and stating the manner in which permission to development may be obtained;
- (4) the phasing of implementation of the draft Development Plan as suggested by the Department.
- (5) an approximate estimate of the cost of land acquisition for public purpose and the cost of works involved in the implementation of the Development plan;
- (6) a note indicating the priorities assigned to works included in the draft Development plan and the phasing of the programme of development as such;
- (7) a notice on the role being assigned to different Government agencies and the local authorities in the enforcement and implementation of the draft Development Plan.

Sanction
of Develop-
ment Plans.

18. (1) As soon as may be after the submission of the Development Plan under section 17 the State Government may either approve the Development Plan or may approve it with such modifications as it may consider necessary or may return it into the Department to modify the same or to prepare afresh in accordance with such Department as it may issue in this behalf.

(2) Where the State Government approves the Development plan with modifications, the State government shall, by a notice, published in the official Gazette inviting objections and suggestions in respect of such modifications with a period of not less than thirty days from the date of publication of the notice in the official Gazette.

(3) After considering objections and suggestions and after giving hearing to the persons desirous of being heard the State Government may confirm the modification in the Development Plan.

(4) The State Government shall publish the Development Plan as approved under the foregoing provisions in the Official Gazette and shall along with the Development plan publish a public notice, in such manner as may be prescribed, of the approval of the development plan and the place or places where the copies of the approved Development plan may be inspected.

(5) The Development Plan shall come into operation from the date of publication thereof in the Official Gazette and as from such date shall be binding on all Departments and local authorities functioning within the planning area or region.

(6) After the coming into operation of the Development plan, the Interim Development Plan shall stand modified or altered to the extent the proposals in the Development plan area at variance within Interim Development plan.

Exclusion from claims of amount in certain cases.

19. Where the Development plan assigns a particular land use to a certain areas or regions any land situated therein is already put to such use, subject to substantially similar restrictions, in force under any other law which was in force on the date on which restrictions, have already been paid under any such other law which was in force for the time being in respect of the property or any right or interest therein to the claimant, or any predecessor in interest of the claimant, the amount on account of injury or damage caused to his rights by reasons of the restrictions placed on the use of the restrictions placed on the use of the land under the provisions of this Act.

Action Plan.

20. (1) When the Government is satisfied that certain area or region within or outside Development Plans need immediate special consideration, the Department will prepare a detailed Action Plan and submit to the Government for approval and sanction.

(2) Survey-The Department will carry out a quick survey of such areas or regions.

(3) Data collection and analysis - The Department will collect available data and analyse them.

(4) Development Scheme preparation and Monitoring— The Department will prepare detailed Action Development Scheme including design and financial involvement of such project or Schemes.

(5) Submission and execution— Finally, after getting approval from the Government, the Department will undertake implementation of such Action Development Schemes.

Review of Development Plan.

21. (1) The Department may, on its own motion or if so required by the State Government shall, at any time after Development Plan has come into operation, undertake the review and evaluation of the Development Plan and make such modification in it as may be justified by the circumstances.

CHAPTER—VII

CONTROL OF DEVELOPMENT AND USE OF LAND AND
CONSTRUCTION OF BUILDING

Department to control land use. 22. The overall control of development and the use of land and construction or re-construction of any buildings in the planning areas or regions shall, as from the date of publication in the Official Gazette of a Notification by the State Government, vest in the Department.

Conformity with Development Plan. 23. (1) After coming into force of the Development plan, the use and development of land and building shall conform to the provisions of the Development plan:

Provided that the Department may, at its discretion, permit the continued use of land and building for the purpose for which it was being used at the time of the coming into operation of the Development plan.

Provided further that such permission shall not be granted for a period exceeding five years from the date of coming into operation of Development Plan.

Prohibition of Development without permission. 24. After coming into operation of the Development plan, no person shall change the use of any land or carry out any development land and building without the permission in writing of the Department :

Provided that no such permission shall be necessary—

- (a) for carrying out works for the maintenance repair or alteration of any building which does not materially alter the external appearance of the building;
- (b) for carrying out work for the improvement or maintenance of a highway, road or public street by the Union or State Government or an authority established under this Act or by local authority having jurisdiction provided that such maintenance or improvement does not change the road alignment contrary to the provisions of the Development plan;
- (c) for the purpose of inspecting, repairing or renewing any drain, sewers, mains pipe, cables, telephone or other apparatus including the breaking open of any street or other land for that purpose;
- (d) for the excavation or soil shaping in the interest of agriculture;
- (e) for restoration of land to its normal use where land has been used temporarily for any other purposes;
- (e) for use for any purpose incidental to the use of building or land attached to such buildings ;
- (g) for the construction of a road intended to give access to land solely for agricultural purposes.

Development undertaken on behalf of Union or State Government. 25. (1) When the Union Government or the State Government intend to carry out development of any land for the purpose of its departments or offices or authorities, the officer-in-charge thereof shall inform in writing to the Department the intention of the Government to do so, giving full particulars thereof, accompanied by such documents and plans as may be prescribed at least thirty days before undertaking such development.

(2) Where the Department raises any objection to the proposed development on the ground that the Development plan, the Officer shall—

- i) make necessary modification in the proposals for development to meet the objections raised by the Department; or
- ii) submit the proposal for development together with the objections raised by the Department to the State Government for decision:

Provided that where no modification is proposed by the Department within thirty days of the receipt of the proposed plan by the Government, the Development plan will be presumed to have been approved.

(3) The State Government, on receipt of the proposals for development together with the objections of the Department shall, approve the proposals with or without modifications or direct the officer to make such modifications in the proposals as it considers necessary in the circumstances.

(4) The decision of the State Government under sub-section (3) shall be final and binding.

Development by local authority constituted under this Act. 26. Where a local authority or any authority specially constituted under this Act intends to carry out development on any land for the purpose of that authority, the procedure applicable to the Union or State Government, under section 25 shall, mutatis mutandis, apply in respect of such authority.

Application for permission for development by others. 27. (1) Any person, not being the Union Government, State Government, a local authority or a special authority constituted under this Act intending to carry out any development or sub-divisions on any land, shall make application in writing to the Department for permission, in such form and containing such particulars and accompanied by such documents, designs etc. as may be prescribed.

(2) Such application shall also be accompanied by such fee as may be prescribed.

Grant of refusal of permission. 28. (1) On receipt of an application under section 28 the Department may, subject to the provisions of this Act by order in writing—

- (a) grant the permission unconditionally,
 - (b) grant the permission, subject to such conditions as may be deemed necessary under the circumstances; or
 - (c) refuse the permission.
- (2) Every order granting permission subject to conditions or refusing permission shall state the grounds for imposing such conditions or for such refusal.
- (3) Any permission granted under sub-section (2) with or without conditions shall be in such manner as may be prescribed.
- (4) Every order under sub-section (2) shall be communicated to the applicant in such manner as may be prescribed.
- (5) If the Department does not communicate its decision whether to grant or refuse permission to the applicant within six months from the date of receipt of his application, such permission shall be deemed to have been granted to the applicant on the date immediately following the date of expiry of six months :

Provided that in computing the period of six months the period in between the date of requisitioning any further information of documents from the applicant and date of receipt of such information or documents for the applicant shall be excluded.

- Appeal 29. (1) Any applicant aggrieved by an order granting permission on conditions or refusing permission under section 28 may, within thirty days of the date of communications of order to him, prefer an appeal to an officer not below the rank of Secretary, appointed by the State Government in this behalf, and such an appeal shall be made in such manner and accompanied by such fees as may be prescribed.
- (2) The Officer appointed under sub-section (1) may after giving a reasonable opportunity to the appellant and the Department to be heard, by order, dismiss the appeal by granting permission unconditionally or subject to the condition as modified.
- (3) Subject to the provisions of section 30 the order of the appellate authority shall be final.

- Revision 30. The State Government, may, at any time but not later than twelve months of the passing of the order, on its own motion or on an application filed by the person aggrieved by any order by the appellate authority under section 29 within thirty days of the date of communication of such order to him, call for and examine the record of any case disposed of by the Department under section 28 or appellate au-

thority under section 29 for the purpose of satisfying itself as to the correctness of the order and as to the regularity of any proceeding of the Department or the appellate authority and may, when calling such record direct that the execution of the order be suspended. The State Government may, after examining the record, pass such order as it thinks fit and its order shall be final and no further application for revision or review thereof shall lie :

Provided that no order shall be passed unless the person affected thereby and the Department have been given a reasonable opportunity of being heard.

- Lapse of 31. Every permission granted under section 28 or section 30 shall remain permission. in force for a period of one year from the date of such grant and thereafter it shall lapse.

Provided that such lapse shall not bar any subsequent application for fresh permission under this Act.

Provided further that, the Department may, on an application, extend such period from year to year but the total period shall, in no case exceed three years from the date on which the permission was initially granted.

- Deletion 32. (1) If the Department is satisfied that the land is not or is no longer of reserva- tion of design- ated land from draft or final Develop- ment Plan. (1) If the Department is satisfied that the land is not or is no longer required for the public purposes for which it is designated or reserved or allocated in the draft Development Plan or the final Development Plan may request—

- (a) The Department to sanction the deletion of such designation or reservation or allocation from the draft Development Plan; or
(b) The State Government to sanction the deletion of such designation or reservation or allocation from the final Development Plan.

(2) On receipt of such request from the Department, the Department or as the case may be, the State Government may make an order sanctioning the deletion of such designation or reservation or allocation from the relevant plans :

Provided that, the Department or, as the case may be, State Government may, before making any order, make such enquiry as he/it may consider necessary and satisfy himself/itself that such reservation or designation or allocation is no longer necessary in the public interest.

- (3) Upon an order under sub-section (2) being made the land shall be deemed to be released from such designation, reservation or, as the case may be, allocation and shall become available to the owner for the purpose of development as otherwise permissible in the case of adjacent land under the relevant plan.

Power of revocation and modification or permission to development.

33. (1) If it appears to the Department, that it is expedient, having regard to the Development plan prepared or under preparation and to any other material considerations, that any permission to develop land granted under this Act or any other law, should be revoked or modified, the Department may, by an order, revoke or modify the permission to such extent as appears to it to be necessary :

Provided that—

- (a) Where the permission related to the carrying out or other operations, to such order—
- i) Shall affect such of the operations as have been previously carried out :
 - ii) Shall be passed after those operations have been completed ;
- (b) Where permission related to a change of use of land, no such order shall be passed at any time after the change has taken place.

(2) Where permission is revoked or modified by an order under the last forgoing section, and the owner claims from the Department within the time and in the manner prescribed, amount in lieu of the expenditure incurred in carrying out the works after the grant of permission and in accordance with such permission, which has been rendered abortive by the revocation or modification the Department shall after giving the owners reasonable opportunity of being heard by the officer of the Department and after considering his report assess and offer subject to provisions of section II such amount to the owner as it thinks fit.

(3) If the owner does not accept the amount and gives notice within such time as may be prescribed, of his refusal to accept, the Department shall refer the matter for the adjudication of the court and the decision of the court shall be final and be binding on the owner and the Department.

Penalty for 34. an authorised development or for use otherwise than in conformity with Development Plan.

Any person who, whether at his own instance or at the instance of any other person commences, undertakes or carries out any development or changes use of any land—

- (a) Without permission required under this Act ;
- (b) In contravention of the permission granted or any condition subject to which such permission has been granted ;
- (c) After the permission for development has been duly revoked ; or

- (d) In contravention of any permission which has been duly modified ; shall without prejudice to any action that may be taken under section 35, be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both, and in the case of a continuing offence with further fine which may extend to two hundred and fifty rupees for every-day during which the offence continues after conviction for the first commission of the offence.

Power to 35. require re-
removal of un-
authorised
development.

(1) Where the development has been carried out as indicated in section 34, the Department may, within five years of such development, serve on the owner a notice requiring him, within such period being not less than one month and not exceeding three months as may be specified therein from the date of service of the notice—

- (a) In cases specified in clause (a) or (b) of section 34 to restore the land to its condition existing before the said development took place;
- (b) In cases specified in clause (b) or (d) of section 34 to secure compliance with the conditions or with the permission as modified;

Provided that where the notice requires the discontinuance of any use of land, it shall be served on the occupier also.

(2) In particular, such notice may for purpose of sub-section (1) require—

- (a) the demolition or alteration of any building or works,
- (b) the carrying out on land of any building or other operations, or
- (c) the discontinuance any use of land.

(3) Any person aggrieved by such notice may within fifteen days of the receipt of the notice and in the manner prescribed, apply to the Department for permission for retention on the land of any building or works or for the continuance of any use of the land, to which the notice relates and till the time the application is disposed of, the notice shall stand withdrawn.

(4) The foregoing provisions of this chapter shall, so far as may be applicable, apply to an application under sub-section (3).

(5) If the permission applied for is granted the notice shall stand withdrawn, but if the permission applied for is not granted the notice shall stand, or if such permission is granted for the retention only of some buildings, or works or for the continuance of use of only a part of the land, the notice shall stand withdrawn as respects such buildings or works, or such part of the land, but shall stand as respects other buildings or works or other parts of the land, as the case may be, and there upon the owner shall be required to take steps specified in the notice under sub-section (1) as respects to such other buildings, works or part of the land.

(6) If within the period specified in the notice or within the same period after the disposal of the application, the notice or so much of it as stands is not complied with, the Department may—

- (a) Prosecute the owner for not complying with the notice and whether the notice requires the discontinuance of any use of land, any other person also who uses the land or causes or permits the land to be used in contravention of the notice, and
- (b) Where the notice required the demolition or any alteration of any building or works or carrying out of any building or other operations itself, cause the restorations of the land to its condition before the development took place and secure compliance with condition of the permission as modified by taking such steps as the Department may consider necessary, including demolition or alteration of any building or works or carrying out of any building or other operations, and recover the amount of any expenses incurred by him in this behalf from the owner as arrears of land revenue.

(7) Any person prosecuted under clause (a) of sub-section (6) shall, on conviction, be punished with simple imprisonment for a term which may extend to six months., or with fine which may extend to two thousand rupees, or with both, and in the case of a continuing offence with further fine which may extend to two hundred and fifty rupees for every day during which the offence continues after conviction for the first commission of the offence.

CHAPTER—VIII

DEVELOPMENT SCHEME

Develop- 36.
ment Scheme.

(1) Subject to the provisions of this Act or any other law for the time being in force, the Department may be, before or after the Development Plan has been approved by the Government and for the purpose of implementing the proposals contained in the Development Plan, prepare one or more Development Schemes for five years or for one year for the area or region within its jurisdiction or any part thereof :—

(2) Development Scheme may be made in accordance with the provisions of this Act in respect of land which is—

- (a) In the course of development,
- (b) likely to be used for building purposes, or
- (c) already built up.

Explanation :—

The expression “Land likely to be used for building purposes” shall include any land likely to be used as, or for the purpose of pro-

viding open spaces, roads, streets, parks, pleasures or recreational grounds parking spaces, or the purpose of executing any work upon or under the land incidental to a scheme, whether in the nature of a building work or not.

(3) The Development Scheme under sub-section—

(1) may make provisions for all or any of the following matter, namely :—

- (a) any of the matters specified in section.
- (b) the area or region, ownership and tenure of all existing plots covered by the Development Schemes,
- (c) the acquisition and development of land, laying out or relaying out of land either vacant or already built up.
- (d) the filling up or reclamation of lowlying swamp or unhealthy area or region or levelling up of land,
- (e) layout of new streets or roads, construction, improvement and stopping up of streets, roads and communications;
- (f) closure or demolition of dwelling or portion of dwelling unfit for human habitation;
- (g) the re-adjustment of plots or demolition of obstructive buildings or portion of buildings ;
- (h) the extend to which the area or region proposed to alter the boundaries of the original plot by the re-constitution;
- (i) the construction, alternation and removal of buildings, houses, shopping centres, cultural centres, Administrative centres, bridges and other structures, including detail and allotment or reserve and to which such land is to put into use;
- (j) acquisition and development of land, allotment or reservation for roads, parking spaces, open space garden, recreation, play grounds, schools, markets, industrial and commercial activities, green belts and dairies, transport facilities and public purpose of all kinds;
- (k) undertaking acquisition and Development of land for Houses for different income groups, commercial area, industrial estates and similar types of development;
- (l) drainage, inclusive of sewerage, surface or sub-soil, drainage and sewerage disposal;

- (m) provision of sanitary arrangement required for the area or region comprised in the Development Schemes including drains, disposal of waste refuse and the conservation and prevention of injury or contamination to water point or rivers or other resources and means of water supply;
- (n) preparation of lighting electric Development scheme and water supply Development scheme;
- (o) advance of money for the purpose of the Development scheme;
- (p) the preservation of objects of historical importance or natural beauty and of buildings actually used for religious purpose;
- (q) environments impact assessment of Urban and Rural areas and other projects and planting and care of trees on roadside and for land-scaping the Urban, rural area or regions and countryside and elsewhere;
- (r) contribution and maintenance of rest house, houses for the poor, infirmaries children's home, houses for the deaf and dumb and for disabled and handicapped children, sheltered for destitute and disabled persons;
- (s) improvement and clearance of slum areas, resettlement of villages and growth centres inhabitants, etc.
- (t) the imposition of conditions and restrictions in regard to the open space to be maintained about Buildings, the percentage of buildings area for a plot, the number, height and character or buildings allowed within Development Planning areas or regions in any specified area or regions, the purpose for which buildings or specified area, may or may not be appropriate the sub-division of plots and discontinuance of objectionable uses of land in any area or region reasonable periods, parkings, space and loading and unloading space for any buildings and the size of projections and advertisement signs,
- (u) the suspension so far as may be necessary for the proper carrying out of the Development scheme, of any rule, by law, regulation, notification or order made or issued under any acts of the Mizoram Legislature is competent to amend;
- (v) acquisition of land, purchase, sale of land for the purpose of town expansion, assess, exchange or otherwise of any property necessary for or affected by the execution of the Development Scheme;
- (w) construction, maintenance and management of swimming pool, recreation sites, etc.

- (x) such other matters not inconsistent with the objects of this Act, as may be directed by the Government;
- (y) an estimate of the total cost of the Development Scheme and the net cost to be borne by the Department;
- (z) (i) full description of all the details of the Development Schemes,
(ii) any other prescribed particular;

Interpretation of Development Plans and Development Scheme etc. 37. (1) If any question arises regarding the interpretation of any Development Plan and Development Scheme, the matter shall be referred to the Chief Urban Development Officer who shall pass such order thereon as he may deem fit.

(2) Any person aggrieved by the decision of the Chief Urban Development officer may refer an appeal to the State Government within such time and in such manner as may be prescribed.

(3) The State Government on the advice of the Chief Urban Development Officer, shall final the case as per approved Development Plan and Development Scheme.

Preparation of Development Scheme. 38. (1) The Department may, at any time declare its intention to prepare a Development Scheme.

(2) Not later than thirty days from the date of such declaration of intention to make a scheme, the department shall publish the declaration in the Official Gazette and in such other manner as may be prescribed.

(3) Not later than two years from the date of publication of the declaration under sub-section (2), the Department shall prepare a Development Scheme in draft form and publish in such form and manner may be prescribed together with a notice inviting objections and suggestions from any person with respect to the said draft Development scheme before such date as may be specified therein, such date being not earlier than thirty days from the date of publication of such notice.

(4) The Department shall consider all the objections and suggestions as may be received within the period specified in the notice under sub-section (3) and shall, after giving a reasonable opportunity to such persons affected thereby as are desirous of being heard or after considering the report of the committee constituted under sub-section (5) approve the draft Development scheme as published or made such modifications therein as it may deem fit.

(5) Where the Development Scheme relates to reconstitution of plots, the Department shall, notwithstanding anything contained in sub-section (4), constitute a committee consisting of the Chief Urban Development Officer of the said Department and two other members of

whom one shall be representative of the Mizoram Housing Board and the other shall be an officer of the said Department not below the rank of an Executive Engineer nominated by the Chief Engineer, Public Works Department for the purpose of hearing objections and suggestions received under sub-section (3).

(6) The Committee constituted under sub-section (5) shall consider the objections and suggestions and give hearing to such persons as are desirous of being heard and shall submit its report to the Department within such time as it may fix along with proposals to—

- (i) define and demarcate the areas allotted to or reserved for public purposes;
- (ii) demarcate the reconstituted plots;
- (iii) evaluate the value of the original and the constituted plots;
- (iv) determine whether the areas reserved for public purpose are wholly or partially beneficial to the residents within the area of the scheme;
- (v) estimate and a portion the compensation to or contribution from the beneficiaries of the scheme on account of the reconstitution of the plot and reservation of portions for public purpose;
- (vi) evaluate the increment in value of each reconstituted plot and assess the development contribution leviable on the plot holder.

Provided that the contribution shall not exceed half the accrued increment in value;

- (vii) evaluate the reduction in value of any reconstituted plot and assess the amount payable thereof.

(7) Immediately after the development scheme is approved under sub-section (4) with or without modifications the Department shall publish in the Official Gazette and in such other manner as may be prescribed a final development scheme and specify the date on which it shall come into operation.

Power to
revise the
Development
schemes.

39. The Department may, at any time, but not later than two years from the date of publication of the final Development scheme, under section 38 on his own motion or on an application filed within thirty days of such publication of the final scheme by any person aggrieved by the final scheme, call for and examine the record of any scheme for the purpose of satisfying himself as to the correctness of the order passed by the Department, or as to the regularity of any proceedings of such authority and when calling such record direct that the execution of the scheme be suspended. The Department may, after examining the record pass such order as he thinks fit and his order shall be final.

Provided that no order shall be passed unless the person affected thereby and the Department have been given a reasonable opportunity of being heard.

Power of State Government to give directions. 40. (1) The State Government may, if it considers necessary in public interest so to do, give direction to the Department.

- (a) to frame a Development Scheme
- (b) to modify a Development Scheme during execution,
- (c) to revoke a Development Scheme, for reasons to be specified in such direction;

Provided that no direction to modify or revoke a Development scheme shall be given unless the Development is given an opportunity to present its case.

(2) The directions given by the State Government under this section shall be binding on the Department.

Restriction in land use and development. 41. As from the date of publication of declaration to prepare a Development scheme no person shall, within the area or region included in the scheme, institute or change the use of any land or building or carry out any development save in accordance with the development authorised by the Department in accordance with the provisions of this Act prior to the publication of such declaration.

Lapse of scheme. 42. If the Department fails to implement the Development scheme within a period of five years or as specified by the Government from time to time from the date of publication of the final scheme under section 38 it shall, on the expiration of the said period of five years, or as specified by the Government lapse.

Implementation of works in final Development scheme by the Department. 43. (1) The Department shall complete all the works provided in a final Development scheme within the period prescribed.

Provided that, in exceptional circumstances on application by the Department the Government may, by an order in writing specifying those circumstance grant to the Department in this behalf further extension of time as it may think fit.

(2) If the Department fails to complete the works within the prescribed period or within the period extended under sub-section (1) the Government may, notwithstanding anything contained in sub-section (1) request the Department to complete the works within a further period as it may consider responsible. The directions given under this section shall be binding on the Department and shall effect

Provided that, the Department may apply section (5) of this Act;

(3) Where any area or region has been developed by the Department, the Department may require the Government agency or local authorities within whose local limits of the area or region so developed is situated to assume responsibility for the maintenance of the amenities which have been provided in the area or region by the Department and terms and conditions agreed upon between the Department and where such terms and conditions can not be agreed upon, on terms and conditions settled by the Government with the other Government agency or local authorities on a reference of the matter to that Government by the Department.

Provided that, if the Department think fit the building constructed by the Department can be let out on charges rent or fees and the expenses for the maintenance of the building shall be borne by the Department.

Disposal of land buildings and other development works. 44. Subject to such rules as may be made by the State Government in this behalf, the Department shall, by regulation, determine the procedure for the disposal of develop lands, houses, buildings and other structures.

Development charges. 45. (1) Where, at the time of implementation of the development scheme, there is in the opinion of the Department, an appreciation in the market values of lands, adjacent to and affected by a scheme, the Department may, in view for providing of the acquisition of such land, levy development charges simultaneously on owners of such land.

(2) The Development charges shall be an amount equal to not less than one fourth and not more than one third of the difference between the value of the land on the date of publication of the intention to prepare the development scheme and the date of completion of the scheme.

Mode of levy. 46. (1) On completion of the development scheme the Department shall, by a notice in such form and published in such manner as may be prescribed, declare the fact of such completion and of its intention to levy development charges in the area covered by the scheme, calling upon owners of land liable to pay development charges to submit objection, if any, within such period which shall not be less than thirty days from the date of publication of the notice.

(2) The authority specified in the notice shall, after giving the objectors and opportunity to be heard, forward the report to the Deptt.

(3) On receipt of the report under sub-section (2) the Department shall pass such orders thereon as it may consider fit.

(4) The Department shall, not later than three months after the publication of a notice declaring its intention to levy development charges, issue a notice in the prescribed form assessing the charge due from every person affected by the levy of charges.

(5) Where the assessment is accepted, it shall be final. If, however, the assessment is not accepted, the person aggrieved may, within thirty days of the publication of notice, file an application in writing before the Revenue Officer not below the rank of Sub-Divisional Officer as may be authorised by the State Government in this behalf.

(6) The Revenue Officer may, after giving the applicant and the Department an opportunity to be heard, pass such order on the application as he may deem fit under the circumstances and orders so passed shall be final.

(7) After the final determination of the assessment the Department shall cause a notice to be served on each assessee asking him to pay the development charges within a period of sixty days from the date of receipt of the notice by him.

(8) Any payment made after the expiration of the period specified in the notice under sub-section (7) shall carry simple interest at 10 percent per annum as from the date of the receipt of the notice by the assessee.

(9) The Department may, on an application made to it in that behalf, permit assessee to make payment of development charges in annual instalments not exceeding five and fix a date by which each instalment shall be payable.

(10) Where permission is granted to make payment in instalments the amount of development charges shall carry a simple interest at 15 percent per annum as from the date of the receipt of notice under sub-section (7) and the interest due shall be payable along with each instalment.

CHAPTER—IX

FUND

Funds of 47. (1) The Department shall receive all such Urban Development Fund under various sub heads as approved by the Mizoram Planning Board for Development Plans and Development Schemes preparation and implementation of such schemes as part of the State Five Years Plan and placed at the disposal of the Department.

(a) State Capital Development;

(b) Integrated Development of Small and Medium Towns;

- (c) Environmental Improvement of Slum and
- (d) Other Urban Development Schemes;

(2) The Department shall also maintain its own fund to which shall be applied with the previous sanction of the Government for the purpose of Development Plan and Development Schemes preparation and its implementation of Schemes not envisaged as Plan scheme as under the previous.

(a) All moneys received by the Department from the Government by way of grants, loans, advances from Central Government or Government of Mizoram or otherwise;

(b) All development fees or other charges received by the Department under this Act or rules or regulations there under ;

(c) The Government shall every year make contribution from such local authority or authorities not less than ten per cent of their total capital amount to the fund of the Department for efficient implementation of Development Plans, Development Schemes;

(d) All moneys received by the Department from individual or local Authority whether in-corporated or not and any other source;

(3) All grants, loans, advances, rent profits and sale profits of plots, land, buildings and other property vested or vesting in or acquired by the Department under this Act.

(4) Any income or profits derived from the execution of any previous Development Schemes.

(5) The Department may keep, in current account of the State Bank of India, or any other Bank approved by the Government in this behalf such sum of money in excess of the said sum, shall be invested in such manner as may be approved by the Government.

Power of 48. the Department to borrow money.

(1) The Department 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 the purpose of the Development Plan preparation and Implementation of the Development Schemes or any of the purposes of this Act.

(2) The Department may also borrow money from Life Insurance Corporation (Schedule Bank), World Bank, Housing and Urban Development Corporation Limited (HUDCO), National Urban Infrastructure Development Finance Corporation etc. through public debenture for the purpose of this Act.

CHAPTER—X

MISCELLANEOUS PROVISIONS

Power of 49. The Chief Urban Development Officer of the Department or entry. any officer or any employee authorised by the Department in this behalf may enter into or upon any land or building with or without assistants or workmen for the purpose of—

- (a) making any enquiry inspection, measurement of survey or taking levels of such land or building or valuation of land and building and charge service fee;
- (b) setting out boundaries and intended lines of works;
- (c) making such levels boundaries and lines by placing marks, boundary pillar, cutting and trenches;
- (d) examining works under construction and ascertaining the course of electricity, water supply, sewers and drains;
- (e) digging or working into the sub-soil;
- (f) ascertaining whether any land is being or has been developed in contravention of any provision of this Act or rules or regulations there under, and
- (g) doing any other Acts necessary for the efficient administration of this Act;

Provided that—

- (i) in the case of any building used as a dwelling or upon any enclosed part or garden attached to such a building, no such entry shall be made (unless) with the consent of the occupier at least twenty four hours notice in writing of the intention to enter;
- (ii) sufficient opportunity, shall, in every instance be given to enable workmen (if any) to withdraw from such land or building.
- (iii) due regards shall always be had, so far as may be compatible with the exigencies of the purpose or which the entry is made, to the social and religious engagements of the occupants of the land or building entered;
- (iv) power of the Chief Urban Development Officer of the Department under this section shall extend to the whole of Mizoram and he shall be Physical Planning and Development Manager and, co-ordinator of all Department, Urban and Regional development schemes, including State Bank Credit Plan preparation, and

he shall be Special Secretary to the Government of the Department and active members of the State Planning Board, Town Development Committee, State Council of Science and Technology, Ecology and Environment, State Housing Board and State Land use Board, Municipal Board, and any such other areas or region to be included for Planning area or region which the Government may direct for the preparation of Development Plans or Development Schemes and carry out implementation of such schemes;

Provided that the power of the District Urban Planning and Development Officer (qualified Town and Country Planner) of the Department under this section shall extend only to its District and the Power of the Sub-Divisional Urban Planning and Development Officer (qualified Town and Country Planner) of the Department under the same section shall extend only to its sub-division or Development Planning area or region or project.

- (v) The Chief Urban Development Officer of the Department or any officer, or employee authorised under this section may assess the value of any land and building within Development Plans or any other area or region and may charge service fee as determined by the Department from time to time.
- (vi) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building or valuation of land and building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months or with a fine which may extend to one thousand rupees, or with both.
- (vii) The Chief Urban Development Officer or such other Officers of the Department authorised in this behalf may enter into and perform or require the performances of all such contract and any other expenditure involving such amount as decided by the Government, as it will be necessary or expedient for carrying out Development plans and Development Schemes implementation and any other purposes under this Act;

Provided that—

- (a) the Chief Urban Development Officer or such other Officer or any technical employee of the Department who hold equal rank to other technical Department will follow the accounts, contracts, power of technical sanction, approval of building design estimate and other procedures as laid down in the Meghalaya Delegation of Financial Powers Rules, 1981 or the Central Public Works Department codes, rules, Manuals including work charge establishment etc. as amended from time to time as the Chief Urban Development Officer thinks fit.

(b) every contract, accounts etc. made by the Chief Urban Development Officer under this clause shall be entered into in such manner and in such form as may be prescribed from time to time.

Service of
Notice etc.

50. (1) All documents including notice and orders required by this Act or any other to be served upon any person shall save as otherwise provided in this Act or rule or regulation, be deemed to be duly served.

(a) Where the document is to be served on a Government Department, railway, autonomous District Council or autonomous Regional Council, local authority, statutory company, society or other authority if the documents are addressed to the head of the Government Department, General Manager of the railway, Secretary or Principal Officer of the local authority or Autonomous District Council or its Statutory body, Company society or any other authority at its principal branch, local or registered office as the case may be and is either—

- (i) sent by registered post to such Office, or
- (ii) delivered at such Office.

(b) Where the person to be served is a partnership, if the documents is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

- (i) is given or tendered to him, or
- (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates,
or

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed 'the owner' or 'the occupier' as the case may be of that land or building (naming or describing that land or building) without further name or description, and shall be deemed to be duly served—

(a) If the document so addressed is sent or delivered in accordance with clause (c) of sub-section (1)

(b) If the document so address or a copy thereof so addressed is delivered to some person on the land or building.

(3) Where document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any documents to be served on the owner of any property, the Department or any other Officer authorised by the Department on this behalf may by notice in writing require the occupier (if any) of the property to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be advised upon a minor.

(6) A servant is not a member of the family within the meaning of this section.

- Public Notice now to be made known. 51. Every public notice given under this Act or rules or regulations made under this Act, shall be in writing over the signature of the Chief Urban Development Officer of the Department or such other Officer who may be authorised in this behalf by the Department and shall be widely made known in the locality to be affected thereby affixing copies thereof in conspicuous public place within the said locality or by advertisement in a registered local newspaper in English and in Mizo and by such other means which the Chief Urban Development Officer of the Department as he thinks fit.
- Notice etc. fix reasonable time. 52. Where any notice, order or other document issued or made under this Act or any rules or regulation made thereunder required anything to be done for the doing of which no time is fixed in this Act or rules or regulation thereunder, the notice, order or other document shall specify a reasonable time for doing the same.
- Authentication of orders and documents of the Department. 53. All permissions, orders, decisions, notices and other documents of the Department shall be authenticated by the signature of the Chief Urban Development Officer of the Department as he thinks fit.
- Mode of proof of records of the Department. 54. A copy of any receipt, application, design, plan, notice order, entry in a register or other document in the possession of the Department is duly certified by the legal keeper thereof, or other person authorised by the Department in this Act shall be received as prima-facie evidence of the matters on transaction therein recorded in every case where, and to the same extent as the original entry or document would, if produced have been admissible to prove such matters.
- Restriction on the summoning of Officers and servants of the Department. 55. No Officer or servant of the Department shall in any legal proceedings to which the Department is not a party, be required to produce any register or document the contents of which can be proved under the proceedings section by a certified copy, or to appear as a witness to prove the matter and transaction recorded therein, unless by order or the Court made for special cause.

Offences by Company. 56. If the person committing an offence under this Act is a company or any person, who at the time the offence was committed was incharge of, and was responsible to the company shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and prosecuted accordingly.

Explanations.

For the purpose of this section :

- (a) 'Company' means a body corporated and includes a firms or other Association of this individuals ; and
- (b) 'Director' in relation to a form means partner in the firm.

Penalty for obstructing contractor or removing mark. 57. If any person—

- (a) Obstructs or molest any person engaged or employed by the Department or any person with whom the Department has entered into a contract, in the performance or of anything which he is empowered or required to be done under this Act, or
- (b) Removes any marks or pillar set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Act; he shall be punishable with fine which may extend to five hundred rupees or with imprisonment for a term which may extend to three months.

Cognizance of Offences. 58. No Court shall take cognizance of any offence under this Act, except on a complaint in writing made over the signature of an Officer duly authorised by the Department, as the case may be.

Protection of action taken in good faith. 59. No suit prosecution or other legal proceeding shall lie against the Department or against any person acting under the orders of the Department for anything which is in good faith or intended to be done under this Act or rules or regulations made thereunder.

Notice of suit against the Department. 60. (1) No suit shall be instituted against the Department or any member thereof, or any of its Officers or other employees, or any person acting under the directions of the Department or any member of any Officers or other Employees of the Department in respect of any act done or purporting to be done in pursuance of this Act or any rule or regulation made thereunder until the expiration of two months after notice in writing has been, in the case of the Department list at its Office, and in any other case, delivered to or left at the Office or place of abode of, the person to be used and unless such notice states explicitly the cause of action, the nature of relief sought, the amount of compensation claimed and the name and the place of residence of the intending plaintiff and unless the plaint contains a statements that such notice has been so left delivered.

(2) No suit such as is described in sub-section—

(i) shall unless it is a suit for recovery of immoveable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which cause of action arises.

(3) Nothing contained in sub-section (1) shall be deemed to apply to suit which the only relief claimed is an injunction of which the object would be defeated by giving of the notice or the postponement of the institution of the suit.

Relation of the Department with police. 61. It shall be the duty of the Police—

(1) to communicate without delay to the officer or employee of the Department any information which he receives of a designs to commit or of the commission of any Offence against this Act, or any rule made thereunder and,

(2) to assist the Chief Urban Development Officer or any Officer or employees of the Department who reasonable asks his assistance for the lawful exercise of any power vesting in the Chief Urban Development Officer or any such Officer or employees under this Act or any rule made thereunder.

Sanction of prosecution 62. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Department concerned or any Officer authorised by the Department in this behalf.

Fine when realised to be paid to the Department. 63. All fines realised in connection with prosecution under this Act shall be paid to the Department concerned.

Compound- ing of Of- fences. 64. (1) The Department concerned or any person authorised in this behalf or general or special order may either before or after the Institution of the proceeding, compound any Offences made punishable by or under this Act.

Arrest of Offenders. 65. (1) The Police Officer, not below the rank of Sub-Inspector, may arrest without taking warrant from Magistrate any person who commits in his view, any offence against this Act or rule made thereunder, if the name and address of such persons be unknown to him and if such person, on demand, declines to give his name and address which such Officer has reason to believe false.

(2) The person so arrested shall, without delay, be produced to the Magistrate authorised to try the offence for which the arrested, shall be detained in custody for a period extending twenty hours without an order from the above Magistrate.

- Right to appear by recognised Agent. 66. Every party to any proceeding before the Department constituted under this Act, shall be entitled to appear either in person or by his agent authorised in writing in this behalf.
- Power to compel attendance of witness. 67. For the purpose of this Act, and Officer appointed under sub-section (1) of Section 51 of the Department may summon and enforce the attendance of witnesses including the parties interested, or any of them and compel them to give evidence and compel the production of documents by the same means and, as is provided in the case of a Civil Court by the Code of Civil Procedure 1908. Central Act No. 5 of 1908.
- Jurisdiction of Courts. 68. No Court inferior to that of a Magistrate of the First Class shall try an offence punishable under this Act.
- Finality of orders. 69. Save as otherwise expressly provided in this Act, every order passed or direction issued by the Government or order passed or direction issued by the Government or order passed or notice issued by the Department under this Act shall be final and shall not be questioned in any Court or legal proceedings.
- Validation of proceedings. 70. No act done or proceedings under this Act shall be questioned on the ground merely of —
- (a) the existence of any vacancy in, or any defect in the constitution of the Department.
 - (b) Any person associated with the Committee or the Department under Section 8 having voted in contravention of the said question.
 - (c) The failure to serve a notice on any person where no substantial injustice has resulted from such failure.
 - (d) Any omission defect or irregularity not affecting the merits of the case.
- Magistrate's power to impose enhanced penalties. 71. Notwithstanding anything contained in section 29 of the Code of Criminal Procedure 1973 it shall be lawful for any Court of a Magistrate of the First Class to pass any sentences authorised by this Act in excess of its power under the said section of the said Act. Central Act No. 2 of 1974
- Power of delegated 72. (1) The Government may direct that any power exercisable by it under this Act, rule or regulations thereunder may also be exercised by the Department of the Government and the Department in such cases and subject to such conditions, if any as may be specified therein.
- (2) The Chief Urban Development Officer of the Department may, by an order in writing delegate any power exercisable by him under

this Act, rules or regulations to any officers of the Department or the Autonomous District Council or local authority, in such conditions, if any, as may be specified therein.

(3) The Department may, direct that any power exercisable by it under this Act, rules or regulations thereunder (except the power to prepare any Development Plan or any Development scheme or to make any regulation) may also be exercised by an Autonomous or Government Agency or any officer of the Government with previous consent of Government and the Department may be mentioned therein, in such cases and subject to such condition if any as may be specified therein.

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| Members
and Officers
to be public
servants. | 73. Every member and every officers and other employees of the Department shall be deemed to be a public servant within the meaning of section 21 of the Indian penal Code, 1860 | Central
Act No. 45
of 1860 |
| Sub-Divi-
sion of plots. | 74. No sub-division of plots by individuals will be allowed by the Revenue and Settlement Department or Local Authority or authorities or State Housing Board or any other Departments or any person unless prior approval of the Department has been obtained actually. | |
| Returns
and informa-
tion. | 75. The Department shall furnish to the Government such report, returns and other information as the Government may require from time to time. | |

CHAPTER—XI

RULES AND REGULATIONS

- Power to 76. (1) The Government may, by notification in the Official Gazette, make rules make rules to carry out the purpose of this Act.
- (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely—
- (a) The function and powers of the Department.
 - (b) The term of Office and conditions of service of the staff of the Department;
 - (c) The qualification and disqualification for being chosen as and for being member of the committee;
 - (d) The time and place of holding and the procedure to be followed in the meeting of the Department constituted under this Act;

- (e) The functions, powers and duties of the Chief Urban Development Officers, employee the term of Office and conditions of his service.
- (f) The manner of the appointment of Advisory Committee member from the District Autonomous or Local Authority or Government Agency under sub-section (4) of section 5.
- (g) The matter in which and the purpose for which the Department may associate with itself any persons under sub-section (4) and (5) of Section 5;
- (h) The control and restriction in relation to the appointment of Officers and other employees of the Department;
- (i) The time within which the Government is to direct modifications in, or to give its consent for publication, of notice of preparations of Development Plans and approval, to any Development Plan and Development Scheme;
- (j) The form and consent of the Development Plans and the Development Schemes and the procedure to be followed in connection with the preparation, submission and approval of such Development Plans and Development Schemes and the form and the manner of publications of the notice relating to such Development Plans and Development schemes;
- (k) The periodical amendment of Development Plans, the period and the expiration of which such an amendment may be taken up, procedure to be followed in making such amendment;
- (l) The form in which any application for Development permission shall be made the particular be furnished in such applications and documents and design/Plan which shall accompany such application;
- (m) The form of registration of application and the particular to be contained in such Register;
- (n) The manner of filling, and the fees to be paid and the procedure to be followed in appeals;
- (o) The manner in which acquisition notice is to be served, and claim for compensation is to be made, the time within which such claims to be made and the procedure to be followed for assessment of compensation;
- (p) The sum of money that may be kept in current account;
- (q) The form of the budget of the Department, the date on or before which it shall be prepared, the manner for preparing it, the number of copies that have to be soon to the Government;

- (r) The form of Annual Statement of Accounts and Balance Sheet;
- (s) The form of Annual Report of the Department and date on or before which it shall be submitted to the Government;
- (t) The manner and the constitution of Provident Fund for the whole time paid members and Officers and other employees of the Department and the conditions subjects to which such funds may be constituted;
- (u) The documents of which copies may be granted, the fees for such copies;
- (v) Any other matter which has to be or may be prescribed by rules.

Power to 77.
make Regu-
lations.

The Government may also make regulations consistent with this Act and the rules made thereunder to carry out the purpose of the Act and without prejudice to the generality of this power such regulations may provide for—

- (a) the time and place of holding and procedure to be followed in meetings of the Advisory Committee, the numbers of the members necessary to form a quorum therein.
- (b) the powers and duties of the Officers and employees of the Department;
- (c) the salaries, allowances and conditions of service to its officers and employees;
- (d) the management of property and the maintenance and audit of accounts.
- (e) the terms and conditions for the continuance of use of any land used otherwise than in conformity with Development Plan and Development Schemes;
- (f) terms and conditions for disposals of lands, houses, buildings and other structure and by laws applicable to planning areas or regions, and
- (g) any other matters which has to be or may be prescribed by rules.

Effect of 78.
Law.

- (1) Save as aforesaid, the provisions of this Act, and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained any other law—
- (2) Notwithstanding anything contained in any such other law—

- (a) When permission for development in respect of any land has been obtained under this Act, Such Development shall not deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other this shall not, however be construed as exemp-

tion to permission being obtained as required under such other laws and of payments of such fees and charges as may be prescribed by these laws;

- (b) When permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

Laying of rules and regulations before the Mizoram Legislative Assembly. 79. Every rules or regulations made under this Act shall be laid as soon as it may be made, before the Mizoram Legislative Assembly while it is in session for a total period of thirty days which may be comprised in one session or two successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, the Legislative Assembly of Mizoram makes any modification in the rules or regulations or the Legislative Assembly of Mizoram decides that the rules or regulations should not be made the rules or regulations shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule or regulation.

Control by the Government. 80. (1) The Department shall carry out such directions as may be issued from time to time by the Government for the efficient administration of this Act.

(2) If in, or in connection with the exercise of its powers and discharge of its functions by the Department under this Act, any dispute arises between the Department and the local Authority, other Government Agency, Autonomous District Council and the decisions of the Government on such disputes shall be final.

Repeals and Savings. 81. On and from the date specified in the notifications issued under section 4 in relation to Planning areas or regions, any other laws, other than this Act which is in force in that area or region immediately before such date shall stand repealed:

Provided that all orders made or anything done or any action taken under the Act or rules so repealed or under general orders ancillary thereto, shall be deemed to have been made, done or taken under the corresponding provision of this Act.

(K.N.Srivastava)
Secretary to the Govt. of Mizoram,
Law, Judicial & Parliamentary Affairs Department.