



महाराष्ट्र शासन राजपत्र  
असाधारण भाग आठ

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असाधारण क्रमांक ८७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Regional and Town Planning (Second Amendment) Bill, 2010 (L. A. Bill No. LXXXIX of 2010), introduced in the Legislative Assembly on the 15th December 2010, is hereby published under the authority of the Governor.

By order and in the name of the  
Governor of Maharashtra,

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

L. A. BILL No. LXXXIX OF 2010.

A BILL

*further to amend the Maharashtra Regional and Town  
Planning Act, 1966.*

Mah.  
XXXVII  
of  
1966.

WHEREAS it is expedient further to amend the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-first Year of the Republic of India as follows :-

1. This Act may be called the Maharashtra Regional and Town Short title.  
Planning (Second Amendment) Act, 2010.

भाग आठ-८७-१

(१)

M.B-2381

Amendment  
of section  
21 of Mah.  
XXXVII of  
1966.

2. In section 21 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the principal Act"),—

Mah.  
XXXVII  
of  
1966.

(1) for sub-section (3), the following sub-section shall be substituted, namely :-

“(3) On an application made by any Planning Authority, the State Government may, having regard to the permissible period specified in the preceding sections, from time to time, by order in writing and for adequate reasons to be specified in such order, extend such period.”;

(2) in sub-section (4), for the words "an officer appointed by the State Government in that behalf may" the words "the concerned Divisional Deputy Director of Town Planning or an officer nominated by him who is not below the rank of Assistant Director of Town Planning may" shall be substituted ;

(3) after sub-section (4), the following sub-section shall be inserted, namely :-

"(4A) If at any stage of preparation of the draft Development plan, the time fixed under sections 23, 25, 26, 28 and 30 for doing anything specified in the said sections lapses, the Planning Authority shall be deemed to have failed to perform its duty imposed upon it by or under the provisions of this Act and any work remaining to be done upto the stage of submission of the draft Development plan under section 30 shall be completed by the concerned Divisional Deputy Director of Town Planning or an officer nominated by him who is not below the rank of Assistant Director of Town Planning. The said officer shall exercise all the powers and perform all the duties of a Planning Authority which may be necessary for the purpose of preparing a Development plan and submitting it to the State Government for sanction and may, notwithstanding anything contained in any other law relating to the funds of the Planning Authority, recover the cost thereof from such funds."

Substitution  
of section  
22A of  
Mah.  
XXXVII of  
1966.

3. For section 22A of the principal Act, the following section shall be substituted, namely :-

Modifications  
of  
substantial  
nature.

" 22A. In section 31, the expression "of a substantial nature" used in relation to the modifications made by the State Government in the draft Development plan means , -

(a) any modification to a reserved site resulting in reduction of its area by more than fifty per cent. or reduction of such amenity in that sector by an area of more than ten per cent. in the aggregate ;

(b) insertion of a new road or a new reservation or modification of a reserved site or a proposed road or a proposed road widening resulting in inclusion of any additional land not so affected previously ;

(c) change in the proposal of allocating the use of certain lands from one zone to any other zone provided by clause (a) of section 22, which results in increasing the area in that other zone by more than ten per cent. in the same planning unit or sector in a draft Development plan ;

(d) alteration in the Floor Space Index beyond ten per cent. of the Floor Space Index prescribed in the Development Control Regulations."

4. For section 24 of the principal Act, the following section shall be substituted, namely :-

Substitution  
of section  
24 of Mah.  
XXXVII of  
1966.

"24. Every Planning Authority shall, at the time of declaration of intention to prepare Development plan, resolve to appoint a person possessing such qualifications as may be prescribed, to be the Town Planning Officer for carrying out survey of the area of a Planning Authority, preparing an existing-land-use map thereof and formulating proposals of a Development plan of that area for submission to the Planning Authority. Thereafter, the Planning Authority shall, with the previous sanction of the State Government, appoint such person as a Town Planning Officer ."

Town  
Planning  
Officer.

5. In section 26 of the principal Act, in sub-section (1),-

(1) for the words " sixty days" the words "thirty days" shall be substituted ;

Amendment  
of section  
26 of Mah.  
XXXVII of  
1966.

(2) after the existing proviso, the following proviso shall be added, namely :-

"Provided further that, the period so extended shall not in any case exceed six months in the aggregate."

6. In section 28 of the principal Act,-

(1) in sub-section (2),-

(a) for the words "appointed by the State Government" the words "appointed by the Director of Town Planning" shall be substituted ;

Amendment  
of section  
28 of Mah.  
XXXVII of  
1966.

(b) for the second proviso, the following shall be substituted, namely :-

" Provided further that, where the Divisional Deputy Director of Town Planning or the officer nominated by him under sub-section (4) of section 21 exercises the powers and performs the duties of a Planning Authority, then the Planning Committee may consist of such Divisional Deputy Director of Town Planning or the officer nominated by him .";

(c) in the fourth proviso, for the words "the State Government" the words "the Director of Town Planning" shall be substituted;

(2) in sub-section (3), the portion beginning with the words "or such further time" and ending with the words "or the said officer in this behalf" shall be deleted;

(3) for sub-section (4), the following sub-section shall be substituted, namely :-

"(4) Not later than two months after the receipt of the report of the Planning Committee, the Planning Authority or the said officer shall consider the report including the objections and suggestions received by it or him and make a list of such modifications or changes and carry out the same in the draft Development plan, as it or he may consider proper. The Planning Authority or the said officer shall publish, in the *Official Gazette* and in not less than two local newspapers, the list of modifications or changes made in the draft Development plan for information of the public."

Deletion of  
section 29  
of Mah.  
XXXVII of  
1966.

7. Section 29 of the principal Act shall be deleted.

Amendment  
of section  
30 of Mah.  
XXXVII of  
1966.

8. In section 30 of the principal Act, in sub-section (1),-

(1) for the portion beginning with the words "to the State Government" and ending with the words "twelve months", the following portion shall be substituted, namely:-

"along with the list of modifications or changes made in the draft Development plan under sub-section (4) of section 28 to the State Government for sanction within a period of six months";

(2) in the proviso, for the words "twenty four months" the words "six months" shall be substituted.

Amendment  
of section  
31 of Mah.  
XXXVII of  
1966.

9. In section 31 of the principal Act,-

(1) in sub-section (1),-

(a) for the words "one year" the words "six months" shall be substituted;

(b) in the first proviso, after the words "by such further period" the words "not exceeding six months in the aggregate," shall be inserted;

(c) for the second proviso, the following proviso shall be substituted, namely :-

"Provided further that, where the modifications proposed to be made by the State Government or submitted by the Planning Authority under section 30 and proposed to be approved by the State Government without any further change are of a substantial nature with respect to the draft Development plan published under section 26, the State Government shall publish a notice in the *Official Gazette* and also in not less than two local newspapers inviting objections and suggestions from any person in respect of the proposed modifications within a period of one month, from the date of such notice.";

(2) after sub-section (4), the following sub-section shall be inserted, namely:-

"(4A) The State Government may, by notification in the *Official Gazette*, delegate all the powers and functions under this section to the Director of Town Planning in such cases and subject to such conditions, if any, as may be specified in such notification."

10. In section 32 of the principal Act, in sub-section (1), the figures "29," shall be deleted.

Amendment of section 32 of Mah. XXXVII of 1966.

11. In section 33 of the principal Act, in sub-section (2), the figures "29," shall be deleted.

Amendment of section 33 of Mah. XXXVII of 1966.

12. In section 38 of the principal Act, the figures "29," shall be deleted.

Amendment of section 38 of Mah. XXXVII of 1966.

13. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, give such direction, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty:

Power to remove difficulties.

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

**STATEMENT OF OBJECTS AND REASONS**

Sections 21 to 31 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) provide for preparation, submission and sanction of Development plan.

Development plans are prepared to ensure planned development of towns. It has been observed that, the procedure for preparation, submission and sanction of Development plan is too lengthy.

Urbanisation is rapidly increasing and needs of the society are changing fast. There is a dire need to match the pace of preparation of Development plan with the pace of urbanisation.

It is, therefore, considered expedient to amend sections 21, 24, 26, 28, 30, 31, 32 and 38 of the said Act and to substitute sections 22A and 24 with deletion of section 29 therefrom, with a view to curtail the time limit at various stages of preparation, submission and sanction of Development plan and to ensure effective implementation of the said Act.

2. The Bill seeks further to amend the Maharashtra Regional and Town Planning Act, 1966, to achieve the above objectives.

Nagpur,

Dated the 13<sup>th</sup> December, 2010.

PRITHVIRAJ CHAVAN,

Chief Minister.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative powers, namely :-

*Clause 4.-* Under this clause, which seeks to substitute section 24 of the Maharashtra Regional and Town Planning Act, 1966, power is taken to the State Government to prescribe qualifications of person to be appointed as the Town Planning Officer.

*Clause 9(2).-* Under this clause, which seeks to insert sub-section (4A) in section 31 of the said Act, power is taken to the State Government to delegate, by notification in the *Official Gazette*, all the powers and functions of the State Government under section 31 to the Director of Town Planning in such cases and subject to such conditions, if any, as may be specified in such notification.

*Clause 13(1).-* Under this clause, power is taken to the State Government to make order for removing difficulties, if any, that may arise in giving effect to the provisions of this Act.

2. The above-mentioned proposals for delegation of legislative powers are of normal character.