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THE MIZORAM GAZETTE

EXTRA ORDINARY

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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 AND REGIONAL DEVELOPMENT ACT, 1990
Received the assent of the Governor of Mizoram on the 13th Aug, 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 – I

PRELIMINARY

- | | | | |
|---|----|-----|--|
| Short title, extent and commencement | 1. | (1) | This Act may be called the Mizoram Urban and Regional Development Act, 1990. |
| | | (2) | [It shall extend to whole of the State Mizoram, except the Autonomous District of Chakma, Mara and Lai constituted under sub- paragraph (2) of paragraph 1 of the Sixth Schedule to the Constitution of India.] ¹ |
| | | (3) | 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 advise of the Board. |

Act publish by the Authority in the Mizoram Gazette, Extra Ordinary, dated the 22nd August, 1990 vide Law & Judicial Department Notification No. LJD.9/90/90, dated the 17th August, 1990.

[]¹ As Amended vide Mizoram Urban & Regional Development (Amendment) Act(Act No.12 of 1996) of 1997

- (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, pig, fish, poultry and bees and use of any land which is ancillary to the farming of land or other agricultural purpose of a garden to be used along with such building and agricultural shall be constructed 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 obsolete development” means an area or areas consisting of land which is badly laid out or obsolete development;
- (v) “Building” means construction for whatsoever purpose and of whatsoever materials constructed in every part thereof, whether used as human habitation or not, and includes plinth, walls, chimney, drainage, works fixed platforms, verandah, balcony, works cornice or projection or part of a building or delimiting or intended to enclosed or delimit any land or space.
- (vi) “Building Operation” includes –
 - (a) Erection or re-erection of a building or any part of it;
 - (b) Roofing or re-roofing of any part of building or open space;
 - (c) Any materials alteration or enlargement of any building;
 - (d) Any such alteration of building as it likely effect as alteration 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 Town & Country Planner” means a person possessing the prescribed qualifications in Town & Country Planning and so appointed by the Government under section 3 of this Act to perform the duties of Chief Town & Country Planner.]¹
- (viii) “Commercial use” means use of any land or building or part thereof for the purpose of profession, sale or exchange of goods of any type whatsoever and includes running of with a view to making profit, hospital, nursing homes, infirmaries, educational institutions, hostel, restaurants and boarding houses not being attached to any educational institutions, sarais and so includes the use of any land or building for storage of goods or otherwise;
- (ix) “Committee” means such [Urban Planning and Development Board or Committee constituted]¹ 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

[¹]As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

functions of the court under this Act within the pecuniary local limits of its jurisdiction;

- (xi) [“Collector” means any person so defined in the Land Acquisition Act, 1894]¹;
- (xii) “Development” with its grammatical variations, means the carrying out of building, engineering, mining or other operations, in, on, or over or under land on the making of any material change, in any building or land, or in the use of any building or land, and includes re-development and Layout plan and Sub-division of any land ; and to ‘develop’ shall be construed accordingly ;
- (xiii) “Development Plan” means Integrated Interim Development Plan, [District]¹ or Regional Development Plan, Rural or Sectoral Plan, Urban Development Plan prepared under this Act ;
- [(xiii-A)“District” means a district in a State;]¹
- (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 the electricity cable or of telephone and other communications lines.
- (xv) “Government” means the Government of Mizoram
- (xvi) “Industrial use” includes the use of any land or building or part thereof for the purposes of industry as defined.
- (xvii) “Industry” includes the carrying on of manufacturing process as defined in the factories Act, 1948; (Central Act No. 63 of 1948)
- (xviii) “Land” includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;
- (xix) “Legislative Assembly” means the Legislative Assembly of Mizoram;
- (xx) “Local Authority” means a Village Council or Town Committee or [Municipality or Municipal Board or District Council or]¹ other Authority legally entitled or entrusted by the Government with, control or management of local fund or which is permitted by the Government to exercise the powers of local authority;
- (xxi) “Local Newspaper” means any registered Newspaper either Mizo or English, publish or circulated within the planning areas or regions ;
- (xxii) “Occupier” includes –
 - (a) a tenant ;
 - (b) an owner in occupation of, or otherwise using his land ;
 - (c) a rent free tenant of any land, and
 - (d) a license in occupation of any land and

[]¹ As amended vide Mizoram Urban & Regional Development(Amendment) Act(Act No. 12 of 1996) of 1997

- (e) any person who is liable to pay the owner damages for the use and occupation of any land ;
- (xxiii) “Official Gazette” means the Mizoram Gazette issued by the Government of Mizoram from time to time ;
- (xxiv) “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 grid for electricity;
 - (h) regional grid for electricity;
 - (i) Any other services which the Government may, in its 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 construction of –

- (i) New residential buildings, except those connected with operation of lodges, hospitals, clubs, institutions, schools, railways 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.
- (xxv) “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 of, or on behalf of or for the benefit of any other person, or as an agent, trustee, guardian, or receive for any other guardian, or receive 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 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;

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

- (xxvi) “Planning Area” means any area or areas [or any Town or Urban area]¹ as declared to be Planning area or areas under this Act ;
- (xxvii) “Planning Region” means any region declared to be Planning region or regions under this Act.
- (xxviii) “Prescribed” means prescribed by rules or regulations made under this Act ;
- (xxix) “Public place” means any place or building which is opened to be used for enjoyment of the public whether it is actually used or enjoyed by the public or not, and whether the entry is regulated by any charge or not ;
- (xxx) “Public purpose” shall have the meaning assigned to its as [clause (f)]¹ of section 3 of the Land Acquisition Act, 1894 as amended from time to time. (*Central Act No. 1 of 1894*)
- (xxxi) “Qualified Town & Country Planner” means a person possessing Post Graduate Degree/Diploma in City/Town/Urban/Regional Planning or equivalent Planning Degrees from a recognised Indian or Foreign Institutes ;
- (xxxii) “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 ;
- (xxxiii) “Reconstitution Plot” means a plot which is altered in ownership or in any other way by the making of Development schemes ;
- (xxiv) “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 obsolete development or a slum area, the making available, in that area or elsewhere of a 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 garden, grounds, garages, stables and out houses;
- (xxxvii) “Road” means and includes footway, highway streets, lanes, pathway, alley passageway, carriageway, 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 Island ;
- (xxxviii) “Rule” means a rule made under this Act ;
- (xxxix) “Scheme” means a Development scheme [prepared under this Act]¹ and includes a design/plan or plans, together with description matter, if any relating to such a scheme ;
- (xi) “Sector” means any Sector of a planning area or region for which under the Development Plan a detailed Development scheme is prepared ;

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996)of 1997.

- (xn) “Slum area” means any predominantly residential area, where the dwelling which by reason of dilapidation, 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 whichever is defined by a Development plan as a slum area ;
- [(xlii) “Town or Urban area” means such area as already declared under clauses (9) or (10) rule 2 of the Mizo District (Land & Revenue) Rules, 1967 a adopted from time of time, or under the Mizoram Urban Areas Rent Control Act, 1973, as the case may be, and such other area or areas to the population therein, the revenue generated for administration, the percentage of employment in non-agriculture activities, the economic importance of such other factors as may deem fit, specify by notification in the Official Gazette for the purpose of this Act.]¹
- (xliii) “Zone” means any one of the Divisions in which the planning areas or regions may be divided for the purposes or uses of land or the purposes of development under this Act.

CHAPTER – II

CONSTITUTION OF MIZORAM URBAN PLANNING AND DEVELOPMENT BOARD OR COMMITTEE AND APPOINTMENT OF CHIEF TOWN & COUNTRY PLANNER

- | | |
|--|---|
| <p>[Appointment of Chief Town & Country Planner and constitution of Mizoram Urban Planning & Development Board or Committee</p> | <p>3. [(1) On and from the commencement of this Act, the State Government shall, by notification in the official Gazette, appoint possessing the prescribed qualifications in Town & Country Planning as the Chief Town & Country Planner to perform the functions assigned to him under this Act for the State and may appoint such categories of officers and staff which may be necessary for the discharge of the duties and the functions of the Board of Committee]¹</p> <p>(2) [The Chief Town & Country Planner]¹ 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 Town & Country Planner]¹ by or under this Act, as the State Government may, by special or general order, direct.</p> <p>(3) The Officers and staff appointed to assist the [Chief Town & Country Planner]¹ shall be subordinate to him and shall work under his guidance, supervision and control.</p> <p>[(4) The State Government may, by notification in the Official Gazette, constitute a State Urban Planning and Development Board for the whole of the State of Mizoram and for the District, City or Town Planning & Development Committees as the case may be, such Board or Committees with such members and in such manner as may be prescribed by the Government under this Act to advise State Government in regard to the spatial and economic planning and development and for determining principles and policies under this</p> |
|--|---|

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

Act with a view to achieving balance and co-ordinated development of the cities, towns and regions as a whole; and to assist the Board in matters of Development Plan preparation and its implementation]¹.

- (5) [Deleted]¹
- (6) [Deleted]¹
- (7) The head of office of the [Chief Town & Country Planner]¹ shall be at the Capital of the State of Mizoram.
- (8) The [Chief Town & Country Planner]¹ may with the prior approval of the Government, establish different areas or regions or Sub-division or project or Block or District, Division, Circle and maintain branch offices :
- [(9) The **‘Mizoram Urban Planning and Development Board’** shall consist of the following members, namely –
- | | | | |
|-----|--|----|---------------|
| (a) | Chief Minister | -- | Chairman |
| (b) | Minister in charge of Local Admn. Deptt. (Urban Planning & Development), Mizoram | -- | Vice-Chairman |
| (c) | Chief Secretary, Mizoram | -- | Member |
| (d) | Development Commissioner | -- | Member |
| (e) | Commissioner & Secretary, Finance | -- | Member |
| (f) | Secretary, Land & Revenue Settlement, Mizoram | -- | Member |
| (g) | Secretary, Local Administration Department (Urban Planning & Development), Mizoram | -- | Member |
| (h) | Secretary, Law & Judicial, Mizoram | -- | Member |
| (i) | Principal Chief Conservator of Forest, Environment & Forest Deptt., Mizoram | -- | Member |
| (j) | Chief Engineer, Public Health Engineering Deptt. Mizoram | -- | Member |
| (k) | Chief Engineer, Power & Electricity Deptt. Mizoram. | -- | Member |
| (l) | Chief Engineer, Public Works Deptt. Mizoram. | -- | Member |

[¹] As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

- (m) Director, Health & Family Welfare Deptt. Mizoram -- Member
- (n) Director, Local Administration Deptt. Mizoram -- Member
- (o) Director, Geology & Mining, Deptt. of Industries -- Member
- (p) One MLA from each Dist. nominated by the Hon'ble Speaker, Mizoram Legislative Assembly. -- Member
- (q) Two prominent Citizens to be nominated by the State Government. -- Member
- (r) President of Central Young Mizo Association representing Voluntary Organisation. -- Member
- (s) Chief Town & Country Planner, Local Administration Department (Urban Planning & Development), Mizoram. -- Member Secretary

(10) The '**District Planning and Development Committee**' shall consist of the following members –

- (a) Chairman to be appointed by the State Government;
- (b) Not less than four-fifth of the total members of such committee shall be elected members of the Village Councils and the Municipalities in the district in proportion with the ratio between Urban and Rural population in the district or region.
- (c) Persons to be appointed by the State Government having special knowledge on matters specified below :-

Administration – provided that the Deputy Commissioner concerned may be appointed the Vice-Chairman, Person from Finance & Planning Department :

Each District head of the following namely :- Public Health Engineering, Public Works Department, Power & Electricity, Environment & Forest, Agriculture/Horticulture, Industries, Health, Education, Sport, Land & Revenue, Geology.

- (d) District Town & Country Planner to be appointed as Member-Spatial Planning shall be Member-Secretary of the Committee.

- (11) The **‘City or Town Planning and Development Committee’** shall consist of the following member :-
- (a) Chairman to appointed by the State Government
 - (b) Not less than two-thirds of the members of such committee shall be Chair-persons of the Village Councils in the proportion of population of the city or town and Village Councils;
 - (c) Persons to be appointed by the State Government having special knowledge on Finance, Engineering, Planning & Health matters :

Persons to be appointed the Government from the following Departments, namely :- Public Health Engineering, Public Works Department, Land & Revenue, Power & Electricity, Industries, Transport, Geology, Education & Human Resources, Sport & Youth Services, Deputy Commissioner of the concerned City or Town ;
 - (d) [Town and Country Planner to be appointed as Member-Spatial Planning shall be the Member-Secretary of the Committee]¹.

CHAPTER – III

DEVELOPMENT PLANNING AREAS AND REGIONS

Planning Areas and Regions.

4. (1) The State Government [in consultation with the Board or Committee as the case may be]¹, 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 [in consultation with Board or Committee, as the case may be,] 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 [in consultation with the Board or Committee, as the case may be,]¹ by Notification.
 - (a) alter the limits of area or region so as to include therein or exclude there from such area or region as may be specified in the notification ;

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No 12. of 1996) of 1997.

- (b) amalgamate two or more areas or regions so as to form one area or region ;
- (c) divide any area or region into two or more areas or regions, or
- (d) declare that the whole or part of the areas or regions comprising an area or region shall cease to be area or region or part thereof.

[(4) The State Government in consultation with Board or Committee, as the case may be, may by Notification –

- (a) declare the limit of Town or Urban area in the State for the purpose of proper planning and development of such Town or Urban area under this Act ;
- (b) amalgamate two or more towns or urban areas so as to form one town or Urban area and specify the name by which such Town or Urban area shall be known.
- (c) declare that the whole or part of the Town or Urban area comprising a Town or Urban area shall cease to be Town or Urban area or part thereof.]¹

[Powers and functions of the Board or Committee.

5. [(1) Subject to the provisions of the Act and the Rules made thereunder, the Board or Committee may, if required by the State Government, direct the Chief Town & Country Planner or Municipal or local authorities -]¹

- (a) to prepare Existing Land-use Map,
- (b) to prepare and enforce Integrated Interim Development Plan, District or Regional Development Plan, Rural or Sectoral Plan, Urban 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 scheme under Development Plan and carry out building operation for implementation ;
- (f) to formulate various Urban Development schemes including State Capital development and its Regional Development schemes, re-development in such areas or regions as may be approved by the Government.

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

- (g) to formulate schemes for environmental improvement of slum, environment planning and assess environment impact, co-ordinate with various environmental schemes and to undertake development in such areas or regions;
- (h) to prepare scheme 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 Government;
- (i) to cause the clearance of improvement of slum and shanty areas and undertake development of such areas or regions;
- (j) [Deleted]¹
- (k) to formulate Development schemes and carry out implementation of North Eastern Council Urban Development Projects and Integrated Development of Small & Medium Towns schemes sponsored by North Eastern Council and Central Government ;
- (l) [Deleted]¹
- (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 [as approved by the Government];
- (n) **[The Board or Committee shall, if so required take up preparation of Development Plans, schemes and projects on behalf of Government Agency or Municipal Board or Municipality or Authority at the cost of their expenditure, and also scrutinise the Development Plans prepared by the Municipalities or Village Councils or any Local authority and assist the State Government in following the “due process of law” before these are legally enforceable and co-ordinate for its implementation]¹**
- (o) to assess any land and building values and re-adjustment of plots and surrender of part of the land for public purpose within the Development Plans and charge service fees as determined by the Department from time to time;
- (p) [Deleted]¹
- (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) [Deleted]¹
- (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 ;

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

- (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 perform 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 areas or regions to prepare report or reports of such surveys and estimate such schemes under this Act ;
- (2) [The Government in consultation with the Board or Committee as the case may be,]¹ may entrust any Government Agency or Local authority or Board to take up any one of the Development schemes for efficient implementation of Development Plans;
- (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 Chief Town & Country Planner shall inform the Government to decide the matter ;
- [(4) The Board or Committee as the case may be, in preparing the Development Plans and the Schemes-
- (a) have regard to –
 - (i) the Plans prepared by the Municipalities and the Village Councils including Spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
 - (ii) the overall objectives and priorities set by the Government of India and the State Government;
 - (iii) the extent and nature of investments likely to be made in such areas by Agencies of the Govt. of India and of the State Government and other available resources whether financial or otherwise;
 - (b) consult such Institutions and Organisations as the Governor may, by order specify.]¹
- (5) **[The draft Development Plan prepared by the Municipalities, Village Councils and Local authorities shall be submitted to the Board or Committee, as the case may be.]¹**

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No. 12 of 1996) of 1997.

- (6) The [Chief Town & Country Planner]¹ 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 Plan, Interim Development Plan or Development Plan 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, [it shall be deemed to be land needed public purpose, the Government shall acquire such area or areas of land.
- (a) either compulsorily ; or
- (b) by agreement ; or
- (c) by taking an application to the collector for acquiring such land under the Land Acquisition Act, 1894 as amended from time to time ; and the land (together with the amenity, if any, developed or constructed) so acquired shall vest in the Government.]¹
- (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 Chief Town & Country Planner.
- (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 anytime, 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 [Chief Town & Country Planner is certified that the possession of any land which is notified or reserved or allotted or designated for 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 Chief Town & Country Planner that the possession of such land may be taken after giving a notice of fifteen days and there upon the provisions of section 17 of the Land Acquisition Act, 1895 as amended from time to time shall mutadis apply.

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act(Act No.12 of 1996) of 1997.

- (5) [Subject to the regulations made by the Government, the owner of a plot of land which has been declared to be needed for public purpose under sections 4, 12, 13, 14, 16 and 18 of this Act, the owner will be eligible for the award of Transferable Development Right (TDR) to such extent, and such conditions as may be determined by the Government]¹
- Disposal of land by the [State Govern-**
7. (1) [Subject to the regulations made by the State Government under this Act, the Government may dispose off the land so transferred or handed over to the Government and so acquired under section 6 of this Act.]¹
- (2) [Deleted]¹
- (3) [Deleted]¹

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 Planning areas or regions the [Chief Town & Country Planner]¹ shall obtain from any Government agency and any Local Authority such maps, reports, registers and land records, as may be necessary for the purpose.
- (2) It shall be the duty of every Government Agency and Local authority to furnish, as soon as may be, possible maps, reports, registers, records etc., as may be required by the [Chief Town & Country Planner]¹.
- (3) The [Chief Town & Country Planner] shall prepare Existing Landuse Map and register forthwith publish the same in such manner as may be prescribed together with public notice of 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 3 the [Chief Town & Country Planner]¹ may, after allowing a reasonable opportunity of being heard to all such persons who have filed the objections therein as may be Considered/Approved as desireable.**
- (5) **As soon as may be after the map and the register is adopted/approved with or without modifications the [Chief Town & Country Planner]¹ shall published a public notice of the adoption/approval 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, the map has been duly prepared and adopted.**

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

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 used 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 used Map without the permission in writing to the Department.**
 - (c) No Registrar or the Sub-Registrar, appointed under the Central Indian Registration Act 1908 shall in any planning area or region constituted under section 4, register any deed of document of 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.

Provided that Register 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.

Restriction on Use of land or development thereof.

10. (1) Notwithstanding anything contained in any other law for the time being in force, on-or after the date of publication of the [draft Existing Landuse Map]² no person, authority, Government agency or any of other persons 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 Existing Landuse Map]² without prior Approval of the Department, or any Officer authorised by the Department in this behalf.

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act(Act No.12 of 1996) of 1997.
 []² As amended vide Mizoram Urban & Regional Development (Second Amendment)Act (Act No.5 of 2004) of 2004.

- (2) Notwithstanding anything contained in any law for the time being in force, the Municipal referred to in sub-section (1) shall not be granted – otherwise than in conformity with the provision of the [draft or final Existing Landuse Map]² 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 to the provision of this section, the Municipal Board 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 Board, Municipal Committee, 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.

[]² As amended vide Mizoram Urban & Regional Development (Second Amendment) Act (Act No.5 of 2004) of 2004

CHAPTER – VI

PREPARATION OF DEVELOPMENT PLANS AND PROCEDURES FOR THEIR STATUTORY APPROVAL

- Procedure of 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 [Chief Town & Country Planner]¹ shall prepare Integrated Development Plan in consultation with other Govt. Agencies and Local Authorities, if any, and submit to the State Government for sanction within such time as may be prescribed and **may undertake any one of the procedures** to prepare Integrated Development Plans. There may be five procedures :-
- (1) Interim Development Plan,
 - (2) District or Regional Development Plan,
 - (3) Urban Development Plan,
 - (4) Rural or Sectoral Plan,
 - (5) Action Plan,
 - [(6) Period of Interim Development Plan, District/Regional Development Plan, Urban Development Plan , Rural or Sectoral Plan and Action Plan preparation shall be one year, two years, three years, two years and one year respectively.]¹
- Interim Development Plan.** 12. (1) The Interim Development Plan shall :-
- (a) **indicate broadly, the land use proposed in the planning area or region.**
 - (b) **allocate 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 & State Highway connecting the planning area or region with the rest of the region, ring road, arterial roads and the major roads within the planning areas or regions;
 - (d) provide for the location of airports, railway stations, bus terminals and indicate the proposed extension and development of railway and canals;

[¹] As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

- (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 such as water, drainage, electricity and suggest their fulfilment ;
- (g) **propose broad base regulations for Sectoral development, by way of guidelines, within each sector of the location, heights, size of buildings and structures, open spaces, courtyard, and the use for which such buildings and structures and land may be put;**
- (i) suggest architectural control features, elevation and frontage of buildings and structures ;
- (j) indicate measures for flood control, landslide prone areas, prevention & general environmental control ;
- (k) indicate the phasing of the programme of development.

[District or]¹ 13. Regional Development Plan.

[The District or Regional Development Plan may propose or provide for all or any of the following matters, namely :-

- (a) **Broad demarcation of areas** for agriculture, forestry, industry, mineral development, urban and rural settlements, and other activities ;
- (b) Reservation of land for recreation, botanical and zoological gardens, natural reserves, animal sanctuaries, dairies and health resorts and for preservation, conservation of forest, wild life, natural resources and landscaping ;
- (c) Preservation of objects, features, structures or places of historical, natural, archaeological or scientific interest and educational value ;
- (d) Prevention of erosion, landslide prone areas, provision for afforestation or reforestation, improvement and re-development of water front areas, rivers and lakes;
- (e) Transport and communications network such as roads, highways, railways, waterways, canal and airports including their future development;
- (f) Proposals for irrigation, water supply, hydro-electricity works, flood control and prevention of river pollution ;
- (g) Rural and Urban centres, both existing and new, indicating the extent of their anticipated growth;

[¹] As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No. 12 of 1996) of 1997.

- (h) Regulations for regulating the use of land in accordance with the goals and objectives of the District Development Plan for preserving, protecting and enhancing the natural amenities within the District planning area and the related purposes, and
- (i) indicate the phasing of the programme of development ;
- (j) Such other matters as are incidental to or merging from the above.]¹

**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 ground ;
 - (iii) public institutions and offices;
 - (iv) such special purposes as the Department may deem fit.
- (c) lay down the pattern of National & State highway connecting the planning areas or regions, ring roads, arterial roads and the major roads within the planning areas or regions ;
- (d) provide for the location of airports, railways stations, bus terminal and indicate the proposed extension and development of railways ;
- (e) make proposals for general landscaping and preservation of natural areas or regions and historical places;
- (f) project the requirement of the planning areas or regions of such amenities and utilities such 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 space ; courtyards and the use to which such buildings and structures and land may be put ;**
- (h) lay down the broad-base traffic circulation patterns of a town or city ;
- (i) suggest architectural control features; landslide 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.

Rural or Sectoral Plan. 15. The [Chief Town & Country Planner]¹ may on its own motion, at any time before or after the publication of the Development Plan, or thereafter also required by the State Government shall, within six months or as fixed by Government from time to time such requisition prepared Rural or Sectoral Plan.

Contents of Rural or Sectoral Plan.

16. (1) The Rural or Sectoral Plan shall –
- (a) indicate the land liable to acquisition for public purpose or the purpose of the Union Government, the State Government, the local authority or any other authority established by or under 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 of regions reserved for agriculture, public & semi-public, open spaces, parks, play-grounds, gardens, recreational areas, green belts natural reserves and historical places ;
- (c) allocate in detail areas or sectors for residential, commercial, industrial agriculture 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) indicate and provide for areas or regions reserved for public buildings, institutions, and civic development ;
- (f) assess, make projections for and provide for the future requirements of amenities services and utilities such as transport, electricity, water and drainage ;
- (g) **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-yard, courts and other open spaces and the use of the buildings, structures and land;**
- (h) defined areas or regions which have been badly layout or areas which have developed so as to form slums, and provide for their proper development and/or re-location;
- (i) designate areas or regions for future development and expansion, landslide prone areas ;
- (j) indicate the phasing of the programme of development.

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act(Act No.12 of 1996) of 1997.

- (2) The Rural or Sectoral Plan may and if possible shall indicate—
- (a) control over architectural features, elevation, frontage of building and structures; and
 - (b) the details of development of specified areas, educational and cultural institutions and civic centres.

Publication of draft Development Plan.

- 17 (1) **The Department shall forthwith publish the draft Development Plan prepared under section 11 in such manner as may be prescribed with a notice of the preparation of the draft Development Plan and the place or places where such 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.** 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 or 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 programmes of development as such ;
- (7) **a Notice on the role being assigned to different Government Agencies and the Local authorities [or Voluntary Organisations or Privates] in the enforcement and implementation of the Development Plan.**

Sanction of Development Plan.

18. [(1) **As soon as may be, but not later than 6 months after the submission of the Development Plan under section 17, the State Government in Consultation with the Board or Committee may either Approve the Development Plan in full or Approve with such modifications as it may consider necessary, or return to the [Chief Town & Country Planner to modify the same or to prepare afresh in accordance with such direction as it may issue in this behalf.]¹**

[¹] As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

- (2) Where the State Government **approves the Development Plan with modification**, 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 such 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 from such date it shall be binding on all Departments and Local authorities functioning with the planning area or region.**
- (6) After the coming into operation of the Development Plan, the Interim Development Plan shall stand modified or modified or altered to the extent the proposals in the Development Plan area or areas at variance with Interim Development plan.

Exclusion from claims of amount in certain cases.

19. Where the Development Plan assigned a particular land use to a certain areas or regions any land situated therein is already put to such use, subject to sunstantially similar restrictions, in force under any other law which was in force for the time being in respect of the property of any right or interest therein to the claimant, or any predecessor in the interest of the claimant, the owner shall not be entitled to any further amount on account of injury or damage caused to his rights by reasons of the restrictions placed on the use of the land under the provision 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 & Analysis** – The Department will collect available data and analyse them.

- (4) **Development Scheme preparation & Monitoring** – The Department will prepare detailed Action Development scheme including design etc and financial involvement of such project or schemes.
- (5) **Submission & Execution** – Finally, after getting approval from the Government, the Department will undertake implementation of such 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.

[Provided that District or Regional Development Plan shall be reviewed at least **once in every 10 years** whereas, Interim Development Plan, Urban Development Plan and Rural or Sector Plan shall be reviewed at least **once in every 5 years**]¹.

CHAPTER – VII

CONTROL OF DEVELOPMENT AND USE OF LAND & CONSTRUCTION OF BUILDING

Control of Land use

22. **The overall control of development and the use of land or construction or re-construction of any building 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.

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No. 12 of 1996) of 1997.

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 of land and building without the permission in writing of the Department.

Provided that no such permission shall be necessary –

- (a) for carrying out work 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 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 of any drain, sewers, main pipe, cables, telephones 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 ;
- (f) for use for any purpose incidental to the use of buildings or land attached to such buildings ;
- (g) for the construction of road intended to give access to land solely for agriculture purposes.

Development undertaken on behalf of Union or State Government

(1) When the Union Government or the State Government intend to carry out development of any land for the purpose of its departments or office or authorities, the Officer-in-charge thereof shall inform in writing to the Department 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 Development Plan, the Officer shall –

- (i) make the 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 proposal 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 decisions 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

- (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-division 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, design etc. as may be prescribed.**
- (2) **Such application shall also be accompanied by such fees as may be prescribed.**

Grant or Refusal of Permission.

- (1) On receipt of an application under section 27 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) shall be communicated to the applicant 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 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 communication of order to him submit an appeal to **[the Deputy Commissioner of the concerned District]²** in this behalf, and such appeal shall be made in such manner and accompanied by such fees 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, at any time but not later than twelve months of the passing of the order, on its own motion or 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 dispose off by the Department under section 28 or Appellate authority 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, 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 Permission.** 31. Every permission granted under section 28 [or section 29]¹ or section 30 shall remain 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.

[¹] As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

[²] As amended vide Mizoram Urban & Regional Development (Second Amendment) Act (Act No.5 of 2004) of 2004

- Deletion of reservation of designated land from draft or final Development Plan.**
32. (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 for reserve of allocating in the draft Development plan or the final Development Plan may request –
- (a) The Department to sanction the deletion of such designation or reservation of allocation from the draft Development Plan ; or
- (2) On receipt of such request [from the local authority]¹, 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 ;
- (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 re-vocation and modification or permission to development.**
33. (1) If 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 extend as appear to be necessary :
- (a) Where the permission related to the carrying out 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 foregoing section, and the owner claims from the Department within the time and in 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 consideration of his report assess and offer subject to provisions of section II such amount to the owner as he thinks fit.

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

- (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 unauthorised development or for use otherwise than in conformity with Development Plan.

34. 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 ;
 - (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 [three years]², or with fine which may extend to [five thousand rupees]² or with both, and in the case of a continuing offence with further fine which may extend to two hundred and fifty rupees for everyday during which the offence continues after conviction for the first commission of the offence.**

Power to require removal of unauthorised development.

35. (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 serving of notice –
- (a) In case specified in clause (a) or (c) 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 required 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.

[]² As amended vide Mizoram Urban & Regional Development (Second Amendment) Act (Act No.5 of 2004) of 2004.

- (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 under section 27 of this Act for retention on the land, or any building or works or for the continuance of any use of the land, to which the notice relates and till the time application is disposed off, 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 of such 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 or works or part of the land.
- (6) If within the period specified in the notice or within the same period after 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 conditions before the development took place and secure the compliance with conditions of the permission or 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 it in this regard from the owner as arrears of land revenue.
- (6) 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 **[three years]², or with fine which may extend to [five thousand rupees]²** 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.

[]² As amended vide Mizoram Urban & Regional Development (Second Amendment) Act (Act No. 5 of 2004) of 2004.

- [(8) **Where any person has carried out any development or construction unauthorisedly as contemplated under section 34 and 35, the Chief Town & Country Planner may, by order in writing direct such person to remove any structure or building or work erected, or to discontinue the use of land or development made unauthorisedly as aforesaid, within 30 days of the receipt of the order; and if thereafter, the person does not comply with the order within the said period, the Chief Town & Country Planner may submit complaint and request to the Deputy Commissioner of the concerned district to have such structure or building or work summarily removed, or such use or development summarily discontinued without any notice as directed in the order; and any development or construction unauthorisedly made again, shall be summarily removed or discontinued summarily without making any order as aforesaid.**
- (9) **The decision of the Chief Town & Country Planner on the question of what is unauthorised development or building nature for the purposes of this Act shall be final.**
- (10) Any expenses incurred by the Chief Town & Country Planner under section 34 or section 35 shall be a sum due to the Chief Town & Country Planner under this Act and it shall be recovered or met from the person in default or the owner of the land, building or land concerned.
- (11) Any sum or fines due to the Chief Town & Country Planner under this Act or any rule or any regulation made there under, which is not paid on demand on the day on which it becomes due or on the day fixed by the Chief Town & Country Planner, a complaint shall be filed to the Deputy Commissioner who shall take action to realise the due or fines in favour of public demands under the Mizoram Public Demands Recoveries Act, 2001.
- (12) **No compensation shall be claimed by any defaulter for any damage which he may sustain in consequence of the removal of any structure or building or development, or the discontinuance of the use of land or development under section 34 or section 35 of this Act.]²**

CHAPTER – VIII DEVELOPMENT SCHEME

- Development Scheme.** 36. (1) Subject to the provisions of this Act or any other law, for the time being in Force, the [Chief Town & Country Planner or Municipalities or Government agencies of any local authorities as assigned under sub-section (7) of section 17]¹ may be, 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 scheme **for five years or for one year** for the area or region within its jurisdiction or any part thereof :-

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No. 12 of 1996) of 1997.

[]² As amendment vide Mizoram Urban & Regional Development (Second Amendment) Act (Act No. 5 of 2004) of 2004

- (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 providing 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 provision for all or any of the following matter, namely :-
- (a) any of the matters specified in section 5;
 - (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 low lying swamp or unhealthy area or region or levelling up of land ;
 - (e) layout of new street 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) 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-construction;
 - (i) the construction, alteration 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, playground, school, 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 including sewerage, surface or sub-surface drainage and sewerage disposal ;
- (m) provisions 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 points or rivers or other resources and means of water supply;
- (n) preparation of electric lighting scheme and water supply scheme ;
- (o) advance of money for the purposes of the development schemes ;
- (p) the preservation of objects of historical importance or natural beauty and of buildings actually used for religious purpose.
- (q) environmental impact assessment of urban and rural areas and other projects and planting and care of trees on roadside and for landscaping the urban, rural areas or regions and countryside and elsewhere ;
- (r) construction and maintenance of rest houses, houses for the poor, infirmaries children's home, houses for the deaf and dumb and for disabled and handicapped children, shelter for destitute and disabled person ;
- (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 building, area for a plot, the number, height and character or building 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 plot and discontinuance of objectionable use of land in any area or region reasonable periods, parking spaces, loading and unloading spaces 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, bye-law, regulation, notification or order made or issued under any act 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, etc.,
- (x) such other matters not inconsistent with the objects of this Act, as may be directed by the Government ;
- (v) 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 details of the Development schemes,
(ii) any other prescribed particulars.

Interpretation 37. of Development Plans and Development Schemes etc.

- (1) If any question arises regarding the interpretation of any Development Plan and Development schemes, the matter shall be referred to the [Chief Town & Country Planner]¹ who shall pass such order thereon as he may deem fit ;
- (2) Any person aggrieved by the decision of the [Chief Town & Country Planner]¹ may refer an appeal to the State Government within such time and in such manner as may be prescribed.
- (3) [The decision of State Government after due consideration shall be final]¹.

Preparation of 38. Development Scheme.

- (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 objection 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**

[¹] As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

draft Development scheme [within a period of three months]¹ 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 Town & Country Planner]¹ of the Department and two other members of whom one shall be representative of the [Land Revenue & Settlement Department]¹ and the other shall be an officer not below the rank of an Executive Engineer of 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 plot ;
 - (iii) evaluate the value of the original and the constituted plots;
 - (iv) determine whether the areas reserved for public purposes are wholly or partially beneficial to the residents within the area of the scheme.
 - (v) estimate a portion of compensation to or contribution from the beneficiaries of the scheme on account of the reconstitution of the plot and reservation of portions for the 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.**

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

Power to revise the Development Scheme.

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 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 purposes of satisfying himself as to the correctness of the order passed by the Department or as 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 records, 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 direction.

40. (1) The State Government may, if it considers necessary in public interest so to do, give direction to the [Chief Town & Country Planner or Municipalities or Government agencies or any Local authority]¹.
- (a) to frame a development scheme ;
- (b) to modify a development scheme for reasons to be specified in such direction ;
- (2) The directions given by the State Government under this section shall be binding on the [Chief Town & Country Planner or Municipalities or Government Agencies or any Local authority]¹.

Restriction in land use and development.

41. As from the date of publication 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 scheme 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 [Chief Town & Country Planner or Municipalities or Government agencies Or any Local authorities]¹ 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 expiry of the said period of five years, or as specified by the Government lapse.

Implementation of Development Plan and Scheme.

43. (1) **[Under the guidance and supervision of the Board or Committee, and direction of the State Government implementation of Development Scheme shall be a Joint Efforts and participation of various Government Agencies, Municipalities, Village Councils, Voluntary Organisations as specified under sub-section (7) of sections 17, 18 and sub-section (7) of section 38]¹.**
- (2) [Deleted]¹

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No. 12 of 1996) of 1997.

- (3) Subject to such terms and condition under the rules as may be made in this behalf, the State Government shall decide the manner of assuming responsibilities and collection of fees out of the executed schemes for the maintenance of the amenities or public assets created under this Act.
- Disposal of Land, buildings and other Development Works.** 44. Subject to [Regulations]¹ as ‘may be made by the State Government in this behalf, the Department shall, by regulation, determine the procedure for the disposal of land, houses, buildings and other structures.
- Development charges.** 45. [The State Government shall, by making rule, determine and prescribed the Development charges to be paid from time to time]¹.
- Mode of levy.** 46. [The State Government shall, by rules, determine the method, manner, conditions, and mode of levy, collection of development charges and other fees chargeable under this Act from time to time]¹.

CHAPTER – IX

FUNDS

- Funds** 47. (1) **[The State Government shall place all such Urban Development fund at the disposal of the Board or Committee, as the case may be, for Spatial and Economic Development plans and Schemes preparation thereof and its implementation, as may be compatible with the respective State Five Year Plan and the Annual Plan]¹.**
- (2) [The State Government shall, by notification, constitute a ‘**State Urban & Regional Planning and Development Fund**’ for the purpose of preparation of Development plans and implementation thereof, and the administration of such fund shall be made in such manner as may prescribed under this Act]¹.
- (3) [Deleted]¹
- (4) [Deleted]¹
- (5) [Deleted]¹
- Power of the Government to borrow money.** 48. [(1) The Government may from time to time borrow at such rate of interest and for such period and upon such terms, 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]¹.
- (2) The [Government]¹ may also borrow money from Life Insurance Corporation (Schedule Bank), Work Bank, Housing & Urban Development Corporation Limited (HUDCO), National Urban Infrastructure Development Finance Corporation etc. through public debenture for the purpose of this Act.

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No. 12 of 1996) of 1997.

CHAPTER – X

MISCELLANEOUS PROVISIONS

- Power of Entry.** 49. The [Chief Town & Country Planner]¹ of the Department or 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 or surveys or taking levels of such land or building; or valuation of land and building and charge service fees ;
 - (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 to any provision of this Act or rules or regulations there under ; and
 - (g) doing any other act 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 withdrawn from such land or building ;
 - (iii) due regards shall always be had, so far as may be competable with exigencies of the purpose or which the entry is made to the social and religious engages of the occupants of the land or building entered.
- (h) **Power of the [Chief Town & Country Planner]¹ under this section shall extend to the whole State Co-ordinating different Government Agencies. Local Authorities and Voluntary Organisations in the matter of Enforcement and implementation of the Development Plan.** Otherwise as directed by the State Government.

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No. 12 of 1996) of 1997.

Provided that the powers of the District Town & Country Planner shall extend only to the respective District and the powers of the Sub-Divisional Town & Country Planner shall extend only to such Sub-Division of Planning area or region or project as may be notified.]¹

- (i) The [Chief Town & Country Planner]¹ or the Department or any officer, or employed 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.
- (j) 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 vacation of land and building or molest such person after such entry shall punishable with imprisonment for a term which may extend to six months or with a fine which may extend to one thousand rupees, or
- (k) [The Chief Town & Country Planner]¹ or such other officers 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 Schemes implementation and any other purposes under this Act ;

Provided that –

- (a) **The [Chief Town & Country Planner]¹ or such other Officers or any technical employee of the Department who held equal rank to other Technical Departments will follow the accounts contracts, power of technical sanction, approval of building design, estimates and other procedure as laid down in the Central Public Works Department Codes, Rules, Manuals including work-charge establishment etc. or the Meghalaya Delegation of Financial Powers Rules, 1981 as amended from time to time as the [Chief Town & Country Planner]¹ thinks fit.**
- (b) Every contract, accounts etc. made by the [Chief Town & Country Planner]¹ under this clause shall be entered into in such manner and in such forms 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) [deleted]¹
 - (b) [deleted]¹
- (2) [Deleted]¹

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1997) of 1997.

- (3) [Deleted]¹
- (4) [Deleted]¹
- (5) [Deleted]¹
- (6) [Deleted]¹
- 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 Secretary of the Board]¹ or such other Officers** 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 with the said locality or by advertisement in a registered local newspaper in English or Mizo and by such other means which the [Chief Town & Country Planner]¹ of the Department thinks fit.
- Notice etc. fix reasonable time.** 52. Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder required anything to be done for the doing of Which no time is fixed in this Act or rules or regulations thereunder, the notice, order or other document shall specify a reasonable time for doing the same
- Authentication of order and documents.** 53. All permissions, order, decisions, notices and other documents of the Department shall be authenticated by the signature of the [Chief Town & Country Planner]¹ the Department as he thinks fit.
- Mode of proof of records.** 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 extend as the original entry or document would, if produced have been admissible to prove such matters.
- Restriction on the summoning of Officers and servants.** 55. No Officers or servants of the [Chief Town & Country Planner or Board or Committee]¹ shall in any legal proceedings to which the [Chief Town & Country Planner or Board or Committee]¹ is not a party, be required to produce any register or document the contents recorded therein, unless by order or the Court made for special case.
- Offence 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 in charge 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.

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 firm means partner in the firm.

[¹] As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997

- 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 pillars set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Act; he shall be punished with fine which may extent to give hundred rupees or with imprisonment for a term which may extend to three months.
58. [Deleted]¹
- 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.
60. [Deleted]¹
- Relation with Police.** 61. **It shall be the duty of the Police :-**
- (1) **to communicate without delay to the officer or employees of the Department any information which he receives of a design to commit or of the commission of any Offence against this Act, or any rule made thereunder and,**
 - (2) **to assist the [Chief Town & Country Planner]¹ or any Officer or employees of the Department who reasonably ask his assistance for the lawful exercise of any power vesting in the [Chief Town & Country Planner] 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 [State Government]¹ concerned or any Officer authorised by the State Government in this behalf
- Fine when Realised to be paid the Department.** 63. All fines realised in connection with prosecution under this Act shall be paid to the Department concerned.

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

- Compounding of offences** 64 (1) The [Chief Town & Country Planner]¹ or any person authorised by the State Government in this behalf by general or special order, may compound any offence punishable under this Act.
- (2) When an offence has been compounded, the offender, if in Custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence already compounded.
- 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 rules 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 Officers 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 [Appellate Authority constituted under section 29 of this Act]¹ shall be entitled to appear either in person or by his agent authorised in writing in this behalf.
67. [Deleted]¹
- Jurisdiction of Courts.** 68. No Court inferior to that of a Magistrate of the First Class shall try any 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 notice issued by the Department under this Act shall be final and shall not be questioned in any [Suit] or legal proceedings.
- Validation of Proceeding.** 70. No act or proceeding 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 [Board of Committee]¹;
- (b) Any person associated with the Committee or the [Board or Committee]¹ under section 5 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; or
- (d) Any commission defect or irregularity not affecting the merits of the case.

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

- 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 sentence authorised by this Act in excess of its power under the said section of the said Act. (*Central Act. 2 of 1974*)
- Delegation of Powers.** 72. (1) The Government may direct that any power exercisable it under this Act, Rules or regulations thereunder may also be exercised [by any Officer of the Local authority or Government agencies] in such cases and subject to such conditions, if any as may be specified therein.
- (2) The [Chief Town & Country Planner]¹ of the Department may, in writing delegate any power exercisable by him under this Act, rules or regulations to any officer 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 rules or regulation) may also be exercised by an Autonomous or Government Agency or any Officer of the Government and the Department may be mentioned therein, in such case and subject to such condition if any as may be specified therein.
- Members and Officers to public servants.** 73. Every members and every officers and 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-Division of Plots.** 74. **[Within Notified planning areas or regions under section 4 of this Act]¹ no Sub-Division of plots by individuals, will be allowed by the Revenue & Settlement Department or Local Authority or Authorities or State Housing Board or any other Department or any person unless prior approval of the Department has been obtained actually.**
- [Overriding Effect]** 75. [If any of the provisions of this Act is found repugnant to or in conflict with any of the provisions of any other law or laws either made by the State Legislature or adopted by the State Government, the provision or provisions of this Act shall have the Overriding Effect over the corresponding conflicting provision of such other law or laws.]¹

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

CHAPTER – XI

RULES AND REGULATIONS

- Power to make Rules**
76. (1) The Government, may be notification in the Official Gazette, make rule 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 [Board or Committee]¹;
 - (b) The term of Office and Conditions of Service of the staff of the [Board or Committee]¹;
 - (c) The qualification and disqualification for being chosen as and for being member of the Board or Committee;
 - (d) The time and place of holding and the procedure to be followed in the meeting of the [Board or Committee]¹ constituted under this Act;
 - (e) The functions, powers and duties of the [Chief Town & Country Planner]¹ employer, the term of Office and conditions of his service;
 - (f) The manner of the appointment of the Board or Committee, member from the District Autonomous or Local Authority or Government Agency under sub-section (4) of section 5;
 - (g) [Deleted]¹
 - (h) The control and restriction in relation to the appointment of Officers and other employees of the Board or Committee;
 - (i) The time within which the Government is to direct. modifications in or to give its consent for publication, of notice of preparation 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 procedures 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;

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

- (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 and the particular be furnished in such applications and documents and Building design or Layout 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 and the procedure to be followed for assessment of compensation;
- (p) The documents of which copies may be granted, the fees for such copies; [renumbered of (u)]¹;
- (q) Any other matter which has to be or may be prescribed by rules. [renumbered of (v)]¹
- (p) [Deleted]¹
- (q) [Deleted]¹
- (r) [Deleted]¹
- (s) [Deleted]¹
- (t) [Deleted]¹

Power to make 77. Regulations.

The Government may also make regulations consistent with this Act and the rule made there under to carry out the purpose of the Act and without prejudice to the generality of this power such regulations may provide for –

- (a) the terms and conditions for the continuance of use of any land otherwise than in conformity with development plan and development scheme; [renumbered]¹
- (b) terms and conditions for disposals of lands, houses, buildings and other structure and byelaws applicable to planning areas or regions, and [renumbered]¹
- (c) any other matters which has to be or may be prescribed by rules. [renumbered]¹
- (a) [Deleted]¹.
- (b) [Deleted]¹.
- (c) [Deleted]¹.
- (d) [Deleted]¹.

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

- Effect of law** 78. (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 –
- (1) 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 be 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 constructed as exemption 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 by reason only for 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 shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however that may 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 Board or Chief Town & Country Planner and every Committee shall carry out such directions or instruction as may be issued from time to time by the State Government for the efficient administration of the Act.
- (2) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order publish in the Official Gazette, as the occasion may require do anything which appears to it to be necessary to remove the difficulty.
- (3) Every order made under sub-section (2) shall as soon as may be after, it is published, be laid before the State Legislature and shall, subject to any modification which the State Legislature may make, have effect as if enacted in this Act]¹.

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No.12 of 1996) of 1997.

81. [Ommitted]¹

**General
Amendment
of the Act.**

[82. The words “Chief Urban Development Officer” is substituted for the words [Chief Town & Country Planner wherever it occurs in the sections or sub-section, clauses or sub-clauses under the Act]¹.

Aizawl, 20th January, 1997

Sd/-
P. CHAKRABORTY,
Secretary to the Govt. of Mizoram
Law & Judicial Department

[]¹ As amended vide Mizoram Urban & Regional Development (Amendment) Act (Act No. 12 of 1996) of 1997

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NOTIFICATION

Dated Aizawl, the 14th June, 1994

No. LAD&CP/1/89/29 : In exercise of the powers conferred under Section 3(1) of the Mizoram Urban and Regional Development Act, 1990, the Governor of Mizoram is pleased to authorise Local Administration Department to exercise the provisions of the Act and to appoint suitable officers to exercise that powers of the Officers envisaged in the Act.

Sd/-
R.V. Lalmawia,
Commr. & Secy. To the Govt. of Mizoram,
Local Administration Deptt.

**GOVERNMENT OF MIZORAM
LOCAL ADMINISTRATION DEPARTMENT**

NOTIFICATION

Dated Aizawl, the 24th Aug' 1994

No. LAD & CP/1/89/40, In exercise of the powers conferred under Section 3 (1) of the Mizoram Urban and Regional Development Rules, 1992 the Governor of Mizoram is pleased to constitute the **Mizoram Urban Planning & Development Advisory Committee** for the purpose of carrying out the functions assigned under Section 4, 5(2), 5(6), 6 and 47 of the said Act consisting of the following members, namely :-

- | | | | |
|-----|---|---|-------------------|
| (a) | Chief Minister, Mizoram | - | Chairman |
| (b) | Minister i/c Local Admn. Deptt. | - | Vice-Chairman |
| (c) | Development Commissioner | - | Ex-Officio Member |
| (d) | Secretary, Finance Department | - | -do- |
| (e) | Secretary, Local Admn. Deptt. | - | -do- |
| (f) | Secretary, Land Revenue & Settlement Department | - | -do- |
| (g) | Principal Conservator of Forest, Environment & Forest Department | - | -do- |
| (h) | Chief Engineer, Public Works Department | - | -do- |
| (i) | Chief Engineer, Power & Electricity Department | - | -do- |
| (j) | Chief Engineer, Public Health Engineering Department | - | -do- |
| (k) | Director, Local Administration Department | - | -do- |
| (l) | Geologist (State Geology and Mining), Department of Industries | - | -do- |
| (m) | (1) Pu John Rotluangliana, MLA | - | -do- |
| | (2) Pu F.L. R. Siama, Rtd, IPS, MLA | - | -do- |
| (n) | Rev. Dr. Zairema | - | -do- |
| (o) | Chief Urban Development Officer/Senior Development Officer, Urban Planning & Development Department | - | Member Secretary |

Sd-/
R.V. Lalmawia,
Commr. & Secy. to the Govt. of Mizoram
Local Administration Deptt.



THE MIZORAM GAZETTE

Published by Authority

Vol. XXVIII Aizawl, Friday, 30. 7. 1999, Sravana 8, S.E. 1921, Issue No. 30

No. LAD&CP/2/96/192, the 30th July, 1999. The word “Senior Town & Country Planner” which appears in the previous Notification dated 22.7.99 at (u) should be read as Chief Town & Country Planner, Local Administration Department (Urban Planning & Development) Mizoram.

Further, consequent upon the formation of the “Mizoram Urban Planning & Development Board”, The Mizoram Urban Planning & Development Advisory Committee’ constituted vide this Department Notification No. LAD&CP/1/89/40 dt. 24.8.94 shall be ceased with immediate effect.

No. LAD&CP/2/96/163, the 30th July, 1999. In terms of the proviso to section 3 (1) & (2) of the Mizoram Urban and Regional Development Act, 1990 (As amended in 1996) **the Governor of Mizoram is pleased to appoint Pu F. Lalhmingliana, Senior Town & Country Planner, to exercise such powers and performs such duties and fuctions of Chief Town & Country Planner as envisaged in the said Act, in addition to his own duties, and also to utilise the services of the Officers and Staff of the Town & Country Planning Offices in this regards.**

This supersedes this Department’s letter No. LAD&CP/1/89/37 Dated Aizawl, the 12th August, 1994.

Sd/-
Biaksangi,
Joint Secretary to the Govt. of Mizoram,
Local Administration Department.

**GOVERNMENT OF MIZORAM
LOCAL ADMINISTRATION DEPARTMENT**

NOTIFICATION

Dated Aizawl, the 22nd July, 1999.

No. LAD&CP/2/96/161 : In exercise of the power conferred under Sub-section 9 of section 3 of the Mizoram Urban and Regional Development Act, 1990 as amended on 1996, the Governor of Mizoram is pleased to constitute the **Mizoram Urban Planning & Development Board** consisting of the following members :-

- | | | | |
|----|---|---|----------------|
| a) | Chief Minister, Mizoram | - | Chairman |
| b) | Minister in charge of Local
Admn. Deptt. (Urban Planning &
Development). Mizoram | - | Vice Chairman. |
| c) | Pu Lalthankunga, MLA
Chhinga veng | - | Member |
| d) | Pu C. Lalrinsanga, MLA
Lunglei Bazar veng | - | -do- |
| e) | Chief Secretary,
Govt. of Mizoram | - | -do- |
| f) | Development Commissioner | - | -do- |
| g) | Secretary, Finance Deptt. | - | -do- |
| h) | Secretary, Land Revenue & Settlement
Department | - | -do- |
| i) | Secretary, Local Administration
Department (Urban Planning &
Development) Mizoram | - | -do- |
| j) | Secretary, Law & Judicial Mizoram | - | -do- |
| k) | Principal Chief Conservator of Forest,
Environment & Forest, Mizoram | - | -do- |
| l) | Chief Engineer, Public Health Engineering
Deptt. Mizoram | - | -do- |
| m) | Chief Engineer, Public Works Department.
Mizoram | - | -do- |
| n) | Chief Engineer, Power & Electricity, Mizoram | - | -do- |
| o) | Director, Health & Family Welfare Deptt.
Mizoram | - | -do- |

- | | | | |
|----|---|---|-------------------|
| p) | Director, Local Administration Deptt. | - | -do- |
| q) | Director, (Geology & Mining Wing),
Department of Industries. | - | -do- |
| r) | Pu C.Pahlira, Ex MLA, Republic Veng – Aizawl | - | -do- |
| s) | Pu P.Lalnithanga, IAS Rtd.,
Chanmari Veng Aizawl | - | -do- |
| t) | President of Central Young Mizo Association
(representing voluntary organisation.) | - | -do- |
| u) | Senior Town & Country Planner, Local
Administration Department (Urban Planning
& Development.), Mizoram | - | Member Secretary. |

Sd/-
BIAKSANGI
 Joint Secretary to the Govt. of Mizoram,
 Local Administration Department.



THE MIZORAM GAZETTE EXTRA ORDINARY PUBLISHED BY AUTHORITY

REGN. NO. NE—313 (MZ)

Vol. XXXI Aizawl, Monday, 8. 4. 2002, Chaitra 18, S.E. 1923, Issue No. 122

NOTIFICATION

No. D. 11031/22/99-LAD/64, the 26th March, 2002. In exercise of the powers conferred under Section 3 of Mizoram Urban & Regional Development Act, 1990 amended in 1996, the Governor of Mizoram is pleased to constitute **Aizawl City Planning & Development Committee** consisting of the following members :-

- | | | | |
|-----|---|---|---------------|
| 1. | Minister, LAD (T&CP) | - | Chairman |
| 2. | Secretary, Local Admn. Deptt. (T&CP) | - | Vice Chairman |
| 3. | Deputy Commissioner, Aizawl District | - | Member |
| 4. | Adviser, State Planning Board | - | Member |
| 5. | Joint Secretary, Finance Department | - | Member |
| 6. | Director, Industries Department | - | Member |
| 7. | Chief Engineer, P.H.E., Department | - | Member |
| 8. | Chief Engineer, P.W.D. | - | Member |
| 9. | Chief Engineer, P. & E Department | - | Member |
| 10. | Director, Health & Family Welfare Deptt. | - | Member |
| 11. | Director, Land Revenue & Settlement Department | - | Member |
| 12. | Director, School Education Department | - | Member |
| 13. | Director, Transport Department | - | Member |
| 14. | Director, Sports & Youth Services Deptt. | - | Member |
| 15. | Superintending Geologist, (Geology & Mining)
Department of Industries. | - | Member |
| 16. | (i) V.C.P., Durtlang | - | Member |
| | (ii) V.C.P., Laitpuitlang | - | Member |
| | (iii) V.C.P., Chanmari West | - | Member |
| | (iv) V.C.P., Armed Veng | - | Member |
| | (v) V.C.P., Armed Veng South | - | Member |
| | (vi) V.C.P., Bungkawn | - | Member |
| | (vii) V.C.P., Tuikual North | - | Member |
| | (ix) V.C.P., Chawnpui | - | Member |
| | (x) V.C.P., Republic | - | Member |
| | (xi) V.C.P., Tlangnuam | - | Member |

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17. Senior Town & Country Planner, Town & Country Planning Wing, L.A.D. - Member Secretary.

The functions of the Committee shall be as envisaged under Sub-section (4) of Section 3 and rule 9 (2) of Mizoram Urban & Regional Development Rules, 1998 and any other matters which may be referred to it by the Government from time to time.

This supersedes this Department's Notification No. LAD&CP/3/99/7 dt. 16.2.2000.

Sd/-
R. Sangliankhuma,
Joint Secretary to the Govt. of Mizoram,
Local Administration Department.



THE MIZORAM GAZETTE PUBLISHED BY AUTHORITY

REGN. NO. NE—313 (MZ)

Vol. XXXII Aizawl, Friday, 21. 2. 2003, Phalguna 2, S.E. 1924, Issue No. 8

Government of Mizoram

PART II (A)

Resolutions, Regulations, Orders, Notifications, Rules and Acts,
Awards of Tribunal, Requisition, Acquisition and declaration relating to
Land and Forest etc., by the State Govt. and Head of Departments.

NOTIFICATION

No. B. 16027/2/2002-LAD(TCP)/3, the 18th February, 2003. Where as Sub-section (3) of Section 1 of the Mizoram Urban and Regional Development Act, 1990 has insisted upon appointment of date for the commencement of the said Act and notification of the date so appointed in the official Gazette before any action is taken under the said Act and the requirement of such appointment of date and notification of it in Official Gazette has been discovered recently after various actions were taken in exercise of the said Act.

Now, therefore, the Governor of Mizoram is pleased to appoint retrospectively the 17th August 1990 for the commencement of the Mizoram Urban and Regional Development Act, 1990.

Sd/-
J.H. Ramfangzauva,
Secretary to the Govt. of Mizoram,
Local Administration Department.



THE MIZORAM GAZETTE PUBLISHED BY AUTHORITY

Vol. XXXII Aizawl, Friday, 7. 3. 2003, Phalguna 16, S.E. 1924, Issue No. 10

Resolutions, Regulations, Orders, Notifications, Rules and Acts,
Awards of Tribunal, Requisition, Acquisition and declaration relating to
Land and Forest etc., by the State Govt. and Head of Departments.

NOTIFICATION

No. B-16027/2/2002-LAD(TCP), the 3rd March, 2003. The Governor of Mizoram is pleased to order that this Department's Notification of even No. dated 18.2.2003 wherein date of commencement of the Mizoram Urban and Regional Development Act, 1990 was appointed retrospectively to be 17th August, 1990 shall be kept in abeyance with immediate affect and until further orders.

Sd/-
J.H. Ramfangzauva,
Secretary to the Govt. of Mizoram.



THE MIZORAM GAZETTE PUBLISHED BY AUTHORITY

REGN. NO. NE—313 (MZ)

Vol. XXXII Aizawl, Friday, 21. 2. 2003, Phalguna 2, S.E. 1924, Issue No. 8

Government of Mizoram

PART II (A)

Resolutions, Regulations, Orders, Notifications, Rules and Acts,
Awards of Tribunal, Requisition, Acquisition and declaration relating to
Land and Forest etc., by the State Govt. and Head of Departments.

NOTIFICATION

No. B-16027/2/2003-LAD(T&CP)/4, the 25th March, 2003. The Governor of Mizoram is pleased to revoke Government's notification of even No. dated 3.3.2003 with immediate effect. Henceforth the Mizoram Urban & Regional Development Act, 1990 shall operate as usual.

Sd/-

J.H. RAMFANGZAUVA
Secretary to the Govt. of Mizoram,
Local Administration Department.



**THE MIZORAM GAZETTE
EXTRA ORDINARY
PUBLISHED BY AUTHORITY**

REGN. NO. NE—313 (MZ)

Vol. XXXII Aizawl, Thursday, 27. 2. 2003, Phalgun 8, S.E. 1924, Issue No. 47

NOTIFICATION

No. B. 16027/2/2002-LAD(TCP)/4, the 18th February, 2003. The Governor of Mizoram hereby appointed the respective dates of notification of Planning Areas or Regions under section 4 of the Mizoram Urban & Regional Development Act 1990 amended in 1996 (Mizoram Act. No. 12 of 1990) and also dates of notification of approved Perspective/Interim Development Plan/Development Plan/Master Plan under Section 18 of the said Act read with rules 14 & 15 of the Mizoram Urban & Regional Development Rules, 1998, for the purpose of this Act and Rules.

Sd/-
J.H. Ramfangzauva,
Secretary to the Govt. of Mizoram,
Local Administration Department.



THE MIZORAM GAZETTE EXTRA ORDINARY PUBLISHED BY AUTHORITY

REGN. NO. NE—313 (MZ)

Rs. 2/- per Issue

Vol. XXXIII Aizawl, Wednesday, 26. 5. 2004, Jyaistha 5, S.E. 1926, Issue No. 149

NOTIFICATION

Dated Aizawl, the 18th May, 2004

No. B. 16027/2/2002-LAD : In exercise of the power conferred under Sub-Section 9 of Section 3 of the Mizoram Urban & Regional Development Act, 1990 as amended on 1996 and supercession of previous Notification No.LAD & CP/2/96/161 dt. 22.7.1999 and Governor of Mizoram is pleased to reconstitute the **Mizoram Urban Planning & Development Board** consisting of the following members :-

- | | | | |
|-----|---|---|---------------|
| 1. | Chief Minister, Mizoram. | - | Chairman. |
| 2. | Hon'ble Minister, L.A.D. (Urban Planning & Development), Mizoram. | - | Vice Chairman |
| 3. | Pu H.Rohluna, M.L.A., Ramhlun Tlang veng, Aizawl. | - | Member |
| 4. | Pu D. Thangliana, M.L.A. Khatla South, Aizawl. | - | Member |
| 5. | Chief Secretary, Govt. of Mizoram. | - | Member |
| 6. | Development Commissioner, Govt. of Mizoram. | - | Member |
| 7. | Secretary, Finance Department, Govt. of Mizoram. | - | Member |
| 8. | Secretary, Land Revenue & Settlement, Govt. of Mizoram. | - | Member |
| 9. | Secretary, Local Admn. Deptt., Govt. of Mizoram. | - | Member |
| 10. | Secretary, Law & Judicial, Govt. of Mizoram. | - | Member |

11.	Principal Chief Conservator of Forest, Mizoram.	-	Member
12.	Engineer-in-Chief, Public Works Department, Mizoram.	-	Member
13.	Chief Engineer, Public Health Engineer Department, Mizoram.	-	Member
14.	Chief Engineer, Power & Electricity Department, Mizoram.	-	Member
15.	Director, Health & Family Welfare Department, Mizoram.	-	Member
16.	Director, Local Admn. Deptt. Mizoram.	-	Member
17.	Director, (Geology & Mining Wing), Department of Industries, Mizoram.	-	Member
18.	Pu C. Pahlira, Ex-M.L.A Republic Veng, Aizawl	-	Member
19.	Pu P.Lalnithanga IAS Rtd., Chandmary Veng, Aizawl.	-	Member
20.	President, Central Y.M.A., representing Voluntary Organisation.	-	Member
21.	Senior Town & Country Planner, Town & Country Planning Wing, Local Administration Deptt.	-	Member Secretary

Sd/-
J.H. Ramfangzauva,
Secretary to the Govt. of Mizoram,
Local Administration Department.



THE MIZORAM GAZETTE EXTRA ORDINARY PUBLISHED BY AUTHORITY

REGN. NO. NE—313 (MZ)

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Vol. XXXII Aizawl, Monday, 3. 11. 2004, Kartica 12, S.E. 1925 Issue No. 324

NOTIFICATION

No. LAD & CP/2/29/206, the 3rd, May 2001. In exercise of the power conferred under sub-rule (4) (h) of Rule 6 of Mizoram Urban & Regional Development Rules, 1998, the Governor of Mizoram is pleased to established Mizoram **Human Settlement Disaster Mitigation Committee** (MHUSDIM) consisting of the following members, namely :-

1.	Commissioner & Secretary, Local Admn. Deptt, (TCP/UD)	-	Chairman.
		-	Member
2.	Director, Local Admn. Deptt.	-	- do -
3.	Director, Land Revenue & Settlement	-	- do -
4.	C.E., P.W.D. or his representative	-	- do -
5.	C.E., P.H.E. or his representative	-	- do -
6.	C.E., P & E. or his representative	-	- do -
7.	Superintending Geologist, Geology & Mining	-	- do -
8.	Principal Scientific Officer (Tech), Planning Deptt.	-	- do -
9.	Deputy Commissioner, Aizawl	-	- do -
10.	Sr. Town & Country Planner, T & CP	-	Member Secretary.

Functions of MHUSDIM

1. The function of MHUSDIM is to advise the State Government in various aspects Human Settlement areas disaster mitigation, prevention and preparedness formulating policies and guidelines as provided under Sub-rule (4) of Rule 6 of the Mizoram Urban and Regional Development Rules, 1998.
2. To assist the State Town & Country Planning Body in respect of disaster mitigation, research & studies, funding and Human settlements Disaster Mitigation Plan preparation and implementation.
3. And also to function as “ Window Clearance Body ” to clear Planning applications for Land Development/Layout Plan and Building constructions within Greater Aizawl Development Planning Areas as provided under sub-rule (2) of Rules 24 of the Mizoram Urban and Regional Development Rules, 1998.
4. To assess the hazard safety of existing buildings within Aizawl City that can constitute danger to loss of life and properties, public safety, hygiene & sanitation and submit report to the Government so as to encourage the owners for retro-fitting/re-strengthening of unsafe buildings and also direct the owner to be prepared or prestored or demolished as provided provision under Rules 35 of the Mizoram Urban & Regional Development Rules, 1998.

Sd/- Lalmalsawma
Secretary to the Government of Mizoram,
Local Administrative Department.

GOVERNMENT OF MIZORAM LOCAL ADMINISTRATION DEPARTMENT

Dated Aizawl, the 26th, March, 2002.

NOTIFICATION

No. D.11031/25/99 – LAD In the exercise of the power conferred under Section 3 of Sub-Sec. (II) of the Mizoram Urban & Regional Development Act, 1990 Amended in 1996, the Government is pleased to constitute “**Lunglei Town Planning & Development Committee**” with immediate effect and until further orders comprising of the following members :-

- | | | |
|--|---|-------------------|
| i) M.L.A., Lunglei North Constituency | - | Chairman |
| ii) Vice Chairman HPC Lunglei District | - | Vice Chairman |
| iii) Deputy. Commissioner, Lunglei | - | Member |
| iv) Senior Town & Country Planner, Town & Country Planning | - | Ex-officio Member |
| v) Deputy. Secretary, Finance (B) or his representative | - | Member |
| vi) Chief Medical Officer, Health & Family Welfare, Lunglei | - | Member |
| vii) S.E., P & E, Lunglei | - | Member |
| viii) S.E., P.W.D, Lunglei | - | Member |
| ix) S.E., P H E, Lunglei | - | Member |
| x) Dy. Director, Industries or his representative | - | Member |
| xi) Dy. Director, Sort & Youth Services or his representative | - | member |
| xii) Geologist Junior, (Geologist & Mining) Deptt. of Industries | - | Member |
| xiii) ASO – I, Revenue Deptt. Lunglei | - | Member |
| xiv) District Transport Officer, Lunglei | - | Member |
| xv) District Education Officer (School Education),Lunglei | - | Member |
| xvi) All VCP’s within Lunglei Town | - | Member |
| xvii) Town & Country Planner, Lunglei | - | Member Secretary |

The functions of the Committee shall be as envisaged under Sub-Section (4) of Section 3 and rule 9 of the Mizoram Urban & Regional Development Rules, 1998 and any other matters which may be referred to it by the Government from time to time.

This supersedes this Department’s Notification No. D.11031/25/99 – LAD/3 Dated Aizawl, the 24th March, 2000.

Sd/- J.H. RAMFANGZAUVA
Secretary to the Govt. of Mizoram,
Local Administration Department.

**GOVERNMENT OF MIZORAM
LOCAL ADMINISTRATION DEPARTMENT**

Dated Aizawl, the 17th, Feb, 2000.

NOTIFICATION

No. D.11031/25/99 – LAD/3 In the exercise of the power conferred under Section 3 of Sub-Sec. (II) of the Mizoram Urban & Regional Development Act, 1990 amended in 1996, the Government is pleased to constitute “**Champhai Town Planning & Development Committee**” with immediate effect and until further orders comprising of the following members :-

- | | | | |
|-----|---|---|------------------|
| 1. | M.L.A., Champhai Constituency | - | Chairman |
| 2. | Deputy Commissioner, Champhai | - | Member |
| 3. | Under Secretary, Finance (B) or his representative | - | Member |
| 4. | SDM & H.O., Champhai | - | Member |
| 5. | Deputy Director, Transport or his representative | - | Member |
| 6. | Deputy Director, Sport & Youth Services or his representative | - | Member |
| 7. | Deputy Director, Industries or his representative | - | Member |
| 8. | SDO, P & E, Champhai | - | Member |
| 9. | SDO, P H E, Champhai | - | Member |
| 10. | SDO, P.W.D, Champhai | - | Member |
| 11. | Geologist Junior, (Geologist & Mining) Department of Industries | - | Member |
| 12. | ASO – II, Revenue Deptt. Champhai | - | Member |
| 13. | SDEO, (School Edn.), Champhai | - | Member |
| 14. | Village Council President, I, II, III, IV Champhai | - | Member |
| 15. | Senior Town & Country Planner, T&CP. (Local Admn. Deptt.) | - | Member Secretary |

Sd/- R. SANGLIANKHUMA
Join Secretary to the Govt. of Mizoram,
Local Administration Department.

**GOVERNMENT OF MIZORAM
LOCAL ADMINISTRATION DEPARTMENT**

Dated Aizawl, the 11th, Oct, '99.

NOTIFICATION

No. D.11031/12/99 – LAD/8 In the exercise of the power conferred under Section 3 of Sub-Sec. (II) of the Mizoram Urban & Regional Development Act, 1990 (Mizoram Act No. 12 of 1990) as amended in 1996, the Government is pleased to constitute “**Serchhip Town Planning & Development Committee**” with immediate effect and until further orders as follows :-

- | | | | |
|-----|--|---|------------------|
| 1. | M.L.A., Serchhip Constituency | - | Chairman |
| 2. | Deputy Commissioner, Serchhip | - | Member |
| 3. | E.E., P.W.D, Serchhip | - | Member |
| 4. | E.E., P & E, Serchhip | - | Member |
| 5. | E.E., P H E, Serchhip | - | Member |
| 6. | Sub. Divisional. Education Officer, Serchhip | - | Member |
| 7. | Asst. Settlement Officer – I, Revenue | - | Member |
| 8. | Representative, Finance Deptt (B) | - | Member |
| 9. | Representative, Department of Industries (Geology) | - | Member |
| 10. | Representative, Sport & Youth Services | - | member |
| 11. | Representative, Transport Department | - | Member |
| 12. | V.C.P's of Serchhip. | - | Member |
| 13. | Sr. Town & Country Planner, L.A.D., | - | Member Secretary |

This supersedes this Department's Notification of even number 4.10.99.

Sd/- R. SANGLIANKHUMA
Join Secretary to the Govt. of Mizoram,
Local Administration Department.



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NOTIFICATION

No. D.11031/23/99 – LAD, the 28th, July 2004. In Supervision of the Government Notification No. D.11031/23/99 – LAD/3 Dt. 28.2.2000 the Governor of Mizoram is pleased to re-constitute **Kolasib Town Planning & Development Committee** under Sub-section (11) of Section -3 of the Mizoram Urban & Regional Development Act, 1990, consisting of the following members with immediate effect and until further orders :-

- | | | |
|--|---|-------------------|
| 1. M.L.A., Kolasib Constituency | - | Chairman. |
| 2. Deputy Commissioner, Kolasib | - | Vice Chairman |
| 3. Senior Town & Country Planner,
Town & Country Planning Wing (LAD) | - | Ex-officio member |
| 4. Under Secretary, Govt. of Mizoram
Finance Department (B) or his representative | - | Member |
| 5. C.M.O., Kolasib | - | Member |
| 6. E.E., P.W.D, Kolasib | - | Member |
| 7. E.E., P H E, Kolasib | - | Member |
| 8. E.E., P & E, Kolasib | - | Member |
| 9. District Transport Officer, Kolasib | - | Member |
| 10. District Education Officer, Kolasib | - | Member |
| 11. D.S.& Y.O., Kolasib | - | Member |
| 12. Functional Manager, District Industries Centre
Aizawl or his representative | - | Member |
| 13. Geologist Junior (Geology & Mining)
Department of Industries | - | Member |
| 14. A.S.O – I, Land Revenue & Settlement
Department | - | Member |
| 15. Village Council President's of V.C – I, II, III,
IV, V, VI & VII of Kolasib | - | Member |
| 16. Town & Country Planner, Town & Country
Planning Wing (LAD) | - | Member Secretary |

Sd/- R. SANGLIANKHUMA,
Additional Joint Secretary to the Govt of Mizoram,
Local Administrative Department.

**GOVERNMENT OF MIZORAM
LOCAL ADMINISTRATION DEPARTMENT**

Dated Aizawl, the 16th, Feb., 2000.

NOTIFICATION

No. D.11031/20/2000 – LAD/3 In the exercise of the power conferred under Section 3 of Sub-Sec. (II) of the Mizoram Urban & Regional Development Act, 1990 (as amended in 1996), the Government is pleased to constitute “**Mamit Town Planning & Development Committee**” with immediate effect and until further orders comprising of the following members :-

- | | | | |
|-----|---|---|-------------------|
| 1. | M.L.A., Mamit Constituency | - | Chairman |
| 2. | Deputy Commissioner, Mamit | - | Member |
| 3. | Deputy Secretary, Finance (B) or his representative | - | Member |
| 4. | S.D.O & H.O., Mamit | - | Member |
| 5. | E.E., P.W.D., Mamit | - | Member |
| 6. | S.D.O., P H E., Mamit | - | Member |
| 8. | S.D.O., P & E, Mamit | - | Member |
| 9. | Deputy Director, Sport & Youth Services or his representative | - | Member |
| 10. | Deputy Director, Transport Department or his representative | - | Member |
| 12. | Geologist Junior (Geology & Mining) Department of Industries | - | Member |
| 13. | A.S.O. – I, Revenue Department or representative | - | Member |
| 14. | Village Council President, Mamit | - | Member |
| 15. | Senior Town & Country Planner, T & CP. (Local Admn. Deptt.) | - | Member Secretary. |

Sd/- R. SANGLIANKHUMA
Join Secretary to the Govt. of Mizoram,
Local Administration Department.

**GOVERNMENT OF MIZORAM
LOCAL ADMINISTRATION DEPARTMENT**

Dated Aizawl, the 11th, Oct., '99.

NOTIFICATION

No. D.11031/16/99 – LAD/11 In the exercise of the power conferred under Section 3 of Sub-Sec. (II) of the Mizoram Urban & Regional Development Act, 1990 (Mizoram Act No. 12 of 1990) as amended in 1996, the Government is pleased to constitute “**Hnahthial Town Planning & Development Committee**” with immediate effect and until further orders comprising of the following members :-

- | | | | |
|-----|---|---|-------------------|
| 1. | M.L.A., Hnahthial Constituency | - | Chairman |
| 2. | S.D.O. (Civil) Hnahthial | - | Member |
| 3. | Deputy Secretary, Finance Deptt., (B) | - | Member |
| 4. | Senior Research Officer, Planning & Prog. Implementation | - | Member |
| 5. | Medical Officer, Hnahthial | - | Member |
| 6. | S.D.O. P H E. Hnahthial | - | Member |
| 7. | S.D.O. P & E., Hnahthial | - | Member |
| 8. | S.D.O., P.W.D. Hnahthial | - | Member |
| 9. | Deputy Director, Revenue (S) | - | Member |
| 10. | Deputy Director, Education/Industry/ Sport & Youth Services | - | Member |
| 11. | Geologist Junior, Department of Industries (G & M) | - | Member |
| 12. | Village Council President, Hnahthial | - | Member |
| 13. | Senior Town & Country Planner, T & CP. (Local Admn. Deptt.) | - | Member Secretary. |

This supersedes this Department's Notification of even number dated 1.10.1999

Sd/- R. SANGLIANKHUMA
Join Secretary to the Govt. of Mizoram,
Local Administration Department.

**GOVERNMENT OF MIZORAM
LOCAL ADMINISTRATION DEPARTMENT**

Dated Aizawl, the 11th, Oct., 1999.

NOTIFICATION

No. D.11031/18/99 – LAD/4 In the exercise of the power conferred under Section 3 of Sub-Sec. (II) of the Mizoram Urban & Regional Development Act, 1990 (as amended in 1996), the Government is pleased to constitute “**Thenzawl Town Planning & Development Committee**” with immediate effect and until further orders as follows :-

- | | | | |
|-----|--|---|-------------------|
| 1. | M.L.A., Serchhip Constituency | - | Chairman |
| 2. | Deputy Secretary, Finance Deptt., (B) | - | Member |
| 3. | S.D.O. (Civil) Thenzawl | - | Member |
| 4. | S.D.M. & H.O., Thenzawl | - | Member |
| 5. | E.E., P.W.D. | - | Member |
| 6. | E.E., P & E. | - | Member |
| 7. | E.E., P.H.E. | - | Member |
| 8. | Deputy Director, Revenue (S) | - | Member |
| 9. | Deputy Director, Transport/Industry/Education/
Sport & Youth Services | - | Member |
| 10. | Village Council President, Thenzawl | - | Member |
| 11. | Senior Town & Country Planner, T & CP, Local Admn. Deptt. | - | Member Secretary. |

This supersedes this Department’s Notification of even number dated 1.10.1999

Sd/- R. SANGLIANKHUMA
Join Secretary to the Govt. of Mizoram,
Local Administration Department.

**GOVERNMENT OF MIZORAM
LOCAL ADMINISTRATION DEPARTMENT**

Dated Aizawl, the 8th, Oct., 1999.

NOTIFICATION

No. D.11031/17/1999 – LAD/3 In the exercise of the power conferred under Section 3 of Sub-Sec. (II) of the Mizoram Urban & Regional Development Act, 1990 (as amended in 1996), the Government is pleased to constitute “**Bilkhawthlir Town Planning & Development Committee**” with immediate effect and until further orders comprising of the following members :-

- | | | | |
|-----|---|---|-------------------|
| 1. | M.L.A., Bilkhawthlir Constituency | - | Chairman |
| 2. | S.D.O (Civil) Bilkhawthlir | - | Member |
| 3. | Under Secretary, Finance Deptt. (B) | - | Member |
| 4. | Research Officer, Planning Prog. Officer | - | Member |
| 5. | Medical Officer, Bilkhawthlir | - | Member |
| 6. | S.D.O., P H E., Bilkhawthlir | - | Member |
| 7. | S.D.O., P H E., Bilkhawthlir | - | Member |
| 8. | S.D.O., P & E, Bilkhawthlir | - | Member |
| 9. | Asst. Director, (Settlement) Revenue | - | Member |
| 10. | Asst. Director, Education/Industry/ Sport & Youth | - | Member |
| 11. | Geologist Junior, (G & M) Department of Industries | - | Member |
| 12. | Village Council President, Bilkhawthlir | - | Member |
| 13. | Senior Town & Country Planner, T & CP. (Local Admn. Deptt.) | - | Member Secretary. |

This supersedes this Department’s Notification of even number dated 1.10.1999

Sd/- R. SANGLIANKHUMA
Join Secretary to the Govt. of Mizoram,
Local Administration Department.



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N O T I F I C A T I O N

No. D - 11031/ 23/ 99 – LAD/3, the 28th, July 2004. In the exercise of the power conferred under Section 3 of Sub-Sec. (II) of the Mizoram Urban & Regional Development Act, 1990 (as amended in 1996), the Government is pleased to constitute “**Falkawn Planning & Development Committee**” with immediate effect and until further orders comprising of the following members :—

- | | | |
|--|---|------------------|
| 1. Commissioner & Secretary, Local Adm Deptt. | - | Chairman |
| 2. Block Development Officer, Aibawk | - | Member |
| 3. Under Secretary, Finance Department | - | Member |
| 4. Research Officer, Planning Department | - | Member |
| 5. Medical Officer, Aibawk | - | Member |
| 6. S.D.O., P.H.E. Aibawk | - | Member |
| 7. S.D.O., P.W.D. Aibawk | - | Member |
| 8. S.D.O., P & E, Aibawk Distribution S/D III Aizawl ‘S’ | - | Member |
| 9. Asst. Director (Settlement) | - | Member |
| 10. District Education Officer, Aizawl West | - | Member |
| 11. Asst. Director, Industries | - | Member |
| 12. Asst. Director Sport & Youth Services | - | Member |
| 13. Geologist Junior, (Geology & Mining Wing),
Deptt. of Industries | - | Member |
| 14. A.S.O – I, Land Revenue & Settlement Departmen | - | Member |
| 15. V.C.P., Falkawn/Kelsih/Muallungthu | - | Member |
| 16. Town & Country Planner, Aizawl | - | Member Secretary |

Sd/- R. SANGLIANKHUMA,
Additional Joint Secretary to the Govt of Mizoram,
Local Administrative Department.

BILL No. 5 of 2004
ACT NO. 5 of 2004
PASSED ON 13.07.2004

An ACT
to amend the Mizoram Urban & Regional Development Act, 1990 and other connected
therewith :

Be it enacted by the Legislative Assembly of Mizoram in the Fifty Fifth Year of the
Republic of India, as follows :-

- | | | |
|---|----|--|
| Short title, extent
and commencement | 1. | (1) This Act may be called the Mizoram Urban & Regional Development (Second Amendment) Act, 2004.

(2) It shall extend to the whole State of Mizoram, except the Autonomous Districts of Lai, Mara and Chakma as constituted under sub-paragraph (1) of paragraph 1 of the Sixth Schedule to the Constitution of India.

(3) 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. |
| Amendment of
section 10 | 2. | In the Mizoram Urban & Regional Development Act, 1990 (hereinafter referred to as the principal Act) in section 10, for the words "draft Development Plan," the words "draft Existing Landuse Map," shall be substituted. |
| Amendment of
section 29 | 3. | In the principal Act, in sub-section (I) of section 29, for the words "an officer not below the rank of Secretary," the words "Deputy Commissioner of the concerned district," shall be substituted. |
| Amendment of
section 34 | 4. | In the principal Act, in clause (d) of section 34, for the words "six months," and "two thousand rupees," the words "three years," and "five thousand rupees," shall be substituted respectively. |
| Amendment of
section 35 | 5. | (a) In the principal Act, in sub-section (7) of section 35, for the words "six months," and "two thousand rupees," the words "three years," and "five thousand rupees," shall be substituted respectively.

(b) After sub-section (7), the following sub-sections shall be inserted as sub-sections (8), (9), (10), (11) and (12), namely:-

"(8) Where any person has carried out any development or construction unauthorisedly as contemplated under sections 34 and 35, the Chief Town & Country Planner may, by order in writing direct such person to remove any structure or building or work erected, or to discontinue the use of land or development made unauthorisedly as aforesaid, within 30 days of the receipt of the order; and if thereafter, the person does not comply with the order within the said period, the Chief Town & Country Planner may submit complaint and request to the Deputy Commissioner of the concerned district to have such structure or building or work summarily removed, or such use or development summarily discontinued without any notice as directed in the order; and any development or construction unauthorisedly made again, shall be summarily removed or discontinued summarily without making any order as aforesaid. |

(9) The decision of the Chief Town & Country Planner on the question of what is unauthorised development or building nature for the purposes of this Act shall be final.

(10) Any expenses incurred by the Chief Town & Country Planner under section 34 or section 35 shall be a sum due to the Chief Town & Country Planner under this Act and it shall be recovered or met from the person in default or the owner of the land, building or land concerned.

(11) Any sum or fines due to the Chief Town & Country Planner under this Act or any rule or any regulation made thereunder, which is not paid on demand on the day on which it becomes due or on , the day fi xed by the Chief Town & Country Planner, a complaint shall be filed to the Deputy Commissioner who shall take action to realise the due or fines in favour of public demands under the Mizoram Public Demands Recoveries Act, 2001.

(12) No compensation shall be claimed by any defaulter for any damage which he may sustain in consequence of the removal of any structure or building or development, or the discontinuance of the use of land or development under section 34 or section 35 of this Act."