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NOTIFICATION

No.H.12018/120/2013-LJD, the 16th April, 2015. The following Act of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Municipalities (Second Amendment) Act, 2015
(Act No. 5 of 2015)

{Received the assent of the Governor of Mizoram on the 25th March, 2015}

Zahmingthanga Ralte,
Joint Secretary to the Govt. of Mizoram.

THE MIZORAM MUNICIPALITIES (SECOND AMENDMENT) ACT, 2015

(ACT. NO. 5 OF 2015)

AN
ACT

to amend the Mizoram Municipalities Act, 2007 (hereinafter referred to as Principal Act)

It is enacted by the Mizoram Legislative Assembly in the Sixty Sixth year of the Republic of India as follows:-

1. **Short Title, extent : and commencement**
 - 1) This Act shall be called "The Mizoram Municipalities (Second Amendment) Act, 2015".
 - 2) It shall have the like extent as the Principal Act.
 - 3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.
2. **Amendment of : Section 2.**
 - 1) In Section 2 of the Principal Act, clause (9) shall stand deleted.
 - 2) After clause 17, a new clause 17-A shall be inserted, namely:-
"17-A. "Development" with its grammatical variations means the carrying out of construction of building, engineering, mining

- or other operations, in, on, over, or under land or the making of any material change in any building or land or in the use of any building or land and includes division of any land and redevelopment”.
- 3) Clause 18-A shall be substituted by the following, namely:-
“18-A. “Director of Local Bodies” means the Director of Urban Development & Poverty Alleviation Department.”
 - 4) After Clause 23, a new clause 23-A shall be inserted, namely:-
“23-A “Economically Weaker Section” means such class of persons as may be notified by the appropriate Government from time to time.”
 - 5) Clause 26 shall be substituted by the following, namely:-
“26. “Executive Officer” means an officer of the municipality and includes-
A Municipal Commissioner or Chief Executive Officer or any other officers designated as such by a municipality from time to time.”
 - 6) After Clause 27, a new clause 27-A shall be inserted, namely:-
“27-A. “Floor space index” means the area that can be constructed on a piece of land divided by the total area of the land.”
 - 7) After Clause 29, a new clause 29-A shall be inserted, namely:-
“29-A. “Group Housing” means more than two buildings on a plot with one or more floors and with one or more dwelling units in each floor.”
 - 8) After Clause 37, a new clause 37-A shall be inserted, namely : -
“37-A. “Low Income Group” means such class of persons as may be notified by the appropriate Government from time to time.”
 - 9) After Clause 39, a new clause 39-A shall be inserted, namely :-
“39-A. “Municipal Appellate Tribunal” means Appellate Tribunal constituted by the State Government under section 352-A of the Act.”
 - 10) After Clause 64, a new clause 64-A shall be inserted, namely:-
“64-A. “Shelter Fee” means fee levied and collected in lieu of the reservation of land or floor area as the case may be, an amount equal to the market value of the land or floor area determined on the basis of the rates notified by the State Government, which is required to be reserved for the Economically Weaker Section (EWS) and the Lower Income Groups (LIG).”

**3. Amendment of :
Section 3.2**

Sub-section (2) of Section 3 of the Principal Act shall be substituted by the following, namely:-

- “(2) (a). Save as may otherwise be deemed fit by the Governor, classification of urban areas on the basis of population may be as under:-
- (i) “a transitional area” is an urban area having a population not less than five thousand.
 - (ii) “a smaller urban area” is an urban area having a population not less than fifty thousand.
 - (iii) “a larger urban area” is an urban area having a population not less than three lakhs.”

4. **Amendment of : Section 22** In Section 22 of the Principal Act, after clause (b), a new clause shall be inserted, namely:-
“(c). he is elected as member of Legislative Assembly or member of Parliament.”
5. **Amendment of : Section 57** Section 57 of the Principal Act shall be substituted by the following, namely :-
“**57.** Functions of municipality:
Every Municipality within its area may be entrusted the following functions-
1) Urban planning including town planning.
2) Regulation of land use and construction of buildings.
3) Planning for economic and social development.
4) Roads and bridges.
5) Water supply for domestic, industrial and commercial purposes.
6) Public health, sanitation conservancy and solid waste management.
7) Fire services.
8) Urban forestry, protection of the environment and promotion of ecological aspects.
9) Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10) Slum improvement and upgradation.
11) Urban poverty alleviation.
12) Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13) Promotion of cultural, educational and aesthetic aspects.
14) Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
15) Cattle pounds, prevention of cruelty to animals.
16) Vital statistics including registration of births and deaths.
17) Public amenities including street lighting, parking lots, bus stops and public conveniences.
18) Regulation of slaughter houses and tanneries.”
6. **Amendment of : Section 58** Section 58 of the Principal Act shall be substituted by the following, namely :-
“**58.** Discretionary functions of the Municipality:
Subject to appropriate notification by the State Government and having regard to the satisfactory performance in respect of functions listed under Section 57, a Municipality may undertake or perform any other functions entrusted to it by the State Government in consultation with the concerned municipality.”
7. **Deletion of : Section 59** Sub-section (2) of Section 59 of the Principal Act shall stand deleted.
8. **Amendment of : Section 61** Sub-section (1) of Section 61 of the Principal Act shall be substituted by the following, namely :-
“(1). Save as otherwise provided in this Act, a municipal corporation or a municipal council may have all or any of the following officers:
(a) a Municipal Commissioner or a Chief Executive Officer;
(b) a Secretary;
(c) an Executive Officer;
(d) an Engineer;

- (e) a Town Planner;
- (f) a Health Officer;
- (g) a Finance Officer;
- (h) Any other officers as may be created for the municipality.

Provided that the State Government may reduce the number of posts of the officers as aforesaid for any Municipality:

Provided further that the State Government may by order re-designate any of the posts of the officers as aforesaid in respect of any Municipality."

**9. Amendment of :
Section 62**

Section 62 of the Principal Act shall be substituted by the following, namely :-
"62-A. Cadre of common municipal service, appointments, conditions of service, etc.

The State Government may constitute Common Cadre for the Municipalities. Such Common Cadre may consist of categories of officers of the municipalities as may be prescribed:

- (1) The number and nature of posts appointment to the common cadre and conditions of service of the persons belonging to the common cadre shall be as prescribed.
- (2) Appointment to the post belonging to Common Municipal Cadre shall be made by the Government on the recommendation of the Mizoram Public Service Commission.
- (3) The State Government shall constitute a Cadre Authority for management of posts belonging to the Common Municipal Cadre.
- (4) Officers belonging to the Common Municipal Cadre shall be transferable to any of the Municipalities within Mizoram. The State Government may by rules provide for the qualification for appointment, conditions of service and other allied matters relating to the officers belonging to the Common Cadre.

62-B. Other employees of a municipality

The State Government may create posts of officers and staff, not included in the common municipal cadre.

- (1) Recruitment to such posts may be made by a municipality, on the recommendation of a Municipal Service Selection Board.
- (2) Appointment of officers and employees, to such posts shall be made by the Municipality.
- (3) Such other employees shall remain under the direction and control of the municipality to which he is recruited. The State Government may by rules provide for the qualification for appointment, conditions of service and other allied matters relating such employees in the Municipalities."

**10. Amendment of :
Section 63**

Section 63 of the Principal Act shall be substituted by the following, namely :-
"63. Municipal Service Selection Board

The State Government may appoint a Selection Board consisting of a Chairman, a Secretary and other members for recruitment to the posts, other than those belonging to the Common Municipal Cadre."

**11. Insertion of :
Section 75-A**

In the Principal Act, after Section 75, a new section 75-A shall be inserted, namely:-

"75-A. Constitution of Basic Services to the Urban Poor Fund

- (1) A separate fund called the "Basic Services to the Urban Poor Fund" shall be constituted by every Municipality for delivery of basic services to the urban poor including the inhabitants of slum areas.
- (2) A minimum of twenty five percent of the funds within the municipality's budget shall be earmarked and used for providing basic services to the urban poor, including inhabitants of slum areas on a yearly basis. The allocation to the fund shall be made from the following municipal budgetary resources:
 - (a) Municipality's own sources of revenue e.g. taxes, fees, user charges and rent etc.;
 - (b) Assigned revenues;
 - (c) Allocations from Central / State Finance Commissions/ other inter -governmental transfers;
 - (d) Contributions in cash/kind, gifts from individuals, organizations, donors for services to the poor;
 - (e) Grants from externally aided projects;
 - (f) Sale of municipal assets;
 - (g) Others sources as determined by the Municipality.

Explanation- For the purpose of this section any grant or contribution by whatever name called, received by the Municipality which is exclusively for the development of slum areas shall not be a part of the above earmarked funds.

- (3) **Utilization of the earmarked funds** The earmarked funds under sub-section (1) of this section shall be for providing basic services to the urban poor including the inhabitants of the slum areas.

Explanation- For the purposes of this section 'basic services' shall include expenditure on capital and revenue account directly incurred on water supply, drainage, sewerage, construction of community toilets, solid waste management, connecting roads, street lighting, public parks and play grounds, community and livelihood centers, community health centers, pre-primary and primary education centers, affordable housing for poor, and other services as determined by the Municipality but shall not include establishment expenses, including salary and wages, not directly and specifically incurred for delivery of basic services to the poor.

- (4) The allocation of the funds and its utilization for providing basic services to the urban poor should be detailed and enclosed with the Municipal Annual Budget as P-budget along with the corresponding figures for the previous year.
- (5) The fund shall be in the nature of a non-lapsable fund. In the event of the annual allocations not fully utilized, the balance funds should not be transferred to the municipal general fund but carried forward for utilization in the subsequent year(s). The fund allocation in the subsequent years shall be considered in addition, and shall not be reduced by the unspent funds of the previous year(s).
- (6) A separate bank account shall be opened with a nationalized bank called-'Basic Services to Urban Poor Fund' account wherein funds earmarked under sub-section (1) of this section shall be periodically deposited ensuring that the yearly allocation is equal to the allocation as in the Municipal budget.

- (7) There shall be maintained separate primary books of accounts with detailed accounting heads in line with the National Municipal Accounts Manual for operation of special fund accounts."

**12. Amendment of :
Section 216**

Sub-section 2 of 216 of the Principal Act shall be substituted by the following, namely :-

- "(2) The annual value of any vacant land and building in any ward and local council of the municipality shall be the sum of the amount arrived at by multiplying the value per unit area of such vacant land and multiplicative factors and the amount arrived at by multiplying the value per unit area of the covered space of such building by the total area of such covered space and multiplicative factors, if any, and shall be determined accordingly by an order of the Board of Councillors, and a copy of the order shall be supplied within ten days thereof to the owner or the occupier of the land or the building, as the case may be, in such Form, and in such manner, as may be prescribed under the Rules framed under this Act. Provided that -
- (i) every land, which is not built upon, comprised in a holding shall be assessed separately; and
 - (ii) machinery and furniture shall be excluded from valuations under this section".

Explanation I – In the case of a building with appurtenant land, the area of the land under the plinth area of the building shall be excluded from the total area of the land, the balance being treated as vacant land, which shall be assessed as such.

Explanation II – The covered space of any building shall mean the total floor area of the building in all the storeys.

Explanation III – For the purposes of this section, "machinery" shall include lift, air-conditioning equipment, and equipment for providing earthquake proofing.

Explanation IV – The annual value of any land or building, as determined under this section, shall be a multiple of ten rupees, any fraction below five being ignored and any fraction of five or above being rounded off to the next ten rupees."

**13. Amendment of :
Section 216**

In Section 216 of the Principal Act, new Sections 216-A and 216-B shall be inserted as follows, namely:-

"216-A. Classification of lands and buildings and determination of unit area values.

- (1) The Board of councillors shall, on the recommendation of the State Property Tax Board or the State Government as the case may be, and having regard to –
- (a) the location of lands and buildings in the municipal area concerning its access to public roads;
 - (b) the location of lands and buildings in the municipal area with access to water, sewerage, and other civic facilities, and adjacent to markets, schools, hospitals, and any other facilities that influence the standard of living in that area;
- declare its intention to classify lands and buildings in each ward

of the Municipality into such groups or units as the Board of Councillors may specify by a public notice, and shall also specify in such public notice the annual value it proposes to fix per unit area of covered space of buildings within each such group or units.

Explanation I - For the purpose of this Act, the State Property Tax Board means the State Property Tax Board constituted by the State Government from time to time.

- (2) If any owner or occupier of any land or building in any ward in respect of which a public notice has been issued under sub-section (1), has any objection to the manner of classification of any group/unit or groups/units or the value per unit area of vacant land or the value per unit area of covered space of building in any such group, he may submit to an officer of the Municipality duly authorised by the Municipality in this behalf, his objection in such Form, and containing such particulars, as may be prescribed, within sixty days from the date of publication of such public notice, and such objection shall be considered by the Board of Councillors.
- (3) On the expiry of sixty days from the date of publication of the public notice under sub-section (1), and after considering the objections, if any, the Board of Councillors, shall by a public notice, specify group wise the value per unit area of covered space of building.
- (4) The unit area value of vacant land and the unit area value of covered space of building, as may be specified under sub-section (1), in respect of a group/unit in any ward shall remain in force for a period of five years and shall be revised at the expiration of each such period of five years: Provided that till the revision of such unit area values is completed, the existing unit area values shall continue to be in force.

216-B. Multiplicative factors to determine annual property values. Multiplicative factors to determine annual property value as specified in sub-section (2) of Section 216 would include,

- (a) Location Factors, where the property abutted by categories of road or areas other than roads;
- (b) Structure factor, the category of construction of the property;
- (c) Ownership and Usage Factor, the category of owning and purpose of using the property; and
- (d) Age factor, considering the year of completion of construction of the property;

Provided that the above factors would be as per the provisions of this Act and Rules framed thereunder by the State Government for the purpose and further as would be adopted by the Board of Councillors."

**14. Amendment of :
Section 217**

In sub-section (1) of section 217 of the Principal Act, after clause (g), new clauses (h) and (i) shall be inserted, namely:-

- "(h). Notwithstanding anything contained in this Act, any land or building, which is the property of the Central Government, shall, save in so far as Parliament by law otherwise provides, be exempt from the property tax;

Provided that nothing in this section shall, until Parliament by law otherwise provides, prevent the Municipality from levying any tax on any property of the Central Government to which such property was immediately before the commencement of the Constitution of India liable or treated as liable, so long as the property tax continues to be levied by the Municipality.

Provided further that nothing in this section shall, prevent the municipality to levy service charges on properties of the Central Government as notified vide No.14 (1)-P/52-1, Government of India, Ministry of Finance (Department of Economic Affairs), New Delhi, dated the 10th May 1954.

Explanation I – A property of the Central Government shall not include any property vested in, or belonging to, any statutory body or public sector corporation under the control of the Central Government.

(i) Open spaces including parade grounds, which are the properties of the State Government.”

**15. Deletion of :
Section 220**

Section 220 of the Principal Act shall stand deleted.

**16. Amendment of :
Section 250**

In Section 250 of the Principal Act, after clause (f) a new clause (g) shall be added as follows :-

“(g). Any owner of any land or building or any other person liable to pay the property tax or any occupier in the absence of such owner or person shall compute under self-assessment basis, the annual property value and determine the annual property tax due calculated on the annual value of such land or building as determined as per the provisions of this Act and Rules and Regulations framed there under.”

**17. Amendment of :
Section 252**

Sub-section (1) of Section 252 of the Principal Act shall be substituted by the following, namely :-

“(1). The Executive Officer of the Municipality or an officer of the Municipality, duly authorised by the Municipality in this behalf shall consider the list of persons submitted the self-assessment return stating the annual property value and annual property tax and compare the same with the municipal records of all persons liable to payment of property tax. The officer would prepare a list of all persons primarily liable for the payment of the property tax who failed to comply with the submission of the self-assessment returns of lands and buildings within the due date in any ward and, by notice, require the owners and the occupiers of such lands or buildings or any portion thereof, to furnish the return and compute the tax due under the provisions of this Act and Rules and Regulations framed there under, in such Form, containing such particulars, and within such time, as may be prescribed.

(1-A) Every owner or occupier shall be bound to comply with such notice and to furnish a return with a declaration that the statement made therein is correct to the best of his knowledge and belief.”

Explanation I - A Notice shall be deemed to be presented under this section if it is sent by post under certificate of posting to the person liable for payment of the amount included in the Notice,

and in such case, the date borne on such certificate of posting shall be deemed to be the date of presentation of the Notice to such person.

- 18. Amendment of : Section 253** In Section 253 of the Principal Act, a new section 253-A shall be inserted, namely:-
"253-A. Default in submission of Returns :
- (1) If any owner or other person, liable to pay the property tax under this Act and Rules framed there under, fails to submit the self-assessment returns and pay such property tax together with interest, if any,
 - (2) If, after the assessment of annual value of any land or building is finally made under this Act, the payment on self-assessment under this Act and Rules framed there under is found to be less than that of the amount payable by the assessee, the assessee shall pay the difference within the stipulated period as prescribed under the Rules, from the date of final assessment, failing which recovery shall be made in accordance with the provisions of this Act, but, after the final assessment, if it is found that the assessee has paid excess amount, such excess amount shall be adjusted against the tax payable by the assessee."
- 19. Amendment of : Section 341** Section 341 of the Principal Act shall be substituted by the following, namely:
"341. Preparation of master plan and detailed strategic zonal/ward development plan and zoning regulations"
- (1) **Civic and Utilities & Facilities Surveys of, and Master Plan for, Aizawl and other Municipal Areas –**
 - (a) The Board of Councilors with the help of its Urban Planning shall as soon as may be, carry out a civic and utilities & facilities surveys of, and prepare a Master Plan for planned development of municipal areas.
 - (b) The Master Plan shall -
 - (i) define the various zones or wards into which municipal areas may be divided for the purpose of development and indicate the manner in which the land in each zone is proposed to be used (whether by carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out; and
 - (ii) serve as a basic pattern of frame-work within which the Detailed Strategic Zonal/Ward Development Plans of the various Zones/Wards may be prepared.
 - (c) The Master Plan may provide for any other matter which is necessary for proper planned development and implementation of municipal areas.
 - (d) If, prior to the commencement of this Act, a Master Plan has been prepared for municipal areas and the same has been approved by the State Government, the Board of Councilors may, with the approval of the State Government, adopt the said Master Plan with or without modification as the Board of Councilors may think fit.

(2) Detailed Strategic Zonal/Ward Development Plan and Zoning Regulations -

- (a) Simultaneously with the preparation of the Master Plan or as soon as may be thereafter, the Board of Councillors with the help of its Urban Planning shall proceed with the preparation of a Detailed Strategic Zonal/Ward Development Plan and Regulations to be a rolling plan for a period to be specified by a municipality for each of the zones/wards into which municipal areas may be divided for the purpose of implementation of Master Plan.
- (b) A Detailed Strategic Zonal/Ward Development Plan may -
- i. contain a site-plan and use - plan for the development and regulations of the zone/ward and show the approximate locations and extents of land-use and infrastructure proposed in the zone/ward for such things as public buildings and other public works and utilities, roads, housing, recreation, industry, business, markets, schools, hospitals and public and private open spaces and other categories of public and private uses;
 - ii. specify the standards of population density and building density;
 - iii. show every area in the zone/ward which may, in opinion of the Board of Councillors, be required or declared for development or redevelopment including phasing and identification of responsible or implementing agencies; and
 - iv. in particular, contain provisions regarding all or any of the following matters, namely:-
 - (a) the division of any site into plots for the erection of buildings;
 - (b) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes, and conservation of landslide prone areas including undevelopable areas due to steep slopes;
 - (c) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;
 - (d) the erection of building on any site and the restrictions and conditions in regard to the open space to be maintained in or around buildings and height and character of buildings;
 - (e) the alignment of buildings on any site;
 - (f) the architectural feature of the elevation or frontage of any building to be erected on any site;
 - (g) the number of residential buildings which may be erected on any plot or site ;
 - (h) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection of building and the person or authority by whom or at whose expenses such amenities are to be provided;

- (i) the prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or building or a specified architectural feature or buildings designed for particular purposes in the locality;
- (j) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;
- (k) the restrictions regarding the use of any site or land or buildings due to steep slope and landslide prone areas; and
- (l) any other matter which is necessary or expedient for the proper development and regulation of the zone/ward or any area thereof according to plan and for preventing buildings being erected haphazardly in such zone/ward or area.

(3) Procedure to be followed in the Preparation and Approval of Plans -

- a) Before preparing any Plan finally and submitting it to the State Government for approval, the Board of Councillors shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions within 60 days from the date of first publication of the notice from any person with respect to the draft plan before such date as may be specified in the notice.
- b) The Board of Councillors shall also give reasonable opportunities to every local authority within whose local limits any land touched by the plan is situated to make any representation with respect to the plan.
- c) After considering all objections, suggestions and representations that may have been received by the Board of Councillors, the Board of Councillors shall finally prepare the plan and submit to the State Government for its approval.
- d) Subject to the foregoing provisions of this section, the State Government may direct the Board of Councillors to furnish such information as the Government may require for the purpose of approving any plan submitted to it under this section.

(4) Submission of Plans to the State Government for Approval -

- a) In this section and in sub-sections (3), (4), and (6) and (7) the word "plan" means the Master Plan as well as the Detailed Strategic Zonal/Ward Development Plan for zone/ward.
- b) Every plan shall, as soon as may be after its preparation, be submitted by the Board of Councillors to the State Government for approval, and State Government may either

approve the Plan without modifications or with such modifications as it may consider necessary or reject the plan with directions to the Board of Councillors to prepare a fresh plan according to such directions.

- (5) Date of Operation of Approved Plans** – Immediately after a plan has been approved by the State Government, the Board of Councillors shall publish, in such manner as the State Government may specify, a notice stating that a plan has been approved and naming a place where a copy of the Plan may be inspected at all reasonable hours and upon the date of the first publication of the aforesaid notice the plan shall come into operation.
- (6) Amendment of the Master Plan and the Detailed Strategic Zonal/Ward Development Plan and Zoning Regulations** –
- a) The Board of Councillors may make any amendment to the Master Plan or the Detailed Strategic Zonal/Ward Development Plan as it thinks fit, being amendments which, in its opinion, does not effect important alterations in the character of the plan and which does not relate to the extent of land-users or the standards of population density.
 - b) The State Government may make any amendments in the Master Plan or the Detailed Strategic Zonal/Ward Development Plan whether such amendments are of the nature specified in sub-section (1) or otherwise.
 - c) Before making any amendments in the Plan, the Board of Councillors, as the case may be, the State Government shall publish a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions within 60 days from the date of first publication of the notice from any person with respect to the proposed amendments before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Board of Councillors or the State Government.
 - d) Every amendments made under the provisions of this section shall be published in such manner as the Board of Councillors or the State Government, as the case may be, may specify and the amendments shall come into operation either on the date of the publication or on such other date as the Board of Councillors or the State Government as the case may be, may fix.
 - e) When the Board of Councillors makes any amendments to the Plan under sub-section (1) it shall report to the State Government with full particulars of such amendments within thirty days of the date on which such amendments come into operation.

- f) If any question arises whether the amendments proposed to be made by the Board of Councillors which effects important alterations in the character of the plan or whether they relate to the extent of land-uses or the standards of population density, it shall be referred to the State Government whose decision thereon shall be final.
- g) Any reference in any other chapter, except chapter xxii, to the Master plan or the Detailed Strategic Zonal/Ward Development plan shall be construed as a reference to the Master plan or the Detailed Strategic Zonal/Ward Development plan as amended under the provisions of this section.

(7) Development and control of land use and construction of buildings -

- (a) After the approval of Master Plan, Detailed Strategic Zonal/ Ward Development Plan and Zoning Regulations under this Act, no development and construction of buildings or no layout plan for sub-division of any plot under section 123 or no project/scheme shall be undertaken or carried out in any area within Aizawl and other Municipal Areas by any person or body (including a department of State Government) unless development permission for such development or project/scheme has been obtained in writing from the Board of Councillors in accordance with the provisions of this Act.
- (b) After the coming into operation of any of the Plans in any area no development or project and construction of buildings under this Act shall be undertaken or carried out in that area unless such development is also in accordance with such plans and permission is actually obtained from the Board of Councillors or authorized competent personal.
- (c) Notwithstanding anything contained in clauses (a) and (b) development of any land begun by any department of State Government or any local authority before the commencement of this Act may be completed by that department or local authority without compliance with the requirements of those sections and sub-sections.

(8) Application for Development Permission -

- a) Every person or body (including a department of State Government) desiring to obtain permission for development of site or land or project development permission referred to in sub-section (7) shall make an application in writing to the Board of Councillors in such form and containing layout plan under section 123 and such particulars in respect of the development to which the application related as may be prescribed by regulations.
- b) Every application under clause (a) shall be accompanied by such fee as may be prescribed by rules. Provided that no such fee shall be necessary in the case of an application made by a department of the State Government.

- c) On receipt of an application for development permission under clause (a) the Board of Councillors after making such inquiry as it considers necessary in relation to any matter specified in clause (b) sub-section (2) or in relation to any other matter, shall, by order in writing, either grant development permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such development permission.

Provided that before making an order refusing such development permission, the applicant shall be given a reasonable opportunity to show cause why the development permission should not be refused.

- d) Where development permission is refused, the grounds of such refusal shall be recorded in writing and communicated to the applicant in the manner prescribed by regulations.
- e) The Board of Councillors shall keep in such form as may be prescribed by regulations a register of applications for development permission under this section.
- f) The said register shall contain such particulars including information as of the manner in which applications for development permission have been dealt with as may be prescribed by regulations and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee not exceeding rupees five as may be prescribed by regulations.
- g) Where development permission is refused under this section, the applicant or any person claiming through him shall not be entitled to get refund of the fee paid on the application for development permission but the Board of Councillors may, on application for refund being made within three months of the communication of the grounds of the refusal under clause (d) direct refund of such portion of the fee as it seems proper in the circumstances of the case.

(9) User of land and construction of buildings in contravention of Plans -

After the coming into operation of any of the Plans in a Zone/ Ward no person shall use or permit to be used any land or building in that Zone/Ward accept in conformity with such plan, otherwise the relevant sections of this Act shall apply in such cases.

Provided that it shall be lawful to continue to use, upon such terms and conditions as may be prescribed by regulations made in this behalf, any land or building for the purpose, and the extent to which it is being used upon the date on which such plan comes into force."

**20. Amendment of :
Section 341**

In Section 341 of the Principal Act, a new Section 341-A shall be inserted, namely:

"341-A. Reservation of Land for Housing to Economically Weaker Sections (EWS) and Low Income Groups (LIG):

(1) Earmarking of land for urban poor

- (a) In all Area Planning schemes such as a Town Planning Scheme or Land Pooling Scheme or Land Readjustment Scheme, there shall be reservation of not less than ten per cent of the gross land area under each scheme for the purpose of providing housing accommodation to the members of EWS and LIG.
- (b) In all residential layouts of extent above 4000 square meters, not less than ten percent of the gross land area shall be earmarked for EWS and LIG.

Provided that where the total extent of land is between 1000 square meters and 4000 square meters, either land may be reserved for EWS and LIG or shelter fee, as prescribed by the appropriate Government, may be collected as the case may be.

- (c) All residential layouts of extent below 1000 square meters may be exempted from reservation of land as well as payment of shelter fee.
- (d) The size of the plot reserved under (a) and (b) for EWS and LIG shall not be less than 30 square meters or higher as may be prescribed by the appropriate Government.

(2) Earmarking of floor area for urban poor

- (a) In all residential buildings with total plot area above 1000 sq m and above reservation to the extent of 15% of residential FAR or 35% of the total dwelling units whichever is higher, will be provided, which will be allotted to EWS and LIG.

Provided that where the total plot area is between 500 sq m and 1000 sq m, either floor area may be reserved for EWS and LIG or shelter fee be collected or as the case may be.

- (b) All residential buildings with plot area below 500 sq m may be exempted from reservation of floor area as well as payment of shelter fee.
- (c) The size of the unit reserved under (a) for EWS will not be less than 21 sqm and not more than 27 sqm and for LIG it should not be less than 28 sqm and not more than 40 sqm carpet area or as prescribed by the appropriate Government.

(3) Earmarking of both land and floor area

The earmarking in Sub-sections (1) and (2) of this Section shall be such that a minimum of 20% of developed land or 20% of Floor Space Index in all land development/ housing projects (both by Public and Private Agencies) is reserved for the EWS and LIG category taking into account the reservation at area plan/layout approval stage or group housing approval stages together.

(4) Identification of Eligible Persons & Determination of Cost of Land/Houses:

- (a) A government department/agency of the appropriate Government shall maintain an inventory of all the plots or houses as the case may be, reserved for the EWS and LIG and ensure its protection from encroachment.
- (b) For the allotment of plots or houses to the EWS and LIG, the procedure for the selection of eligible persons and the

determination of the cost of such plots or houses shall be such as may be prescribed by the appropriate Government.

(5) Incentives to Developers

Every developer who makes provision for earmarking of land or floor area as the case may be for EWS and LIG housing shall be incentivized through a scheme of cross-subsidization, which shall be such as may be prescribed by the appropriate Government (e.g. land use concessions through conversion of part of residential use for commercial use, higher Floor Space Index, Transferable Development Right, etc and/or higher prices charged from High Income Group etc.)

(6) Non-residential Development

The appropriate government shall consider levy of suitable fee e.g. Impact Fee on all non-residential land development/ buildings above 1000 square meters to generate resources for the shelter fund which may be used for provision of land, housing, basic service, etc. to the urban poor.

(7) Limitation of Shelter Fee

The Shelter Fee so collected shall be maintained in a separate account and be utilized as per guidelines for the acquisition of land, development of land and construction of houses and in such other ways so as to provide for housing EWS and LIG."

**21. Amendment of :
Section 342**

In section 342 of the Principal Act, after sub-section (2), a new sub-section (3) shall be inserted, namely :-

"(3). Constitution of High Powered Committee for Implementation of Master Plans:- In order to effectively coordinate and monitoring of implementation of various proposals in the Master Plan and Detailed Strategic Zonal/Ward Development Plan and Zoning Regulations, a High Powered Committee may be constituted by the State Government by notification for municipal areas."

**22. Amendment of :
Section 352**

In Section 352 of the Principal Act, new sections 352-A and 352-B shall be inserted as follows, namely:

352-A. Municipal Appellate Tribunal:

- (1) The State Government may constitute a Municipal Appellate Tribunal for hearing and disposal of an order passed by an officer of the municipality, which shall be appealable under the Act and any Rules framed thereunder.
- (2) The Municipal Appellate Tribunal may consist of a Chairman and such other members not exceeding five or as the State Government may provide by Rules framed under the Act including the qualifications thereof.
- (3) All members of the Tribunal shall be below the age of seventy (70) years.
- (4) The Chairman may constitute one or more separate benches, each bench comprising of two or more members, one of whom shall be a Judicial Member and may transfer to any such bench

any appeal for disposal or may withdraw from any such bench any appeal before it is finally disposed of.

- (5) Where a separate bench is constituted under the sub-section (4), the Judicial Member shall exercise and perform all the powers and functions of the Chairman under the Act and Rules provided by the State Government.
- (6) The State Government shall appoint the Chairman and other members on such terms and conditions as it may determine and shall be paid from the Fund of the State Government.
- (7) The Tribunal shall have an establishment consisting of a Registrar and such officers and other employees appointed on such terms and conditions as may be prescribed. The expenses of establishment shall be paid out of the consolidated Fund of the State Government.
- (8) The State Government by way of Rules shall provide for the procedure of hearing and disposal of appeals, as well as realization of fees in connection with appeals.

352-B. Appeal:

- 1) Any person dissatisfied with any order passed under this Act or any Rules framed here under may prefer an appeal before the Tribunal.

Provided that such appeal shall be presented to the Tribunal within forty-five days from the date of service of and shall be accompanied by a copy of the said aggrieved order.

- 2) No appeal under this section shall be entertained unless any dues to the municipality determined under the aggrieved order by the municipality are deposited with the municipality.
- 3) The provisions of Part II and Part III of the Limitation Act, 1963 (36 of 1963) relating to appeal shall apply appeal preferred under this section.
- 4) The decision of the Tribunal with regard to any valuation or assessment of revenue shall be final and no suit or proceeding shall lie in any Civil Court in respect of any matter, which has been or may be referred to or has been decided by the Tribunal."

Secretary,
Law & Judicial Department,
Govt. of Mizoram.