



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Amendment to the Kerala Town & Country Planning Act -approval in principal - Orders issued

LOCAL SELF GOVERNMENT (RD) DEPARTMENT

G.O.(Ms)No.63/2020/LSGD Dated,Thiruvananthapuram, 13/04/2020

Read

1. Letter No. E4/12061/16 dated 26/07/2018 from the Chief Town Planner.
2. G.O.(Ms)No.105/2019/LSGD, dated 16/08/2019
3. Letter No..E4/12061/16 dated 9/04/2020 from the Chief Town Planner

ORDER

In the wake of the need for better planning of urban areas and for withstanding the impact of sudden high intensity floods and other natural disasters arising out of the 2018 floods in Kerala, as per Government Order read as 2nd above, a State Level Committee and a Sub Working Committee under the chairmanship of Sri T.K.A Nair was constituted to examine proposal for amending Kerala Town and Country Planning Act 2016 incorporating provisions for risk informed planning. As per the reference read as 1st paper above, a proposal for amendment to the Kerala Town & Country Planning Act 2016 on the basis of the recommendations of a committee headed by Sri. S.M. Vijayanand IAS on spatial planning was already under submission. Based on the recommendations of these committees, as per reference read as 3rd paper above, a revised proposal was submitted by the Chief Town Planner incorporating elements of both spatial and risk informed planning

The proposed amendment to Kerala Town and Country Planning Act 2016 is for rectifying certain areas of ambiguity and restrictive guidelines and also to incorporate provision for risk informed planning to withstand the impact of natural calamities. The gist of the proposed modification is appended as Annexure I.

Government are pleased to grant approval in principle to amend the Kerala Town and Country Planning Act 2016 subject to examination by the Law Department.

(By order of the Governor)
SARADA MURALEEDHARAN IAS
PRINCIPAL SECRETARY

To:

Shri, T.K.A Nair, Member , High Level Empowered Committee ,
Chairman of the Rebuild Kerala Initiative

The Chief Town Planner, Thiruvananthapuram.

The Chief Executive Officer, Rebuild Kerala Initiative (RKI)

Director of Panchayat, Thiruvananthapuram

Director of Urban Affairs, Thiruvananthapuram
The Commissioner,
Rural Development, Thiruvananthapuram

The Member, State Planning Board, Thiruvananthapuram

Planning and Economic Affairs Department

The Director, KILA, Thrissur.

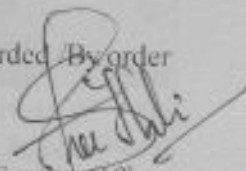
Information Officer, Web & New Media, Information & Public Relations
Department

The Executive Director, IKM, Swaraj Bhawan, Thiruvananthapuram (for
publishing in the website of LSGD)

General Administration(SC)Dept Vide Item No. Dated 13/04/2020

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Forwarded By order


 Section Officer
ANNEXURE I

CHANGES SUGGESTED IN THE KERALA TOWN AND COUNTRY PLANNING ACT,
2016

Sl. No.	Present Provision	Amendment suggested based on workshops and consultations	Reason	Recommendation of committee incorporated in the draft amendment
1	No mandatory provisions to incorporate regulations for natural hazard prone areas in a Master Plan (Section 34 of the Act)	Mandatory provision to incorporate regulations for natural hazard prone areas in a Master Plan - amendment in Section 34 of the Act	To include the aspect 'assessment of risk and proposals for mitigation of hazards' as a mandatory part of the Master Plan document to make our Master Plans resilient to disasters- HVRA (Hazard Vulnerability Risk Assessment) maps to be provided by SDMA	Mandatory provisions to be incorporated in Sn.34 to prepare Risk Informed Master Plans

2	<p>Procedure for the preparation of a Master Plan (Sn.36) – lengthy and time consuming</p>	<p>Enabling provisions to prepare Special Area Plans within a short period</p>	<p>When a Plan is urgently required for Disaster prone areas, Tourism areas, Environmental degradation areas, Heritage areas, Special economic zones etc. there is no provision in the KT&CP Act, 2016 to address such aspects</p>	<p>A separate section which stipulates the procedure for preparation, processing and sanctioning of the Special Area Plans within a short period to be incorporated in the Act.</p>
3	<ul style="list-style-type: none"> • Sn.61- provisions of Detail Town Planning Scheme (DTP Scheme) prevail over the provisions of the Master Plans where both Plans are in force in an area • Sn. 50 - a DTP Scheme shall be revoked by a subsequent DTP Scheme 	<p>When a new Master Plan is sanctioned with development regulations compatible to the present developments, provisions to enable regulations for developments in such places based on the newly sanctioned Master Plan to be incorporated</p>	<p>As per the Act, provisions of the sanctioned DTP Scheme prevail over the provisions of newly sanctioned Master Plan. To avoid practical difficulties in implementing such old DTP Schemes, provisions to be incorporated to address the proposals in the old sanctioned DTP Scheme which fall within the newly sanctioned Master Plan</p>	<p>Enabling provisions may be incorporated in the Act to regulate developments with respect to the newly sanctioned Master Plans if the proposals in the old sanctioned DTP Schemes require modifications. Sanctioned DTP Schemes may be reviewed and revoked if required and incorporated in the new Master Plan</p>

4	Sn. 63 – Interim Development Order (IDO) to regulate interim developments of an area from the date of notification of intention to prepare a Plan till the date of coming into operation of the Plan (sanctioning the Plan)	Validity of the IDO may be modified till the date of publication of the Plan	The provisions of IDO need not be made applicable in places where a sanctioned/ published Plan exist	<p>Necessary amendments may be made in Sn.63</p> <ul style="list-style-type: none"> • to regulate developments till the date of publishing of a Master Plan • to include the aspect 'assessment of risk and proposals for mitigation of hazards' as part of the IDO
5	Sn. 38 – When a published Plan is not sanctioned within the time limit prescribed, the Government may require the Master Plan to be processed and sanctioned as per the Act.	Provisions may be incorporated enabling the Government to sanction the Master Plan and to implement the provisions of the sanctioned Plan	An inordinate delay is caused when no action is taken within the stipulated time limit by the LSG concerned for sanctioning the Published Master Plan	<p>Necessary amendments may be made in the Act</p> <ul style="list-style-type: none"> • to entrust the DPC by the Government to approve the published Plan if the LSG fails to get it sanctioned within the prescribed time limit. The DPC may approve the Plan within the next 6 months and forward to Government for sanction. • to enable the Government to sanction a published Plan, in case the DPC also fails to approve the Plan.

6	Sn. 35, 37 - Execution Plan - mandatory provision	<ul style="list-style-type: none"> • Provisions for Execution Plan may be omitted • Provisions for preparing Priority Action Plan as part of the Master Plan document may be incorporated 	The legal procedures to sanction the Execution Plan are very long	<ul style="list-style-type: none"> • Provisions for Execution Plan to be omitted • Provisions to include Priority Action Plan in the Master Plan by the LSG concerned to be incorporated in the Act.
7	Sn. 67 - Obligation to acquire land - where any land is designated for compulsory acquisition in a Master Plan or DTP Scheme, the Act provides for serving purchase notice by the owner or person affected.	Sn. 67 may be omitted or modified	Master Plans / DTP Schemes are long term Plans. Releasing the land earmarked for compulsory acquisition in such a Plan through purchase notice is against the interest of planned development envisaged in the Plan. Also, this provision is misused for land reserved for road widening, etc. This will defeat the very purpose of preparing the Master Plan	Sn. 67 to be omitted
8	No provisions to levy Betterment charges	Enabling provision to levy Betterment charges and a procedure for collecting the same may be incorporated	To collect a percentage of the appreciation in land price resulting from the implementation of a Plan	New provisions to levy Betterment charges may be incorporated