Andhra Pradesh Metropolitan Region and Urban Development Authorities Rules, 2018

ANDHRA PRADESH India

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Rule

ANDHRA-PRADESH-METROPOLITAN-REGION-AND-URBAN-DEVELO of 2018

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Andhra Pradesh Metropolitan Region and Urban Development Authorities Rules, 2018Published vide Notification No. G.O. Ms. No.161, Municipal Administration & Urban Development (H1) Department, dated 17.5.2018G.O. Ms. No.161. - In exercise of the powers conferred by sub-sections (1) and (2) of Section 116 of the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016 (Act No.5 of 2016), the Governor of Andhra Pradesh hereby makes the following rules namely the Andhra Pradesh Metropolitan Region and Urban Development Authorities Rules, 2018.CHAPTER-1 Preliminary

1. Short title and Application.

(1)These rules may be called the Andhra Pradesh Metropolitan Region and Urban Development Authorities Rules, 2018.(2)They shall apply to all the development areas as notified under Section 34 of the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016.

2. Definitions.

- In these rules, unless the context otherwise requires,-(1)"Act" means the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016 (Act No.5 of 2016);(2)"Authority" means, the Development Authority constituted for the Development Area under sub-section (1) of Section 4 of the Act;(3)"development area" means the area or group of areas declared to be a development area under Section 3 of this Act;(4)"Land Pooling Scheme" means a scheme as provided in sub-section (1) of Section 26 of this Act;(5)"Land use" means the principal

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use of land for which a plot of land or building thereon is used or intended to be used. For the purpose of classification of a plot according to the land uses, a land use shall be deemed to include subsidiary land uses which are contingent upon it;(6)"metropolitan area" means an area having a population of a million or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous area or an urban agglomeration area with a population of million and above as per the Census of India, specified by public notification to be a metropolitan area;(7)"metropolitan commissioner" means the Metropolitan Commissioner of the Authority referred to in sub-clause (d) of clause (i) of sub-section (3) of Section 4 of this Act and to be appointed by the Government who shall be the whole-time Chief Executive Officer of the Metropolitan Region Development Authority;(8)"metropolitan region" means the metropolitan area as whole and its primary commuter areas, typically formed around the metropolitan area proper with a large concentration of people or a region as notified by the Government;(9)"prescribed" means prescribed by rules and regulations made under the Act;(10)"Town Planning Scheme [TPS]" means the scheme prepared under the Act for achieving the planned development as envisaged in the sanctioned development plan.(11)"urban area" means(a)the area comprised within the Municipal Corporation constituted under the respective Act or within the Municipality or a Nagar Panchayat constituted under the Andhra Pradesh Municipalities Act, 1965 and any such area in the vicinity as the Government may, having regard to the extent of, and the scope for the urbanization of that area or other relevant considerations, specify in this behalf by notification or an area specified as urban as per the Census of India; and (b) such other area as the Government may, by notification, declare to be an urban area, which in the opinion of the Government, is likely to be urbanized;(12)"urban region" means the urban area as whole and the surrounding urban and rural areas and also the primary commuter areas typically formed around the urban area proper with a large concentration of people or a region as notified by the Government;(13)"Vice-Chairperson" means the Vice-Chairperson of the Authority referred to in sub-clause (b) of clause (ii) of sub-section (3) of Section 4 of this Act and to be appointed by the Government who shall be the whole-time Chief Executive Officer of the Urban Development Authority;(14)The words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.Chapter-II Declaration of Development Area and Constitution of the Authority

3. Declaration of the Development Area.

(1)The Government, after making a detailed study constitute an Authority for the orderly development of a development area and notify in the Andhra Pradesh Gazette declaring such a development area under subsections (1) and (2) of Section 3 of the Act either as Metropolitan Region or Urban Region based on its eligibility as prescribed in clauses (30) and (47) of Section 2 of the Act respectively.(2)The Government, under sub-section (3) of Section 3, shall notify any other area either excluding or including to such development area as notified under sub-sections (1) and (2) of Section 3 as and when required.

4. Constitution of the Metropolitan Region Development Authority.

(1)The Government may constitute a Metropolitan Region Development Authority for such development area under sub-section (1) of Section 4 of the Act duly notifying the same in the

Andhra Pradesh Gazette.(2)The Government may appoint the Chairperson, Metropolitan Commissioner and such other members whom the Government thinks necessary as required under the Act for discharging the functions of a Metropolitan Region Development Authority.(3)The terms of office of the members including the Chairperson, who are appointed or nominated as the case may be, under sub-clause (1) of sub-section (3) of Section 4 of the Act, shall be one year, initially from the date of such appointment or nomination, which may be extended by the Government from time to time.(4)The Government, under sub-section (5) of Section 4 of the Act, may constitute the Executive Committee for the management and administration of the affairs of the Metropolitan Region Development Authority.

5. Constitution of the Urban Development Authority.

(1) The Government may constitute an Urban Development Authority for such development area under sub-section (1) of Section 4 of the Act duly notifying the same in the Andhra Pradesh Gazette.(2) The Government may appoint the Chairperson, Vice-Chairperson and such other members whom the Government thinks necessary as required under the Act for discharging the functions of an Urban Development Authority.(3) The terms of office of the members including the Chairperson, who are appointed or nominated as the case may be, under sub-clause (ii) of sub-section (3) of Section 4 of the Act, shall be one year, initially from the date of such appointment or nomination, which may be extended by the Government from time to time.(4) The Government, under sub-section (5) of Section 4 of the Act, may constitute the Executive Committee for the management and administration of the affairs of the Urban Development Authority.

6. Powers and Functions of the Chairperson and Metropolitan Commissioner/Vice-Chairperson of the Authority.

(1)The Chairperson shall be a member and preside over all the meetings of the Authority.(2)The Chairperson or in his absence the Deputy Chairperson in case of Metropolitan Region Development Authority/Vice-Chairperson in case of Urban Development Authority shall preside over the meetings of the Authority.(3)The Chairperson or in his absence the Deputy Chairperson in case of Metropolitan Region Development Authority/Vice-Chairperson in case of Urban Development Authority shall call for the meetings of the Authority.(4)The meetings of the Authority shall be convened as often as possible but not less than once in three (3) months.(5)In the absence of the 3letropolitan Commissioner/Vice-Chairperson on account of leave or any other cause, the Government may delegate the powers and functions of the Metropolitan Commissioner/Vice-Chairperson to such other officer/officers till the Metropolitan Commissioner/Vice-Chairperson joins duty or till the Government make alternative arrangements.

7. Conditions of the appointment of Chairperson and Metropolitan Commissioner/ Vice Chairperson.

- (1) Chairperson. - (a) The Chairperson of the Metropolitan Region Development Authority shall be paid a remuneration of Rs.1.00 lakh per month or as fixed by the Government from time to

time.(b)The Chairperson of the Urban Development Authority shall be paid Rs.75,000/- per month or as fixed by the Government from time to time.(c)The Chairperson of the Metropolitan Region Development Authority/Urban Development Authority shall be provided with a Vehicle for official purpose and the supporting staff.(d)The Chairperson shall not undertake any work unconnected with his/her office.(2)Metropolitan Commissioner/Vice-Chairperson. - (a) All the orders passed, approvals, permissions given and appointments made by the Authority shall be conveyed under the name of the Metropolitan Commissioner/Vice-Chairperson.(b)The emoluments to be paid to the Metropolitan Commissioner/Vice-Chairperson during his leave of absence shall be fixed as per the respective rules in force. The details of the emoluments payable shall be laid down in the regulations consistent with the Act and rules made there under Section 117 of the Act;(c)When the Metropolitan Commissioner/Vice-Chairperson is granted leave of absence, the Government may make additional charge arrangement by appointing an officer of the Authority or as may be decided to act as Metropolitan Commissioner/Vice-Chairperson in his place during the period of leave granted.(d)Any person appointed as acting Metropolitan Commissioner/Vice-Chairperson shall be paid allowances as per the prevailing rules in force. He shall exercise the powers conferred and perform the functions imposed on the Metropolitan Commissioner/Vice-Chairperson by or under the Act and shall be subject to the same liabilities, restrictions and conditions as the Metropolitan Commissioner/Vice-Chairperson.

8. Disqualification for membership.

(1)A person other than a person appointed as a member by virtue of his office, shall be disqualified for being chosen as or for being a member of the Authority-(a)if he holds any office of profit under the Authority; or(b)if he is of unsound mind and stands so declared by a competent Court; or(c)if he is an undischarged insolvent; or(d)if he has been convicted by a Criminal Court for an offence involving moral turpitude punishable with imprisonment for a period exceeding six (6) months.(2)if any member of the Authority other than a person appointed as a member by virtue of his office, during the terms for which he has been appointed or nominated shall be disqualified for continues a member of the Authority:-(a)if he becomes subjected to any disqualification specified in Rule 9; also or(b)if he votes or takes part as a member in the discussion of any matter-(i)in which he has directly or indirectly by himself or his partner, any share or interest, irrespective of the value of such share or interest or(ii)where he is professionally interested; or(iii)where he is engaged at the time in any proceeding against the Authority.(3)The Government either suo motu or on a report made to them and after giving a reasonable opportunity to the member concerned to represent his case, shall on being satisfied that a vacancy has arisen under sub-rule (2) of this rule declare the seat of the person concerned to be vacant.

9. Conduct of Business.

(1)Atleast seven (7) clear days' notice shall ordinarily be given for every meeting but in case of urgency such meeting may be called upon a notice of a three (3) clear days, except for the purpose of considering the annual budget estimate.(2)In case of ordinary meeting, the business to be transacted in the meeting shall be sent to the members at least three (3) clear days before the meeting and in case of a special meeting the business to be transacted shall be mentioned along with

the notice for the meeting.(3)In case of an adjourned meeting, such previous notice shall be given as shall be practicable having regard to the period of adjournment.(4) Every notice of a meeting shall specify the time and place at such meeting is to be held. (5) The quorum for meetings of the Authority shall be one-third of the total number of members of the Authority or five (5) members whichever is higher.(6)If at any meeting quorum is not present, the presiding authority shall, after waiting for thirty minutes, adjourn the meeting to such hour on the same or following day or some other day as he may think fit and notice of such adjournment shall be affixed on the notice board in die office of the Authority and the business which was to have been brought before the original meeting had there been a quorum shall be brought before the adjourned meeting and may be disposed-off irrespective of the quorum.(7)Method of Voting: The decisions shall be adopted by a simple majority of the votes of the members present and voting; and in case of equality of votes, the person presiding shall have the casting vote in all the meetings of the Authority or its Committees.(8)No member of the Authority shall vote or take part in the discussions on any questions coming up for consideration at the meeting of the Authority if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest for himself or his relatives.(9)The names of the members present and the proceedings of the each meeting shall be kept in a book to be provided for this purpose which shall be signed by the Presiding Officer of such a meeting after completion of the meeting and shall at all reasonable times be open to inspection by any member.(10) Every member of the Authority is expected to attend every meeting, unless prevented from doing so due to unavoidable reasons.(11)The Authority may permit any member other than the Metropolitan Commissioner/ Vice-Chairperson or acting Metropolitan Commissioner/Vice-Chairperson to absent himself for meetings of the Authority for bona fide reasons to be recorded while granting such permission. (12) If any member absents himself for three (3) consecutive meetings over a period of three (3) months, without being permitted to do so by the Authority he shall cease to be a member of the Authority; Provided that any such member may be restored to membership of the Authority by the resolution of the Authority for reasons to be recorded.(13)Conduct of meetings:(a)At an ordinary meeting, business shall be conducted in the following order:(i)The business postponed at the previous meeting shall then be considered;(ii)Subjects included in the agenda shall thereafter be considered;(iii)Any other items may also be considered if permitted by the Presiding Officer.(b)Special Meetings: At a special meeting only the business for the purpose of considering which the special meeting has been called shall be considered.

10. Minimum number of members required for enabling the Authority to function.

- In case the Government do not find it possible to nominate all the members of the Authority as prescribed in clause (i) of sub-section (3) or clause (ii) of sub-section (3) of Section 4 of the Act or to fill casual vacancies which may have arisen, the Authority may still function provided there are at least five members of the Authority at the time of the meeting.

11. Filling of casual vacancies.

- Any casual vacancy in the composition of the Authority shall be filled by nomination or appointment by the Government within two months from the date of such vacancy, or as soon as possible, thereafter. Any person so appointed to fill a vacancy shall hold office for the remainder of the term of the member in whose place he is appointed or nominated.

12. Powers of the Authority in relation to creation of posts, appointment of officers and other employees and incurring of non-recurring expenditure.

(1)The Authority may, subject to approval of the Government, appoint suitable persons as heads of various departments of the Authority and they shall work under the overall control of the Metropolitan Commissioner or Vice-Chairperson.(2)The technical cadre of Town Planning Wing and Engineering/Development Wing of the Authority shall be filled up on deputation from the respective Government departments. The services of the existing staff of the former Authorities shall be properly safeguarded.(3)The Authority mat' utilize the services of the departmental staff in the State, Central Government Services and Public Sector Undertakings for various cadres other than those mentioned in sub-section (6).(4)The employees and staff shall be entitled to receive from the funds of the Authority such salaries and such allowances and shall be governed by such conditions of services, as may be determined by rules made in this behalf.Provided that the scales of pay and allowances of all the posts in the Authority shall be fixed by the Authority only with the concurrence of the Government.(5)The Authority with the sanction of the Government may create or abolish such posts as it considers necessary for its efficient performance of its functions;(6)Appointment to posts under the Authority, whether part-time or full-time shall be governed by the recruitment rules to be made by the Government.Chapter-III Development Plans

13. Preparation of Development Plans.

(1) The Authority, as stated under subsections (1) and (2) of Section 11 of the Act, shall prepare the Perspective Plan within two (2) years and the Master Plan within three (3) years of its constitution and with a time frame of thirty and ten years respectively.(2) The Authority shall also prepare the Area Development Plans/Zonal Development Plans based on the proposals as envisaged in the Perspective Plan and Master Plan.

14. The stages by which the development of any particular feature of a zone may be carried out.

- As soon as possible after the preparation of the Area Development Plan/ Zonal Development Plan, the Authority shall fix the priorities for the development of the planning zone and the order or the stage in which the development should take place.

15. Procedure for the preparation of the present Land Use Map.

(1)The survey to be earned out by the Authority under sub-section (4) of Section 11 of the Act may include the survey and analysis of the development area and its vicinity areas with reference to the physical and socio-economic aspects.(2)As soon as, may be, the Authority shall prepare a present Land Use Map and T and Use Register in the form prescribed below indicating the present use of every piece of land while preparing the Perspective Plan, Master Plan and Zonal Development Plan in the development area:......Development AuthorityLand Use Register ofPerspective Plan/Master Plan/Zonal Development Plan

S.No.	Name of the Ward/Locality	Block	Survey	Nature of	Approximate extent	Remarks
	· Ward/Locality	No./Street	No.	use	of land	Kemarks
1	2	3	4	5	6	7

16. Procedure for preparation and publication of Development Plans.

(1) The content of the Development Plans such as Perspective Plan, Master Plan, Zonal Development Plan etc., shall be as given under Section 11 of the Act.(2)Any such plan shall include such maps and descriptive matter as may be necessary to explain and illustrate the proposals and shall include a present Land Use Map referred to in Rule 15 above. (3) Soon after the preparation of the Development Plan for the development area or any part thereof, the Authority shall publish a notice in Form No.I appended to these rules in a prominent place in atleast two (2) local daily newspapers [one English and one Telugu] inviting objections and suggestions from any person or local authority allowing a period not less than thirty (30) days or within such time as the Government may extend.(4)The said notice shall also indicate the place and time where copies of the Draft Development Plan may be inspected; (5) Any person residing or owning property within the development area or Local Authority operating within the affected area is entitled to represent in writing to the Authority any objections and suggestions which he may have in regard to the Land Use Map or the Draft Development Plan.(6) After expiry of the said period, the Authority shall prepare a list of objections and suggestions in Form No.II appended to these rules and consider the representations so made within the time specified and any other information available to it, and finalise the present Land Use Map and the Draft Development Plan as it thinks fit;(7)The Authority will then submit the Land Use Map and Draft Development Plan to the Government, as required under Section 12 of the Act for their final approval. (8) After Government's approval, the same shall be published in the Andhra Pradesh Gazette indicating the date from which the Land Use Map and Development Plan will come into force.(9) The Authority shall also publish a notice in a prominent place in atleast two (2) local daily newspapers [one English and one Telugu] indicating the fact of the final approval of the Land Use Map and the Development Plan and the place(s) and time(s) where a copy of each of the said Land Use Map and the Development Plan can be inspected.(10)Such Land Use Map and the Development Plan shall have effect from the date of publication of such notice and be conclusive proof of their contents. The execution of the plan shall be commenced forthwith.

17. Modifications to the Sanctioned Plans.

(1)In case the Authority or Local Authority or any land owner submits an application to make any modification in the Land Use Map and the Development Plan under sub-section (1) of Section 15 of the Act, the Authority shall examine the same and submit a detailed report to the Government along with necessary plans and full particulars for necessary approval. (2) The Government after examining the proposals may approve or reject the proposals with reasons to be recorded.(3)In case the Government approve the proposals, it is necessary to publish a notification in the Andhra Pradesh Gazette inviting objections or suggestions from the public in Form No.III appended to these Rules so as to reach within a period of fifteen (15) days. The Authority shall also publish a public notice in at least two (2) local newspapers [one English and one Telugu],(4)Soon after the objections and suggestions are received, the Authority shall conduct local enquiries and other hearings, if necessary, and give an opportunity to the persons affected (whether directly or otherwise) to be held on a specified date or dates before the modifications are finally approved and submit a detailed report in Form No.IV appended to these rules to the Government. (5) After due consideration of the objections and suggestions received, the final modification shall be notified by the Government in the Andhra Pradesh Gazette and the final modifications shall come into operation from the date of publication of such notification.(6)The Authority shall also publish the same in atleast two (2) local newspapers [one English and one Telugu],(7)The Authority shall levy such fees and charges including the development charges as stated in Rule 21 of these rules from the concerned applicant while issuing the orders on approval by the Government. Chapter-IV Development Schemes

18. Development Schemes.

- The Government shall issue separate rules for preparation, sanction and implementation of the development schemes as envisaged in the Act such as Land Pooling Scheme, Town Planning Scheme and any other special development scheme as prescribed in the development area. Chapter-V Development Promotion

19. Application for permission of the Development of Land.

(1)No application for permission of the development of land under Section 82 of the Act shall be deemed valid unless the person giving application has paid to the Authority, in advance the fees determined by the Authority from time to time for the grant of permission, and a receipt in token of payment of such fee is attached to the application.(2)The factors and circumstances to be taken into consideration in determining such fee shall be prescribed by regulations made under this Act.Chapter-VI Acquisition, Assembly and Disposal of Lands

20. Creation and Management of Land Development Bank.

- A Land Development Bank shall be created and maintained by the Authority in which all lands acquired, allotted, purchased, obtained through any mode shall be maintained, protected and used for the purpose as envisaged in the Development Plans and for undertaking Development Schemes

and for the development of public utilities, amenities and facilities in the development area. Chapter-VII Development Fee and Charges

21. Levy of Development Charges.

(1)Any person who intends to develop or change any use of any land or building under the provisions of the Act shall, alongwith the application for permission on a prescribed form, pay the development charges levied at the rates specified in the Table as appended to these rules to the Authority, or to the Local Authority if powers have been delegated to the latter by the Authority under Section 115 of the Act:Provided that such development charges shall be levied only with effect from such date as the Government may by notification specify in that behalf.(2)The rates of development charges levied under Section 101 of the Act shall be calculated and assessed so as not to exceed the rates prescribed in the Table hereunder in different parts of the development area for different uses.

22. Levy of User Charges.

(1)The Authority may levy the user charges for recovering the expenditure either partly or fully for those expenditure such as capital and operation and maintenance incurred for the provisions of the utilities, amenities, and services including the external infrastructure provided by the Authority.(2)The rates of user charges to be levied shall be calculated and assessed depending on each case and notified in advance and the method and manner of collection of user charges shall also be notified duly stating the terms and conditions specifically.Chapter-VIII Finance, Accounts, Budget and Audit

23. Maintenance of Bank Accounts.

(1)The Funds of the Authority shall be kept in a Current Account with any Nationalized bank to be opened in the name of the Development Authority.(2)The accounts shall be operated upon either by the Metropolitan Commissioner/Vice Chairperson or any two whole-time paid officers of the Authority, who may be authorized by the Metropolitan Commissioner/Vice-Chairperson in this behalf from time to time.(3)Any sum of the money in the Fund of the Authority as it found surplus to the requirements, on a reasonable forecast over the sum referred to sub-rule (1) shall be invested by the Metropolitan Commissioner/Vice-Chairperson (or any officer of the Authority authorized by the Metropolitan Commissioner/Vice-Chairperson in this behalf) in accordance with the standard investment power of statutory bodies as defined under law.

24. Form of the Budget of the Authority and Annual Report and manner of the preparing the same.

- The Budget Estimates and the Annual Reports shall be prepared in such form as is considered appropriate by the Authority till such time as a separate manual indicating the procedure to be followed for preparing the Budget Estimate and Annual Report is finalized. Provided that the manual

Schedule

[Here describe the boundary area of the Plan]......Development AuthorityMetropolitan Commissioner/Vice-Chairperson.......Authority[Here attach the I .and Use Map of the Development Area]Form-II[See Rule 16(6)]......Development AuthorityList of Objections and Suggestions Received regarding the Draft Land Use Map

	Date of receipt	Name of					
S.No.		thePerson	Nature of	Recommendation of the	Orders of		
		making	Objections &	MetropolitanCommissioner/	the	Remarks	
		Objections	Suggestions	Vice-Chairperson	Authority		
		&Suggestions					
1	2	3	4	5	6	7	
Form	-III[See S	Section 15(3) and	Rule 17(3)]	Develop	oment		
A .1	** XT .*	1 1 .	· (-) (a .:	Cil A II D 1 1 M	11. 17	1	

AuthorityNotice under sub-section (3) of Section 15 of the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016 (Act No.5 of 2016) read with sub-rule (3) of Rule 17 of the Andhra Pradesh Metropolitan Region and Urban Development Authorities Rules, 2018

- 2. A copy of the draft modification plan (Land Use Map) and the Development Plan as described in the schedule below are attached hereto and the same are kept open for inspection of the public during office hours at the offices of the Authority.
- 3. Notice is hereby given that the draft will be taken into consideration after expiry of fifteen (15) days from the date of publication of the notification in the Andhra Pradesh Gazette and that any objections or suggestions which may be received from any person with respect thereto before expiry of the said period will be considered by the Government.
- 4. Objections or suggestions relating thereto should be addressed in writing to the Metropolitan Commissioner/Vice-Chairperson of the Authority.

of Boundaries

(Here describe the boundary area of the Plan)North:EastSouth:WestMetropolitan Commissioner/Vice-ChairpersonDevelopment AuthorityDate:Form-IV[See Rule 17(4)]Development AuthorityList of objections and suggestions received regarding modification in the Land Use Map and Development Plan							
DevelopmentPlan proposalsapproved	Modification suggested	Reasons formodi Applica	ificationthe	Name &Address ofSuggestion	Nature ofObjection	Signature	
1	2	3		4	5	6	
Table[see Rule 21 (2)]Rates of Development Charges to be levied under Section 101 of the Andhra							
Pradesh Metropolitan Region and Urban Development Authorities Act, 2016 and under Rule 21(2)							
of the Andhra Pradesh Metropolitan Region and Urban Development Authorities Rules, 2018[Rates							
in Rupees per Square Meter]							
S.No. For institution of use or change of use For land For built up Area							
1 2			3 4				