



ABSTRACT

Urban Development – Directorate of Town and Country Planning – Transfer of Development Rights and Special Transfer of Development Rights – Certain variations to the Development Control Regulations to the Master Plan for certain Local Planning areas under sub-section (4) of section 32 of the Tamil Nadu Town and Country Planning Act, 1971 Direction to Local Planning Authorities - Orders issued.

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Housing and Urban Development (UD4-3) Department

G.O.(Ms).No.173

Dated: 18.10.2016

**துன்முுகி வருடம், ஐப்பசி திங்கள் 02,
திருவள்ளூர் ஆண்டு 2047**

Read:

- 1) G.O. Ms. No.1730, Rural Development and Local Administration Department, dated 24.07.1974.
- 2) G.O.Ms.No.138, Housing and Urban Development (IV) Department, dated 07.02.1990.
- 3) G.O.Ms.No.54, Housing and Urban Development (IV) Department, dated 11.01.1991.
- 4) G.O.Ms.No.399, Housing and Urban Development (IV) Department, dated 29.06.1992.
- 5) G.O.Ms.No.735, Housing and Urban Development (IV) Department, dated 24.08.1993.
- 6) G.O.Ms.No.505, Housing and Urban Development (IV) Department, dated 20.07.1994.
- 7) G.O.Ms.No.661, Housing and Urban Development (IV) Department, dated 12.10.1994.(Coimbatore)
- 8) G.O.Ms.No.122, Housing and Urban Development (IV) Department, dated 06.02.1995.
- 9) G.O.Ms.No.219, Housing and Urban Development (IV) Department, dated 19.05.2000.
- 10) G.O. Ms. No.139, Housing and Urban Development (IV) Department, dated 10.05.2002.
- 11) G.O. Ms. No.287, Housing and Urban Development (IV) Department, dated 08.07.2004.
- 12) G.O.Ms.No.105, Housing and Urban Development (IV) Department, dated 22.03.2005.

- 13) G.O. Ms. No.167, Housing and Urban Development (IV) Department, dated 13.07.2006.
- 14) G.O.Ms.No.280, Housing and Urban Development (IV) Department, dated 27.10.2006.
- 15) G.O.Ms.No.94, Housing and Urban Development (IV) Department, dated 12.06.2009.
- 16) G.O.Ms.No.143, Housing and Urban Development (IV) Department, dated 11.08.2009.
- 17) G.O.(Ms)No.130, Housing and Urban Development (UD4(1)) Department, dated 14.06.2010
- 18) G.O.(Ms)No.161, Housing and Urban Development (UDI) Department, dated 15.07.2010
- 19) G.O.(Ms) No.153, Housing and Urban Development (UD4(1)) Department, dated 20.6.2013.

Read also:

- 20) From the Director of Town and Country Planning Letter No. 22233/2015/BA1, dated 13.10.2015.

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ORDER:

In the Government Order 17th read above, the Government approved the Development Control Regulations for Special Buildings, Multi-Storeyed Buildings, Group Developments and Layouts for being followed in Local Planning Areas covering Coimbatore, Madurai, Tiruchirapalli, Salem, Tirunelveli, Vellore, Tiruppur, Erode, Thoothukudi, Mamallapuram, Thiruvallur, Gummidipoondi, Kancheepuram and Chengalpattu Areas.

2. In the Government order 18th read above, the Government, have issued amendment to the Development Regulations to the Master Plan for Chennai Metropolitan Area to provide guidelines for grant of Special Transfer of Development Rights.

3. In his letter 20th read above, the Director of Town and Country Planning has sent a proposal to include a separate Regulation 7A – Special Transfer of Development Rights, on the lines of those followed by Chennai Metropolitan Development Authority for Chennai Metropolitan Area, after Regulation 7 (Transfer of Development Rights) of Development Control Regulations issued in the Government order 17th read above. He has further requested that the concept of Transfer of Development Rights and Special Transfer of Development Rights may also be extended to all the areas falling under Corporations, Municipalities, Town Panchayats and Local Planning Authorities and New Town Development Authorities under the control of Director of Town and Country Planning. He has also proposed Regulations governing the Transfer of Development Rights and

Special Transfer of Development Rights on the lines of the guidelines followed by Chennai Metropolitan Development Authority for Chennai Metropolitan Area.

4. The Government, after careful consideration, accept the proposal of the Director of Town and Country Planning in para 3 above and request the Director of Town and Country Planning to direct the Local Planning Authorities to issue necessary variation to the Development Control Regulations by inserting the following regulation 7A to the Development Control Regulations after regulation 7 in the Master Plan by notification, making it applicable to the local planning areas of Erode, Vellore, Tiruvallur, Coimbatore, Madurai, Gummidipoondi, Kancheepuram, Salem, Chengalpattu, Tiruppur, Tiruchirappalli and Mamallapuram approved in the Government orders 2nd, 4th, 5th, 7th to 10th, 12th to 14th, 16th and 19th read above respectively under the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) and also insert the guidelines for grant of Transfer of Development Rights and Special Transfer of Development Rights annexed to this order, as schedule **X** & **XI** respectively after Schedule **IX** in the Development Control Regulations.

“7-A Special Transfer of Development Rights.

(i) In cases of slums on waterways, road margins or any other land belonging to the Government departments or agencies, as the slum dwellers do not own these lands, the regulation for Transfer of Development Rights is not applicable. Considering the safety and enhancement, the slum dwellers who live in such areas need to be resettled and rehabilitated. Further, in certain cases, some of the slum dwellers in other non-objectionable areas also need to be resettled and rehabilitated, as the lands are required for carrying out infrastructure projects or for any other public purpose. In these cases, Special Transfer of Development Rights (Special TDR) for 30 square metres of floor area per slum dwelling resettled can be awarded to those private developers who provide alternate accommodation to them, subject to guidelines given in the Schedule XI.

(ii) The appropriate Planning Authority shall formulate necessary guidelines, prescribe necessary forms and decide on the principles including parameters to be followed for the purpose of implementing the said Special Transfer of Development Rights subject to the guidelines given in the Schedule XI”.

5. The guidelines for Transfer of Development Rights (TDR) and Special Transfer of Development Rights (STDR) approved in para 4 above and annexed to this order, shall also be followed in the Local Planning Areas of Tirunelveli and Tuticorin, and they shall form part of the Master Plans to be approved for the above Local Planning Areas.

6. The Director of Town and Country Planning is directed to pursue action accordingly.

(By Order of the Governor)

**Dharmendra Pratap Yadav
Secretary to Government.**

To

The Director of Town and Country Planning,
Chennai -600 002.

The Principal Secretary,

Municipal Administration and Water Supply Department,
Chennai - 600 009.

The Secretary,

Rural Development and Panchayat Raj Department,
Chennai-600 009.

The Member-Secretary,

Chennai Metropolitan Development Authority,
Chennai-600 008.

The Managing Director,

Tamil Nadu Housing Board, Chennai – 600 035.

The Managing Director,

Tamil Nadu Slum Clearance Board, Chennai – 600 005.

The Director of Municipal Administration,

Chennai – 600 005.

The Director of Town Panchayat,

Chennai – 600 108.

All District Collectors.

Copy to: -

The Senior Personal Assistant to

Minister (Hg, UD & Agri.), Chennai - 600 009.

The Senior Private Secretary to Secretary, Housing and Urban
Development Department, Chennai - 600 009.

SF/SC

//Forwarded / By Order//

**Sd/-xxx
Section Officer.**

Annexure

Schedule X

Guidelines for Transfer of Development Rights (TDR)

(See DCR No. 7(3))

- 1) When land is required for purposes mentioned in Regulation 7(2) of Development Control Regulations (DCR), the owner of the land will be entitled to Floor Space Index in the form of Development Rights Certificate (DRC), which he may use himself or transfer to any other person. Development Rights Certificate would be issued only if the owner is not given monetary compensation or if he chooses to take Transfer of Development Rights in lieu of monetary compensation.
- 2) Development Right Certificate will be granted to the owner or lessee only if the land is not affected by proceedings under Tamil Nadu Urban Land Ceiling Act, 1978 (Under the Repeal and saving provision) and Land Reforms Act. A certificate to this effect must be issued by the concerned Tahsildar or the Competent Authority of the Urban Land Ceiling.
- 3) Development Rights Certificate shall be issued by the Member Secretary in case of Composite Local Planning Authorities after getting the concurrence of Director of Town and Country Planning for the same. In case of other areas, the Development Rights Certificate will be issued by the concerned Regional Deputy Director in whose jurisdiction the area falls, he will issue after obtaining the concurrence of the Director of Town and Country Planning. In the certificate, Floor Space Index credit to which the Development Rights Certificate holder is entitled in terms of the area of land surrendered and its location and restrictions/ conditions if any shall be stated.
- 4) The Floor Space Index credit in the form of Development Rights Certificate shall be equal to the surrendered land area multiplied by Floor Space Index allowable as per the table given below:-
 - a. When a person who has applied for planning permission proposes to utilise the Development Rights of the part of the land he is surrendering/has surrendered, in the remaining portion of the **same site**, the applicant is eligible for the Floor Space Index as given below:

Sl. No.	When the Site (from which the land surrendered) qualifies for FSI of	Transfer of Development Rights Floor Space Index allowable for the land surrendered
1 .	Non Multi-Storeyed Building up to 1.50 and MSB upto 1.75	2.25
2.	Multi-Storeyed Building	2.50

	above 1.75	
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(In the above case, the question of issue of DRC doesn't arise).

- b. When Development Rights Certificate is utilised in a different import site: (i.e. not in the remaining part of the export site itself), then the Floor Space Index eligible towards Transfer of Development Rights will be as follows:

Sl. No.	When the Site (from which the land surrendered) qualifies for Floor Space Index of	Transfer of Development Rights Floor Space Index allowable for the land surrendered
1.	Non Multi-Storeyed Building up to 1.50	2.00 x V
2.	Multi-Storeyed Building up to 1.75	2.25 x V
3.	Multi-Storeyed Building above 1.75	2.50 x V

Where V is the multiplication factor arrived at by dividing the guideline value of the land surrendered with the guidelines value of the land at which the Development Rights Certificate is proposed to be received / utilised. The guideline value will be reckoned as on the date of application for utilization of the Development Rights Certificate.

- 5) The land required for the project/scheme shall be surrendered before getting the Development Rights Certificate, by way of a registered gift deed, in favour of Member Secretary of concerned Local Planning Authorities and in case of other areas it is in favour of concerned Regional Deputy Director, after removal of structures if any in the land gifted. The land shall be free from any encumbrance.
- 6) In case of road widening, after leaving the road widening space surrendered, the compound wall and gates shall be reconstructed at the cost of the owner or lessee before getting the Development Rights Certificate.
- 7) The holder of Development Rights Certificate may utilize it himself or transfer it to any person and it shall be done only with the approval of concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director, with concurrence of Director of Town and Country Planning, by obtaining due endorsement on the Development Rights Certificate after submitting a formal application in the prescribed format. If this procedure is not followed then the transfer will not be valid,

and the certificate will be available for use only by the original/earlier holder.

- 8) The holder of Development Rights Certificate who desires to utilize the Floor Space Index credit while making development in a site shall attach along with his Planning Permission Application a copy of the valid DRC.
- 9) Any Development Rights Certificate obtained by misrepresentation of facts shall be liable for cancellation and Director of Town and Country Planning/concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director shall take further action as per Law against the act.
- 10) Site in the following areas is not liable for utilization of Development Rights Certificate, Floor Space Index credit transferred from other areas.
 - i. Coastal Regulatory Zone area;
 - ii. Areas declared as Economically Weaker Sections/Low Income Group/Poor class Area under schedule IX to Development Rights Certificate.
 - iii. Areas earmarked as continuous built up area under schedule X to Development Rights Certificate.
 - iv. Notified Area of Heritage towns / Hill stations
 - v. Notified Area of Archeological Survey of India
 - vi. The vicinity area of Civil Aerodomes/Airforce/Air-field and installation as per the Special Rules for Regulating the construction and maintenance in the vicinity of Civil Aerodomes, 1970.
 - vii. Any other area as may be decided by the State Government and notified in the Government Gazette
- 11) Development Rights Certificate may be used in one or more sites whether vacant or developed or by making additional constructions in consistence with the Development Control Regulations. Further the Floor Space Index of plots shall not exceed 0.5 over and above the normally permissible Floor Space Index for that use in those receiving sites.
- 12) Before granting Planning Permission for development in the receiving plot, the endorsement on the valid original Development Rights Certificate shall be made by concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director with concurrence of Director of Town and Country Planning regarding the extent of utilization of Floor Space Index credit and the balance of unutilized credit of Floor Space Index, if any.
- 13) Development Rights Certificate shall be issued on Rs.100/- stamp paper in an appropriate form prescribed and duly signed by concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director. Such a certificate will be transferable negotiable instrument only after due

endorsement by concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director.

- 14) The concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director shall maintain a register in an appropriate form with regard to all transactions regarding grant and utilization of Development Rights.
- 15) The lands so surrendered for obtaining Development Rights Certificates shall become public property. The concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director may transfer these lands to the Departments/Government agency concerned on 'as-is where-is' condition for taking further action on the execution of the project/scheme and maintenance.
- 16) The loss of Development Rights Certificate by the holder will not entitle for availing the Floor Space Index credit. It shall be the responsibility of the Development Rights Certificate holder to keep it safe and secure. No duplicate Development Rights Certificate will be issued.
- 17) Further these provisions of grant of Development Rights Certificate will not arise in cases of sub divisions/Layout developments where as part of the road network within the site, road widening or link road or new roads have to be provided.
- 18) In cases where the site is already a developed one, irrespective of whether it is an authorized or unauthorised development, the part of the land required for the public purpose is eligible for the award of Development Rights Certificate but the Development Rights Certificate can only be used for an authorized development proposal.
- 19) In cases where there are existing buildings/structures in a site, and because of the surrender of the land for obtaining Development Rights Certificate there may be violations of planning parameters for the existing buildings retained in the remaining plot, they shall be construed as in conformity with these regulations as long as no addition or alteration or change of use is made, provided these existing buildings/structures should have been approved (Public purpose over weighs any individual interest/requirement and hence violations if any in the remaining plot require such consideration of deemed provisions)
- 20) Existence of any unauthorised building in a plot does not prohibit a land owner from getting the Development Rights Certificate for the land required for the public purpose. But the existing building in the remaining part of the plot shall continue to be unauthorised until it gets regularised following due process of laws/rules, or demolished.

- 21) Where a land for any development listed in the Regulation 7(2) of Development Rights Certificate, could not be taken possession under these Transfer of Development Rights regulations, Land Acquisition Laws can be invoked and the land required can be taken possession for the development by the public authorities so that the project or scheme can be implemented without any hindrance/delay.
- 22) The Development Rights Certificate cannot be used if the proposed plot/plots (where Development Rights Certificate is proposed to be used) is abutting a road of less than 9 mts width.
- 23) Director of Town and Country Planning may relax additional setbacks and maximum plot coverage parameters for the incremental Floor Space Index due to utilization of Development Rights Certificate to a maximum extent of fifty percent, in the receiving plot. If there is violation in any other planning parameters, it has to be taken to the Empowered Committee for decision.
- 24) The utilization of Development Rights shall be in multiples of ten square meters or to be rounded off to next ten square meters.
- 25) The utilization of Development Rights Certificate in favour of Non-Resident of India and Foreign nationals will be subject to rules and regulations "under Foreign Exchange Management Act, 1999 (FEMA) and/or the rules and regulations" made by the Reserve Bank of India/Government of India in this behalf.
- 26) The Director of Town and Country planning/concerned Member Secretary of Composite Local Planning Authorities concerned Regional Deputy Director may decline to allow utilization of Development Rights Certificate in the following situations: -
 - a) Under direction from a competent court.
 - b) Where the Authority has reason to believe that the transfer for utilization of Development Rights Certificate has been obtained by fraudulent means.
 - c) Where the utilization application does not comply with the terms and conditions.
 - d) Where the utilization application is not duly signed by the transferor and transferee.
 - e) Where the utilization application is not duly accompanied by the original Development Rights Certificate.
 - f) where the property is encumbered in any way restricting the ownership or development rights or where there is a dispute on the title of the land.
- 27) In case of death of holders of Development Rights Certificate, the Development Rights Certificate will be transferred only on production of "Survivors Certificate/Inheritance Certificate/legal

Heir ship Certificate"/succession certificate of Administration and/or probate of a will wherever applicable. On production of aforesaid documents names of the legal heirs shall be included in the Development Rights Certificate.

28) Development Rights Certificate shall be valid initially for a period of 5 years, and may be renewed for a further period of 5 years subject to payment of revalidation fee fixed by the Directorate of Town and Country Planning from time to time.

29) [a] Application for Development Rights Certificate shall be with necessary documents and particulars in the format prescribed in FORM - A to the regulations.

[b] Format of the Development Rights Certificate to be issued by the Concerned Member secretary of Composite Local Planning Authorities/Regional Deputy Director shall be as prescribed in FORM - B to the regulations.

[c] Register on the award of Development Rights Certificate, the transfer of Development Rights Certificate if any, and the utilisation of Development Rights Certificate shall be maintained as prescribed in FORM - C to the regulations.

[d] Development Rights Certificate holders shall submit utilisation form as prescribed in FORM – D to the regulations.

**Dharmendra Pratap Yadav,
Secretary to Government**

//True Copy//

**Sd/-xxx
Section Officer**

Annexure

Schedule XI

Guidelines for grant of Special Transfer of Development Rights (Spl.TDR) for slum resettlers

(see DCR 7-A

1. Tamil Nadu Slum Clearance Board/Private developers who implement projects to resettle the slum dwellers residing at lands owned by Government departments or Government agencies, and to bring the encroached land to its original status or to make the land available for any public use is eligible for award of Special Transfer of Development Rights in the form of Development Rights Certificate to the extent and on the conditions set out below.
2. The slum dwellers shall be the ones identified by the Tamil Nadu Slum Clearance Board (TNSCB) as eligible for alternate accommodation when evicted, based on the standard criteria adopted by the Tamil Nadu Slum Clearance Board from time to time.
3. Tamil Nadu Slum Clearance Board shall play the role of a Co-ordinator –cum – facilitator, between the slum households to be evicted, the private developers who provide alternative accommodation and concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director, who has to issue the Special Transfer of Development Rights Certificate, with the concurrence of Director of Town and Country Planning
4. Tamil Nadu Slum Clearance Board shall identify the private developers to provide alternate accommodation to the slum dwellers proposed to be evicted, through bidding process, and enter into agreement with the private developers for the provision of alternative accommodation to the slum beneficiaries identified by the Tamil Nadu Slum Clearance Board for eviction. The agreement may be tripartite between Tamil Nadu Slum Clearance Board, private developers and the Representatives or Associations of slum beneficiaries identified, or may be bi-party between Tamil Nadu Slum Clearance Board and the private developers.
5. Tamil Nadu Slum Clearance Board shall ensure before the bidding process and entering into agreement with the private developers that majority of the slum dwellers eligible for alternative accommodation are willing to avail themselves of the scheme and to shift to the location or locations indentified wherein the alternative accommodation will be provided through private developers.

6. The Floor Space Index credit in the form of Special Development Rights certificate (SDRC) per slum beneficiary household shall be arrived as per the following factor:
FSI credit per Slum dwelling = $35 \times V \times 1.5$ sq.m of floor area
Where V is the multiplication factor arrived at by dividing the guideline value (GLV) of the emanating site with the guideline value of the site at which the special Development Rights Certificate is received. The guideline value will be reckoned as on the date of application for utilization of the special Development Rights Certificate.
7. In cases where guideline value is not available for the emanating slum infested site, the guideline value available for the adjoining site can be considered and if it is not available for the adjoining site also, then the same for the nearby site shall be taken into account while arriving at the Floor Space Index credit.
8. The Special Transfer of Development Rights will be finally awarded by way of *Special* Development Rights Certificate to Tamil Nadu Slum Clearance Board/Private Developers who have provided alternative accommodation of constructed dwelling units of floor area as per the standards prescribed by Tamil Nadu Slum Clearance Board and at the location as agreed upon through agreement as in para 4 above. It shall be awarded after ensuring that physical possession of alternative accommodation duly constructed to the standards prescribed by Tamil Nadu Slum Clearance Board are handed over to Tamil Nadu Slum Clearance Board. Final conveyance of absolute right over the tenements/flat constructed by the private developers to Tamil Nadu Slum Clearance Board shall be through a registered sale deed.
9. Tamil Nadu Slum Clearance Board shall evict the slum dwellers identified and accommodate them in the alternative locations and handover the evicted site to the land owning department or agency.
10. Tamil Nadu Slum Clearance Board may collect lease rent, maintenance charges, or any other charges/amounts due to it before final transfer of the flat/tenement, after specified period as normally done by Tamil Nadu Slum Clearance Board in the cases of flats/tenements they construct, and allot it to such slum dwellers, and it may be subject to such further conditions as may be prescribed by the Tamil Nadu Slum Clearance Board.
11. Tamil Nadu Slum Clearance Board/Private Developer who has obtained the Special Development Rights certificate may utilize it by itself/himself or transfer it to any person and it shall be done only with the approval of concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director, with the concurrence of Director of Town and Country Planning, by

obtaining due endorsement on the Special Transfer Development Rights Certificate after submitting a formal application in the prescribed format. If this procedure is not followed then the transfer will not be valid, and the certificate will be available for use only by the original/earlier holder.

12. The holder of Special Development Rights Certificate who desires to utilize the Floor Space Index credit while making development in a site shall attach along with his Planning Permission Application a copy of the valid Special Development Rights Certificate.
13. Any Special Development Rights Certificate obtained by misrepresentation of facts shall be liable for cancellation and concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director with the concurrence of Director of Town and Country Planning shall take further action as per law against the act.
14. Site in the following area is not liable for utilization of Special Transfer of Development Rights Certificate, Floor Space Index credit transferred from other areas:
 - i. Coastal Regulatory Zone area;
 - ii. Areas declared as Economically Weaker Sections /Low Income Group/Poor class Area under schedule IX to Development Rights Certificate.
 - iii. Areas earmarked as continuous built up area under schedule X to Development Rights Certificate.
 - iv. Notified Area of Heritage towns / Hill stations.
 - v. Notified Area of Archeological Survey of India.
 - vi. The vicinity area of Civil Aerodomes/Airforce/Air-field and installation as per the Special Rules for Regulating the construction and maintenance in the vicinity of Civil Aerodomes,1970
 - vii. Any other area as may be decided by the State Government and notified in the Government Gazette.
15. Before granting Planning Permission for development in the receiving plot, the endorsement on the valid original Special Development Rights Certificate shall be made by concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director regarding balance extent of utilization of Floor Space Index credit and unutilized credit of Floor Space Index, if any.
16. Special Development Rights Certificate shall be issued on Rs.100/- stamp paper in an appropriate form prescribed and duly signed by concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director. Such a certificate will be transferable negotiable instrument only after due endorsement by concerned Member Secretary of Composite Local Planning Authorities concerned Regional Deputy Director.

17. The concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director shall maintain a register in an appropriate form with regard to all transactions regarding grant and utilization of Special Development Rights Certificate.
18. The loss of Special Development Rights Certificate by the holder will not entitle for availing the Floor Space Index credit. It shall be the responsibility of the Special Development Rights Certificate holder to keep it safe and secure. No duplicate Special Development Rights Certificate will be issued.
19. Special Development Rights Certificate shall be valid initially for a period of five years. It may be renewed for further five years subject to payment of revalidation fee which may be prescribed and notified by Directorate of Town and Country Planning from time to time.
20. For the alternative accommodation provided directly by the Tamil Nadu Slum Clearance Board also the Special Transfer of Development Rights is awardable to Tamil Nadu Slum Clearance Board to the extent and on the conditions stated above in these regulations, and the Tamil Nadu Slum Clearance Board may utilize the Floor Space Index credit in their development sites or transfer it to others for revenue generation. The concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director with concurrence of Director of Town and Country Planning may award the Special Development Rights Certificate as may be eligible under the Development Regulations on receipt of details on the rehabilitation scheme and Board's resolution of Tamil Nadu Slum Clearance Board claiming the Special Transfer of Development Rights and keep the Government informed.
21. Tamil Nadu Slum Clearance Board shall identify the slum and workout a scheme for eviction and rehabilitation of the slum availing the special Transfer of Development Rights provided for in the Development Control Regulations (DCR). The scheme proposed by Tamil Nadu Slum Clearance Board shall be informed in advance to Director of Town and Country Planning/concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director with the following details:
 - a) Revenue address of the site of the slum which is proposed to be evicted (i.e. the details of T.S.No./S.No., Block No., Village Name, Taluk and District) along with the map showing physical boundary of the slum under reference.
 - b) No. of dwellings to be resettled along with the list of the slum beneficiaries who are eligible for award of special Transfer of Development Rights under the Development Control Regulations provisions, who have been enumerated and

identified by Tamil Nadu Slum Clearance Board based on the approved standard criteria.

22. Tamil Nadu Slum Clearance Board shall workout the scheme in such a way that no part of the slum shall be left out from eviction for whatsoever reason. The slum clearance of the encroachments at the slum site by rehabilitating them elsewhere shall be planned in toto ensuring that no part is left as residuary part of the slum and it doesn't expand later and grow as a full slum in the same site. Compliance of this condition has become essential as otherwise the purpose of award of Special Transfer of Development Rights will not be served. In cases of large slums, Tamil Nadu Slum Clearance Board may propose in consultation with Director of Town and Country Planning /concerned Member Secretary of Composite Local Planning Authorities concerned Regional Deputy Director the extent to be considered for eviction and resettlement at a time, when it is not possible for rehabilitating all of them at a time, in large slums.
23. On receipt of the details stated in S.No.21 above from Tamil Nadu Slum Clearance Board , the concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director with concurrence of Director of Town and Country Planning shall examine the Tamil Nadu Slum Clearance Boards proposal and convey its assurance to Tamil Nadu Slum Clearance Board for award of special Transfer of Development Rights to Tamil Nadu Slum Clearance Board based on the list of slum beneficiaries certified as eligible by the Tamil Nadu Slum Clearance Board.
24. Tamil Nadu Slum Clearance Board shall enter into final agreement with the developers only after receipt of specific assurance for award of Special Transfer of Development Rights.
25. The buildings proposed/constructed by the developers under the scheme in agreement with the Tamil Nadu Slum Clearance Board shall conform to the Development Control Regulations and the local body regulations and shall be constructed only after getting due planning permission and building permission from the competent authorities as prescribed in the Development Control Regulations.
26. The size of the dwelling unit to be provided by the Tamil Nadu Slum Clearance Board/Private developer shall not be less than 35 sq.mts. in plinth area.
27. Tamil Nadu Slum Clearance Board shall ensure that the developer gets planning permission and building permission, and that the constructions for rehabilitation are carried out to the specifications prescribed by Tamil Nadu Slum Clearance Board, with quality checks during constructions etc.
28. The assurance of Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director for award of special Transfer of Development Rights is always subject to the compliance of supply of the dwellings and handing over to the Tamil Nadu Slum

Clearance Board on time as agreed upon and execution of registered deed.

29. Tamil Nadu Slum Clearance Board shall take over the premises only after the developer completed the construction as per the approved plan and the Tamil Nadu Slum Clearance Board shall ensure that the buildings are ready for occupation with all service connections.
30. After receiving the certificate of the Tamil Nadu Slum Clearance Board for having taken over of the premises with buildings constructed to the specification of the Tamil Nadu Slum Clearance Board and title transfer to Tamil Nadu Slum Clearance Board through a registered deed, the concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director with concurrence of Director of Town and Country Planning shall award special Transfer of Development Rights as provided in the Development Control Regulations to the Tamil Nadu Slum Clearance Board.
31. The cleared site shall be handed over to the Government department/agency by Tamil Nadu Slum Clearance Board immediately after the eviction and certificate by the landowning department shall be obtained for handing over and for its protection against encroachments subsequently.
32. Any failure on the part of the land owning department to protect its slum cleared land from any encroachment or formation of slum shall not make the slum dweller on such re-encroached land entitle for any special Transfer of Development Rights under these provisions. Special Transfer of Development Rights will not be awarded for the same site more than once.
33. After clearance of the slum site covered in the scheme for rehabilitation and handing over of the cleared site to the concerned land owning government departments/agencies, the Tamil Nadu Slum Clearance Board shall send the scheme completion report to Director of Town and Country Planning/concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director for record.
34. Tamil Nadu Slum Clearance Board shall ensure that a slum dweller avails himself/herself of the alternative accommodation only once.
35. Director of Town and Country Planning may consider relaxing additional setbacks and maximum plot coverage parameters for the incremental Floor Space Index due to utilization of Development Rights Certificate to a maximum extent of fifty percent, in the receiving site. If there is violation in any other planning parameters, it has to be taken to the Empowered Committee for decision.
36. The utilization of Special Transfer of Development Rights shall be in multiples of ten square meters or to be rounded off to next ten square meters.

37. The Director of Town and Country planning/concerned Member Secretary of Composite Local Planning Authorities concerned Regional Deputy Director may decline to allow utilization of Development Rights Certificate in the following situations: -
- a. Under direction from a competent court.
 - b. Where the Authority has reason to believe that the transfer for utilization of Development Rights Certificate has been obtained by fraudulent means.
 - c. Where the utilization application does not comply with the terms and conditions.
 - d. Where the utilization application is not duly signed by the transferor and transferee.
 - e. Where the utilization application is not duly accompanied by the original Development Rights Certificate.
 - f. Where the property is encumbered in any way restricting the ownership or development rights or where there is a dispute on the title of the rehabilitation site.
38. In case of death of holders of Special Development Rights Certificate the Special Development Rights Certificate will be transferred only on production of "Survivors Certificate/Inheritance Certificate/legal Heir ship Certificate"/succession certificate of Administration and/or probate of a will wherever applicable. On production of aforesaid documents names of the legal heirs shall be included in the Special Development Rights Certificate.
39. Format of the Special Development Rights Certificate to be issued by the concerned Member Secretary of Composite Local Planning Authorities/concerned Regional Deputy Director shall be as prescribed in FORM - E to the regulations.
40. Register on the award of Special Development Rights Certificate, the transfer of Special Development Rights Certificate if any, and the utilization of Special Development Rights Certificate shall be maintained as prescribed in FORM - F to the regulations.
41. Special Development Rights Certificate holders shall submit utilization form as prescribed in FORM - G to the regulations.
42. Director of Town and Country Planning shall be absolved of any dispute or litigation arising during implementation of the slum clearance scheme and any dispute or litigation shall be defended by the Tamil Nadu Slum Clearance Board, the scheme implementation agency.

**Dharmendra Pratap Yadav,
Secretary to Government**

//True Copy//

**Sd/-xxx
Section Officer**