

**Assam Industrial Infrastructure Development Corporation  
Act, 1990**

**01 of 1991**

**[08 February 1991]**

CONTENTS

**CHAPTER 1 :- PRELIMINARY**

1. Short title, extent and commencement
2. Definitions

**CHAPTER 2 :- ESTABLISHMENT AND CONSTITUTION OF THE CORPORATION**

3. Establishment and in corporation
4. Constitution
5. Section 5
6. Disqualification for Directorship
7. Terra of Offices and conditions of services of Directors
8. Meetings of Corporation
9. Cessation on Directorship
10. Vacancies how to be filled
11. Temporary absence of Chairman
12. Proceeding resumed to good and valid
13. Officers and employee of the Corporation
14. Corporation to absorb certain staff and to as some obligation of State Govt., in respect of matters to which this Act applies

**CHAPTER 3 :- FUNCTIONS AND POWERS OF THE CORPORATION**

15. Functions
16. General powers of the Corporation
17. Authentication of orders and documents of Corporation
18. Power to levy service charge
19. Directions by the State Government

**CHAPTER 4 :- FINANCE, ACCOUNTS AND AUDIT**

20. Application of Corporations assets
21. Corporation fund
22. Grantee, subscriptions loans and advances to the Corporation
23. Power of Corporation to borrow and guarantee of loans
24. Deposit

25. Reserved and other funds
26. Expenditure from funds
27. Budget and programme of work
28. Accounts and Audit
29. Concurrent and special audit of accounts

## **CHAPTER 5 :- APPLICABILITY OF CERTAIN LAWS**

30. Application of Assam public premises (Eviction of un-authorised Occupants) Act, 1971
31. Non-applicability of certain Acts

## **CHAPTER 6 :- ACQUISITION AND DISPOSAL OF LAND**

32. Acquisition of land
33. Transfer of Government Land to the Corporation
34. Disposal of Land by the-Corporation

## **CHAPTER 7 :-SUPPLEMENTARY AND MISCELLANEOUS PROVISIONS**

35. Power of the Corporation in case of certain defaults by owner of land in industrial area
36. Order of demolition of building
37. Power to stop building operation
38. Penalty for construction or use of land and building contrary to terms, of holding
39. Power to lay pipe lines etc
40. Power of entry
41. Officers of the Corporation may be vested with other powers
42. Over riding power of Government to issue direction to local authorities
43. Restriction on lease permission in adjoining areas in certain cases
44. Notices etc. to fix reasonable times
45. Furnishing of returns, etc.
46. Transfer of rising areas estates and centres to the Corporation
47. Withdrawal of area or estate or part thereof
48. Dissolution of Corporation
49. Authority for prosecution
50. Compensation of Offences by Corporation
51. Offences by companies
52. Penalty for obstruction
53. Recovery of dues
54. Power to make rules
55. Power to Make regulation
56. Protection or action taken, in good faith
57. Members Officers and Staff of Corporation to be Public Servants
58. Effect of Provisions inconsistent with other laws
59. Power to remove doubt and difficulties

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**PREAMBLE**

An

Act

to provide for the establishment of a Corporation for the development of industrial infrastructure in the State of Assam.

WHEREAS/it is expedient to make special provision for securing the orderly establishment of industries in industrial areas, industrial estates, growth centres and in establishment of commercial estates for the growth of industries in the State of Assam and to assist generally in the organisation thereof, and for that purpose to establish an Industrial Infrastructure Development Corporation, and for purposes connected with the matters aforesaid.

It is hereby enacted in the Fortieth Year of the Republic of India as follows:-

**CHAPTER 1 PRELIMINARY**

**1. Short title, extent and commencement :-**

(1) This Act may be called the Assam Industrial Infrastructure Development Corporation Act, 1990.

(2) It extends to the whole of the State of Assam.

(3) It shall come into force at once.

**2. Definitions :-**

In this Act, unless the context otherwise required:--

(a) "amenity" includes road, supply of water or electricity, street lighting, drainage, sewerages conservancy and such other convenience as the State Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Act.

(b) "building" means any structure or erection, or part of a structure or erection, which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;

(c) "Collector" means the Collector of a district, and includes any officer specially appointed by the State Government to perform the

functions of a Collector under this Act;

(d) "Corporation" means the Assam Industrial Infrastructure Development Corporation established under Section 3;

(e) "Commercial estate" means any site selected by the State Government where the Corporation constructs buildings and makes them available for the purpose of carrying out industrial and commercial activities;

(f) "Court" means a principal Civil Court of original jurisdiction, and includes court of any Additional District Judge or Assistant District Judge whom the State Government may appoint, by name or by virtue of his offices, to perform, concurrently with any such principal civil court all or any of the functions of the court under this Act within any specified local limit;

(g) "development" with its grammatical variations means the carrying out of building, engineering, quarrying or other operations in, on over or under land, or the making of any material changes in any building or land, and includes reclamation and re-development, but does not include mining operations and "to develop" shall be construed accordingly;

(h) "engineering operations" include the formation or laying out of means of access to a road or the laying out of means of water supply, gas supply and electricity supply;

(i) "growth centre" means any site declared to be a growth centre by the State Government by notification published in the Official Gazette, which is to be developed for industries;

(j) "industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, services, employment, handicraft or industrial occupation or avocation of workmen and the word "industrial" shall be construed accordingly;

(k) "industrial area" means any area declared to be an industrial area by the State Government by notification published in the Official Gazette, which is to be developed and where industries and related services are to be accommodated;

(l) "industrial estate" means any site selected by the State Government, where the Corporation builds factories and other buildings and makes them available for any industries or class of industries;

(m) the expression "land" and expression "person interested" shall have the meanings respectively assigned to them in Section 3 of the Land Acquisition Act, 1894;

(n) "means of access" includes a road or any means of access, whether private or public, for vehicles or for pedestrians or for rail

or for water, power or communication system;

(o) "notification" means notification published in the Official Gazette;

(p) "premises" means any land or building or part of a building and includes:--

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(q) the "Lease Deed" means the Agreement executed between the Corporation and lessees of plots of land, building and amenities of the Corporation containing the terms and conditions of the lease;

(r) "prescribed" means prescribed by rules made under this Act;

(s) "State Government" means the State Government of Assam.

## **CHAPTER 2 ESTABLISHMENT AND CONSTITUTION OF THE CORPORATION**

### **3. Establishment and in corporation :-**

(1) There shall be established by the State Government by notification, a Corporation by the name of the Assam Industrial Infrastructure Development Corporation for the purpose of securing and assisting in the rapid and orderly establishment and organisation of industries in industrial areas, industrial estate, growth centres, and in establishment of commercial estates for growth of industries in the State of Assam.

(2) The Corporation shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire hold and dispose of property both movable and immovable and to contract and do all things necessary for the purposes of this Act.

(3) The Corporation shall establish its Head Office at such place in the State as the State Government may specify.

### **4. Constitution :-**

(1) The Corporation shall consist of the following members:--

(a) the Commissioner and Special Secretary to the Government of Assam, Industries Department;

(b) the Secretary, Finance Department, Government of Assam;

(c) the Secretary, Revenue Department, Government of Assam;

(d) the Chief Engineer, Assam State Electricity Board;

- (e) the Managing Director, Assam Industrial Development Corporation Limited;
- (f) the Managing Director, Assam Small Industries Development Corporation Limited;
- (g) the Director of Industries, Government of Assam;
- (h) the Director, Public Enterprises, Government of Assam;
- (i) the Managing Director, Assam Industrial Infrastructure Development Corporation;
- (j) two non-official Directors nominated by the State Government who are, in the opinion of the State Government, qualified as having the experience and capacity in, industry or trade or finance or who in the opinion of the State Government are capable of representing the interest of persons engaged or employed therein;
- (k) two Directors nominated by Financial Institutions/Banks pursuant to agreement with the corporation.

## **5. Section 5 :-**

The Commissioner and Special Secretary to the Government of Assam, Industries Department shall be the Chairman of the Corporation;

## **6. Disqualification for Directorship :-**

A person shall be disqualified for being nominated as a Director of the Corporation, if he--

- a) is an employee of the corporation, not being the Chief Executive Officer, or
- (b) is of unsound mind, and stands so declared by a competent court, or
- (c) is an undischarged insolvent, or
- (d) has been convicted by court on a charge of crime involving moral turpitude.

## **7. Terra of Offices and conditions of services of Directors :-**

(1) (a) Every Director of the Corporation nominated under Clause (j) of Section 4 shall hold offices for a period of three years from the date of his nomination, unless his term of office is terminated earlier by the State Government.

(b) Where a vacancy of any such Director occurs due to completion of the term of office or due to termination of his term of office earlier, the vacancy shall be filled in accordance with the pro.

visions of Section 10.

(c) Any person nominated as Director of one or more occasions shall unless disqualified, be eligible for renomination;

(d) Where a person is nominated to be or become a Director of the Corporation by virtue of holding any office, he shall, notwithstanding anything contained in this Act, cease to be a Director of the Corporation as soon as he ceases to hold that office.

### **8. Meetings of Corporation :-**

The Corporation shall meet at such times and shall observe such rules of procedures in regard to the transaction of its business as may be provided by regulations made under this Act.

### **9. Cessation on Directorship :-**

(1) If a Director--

(a) becomes subject to any of the disqualifications mentioned in section 6, or

(b) tenders his resignation in writing to and such resignation is accepted by the State Government, or

(c) is absent without the Corporations permission from three consecutive meetings of the Corporation, or

(d) is convicted of an offence involving moral turpitude, he shall cease to be a member of the Corporation.

### **10. Vacancies how to be filled :-**

Any vacancy of a Director of the Corporation shall be filled as early as practicable, in like manner as if the appointment were being made originally:

Provided that during any such vacancy the continuing Directors may act as if no vacancy had occurred.

### **11. Temporary absence of Chairman :-**

If the Chairman of the Corporation is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties, or is granted leave of absence by the State Government or is otherwise unable to attend to his duties in circumstances not involving the cessation of his Directorship, the State Government may appoint any other Director to act as the Chairman of the Corporation and he shall carry out his duties and functions by or under this Act until the Chairman resumes his duties.

## **12. Proceeding resumed to good and valid :-**

No disqualification of or defect in the appointment of any person acting as the Chairman or a Director of the Corporation shall vitiate any act or proceedings of the Corporation, if such act or proceeding is otherwise in accordance with the provisions of this Act.

## **13. Officers and employee of the Corporation :-**

(1) The State Government shall appoint a Managing Director who shall be the Chief Executive Officer of the Corporation.

(2) The Corporation may appoint such other officers and employees subordinate to the Managing Director as it considers necessary for the efficient performance of its duties and functions.

(3) The conditions of appointment and service of the officers and employees and their scales of pay shall--

(a) as regards the Managing Director, be such as may be prescribed; and

(b) as regards the other officers and employees, be such as may be determined by regulations made under this Act.

(4) If the Managing Director of the Corporation is temporarily absent, or rendered incapable of performing his duties for any reason whatsoever, not involving the vacation of his office, the State Government may appoint another person to act in his place during his absence. Such person shall vacate office on the date the Managing Director resumes his duties,

## **14. Corporation to absorb certain staff and to as some obligation of State Govt., in respect of matters to which this Act applies :-**

(1) The Corporation shall take over and employ such of the existing staff serving for the Infrastructure development purposes with the Assam Industrial Development Corporation Limited, the Assam Small Industries Development Corporation Ltd. the Directorate of Industries as the State Government may direct and every person so taken over and employed shall be subject to the provisions of this Act and the rules and regulation made thereunder:

Provided that the conditions of service of the members of the staff who are taken by the Corporation shall in no way be less advantageous than those which were applicable to them immediately prior to their absorption.

(2) All permanent employees taken over and employed by the



Corporation under sub-section (1) above shall have a lien, on their respective posts in the service of the State Government and the respective Corporation and the period of their services under the Corporation shall on their reservation to the service of the State Government and the parent Corporation be counted for their increments, pension and other matters relating to their service.

(3) All obligations incurred, all contracts entered into and all matters and things engaged to be done before the first constitution of the Corporation by, with or for the State Government or Assam Industrial Development Corporation Ltd., Assam Small Industries Development Corporation Ltd. and Directorate of Industries for any of the purposes of this Act in respect of any schemes for the development of industrial areas or industrial estates, commercial estates or growth centres entrusted to the Corporation shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Corporation; and accordingly all suits or other legal proceedings instituted or which might have been instituted by or against the State Government or the Assam Industrial Development Corporation Limited, the Assam Small Industries Development Corporation Limited and the Directorate of Industries, as the case may be, may be continued or instituted by or against the Corporation.

(4) All expenditure which the State Government or the Assam Industrial Development Corporation Ltd. the Assam Small Industries Development Corporation Ltd., and the Directorate of Industries may have incurred before the date of the coming into force of this Act in connection with any of the purposes of this Act shall be deemed to be a grant to the Corporation under section 22 of this Act on that date, and assets acquired by such expenditure shall vest in the Corporation.

### **CHAPTER 3 FUNCTIONS AND POWERS OF THE CORPORATION**

#### **15. Functions :-**

The functions of the Corporation shall be--

- (i) generally to promote and assist In the rapid and orderly establishment, growth and development of industries, trade and commerce, in the State of Assam; and
- (ii) in particular and without prejudice to the generality of clause (i)--
  - (a) to establish and manage industrial and Commercial estates at places selected by the State Government:

- (b) to develop industrial areas and growth centres selected by the State Government for the purpose and make them available for undertakings to establish themselves;
  - (c) to undertake schemes or works, either jointly with other corporate bodies or institutions, or with local authorities, or on an agency basis in furtherance of the purposes for which the Corporation is established and all matters connected therewith;
  - (d) to provide or cause to be Provided amenities and common facilities in industrial estates, commercial estates and industrial areas and growth centres and construct and maintain or cause to be maintained works and buildings: therefor;
  - (e) to make available plots of land buildings, and amenities on lease/licence/hire or Functions.
- sale to industrialists or persons intending to start industrial undertakings;
- (f) to construct buildings for the housing of the employees of such industries and employees of the Corporation; and
  - (g) to diversify its activities with prior approval of the Govt. if such diversification is deemed necessary for proper functioning of the Corporation.

## **16. General powers of the Corporation :-**

Subject to the other provisions of this Act, the Corporation shall have power-

- (a) to acquire and hold such property both movable and immovable, as the Corporation may deem necessary for the performance of any of its activities, and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be deemed proper by the Corporation:
- (b) to purchase by agreement or to take on lease or under any form of tenancy any land, to erect such buildings and to execute such other works as may be necessary for the purpose of carrying out its duties and functions:
- (c) to allot plots factory sheds or buildings or parts of buildings, including residential tenements and amenities to suitable persons in the industrial and commercial estates growth centres, and industrial areas established or developed by the Corporation and to execute lease deed or any other agreement wherever necessary:
- (d) to modify or rescind such allotments, including the right and power to evict the allottees concerned on breach of any of the terms and conditions of the lease deed or any other agreement;

- (e) to constitute advisory committees to advise the Corporation;
- (f) to engage suitable consultants or persons having special knowledge or skill to assist the Corporation in the performance of its functions;
- (g) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of its functions; and
- (h) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions and for carrying into effect the purposes of this Act.

**17. Authentication of orders and documents of Corporation :-**

All permissions, orders, decisions, notices other documents of the Corporation shall be authenticated by the signature of the Managing Director of the Corporation or any other officer authorised by the Corporation in this behalf.

**18. Power to levy service charge :-**

Notwithstanding anything contained in any contract or in any law for the time being in force, it shall be lawful for the Corporation to levy development cost, fees or service charges to cover its expenses on construction and maintenance of roads, drainage, water-supply and such other services and amenities as may be provided by it including provision of street lighting, at such rates as may be prescribed from time to time and such cost, fees or charges may be levied on the plot holders or other persons receiving benefit of the services or amenities.

**19. Directions by the State Government :-**

The State Government may Issue to the Corporation such general or special directions as to policy as it may think necessary or expedient for carrying out the purposes of this Act, and the Corporation shall be bound to follow and act upon such directions.

**CHAPTER 4 FINANCE, ACCOUNTS AND AUDIT**

**20. Application of Corporations assets :-**

All property, fund and other assets vesting in the Corporation shall be held and applied by it, subject to the provisions, and for the purposes of this Act.

## **21. Corporation fund :-**

The Corporation shall have and maintain its own fund to which shall be credited--

- (a) all moneys received by the Corporation from the State Government by way of grants, equity contribution, subventions, loans, advances or otherwise;
- (b) all fees, costs and charges received by the Corporation under this Act;
- (c) all moneys received by the Corporation from the disposal of lands, buildings and other properties movable and immovable and other transactions;
- (d) all moneys received by the Corporation by way of rents and profits or in any other manner or from any other sources;
- (e) all moneys received by the Corporation from Government undertakings, Companies, Financial Institutions, Commercial Banks or from any other sources.

## **22. Grantee, subscriptions loans and advances to the Corporation :-**

The State Government may after due appropriation made by the State Legislature by law in this behalf make such equity capital, grants, subscriptions, loans and advances to the Corporation as it may deem necessary for the performance of the functions of the Corporation under this Act, and all grants, subvention, loans and advances made shall be on such terms and conditions, as the State Government may after consulting the Corporation, determines.

## **23. Power of Corporation to borrow and guarantee of loans :-**

(1) The Corporation may, from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as may be prescribed in this behalf, borrow any sum from open market or from Bank Or financial institution required for the purposes of this Act.

(2) Rules made by the State Government for the purposes of this section may empower the Corporation to borrow by the issue of bonds or stock or otherwise.

(3) The maximum amount which the Corporation may at any time have on loan under subsection (1) shall be rupees fifty crores unless the State Government with the approval of the State

Legislative Assembly, fixes higher maximum amount-

(4) The State Government may guarantee in such manner as it thinks fit the payment of the principal and interest of any loan proposed to be raised by the Corporation or of either the principal or the interest:

Provided that the State Government shall, as long as any such guarantees are in force, lay before the State Legislative Assembly in every year during the first session of the State Legislative Assembly, a statement of the guarantees, if any, given during the current financial year and an up-to-date account of the total sum, if any, which have been paid out of or into the State Revenues by reason of any such guarantees or paid in to the State Revenues towards repayment of any money so paid out.

#### **24. Deposit :-**

The Corporation may accept deposits on such terms and conditions as it deems fit from persons, authorities, or institutions, to whom allotment or sale of land, building or shed is made or is likely to be made in furtherance of the objects of this Act.

#### **25. Reserved and other funds :-**

(1) The Corporation shall make provisions for such reserve and other specially denominated funds as the State Government may, from time to time, direct.

(2) The management of the funds referred to in sub-section (1), the sums to be transferred from time to time to the credit therein and the application of money comprised therein shall be determined by the Corporation.

(3) The funds referred to in sub-section (1) shall not be utilised for any purpose other than that for which it was constituted without the previous approval of the State Government.

#### **26. Expenditure from funds :-**

(1) The Corporation shall have the authority to spend such sums as it thinks fit for the purposes authorised under this Act from out of the general fund of the Corporation referred to in Section 22 or from the reserve and other funds referred to in Section 26, as the case may be

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Corporation may contribute sums, as it thinks

fit, towards expenditure incurred or to be incurred by any local authority or statutory public undertaking in the performance in relation to any of its industrial and commercial estates or industrial areas, and growth centres, of any of the statutory functions of such authority or undertaking, including expenditure incurred in the acquisition of land,

(3) The Corporation shall have authority to advance loans, with or without security or interest, to its employees on such terms as it deems fit.

## **27. Budget and programme of work :-**

(1) The Corporation shall, by such date in each year as may be prescribed, prepare and submit to the State Government for approval an annual financial statement and the programme of work for the succeeding financial year.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.

(3) The Corporation shall be competent to make variations in the programme of work in the course of the year; provided that all such variations and reappropriations out of the sanctioned budget, are brought to the notice of the State Government.

## **28. Accounts and Audit :-**

(1) The Corporation shall maintain books of accounts and other books in relation to its business and transaction in such form, and in such manner, as may be prescribed.

(2) The accounts of the Corporation shall be audited by an auditor appointed by the State Government in consultation with the Controller and Auditor-General of India.

(3) As soon as the accounts of the Corporation are audited the Corporation shall send a copy thereof together with the copy of the report of the auditor thereon to the State Government.

(4) The State Government shall cause to be forwarded the accounts of the Corporation together with the audit report thereon to it under sub-section (3) to be laid annually before the State Legislative Assembly.

## **29. Concurrent and special audit of accounts :-**

( 1 ) Notwithstanding anything contained in the last preceding

section, the State Government may, by order, direct that there shall be concurrent audit by such person as it thinks fit of the accounts of the Corporation relating to any particular transaction or class or series of transactions or to a particular period.

(2) When an order is made under sub-section (1), the Corporation shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1), such information as the said person may require for the purpose of audit.

## **CHAPTER 5 APPLICABILITY OF CERTAIN LAWS**

### **30. Application of Assam public premises (Eviction of unauthorised Occupants) Act, 1971 :-**

(1) The State Government may, by notification, provide that from such date as is stated therein, the Assam Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (Assam Act XX of 1976) shall subject to the provisions of sub-section (2). apply to the premises belonging to vesting in or leased by the Corporation.

(2) On a notification being issued under sub-section (1), the aforesaid Act and the rules made thereunder shall apply to premises of the Corporation with the following modification, namely:--

(a) the State Government shall appoint an officer of the Corporation who is holding or has held office whether under the Government or the Corporation, which in the opinion of the State Government is not lower in rank than that of a Deputy Collector or an Executive Engineer, to be the Estate Officer for the purposes of the aforesaid Act and one or more officers may be appointed as Estate Officers for different areas or for the same area;

(b) reference to "public premises" in that Act and those rules shall be deemed to be reference to premises of the Corporation and references to the "State Government" in sections 6, 13 and 15A thereof shall be deemed to be references to the Corporation.

### **31. Non-applicability of certain Acts :-**

(1) The Assam Urban Areas Rent Control Act, 1972 (Assam Act XVII of 1972) shall not apply -

(a) to any premises belonging to or vesting in or leased by the Corporation under or for the purposes of this Act;

(b) as against the Corporation to any tenancies or like relationship

created by the Corporation in respect of any premises; but shall apply to any premises let to the corporation.

(2) The State Government may, by notification published in the official Gazette, declare that such of the provisions of the Assam Town and Country Planning Act, 1959 (Assam Act II of 1960) shall not apply to the premises belonging to or vested in the Corporation or to any industrial area, industrial estate, growth centre or commercial estate for a period of ten years from the date of commencement of this Act.

(3) The State Government may, by notification exempt any such premises or estate as aforesaid from any of the provisions of the Assam Municipal Act, 1956 (Assam Act XV of 1957) or such period, not exceeding ten years, as may be specified in the notification.

## **CHAPTER 6 ACQUISITION AND DISPOSAL OF LAND**

### **32. Acquisition of land :-**

Whenever any land is required by the Corporation for any purpose in furtherance of the objects of this Act, but the Corporation is unable to acquire it by agreement, the State Government may upon an application of the Corporation in that behalf, order proceedings to be taken under the Land Acquisition Act, 1894 for acquiring the same on behalf of the Corporation as if such land were needed for a public purpose within the meaning of that Act and upon compliance of the provisions of that Act, the land so acquired shall vest in the Corporation.

### **33. Transfer of Government Land to the Corporation :-**

For furtherance of the objects of this Act, the State Government may, upon such conditions as may be agreed upon between the State Government and the Corporation, place at the disposal of the Corporation any, land vested in the State Government.

### **34. Disposal of Land by the-Corporation :-**

Subject to any direction given by the State Government the Corporation may dispose of any such land vested in the Corporation under Section 32 or placed at its disposal under Section 33 or acquired by it by agreement to such person in such manner and subject to such terms and conditions as it considers expedient for serving the purposes of this Act.



## **CHAPTER 7 SUPPLEMENTARY AND MISCELLANEOUS PROVISIONS**

### **35. Power of the Corporation in case of certain default by owner of land in industrial area :-**

(1) If the Corporation after holding a local enquiry or upon report from any of its officers or other information in its possession, is satisfied that the owner of any land in an industrial area has failed to provide any amenity in relation to the land which in the opinion of the Corporation ought to be provided or to carry out any development of the land for which permission has been obtained under this Act the Corporation may serve upon the owner a notice requiring him to provide the amenity or carry out the development within a reasonable time to be specified in the notice.

(2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice, the Corporation may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit:

Provided that, before taking any action under this sub-section, the Corporation shall afford reasonable opportunity to the owner of the land to show cause as to why such action should not be taken.

(3) All expenses incurred by the Corporation or the agency employed by it in providing the amenity or carrying out the development together with interest, at such rate as the State Government may by order fix, from the date when demand for the expenses is made until payment, shall be recoverable by the Corporation from the owner.

### **36. Order of demolition of building :-**

(1) Where the erection of any building in an industrial area, industrial estate, commercial estate or growth centre has been commenced or is being carried on, or has been completed, or any existing building is altered in contravention of the terms on which such building or the land on which it stands is held or granted under this Act, any officer of the Corporation empowered by it in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order directing that such an erection shall be demolished by the owner thereof within such period not exceeding two months as may be specified in the order, and on the failure of the owner to comply with the order, the officer may himself cause the erection to be demolished and the

expenses of such demolition shall be recoverable by the Corporation from the owner:

Provided that no such order shall be made unless the owner has been given a reasonable opportunity to show cause why the order should not be made.

(2) Any person aggrieved by an order made under sub-section (1) may prefer an appeal against that order within thirty days from the date thereof to the Corporation, and the Corporation may after hearing the parties to the appeal either allow or dismiss the appeal or reverse or vary any part of the order.

(3) The decision of the Corporation on the appeal and subject only to such decision, the order made by the officer under sub-section (1) shall be final.

### **37. Power to stop building operation :-**

(1) Where the erection of any building in an industrial area or industrial estate or commercial estate or growth centre has been commenced, or is being carried on, or any existing building is altered, in contravention of the terms on which such building or the land on which it stands is held or granted under this Act, any officer of the Corporation empowered in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order requiring the building operation in relation to such erection to be discontinued on and from the date of the service of the order.

(2) Where such building operations are not discontinued in pursuance of the requisition under sub-section (1), the Corporation or the officer empowered as aforesaid may require any police officer to remove the person by whom the erection of the building has been commenced and all his assistants and workmen from the place of the building within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(3) After a requisition under sub-section (2) has been complied with, the Corporation or the officer empowered as aforesaid may depute by a written order, a police officer or an officer, or employee of the Corporation to watch the place in order to ensure that the erection of the building is not continued.

(4) Any person failing to comply with an order made under sub-section (1) shall, on conviction, be punishable with fine which may extend to two hundred rupees for every day during which such non-compliance continues after the service of the order.

(5) No compensation shall be payable to any person for any damage or loss which he may sustain in consequence of any order made under this section.

**38. Penalty for construction or use of land and building contrary to terms, of holding :-**

(1) Any person, who, whether at his own instance or at the instance of any other person, undertakes or carries out construction of, or alterations to any building in an industrial area or industrial estate or commercial estate or growth centre, contrary to the terms under which he holds such building or land under this Act, shall on conviction, be punishable with fine which may extend to ten thousand rupees and in the case of a continuing contravention, with a further fine which may extend to two Hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

(2) Any person who uses any land or building in an industrial area or industrial estate or commercial estate or growth centres contrary to the terms under which he holds such land or building under this Act, or in contravention of the provisions of any regulations made in this behalf shall, on conviction, be punishable with fine which may extend to five thousand rupees.

**39. Power to lay pipe lines etc :-**

(1) Within any area taken up for development under paragraph (b) of clause (ii) of section 14, and for the purpose of (a) carrying gas, water or electricity from a source of supply to, or (b) constructing any sewers, or drain necessary for carrying off the working and waste liquids of an industrial process through any intervening area, the Corporation or any person empowered in this behalf by the State Government by notification (Hereinafter in this section referred to as "the authorised person") may lay down, place, maintain, alter, remove or repair any pipes, pipelines, conduits, supply or service lines, posts or other appliances or apparatus in, under over, along or across any land in such areas.

(2) The Corporation or the authorised person may at any time enter upon any land in any such area and in such event the provisions of section 49 shall, mutatis mutandis apply.

(3) While exercising the power conferred by sub-section (1), the Corporation or the authorised person shall where the land effected in a street, bridge, sewer, drain or tunnel, cause as little damage as

possible to such property, and full compensation to all persons interested for any damage sustained by them in consequence of the exercise or such power as aforesaid shall be paid, as the case may be, by the Corporation or, in the case of the authorised persons, by the State Government.

(4) Nothing in this section shall authorise or empower the Corporation or the authorised person to lay down or place any pipe or other works into, through or against any building or in any land not dedicated to public use without the consent of the owners and occupiers thereof, except that the Corporation or such person may at any time enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe has been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down:

Provided that nothing in the aforesaid provision shall be construed to mean that the Corporation or other person is forbidden from having the said land acquired at any time by the State Government in the normal course.

#### **40. Power of entry :-**

Any officer of the State Government, any member of the Corporation, and any person either generally or specially authorised by the Corporation in this behalf, may enter into or upon any land or building with or without assistance of workmen for the purpose of--

- (a) making any inspection, survey, measurement, valuation or enquiry or taking levels of such land or building;
- (b) examining works under construction and ascertaining the course of sewers and drains;
- (c) digging or boring into the sub-soil;
- (d) setting out boundaries and intended lines of work;
- (e) marking such levels, boundaries and lines by placing marks and cutting trenches;
- (f) doing any other thing necessary for the efficient administration of this Act:

Provided that--

- (i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;
- (ii) sufficient opportunity shall in every instance be given to enable

women, if any, to withdraw from such land or building;

(iii) due regard should always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupant of the land or building entered.

**41. Officers of the Corporation may be vested with other powers :-**

The State Government may, by notification, nominate any officer of the Corporation to be a controller or licensing authority under any law for the time being in force relating to the procurement or distribution of any commodity in respect of the industrial undertakings established or to be established in industrial area, industrial estates or commercial estate or growth centre entrusted to or developed by the Corporation, and no such nomination shall be called into question merely on the ground that such officer is not an officer of the State Government.

**42. Over riding power of Government to issue direction to local authorities :-**

Notwithstanding anything contained in any other law, or in any licence or permit, if the State Government is satisfied either on a recommendation made in this behalf by Corporation or otherwise, that the setting up of an industrial undertaking (whether within an industrial area or outside) is impeded by a local authority's insistence on conditions which the State Government considers unreasonable for the grant of any amenity, the State Government may direct the local authority to grant the said amenity on such conditions as the State Government may consider fit and thereupon the amenity shall be granted:

Provided that the charge to be paid for granting or continuing such amenity to the local authority concerned shall not be less than the cost incurred by the local authority or licensee concerned for providing such amenity:

Provided further that no such direction shall be issued by the State Government without giving the local authority a reasonable opportunity to show cause against the proposed direction.

**43. Restriction on lease per-mission in adjoining areas in certain cases :-**

If any person or Company applies to the Collector or any other competent authority for lease of Government land or for permission to convert Agricultural land into non-agricultural use for setting up of an industrial undertaking or for locating a brick kiln guary or for any other use which may be detrimental to the orderly growth of an industrial area or industrial estate or commercial estate or growth centre and if such Government land or agricultural land is situated within a radius of five kilometres of the outer boundary of the said industrial area or estate, the collector or the competent authority shall not grant such lease or permission without prior consultation with the Corporation:

Provided that where the Collector or the competent authority overrides the objection of the Corporation he shall give reasons therefore in writing to the Corporation, whereupon the Corporation may appeal to the prescribed authority :

Provided further that no action shall be taken on the order of the Collector or the competent authority till such appeal is disposed of:

Provided also that the provisions of this section shall not apply to any village industry, cottage industry or tiny sector industry.

Explanation :--For the purposes of this Section : --

(i) the expression "village industry" and "cottage industry" shall have the same meaning as assigned to them by the Government;

(ii) "tiny sector industry shall mean such industry as may be declared by the State Government from time to time to be a tiny sector industry.

#### **44. Notices etc. to fix reasonable times :-**

Where any notice, order or other document issued or made under this Act, or any rule or regulation made thereunder, requires any things to be done for the doing of which no time is fixed in this Act or the rule or regulation, the notice order, or other document shall specify a reasonable period of time for doing the same or complying therewith.

#### **45. Furnishing of returns, etc. :-**

(1) The Corporation shall furnish to the State Government returns, statistics, reports, accounts and other information with such respect to its conduct of affairs, properties or activities or in regard to any proposed work or scheme as the State Government may from time to time require.

(2) The Corporation shall, in addition to the audit report referred to

the section 27, furnish to the State Government an annual report of its working as soon as may be after the end of each financial year in such form and with such details as may be prescribed and a copy of the annual report shall be placed before the State Legislature as soon as may be after it is received by the State Government.

#### **46. Transfer of rising areas estates and centres to the Corporation :-**

The State Government may by notification and subject to such terms and conditions as may be specified therein, place any industrial area or industrial estate, commercial estate, growth centre established prior to the date of commencement of this Act under the management and control of the Corporation and thereupon the provisions of this Act, shall apply to such industrial area, industrial estate, commercial estate and growth centre as if the industrial areas were declared and the industrial estate, commercial estate and growth centre were established under this Act.

#### **47. Withdrawal of are or estate or part thereof :-**

Where the State Government is satisfied that with respect to any particular industrial estate or industrial area, or any part thereof, the purpose for which the Corporation was established under this Act, has been substantially achieved so as to render the continued existence of such estate or area or part thereof under the Corporation unnecessary, the State Government may, by notification declare that such industrial estate or industrial area or part thereof has been removed from the jurisdiction of the Corporation. The State Government may also make such other incidental arrangement for the administration of such estate or area or part thereof as the circumstances require.

#### **48. Dissolution of Corporation :-**

(1) Where the State Government is satisfied that the purposes for which the Corporation was established under this Act have been substantially achieved so as to render the continued existence of the Corporation in the opinion of the State Government unnecessary, it may, by notification, declare that the Corporation shall be dissolved with effect from such date as may be specified in the notification and the Corporation shall be deemed to be

dissolved accordingly.

(2) From the said date --

(a) all properties, funds and dues which are vested in or realisable by, shall vest in or be realisable by, the State Government;

(b) all liabilities which are enforceable against the Corporation shall be enforceable against the State Government.

#### **49. Authority for prosecution :-**

Unless otherwise expressly provided no Court shall take cognisance of any offence relating to any property belonging to or vested by or under this Act, in the Corporation, punishable under this Act, except on the complaint of, or upon information received from, the Corporation or some person authorised by the Corporation by general or special order in this behalf.

#### **50. Compensation of Offences by Corporation :-**

(1) The Corporation or any person authorised by the Corporation by general or special order in this behalf may, either before or after the institution of the proceedings, compound any offence punishable by or under this Act.

(2) Where an offence has been compounded the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

#### **51. Offences by companies :-**

(1) Whenever an offence under this Act, has been committed by a company, every person who at that time the offence was committed was in charge of or was responsible to the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any



director, manager secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation--for the purposes of this section--

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

## **52. Penalty for obstruction :-**

Any person who obstructs the entry of a person authorised under Section 49 to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Act, shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

## **53. Recovery of dues :-**

Any money payable to the Corporation in respect of which the person liable to pay the same has agreed by a written instrument that it shall be recoverable as a public demand, shall, on an application made by the Corporation in that behalf, be recoverable as such demand.

## **54. Power to make rules :-**

(1) The State Government, may by notification, make rules to carry out the purposes of this Act:

Provided that where the State Government feel it necessary, it shall except on the first occasion of making rules under the section, take into consideration any suggestion made by the Corporation relating to amendment of such rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the fees and allowance payable to the directors of the Corporation;

(b) the conditions of appointment and service and the scale of pay of the Managing Director of the Corporation;

(c) the conditions subject to which the Corporation borrow money;

- (d) the date by which the annual financial statement and programme of work shall be submitted by the Corporation to the State Government and the form and manner of preparing such statement referred to in section 27;
  - (e) the form and the manner of maintaining books accounts and other books under section 28;
  - (f) the form of, and the details to be given in the annual report under section 45;
  - (g) the fees which may be charged by the Corporation;
  - (h) the conditions subject to which the Corporation may dispose of land, buildings and amenities;
  - (i) any other matter which has to be or may be prescribed.
- (3) All rules made by the State Government under an Assam Act shall, as soon as may be after they are made, be laid before the State Legislature, while it is in session, for a total period of not less than fourteen days which may be comprised in one session or two or more successive sessions, and shall unless some later date is appointed, take effect from the date of their publication in the official Gazette subject to such modifications or annulments as the Legislature may, during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

## **55. Power to Make regulation :-**

- (1) The Corporation may, with the previous " approval of the State Government, make regulation consistent with this Act, and the rules made thereunder, to carryout the purposes of this Act and without prejudice to the generality of this power, such regulations may provide for :--
- (a) the time and place of meetings of the Corporation and the procedure to be followed in regard to do the transaction of business of such meetings to be provided;
  - (b) the conditions of appointment and service and the scales of pay of officers and employees of the Corporation other than the Managing Director;
  - (c) deployment of funds of the Corporation and the officers of the Corporation who may operate its accounts;
  - (d) the terms under which the Corporation may dispose of land, buildings and amenities;
  - (e) the additional terms and conditions subject to which lands and building industrial area, industrial estate, commercial estate and

growth centre, may be held or used;

(f) the procedure and conditions of allotment of premises and modification cancellation and recession thereof;

(g) the manner of publication of public notice and the manner of Service of Notices, Orders, Documents of the Corporation;

(h) any matter which has to be or may be provided by regulation

(2) All regulation made by the Corporation under the Act shall as soon as may be after they are made, be laid before the State Legislature, while it is in session, for a total period of not less than fourteen days which may be comprised in one session or two or more successive sessions, and shall, unless, some later date is appointed, take effect from the date of their publication in the Official Gazette subject to such modifications or annulments as the Legislature may, during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder

#### **56. Protection or action taken, in good faith :-**

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

#### **57. Members Officers and Staff of Corporation to be Public Servants :-**

The members of the corporation and the Officers and employee of the Corporation shall, when acting or perporting to act, in pursuance of any of the provisions of this Act be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

#### **58. Effect of Provisions inconsistent with other laws :-**

The provision of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

#### **59. Power to remove doubt and difficulties :-**

If any doubt or difficulty arises in giving effect to the provisions of this Act, State Government may, by order make provision or give such direction not inconsistent with the express provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty and the order of the State

Government, in such cases, shall be final:

Provided that no such order shall be made or direction shall be given after the expiration of a period of two years from the date of commencement of this Act.