

Jaipur Development Authority Act, 1982

25 of 1982

[12 October 1982]

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Jaipur Development Authority Act, 1982

25 of 1982

[12 October 1982]

PREAMBLE

An Act for forming Jaipur City and certain contiguous areas into a Jaipur Region, to provide for the establishment of an Authority for the purpose of planning, co-ordinating and supervising the proper, orderly and rapid development of the Jaipur Region and of executing plans, projects and schemes for such development and to provide for matters connected therewith.

Whereas Jaipur city and areas contiguous to it are being progressively developed and populated, and the necessity is being increasingly felt for forming these areas into Jaipur Region and for setting up of an Authority for the purpose of planning, coordinating and supervising the proper, orderly and rapid development of these areas, in which several Government departments, local authorities

and other organisations are at present engaged within their own jurisdictions; to provide also that such Authority be enabled either itself or through other authority to formulate and execute plans, projects and schemes for the development of Jaipur Region so that housing, community facilities, civic amenities and other infrastructure are properly created for the population of Jaipur Region in the perspective of 2001 A.D. or thereafter including the intermediate stages; and to provide for matters connected with the purposes aforesaid.

1. Published in Rajasthan Gazette Exty. Part IV-A dated 13.10.1982 Page 166.

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

(1) This Act may be called the Jaipur Development Authority Act, 1982.

(2) It shall extend to Jaipur Region Area.

(3) It shall come into force at once.

2. Definitions :-

In this Act, unless the context otherwise requires, -

(1) "agriculture" includes horticulture, fruit growing, seed growing, dairy farming, gardening, forestry, livestock breeding, or the use of land as a nursery, grazing land, or any other use of land which is ancillary to its cultivation or other agricultural purposes and the word "Agricultural shall be construed accordingly;

(2) "amenities" includes roads, bridges, any other means of communication, transport, streets, open spaces, parks, recreational grounds, play grounds, water, gas and electric supply, and source of energy, street lighting, sewerage, drainage, conservancy, public works and such other utilities, services and conveniences as the State Government in consultation with the Authority may, by

notification in the Official Gazette, specify to be an amenity for the purpose of this Act;

(3) "Authority" means the Jaipur Development Authority constituted under Sec. 3;

(4) "building operations" includes rebuilding operations, structural alterations of or additions to buildings and other operations undertaken in connection with the construction of buildings;

(5) "development" with its grammatical variations, means the carrying out of building, engineering, mining or other operations in, or over, or under any land (including land under river, lake or any other water) or the making of any material change in any building or land or in the use of any building or land, and includes re-development and lay-out, and sub-division of any land and also the provision of amenities and projects and schemes for development of agriculture, horticulture, floriculture, forestry, dairy development, poultry farming, piggery, cattle breeding, fisheries and other similar activities, and to develop shall be construed accordingly;

(6) "development area" means the area declared as such under Sub-sec. (1) of Sec. 29 and in which development is proposed to be undertaken within a reasonable period through schemes, projects or otherwise;

(7) "Government" means Government of the State of Rajasthan;

(8) "Jaipur Region" means the areas in the limits of the city, towns, and villages specified in Schedule-I. The State Government may, from time to time, in the notification published in the Official Gazette, amend that Schedule by adding thereto or deleting therefrom any area specified in such notification; and thereupon the modified areas all be the Jaipur Region;

(9) "Land" includes benefits to arise out of land, and things

attached to the earth, or permanently fastened to anything attached to the earth;

(10) "Local authority" means a Municipality or a Panchayat;

(11) "Municipality" means a Municipality established under the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959) in Jaipur Region;

(12) "occupier" includes, -

(a) an owner or any person who, but for a contract, express or implied, is paying or is liable to pay rent to the owner of any building or land; or

(b) any person who is liable to pay to the owner of any land or building, damages for wrongful occupation of the whole or part of any such building or land; and

(c) rent-free occupant of any building or land;

(13) "owner" includes the person who, but for a contract, express or implied, for the time being is receiving or is entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person, or for any religious or charitable institution, the rent or profits of any building or land;

(14) "Panchayat" means-

(i) a Panchayat established under the Rajasthan Panchayat Act, 1953 (Rajasthan Act 21 of 1953) in Jaipur Region; or

(ii) a Panchayat Samiti or Zila Parishad, constituted under the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959

(Rajasthan Act 37 of 1959) in Jaipur Region;

(15) "plan" means a master development plan or a zonal development plan prepared or deemed to be prepared under this Act, and the expression any plan shall be construed accordingly;

(16) "prescribed" means prescribed by rules under this Act;

(17) "public purpose" includes any purpose which is useful to the public or any class or section of the public and the requirement of land reserved or designated in a plan, project or scheme or for any other purpose under this Act;

(18) "regulation " means a regulation made by the Authority under this Act;

(19) "rule" means a rule made by the Government under this Act;

(20) "Tribunal" means Tribunal constituted under the provisions of this Act;

(21) "Zone" means any of the divisions in which Jaipur Region may be divided for the purposes of development under this Act;

(22) words and expressions used in this Act, but not defined herein, shall have the same meanings as assigned to them in the Rajasthan Urban Improvement Act, 1959 (Raj. Act No. 35 of 1959) and the Rajasthan Municipalities Act, 1959 (Raj. Act No. 38 of 1959).

CHAPTER 2 ESTABLISHMENT AND CONSTITUTION OF THE AUTHORITY

3. Establishment of the Jaipur Development Authority :-

(1) As soon as may be, after the commencement of this Act, the State Government shall, by notification in the Official Gazette, establish for the purposes of this Act an Authority to be called "the Jaipur Development Authority" (hereinafter referred to as "the Authority").

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and may sue or be sued by its corporate name aforesaid.

(3) The Authority shall be deemed to be a local authority within the meaning of the term "local authority" as defined in the Rajasthan General Clauses Act, 1955 (Raj. Act No. 8 of 1955).

4. Composition of the Jaipur Development Authority :-

1[(1) The Authority shall consist of the following members, namely:
-

(i) A Chairman, who shall be the Minister-in-charge of Urban Development of the State of Rajasthan, or a nominee of the Governor during Presidents Rule;

(ii) A Vice-Chairman, who shall be the State Minister of Urban Development of the State of Rajasthan, or a nominee of the Governor during Presidents Rule;

(iii) Secretary to the Government, Urban Development and Housing Department;

(iv) Jaipur Development Commissioner (appointed under this Act);

(v) Chairman, rajasthan Housing Board;

(vi) Chief Engineer, Public Health Engineering Department;

(vii) Chief Engineer, Public Works Department;

(viii) District Collector, Jaipur;

(ix) Chief Engineer, Rajasthan State Electricity Board;

(x) Chairman/Administrator, Municipal Council, Jaipur;

(xi) Zila Pramukh of Zila Parishad, Jaipur District;

(xii) Chief Town Planner, Rajasthan; and

(xiii) Non-official members, not exceeding seven, to be nominated by the State Government!;

(2) Besides the members referred to in Sub-sec. (1) the State Government, if it so thinks fit, may also appoint the Chairman of any Functional Board as member of the Authority.

(3) The Chairman of the Authority shall supervise and control all the activities or behalf of the Authority and shall exercise such powers and perform such duties as are conferred on him under this Act and exercise such other powers and perform such other duties as the Authority may, by regulations, from time to time determine.

(4) The Vice-Chairman shall exercise such powers and perform such duties as the Chairman of the Authority may, by order, delegate to him and shall, during the absence of the Chairman, perform the functions and exercise the powers of the Chairman.

(5) The members shall receive such allowances for meeting the personal expenditure in attending the meetings of the Authority or any committee or body thereof or in performing any other functions as members, as may be prescribed.

(6) Where a person becomes or is nominated as a member of the Authority by virtue of holding any office or being a member of the Parliament or State Legislature or any local authority or any other authority, Corporation, Council, Board or body whether incorporated or not, he shall cease to be a member of the Authority as soon as he ceases to be holder of that office or such member, as the case may be.

(7) A member of the Authority, other than ex-officio members, may, at any time writing under his hand addressed to the Chairman, resign his office but shall continue as member until his resignation is accepted by the Chairman.

(8) The term of the non-official members of the Authority nominated under 1[clause (xiii)] of Sub-sec. (1) shall be for a period of 1[two years]:

Provided that in the event of the office of any aforesaid member becoming vacant or reason of death, removal, resignation or otherwise, the vacancy shall be filled up by fresh nomination according to the provisions of 1[Clause (xiii) of Sub-sec. (1)].

1. Substituted, by Raj. 15 of 1989 Pub. in Raj. Gaz. Exty. IV-A dated 5.8.1989 Page 55 (1).

5. Meetings of the Authority :-

(1) The Authority shall meet at least once in six months at such place and at such time as the Chairman may decide; and shall, subject to the provisions of Sec. 6 observe such rules of procedure in regard to the transaction of business at its meeting (including the quorum thereat) as may be laid down by regulations.

(2) The Chairman or in his absence, the Vice-Chairman shall preside at every meeting of the Authority. If for any reason both the Chairman and the Vice-Chairman are unable to attend any meeting, any other member of the Authority, elected by the members thereof, present at the meeting, shall preside.

6. Cessation of membership :-

(1) A member of the Authority, who has or acquires, directly or indirectly any share or pecuniary or other interest in any contract, an, arrangement or proposal entered into, or proposed to be entered into by or on behalf of the Authority, shall cease to be a member of the Authority:

Provided that, a member shall not be deemed to have any such share or interest, by reason only of his being a share holder of a public limited company/concern in any such contract, loan, arrangement or proposal or that he himself or any relation of his, employed by or on behalf of the Authority or he has such share or interest in his capacity as a member of the Authority, or his property, or any property in which he as a share or interest, is or is being acquired or taken on lease by or on behalf of the authority by agreement or according to any law for the time being in force.

(2) If any question arises whether a member of the Authority has become subject the dis-qualifications mentioned in Sub-sec. (1), the question shall be referred for the decision of the State Government and its decision shall be final.

7. Constitution and powers of Executive Committee :-

(1) There shall be an executive Committee of the Authority consisting of the following members namely: -

(i) A Chairman, who shall be the Jaipur Development Commissioner;

(ii) Secretary, Urban Development and Housing or his representative not below the rank of Deputy Secretary;

(iii) Secretary, Jaipur Development Authority (who shall be the Member-Secretary of the Committee);

(iv) Chief Engineer, Public Works Department, Rajasthan;

(v) Chief Engineer, Public Health Engineering Department, Rajasthan;

(vi) Representative of the Rajasthan State Electricity Board not below the rank of a Chief Engineer;

(vii) Managing Director, Rajasthan State Industrial and Investment Corporation Limited;

(viii) General Manager, Rajasthan State Road Transport Corporation;

(ix) Managing Director, Rajasthan Tourism Development Corporation;

(x) Director, Engineering of the Authority;

(xi) Director, Town Planning of the Authority;

(xii) Director, Finance of the Authority;

(xiii) Collector, Jaipur;

(xiv) Superintendent of Police, Jaipur;

(xv) The Commissioner, Municipal Council, Jaipur:

Provided that where an Administrator has been appointed of the Municipality of Jaipur, he shall be the member.

(2) The Executive Committee shall exercise the following powers and perform the following duties, namely: -

(i) organisation of the divisions and operational units of the Authority;

(ii) preparation of drafts of regulations and recommending to the Authority for making them;

(iii) operation of the Jaipur Region Development Fund;

(iv) preparation of projects and schemes;

(v) approval or rejection of tenders for projects and schemes;

(vi) creation of posts under the Authority upto such level as may be determined by regulations;

(vii) borrowing and reborrowing of money required by the Authority;

(viii) investment of surplus money of the Jaipur Region Development Fund;

(ix) making of grants subventions, loans or advances to or sharing

expense with any local or other authority or person for projects and schemes;

(x) institution or withdrawal of legal proceedings on behalf of the Authority;

(xi) delegation of any of its powers and duties to its Chairman or any officer the Authority.

(3) In addition to the powers and duties conferred on it under other provisions (this Act, the Executive Committee shall exercise such other powers and perform such other duties as may be delegated to it by the Authority from time to time.

(4) The Executive Committee shall meet at such place and at such time as may be determined by its Chairman, and shall observe such rules of procedure in regard transaction of business as may be determined by regulations.

8. Appointment of Jaipur Development Commissioner, Directors, Secretary, etc., :-

(1) The State Government shall appoint any of its officer as Jaipur Development Commissioner on such salary and allowances and on such terms and conditions of service as may be determined by the State Government. He shall be the Chief Executive of the Authority and shall supervise and control all its officers and servants, including any officer of Government appointed, from time to time, on deputation to the Authority, or to the Executive Committee, or any other Committee or any Functional Board or any body thereof. He shall be responsible for collection of all sums due to the Authority and payment of all sums payable by it. He shall ensure adequate security of all assets including cash balances of the Authority. Besides the said powers and duties and the powers and duties delegated by the Authority or the Executive Committee or any other Committee or any Functional Board or any body thereof, he shall also exercise the following powers, perform the following

functions and discharge the following duties, namely: -

(i) management and supervision of operational units of the Authority;

(ii) except as otherwise provided, appointment of the staff as per strength sanctioned by the Authority or the Executive Committee, as the case may be, including their removal, dismissal or otherwise punishing them in accordance with the regulations made by the Authority;

(iii) promulgation of internal procedure for management of the Authority;

(iv) administration of Projects and Schemes of the Authority;

(v) grant of any permission required to be given under this Act or refusal thereof on behalf of the Authority;

(vi) calling tenders, scrutinise them and approve or reject them where the value does not exceed rupees one crore and where the value exceeds rupees one crore making recommendation to the Executive Committee;

(vii) executing agreements and entering into contracts for and on behalf of the Authority, and

(viii) all other powers, functions and duties as may be determined by regulations.

(2) To aid and advise the Jaipur Development Commissioner, the State Government shall appoint the following Directors: -

(i) Director, Engineering who shall not be below the rank of Chief

Engineer of civil construction,

(ii) Director, Town Planning, who shall not be below the rank of Chief Town Planner or Chief Town Planner and Architectural Advisor, and

(iii) Director, Finance who shall be not below the rank of Chief Accounts Officer.

(3) The State Government shall appoint a Secretary of the Authority who shall also act as Secretary of the Executive Committee, other Committees, if any, and all Functional Boards. He shall, subject to the control and supervision of the Jaipur Development Commissioner, record the minutes of the proceedings of the Authority, Executive Committee, all Functional Boards, Committees or any body of the Authority, maintain the minute book for the same alongwith all record relevant thereto and shall exercise such powers, perform such functions and discharge such duties as may be delegated to him by the Authority, the Executive Committee, Jaipur Development Commissioner or any Functional Board.

(4) The State Government may also appoint one or more Additional Commissioners and Additional Secretaries to assist the Jaipur Development Commissioner and they shall perform such functions and discharge such duties as may be delegated to them by the Jaipur Development Commissioner.

(5) The officers appointed under Sub-secs. (2), (3) and (4) shall be deemed to be officers of the Authority and their salary and allowances and their terms and conditions of service shall be such as may be determined by the State Government.

9. Determination of strength of the Staff, etc :-

The Authority or in case the powers are delegated by it, the Executive Committee may, from time to time, sanction creation of

posts of all other officers and servants, except the officers referred to in Sec. 8, subordinate to the Authority including Executive Committee, any other Committee, any Functional Board or any other body as it thinks necessary. The conditions of appointment and service and the powers, functions and duties of such officers and servants shall be such as may be determined by regulations.

10. Constitution of Committees :-

(1) The Authority may constitute committees consisting wholly of members of such Authority or partly of members of such Authority and partly of other persons in such manner and for such purposes and functions as may be specified by the Authority by regulations.

(2) The Committees constituted under this section shall meet at such place and at such time, and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations.

(3) The members of the committees may be paid such allowances for meeting the personal expenditure in attending the meetings and for attending to any other work of the committees as may be prescribed.

11. Authentication of orders etc :-

All proceedings of the Authority, the Executive Committee, other Committees and the Functional Boards shall be authenticated by the Signatures of the Chairman of the Authority, the Executive Committee, other Committee, or the Functional Board, as the case may be, or of any member thereof authorised by the Chairman in this behalf and all other orders and instruments of the Authority shall be authenticated by the Jaipur Development Commissioner or by any other officer of the Authority authorised by him in this behalf.

12. Provision for inviting Government and Local Authority Officers to assist for advice :-

The Authority, the Executive Committee, the Jaipur Development

Commissioner or a Functional Board may invite any officer of the State Government or local authority or other authority or any person to attend its meeting or meetings as a special or permanent invitee for the purpose of assisting or advising it on any matter or matters. The officers or the persons so invited may take part in the proceedings, but shall have no right to vote.

CHAPTER 3 CONSTITUTION OF FUNCTIONAL BOARDS

13. Establishment of Jaipur Traffic Control Boards :-

(1) As soon as may be after the Authority is established under Sub-sec. (1) of Sec. 3, the State Government shall, by order, constitute a Functional Board to be called as the "Jaipur Traffic Control Board" under the Authority.

(2) The Jaipur Traffic Control Board shall consist of the following members, namely: -

(i) A Chairman who shall be the Jaipur Development Commissioner;

(ii) Secretary, Jaipur Development Authority;

(iii) Transport Commissioner, Rajasthan;

(iv) General Manager, Rajasthan State Road Transport Corporation;

(v) Chief Engineer, Public Works Department, Rajasthan;

(vi) Chief Engineer, Public Health Engineering Department, Rajasthan;

(vii) Representative of the Rajasthan State Electricity Board, not below the rank of a Chief Engineer;

(viii) Director, Engineering of the Authority;

(ix) Director, Town Planning of the Authority;

(x) Director, Finance of the Authority;

(xi) District Magistrate, Jaipur; (xii) Superintendent of Police, Jaipur;

(xiii) Chairman/Administrator, Municipal Council, Jaipur; and (xiv) two persons to be nominated by the Chairman of the Authority.

(3) The Jaipur Traffic-Control Board shall exercise the following powers and perform the following, duties, namely: -

(i) to prepare a Master Plan for traffic control in Jaipur City and to take steps in a phased manner for its implementation;

(ii) to take steps to modernise the traffic control system;

(iii) to lay down the policy for issuing traffic licenses of light and heavy vehicles;

(iv) to determine policy for one way traffic, to impose restrictions for certain hours on certain kind of traffic on certain roads, to bar certain vehicles on certain roads, to determine parking places, stands stops and cycle ways and other matters connected therewith;

(v) to lay down guidelines for raising sign-signals, barriers and speed breakers;

(vi) to grant permission to any person, Government department

(Central or State), any local authority or any other body to cut the roads for various purposes and to impose conditions thereof;

(vii) to demolish traffic hazards, obstacles and to determine compensation in such cases in accordance with regulations;

(viii) to solicit help of the citizens and associations of repute to advise and raise funds for traffic control and traffic education in accordance with the rules;

(ix) to organise traffic education;

(x) to perform all other activities pertaining to the improvement and control of traffic and such other functions as may be directed by the authority.

14. Constitution and powers of other Functional Boards :-

(1) On the advice of the Authority, the State Government may, from time to time, by order published in the Official Gazette, constitute, (i) a Transport and Communications Board, (ii) a Water Resources Management Board, (iii) a Housing, Urban Renewal and Ecology Board and other Functional Boards for achieving the objects of the Authority with such names as it deems fit to specify, each having membership as provided in Sub-sec. (2).

(2) Each Functional Board constituted by the State Government under Sub-sec. (1) shall consist of a Chairman and such other members (not exceeding five) as may be appointed by the State Government. At least two of the members shall be persons who have special knowledge and experience of the subject to be dealt with by the Functional Board.

(3) The State Government may, if it thinks fit in public interest so to do terminate the appointment of Chairman or any member of any Functional Board constituted under Sub-sec. (1) or reconstitute

the same at any time.

(4) Each Functional Board shall, in respect of the subjects on areas within its purview-

(a) plan, identify projects and schemes, initiate surveys and conduct investigations (either by itself or engaging other agencies as appropriate) and prepare programmes and proposals for investment purposes for the consideration of the Authority, indicating the authorities and agencies to be entrusted with the execution thereof;

(b) advise the Authority, Executive Committee or the Jaipur Development Commissioner;

(c) implement any project or scheme, entrusted to it by the Authority or Executive Committee;

(d) exercise such other powers and perform such other functions and duties as may be delegated to it by the Authority or as may be assigned to it by the Executive Committee or the Jaipur Development Commissioner from time to time.

15. Meetings of the Functional Board :-

(1) All Functional Boards constituted under this Chapter shall meet at such place and at such time as may be determined by its Chairman; and shall observe such rules of procedure in regard to the transaction of business at its meeting as may be determined by regulations.

(2) The members of the Functional Boards may be paid such allowances for meeting the personal expenditure in attending meetings and for attending to any other work of the Board, as may be prescribed.

CHAPTER 4 POWERS AND FUNCTIONS OF THE AUTHORITY

16. Functions of the Authority :-

The main object of the Authority shall be to secure the integrated development of the Jaipur Region and for that purpose the functions of the Authority shall be : -

(a) urban planning including the preparation of Master Development Plan and Zonal Development Plans and carrying out surveys for the purpose and also making alterations therein as may be deemed necessary;

(b) formulation and sanction of the projects and schemes for the development of the Jaipur Region or any part thereof;

(c) execution of projects and schemes directly by itself or through a local authority or any other agency;

(d) to make recommendations to the State Government on any matter or proposal requiring action by the State Government, Central Government, any local Authority or any other authority for overall development of the Jaipur Region;

(e) participation with any other Authority for the development of the Jaipur Region;

(f) co-ordinating execution of projects or schemes for the development of the Jaipur Region;

(g) supervision or otherwise ensuring adequate supervision over the planning and execution of any project or scheme, the expenses of which, in whole or in part are to be met from the Jaipur Region Development Fund;

(h) preparing schemes and advising the concerned authorities,

departments and agencies in formulating and undertaking schemes for development of agriculture, horticulture, floriculture, forestry, dairy development, transport, communication, schooling, cultural activities, sports, medicare, tourism, entertainment and similar other activities;

(i) execution of projects and schemes on the directions of the State Government;

(j) undertaking housing activity in Jaipur Region; provided that the delineation of responsibility for housing between Rajasthan Housing Board and the Authority will be made by State Government effective from the date to be fixed by it;

(k) to acquire, hold, manage and dispose of property, movable or immovable, as it may deem necessary;

(l) to enter into contracts, agreements or arrangements with any person or organisation as the Authority may deem necessary for performing its functions;

(m) to prepare Master Plan for traffic control and management, devise policy and programmes of action for smooth flow of traffic and matters connected therewith;

(n) to perform functions designated by the State Government in the areas of urban renewal, environment and ecology, transport and communication, water energy resource management directly or through its Functional Boards or other departments/agencies as the State Government may specify;

(o) regulating the posting of bills, advertisement hordings, sign-post, and name boards in Jaipur Region or in any part thereof as specified by the Authority;

(p) regulating the reaction or re-erection of buildings and projections, making material alterations therein and providing for open spaces in Jaipur Region or in any part thereof as specified by the Authority;

(q) removing obstructions and encroachments upon public, streets, open spaces and properties vesting in the Government or the Authority;

(r) to do all such other acts and things which may be necessary for or incidental or conducive to, any matters which arise on account of its activity and which are necessary for furtherance of the objects for which the Authority is established; and

(s) to perform any other functions that the State Government may designate in furtherance of the objectives of this Act.

17. No other Authority or person to undertake certain development without permission of the Authority. :-

(1) Notwithstanding anything contained in any law for the time being in force, except with the previous permission of the Authority, no authority or person shall undertake any development within the Jaipur Region of the type as the Authority may from time to time specify, by notification published in the Official Gazette, and which is likely to adversely affect the overall development of the Jaipur Region.

(2) Any authority or person desiring to undertake development referred to in Sub-sec. (1) shall apply in writing to the Authority for permission to undertake such development:

Provided that such person may apply for such permission through the concerned local authority and such local authority shall forward his application to the Authority with its recommendations, if any.

(3) The Authority shall, after making such inquiry as it deems necessary and within sixty days from the receipt of an application under Sub-sec. (2), grant such permission without any conditions or with such conditions as it may deem fit to impose or refuse to grant such permission. If such permission is not granted or refused within sixty days as aforesaid, the applicant may, by a written communication presented in person or through his authorised representative to the Secretary of the Authority or any other officer nominated by him in this behalf, call the attention of the Authority to the omission or neglect in granting or refusing permission, and if such omission or neglect continues for a further period of thirty days from the receipt of such communication, the Authority shall be deemed to have permitted the proposed development and such development may be proceeded with in the manner specified in the application:

Provided that nothing herein contained shall be construed to authorise any person to act in contravention of any provision of this Act or the rules, regulations or order made thereunder, relating to any matters other than the requirement of obtaining permission of the Authority before undertaking or carrying out any improvement under this Act.

(4) Any authority or person aggrieved by the decision of the Authority under Sub-sec. (3), may, within thirty days, appeal against such decision to the State Government whose decision shall be final:

Provided that, where the aggrieved authority submitting such appeal is under the administrative control of the Central Government, the appeal shall be decided by the State Government after consultation with the Central Government.

(5) In case any person or authority does anything contrary to the decision given under this section, the Authority shall have power to pull down, demolish or remove any development undertaken contrary to such decision and recover the cost of such pulling down, demolition or removal from the person or authority concerned.

18. Powers of the Authority to give directions :-

(1) Notwithstanding anything contained in any other law for the time being in force, the Authority may give such directions to any local authority or other authority or person, with regard to the implementation of any project or scheme financed under Sec. 16, as it thinks fit and any such local authority or other authority or person shall be bound to comply with such directions.

(2) Where any direction is given to any Local authority, other authority or person under Sub-sec. (1), such authority or person may, within fifteen days from the date of receipt of such direction, appeal to the State Government against such direction, and the decision of the State Government thereon shall be final.

(3) The Authority shall so exercise the powers of supervision referred to in Clause (g) of Sub-sec. (1) of Sec. 16 as may be necessary to ensure that each project or scheme is executed in the interest of the overall development of the Jaipur Region and in accordance with any plan, project or scheme duly approved under any law for the time being in force or by the State Government.

19. Power of the Authority to require local authority to assume responsibilities in certain cases :-

(1) Where any amenities are provided by the Authority, the authority may assume responsibility for the maintenance of the amenities which have been provided by it, or may require the local authority or any other authority, within whose jurisdiction the area so developed is situated, to assume such responsibility.

(2) The Authority, may also require the local authority or any other authority to make provision for such other amenities as may be specified by it and which have not been provided by the Authority, on such terms and conditions as may be agreed upon and where such terms and conditions cannot be agreed upon, on such terms

and conditions as may be specified by the State Government, in consultation with the local authority or any other authority, as the case may be, and the Authority.

20. Power of the Authority to execute any plan :-

(1) Where the Authority is satisfied that any direction given by it under Sub-sec. (1) of Sec. 18 with regard to any project or scheme has not been carried out by the local authority or other authority or person referred to therein, within the time specified in the direction, or that any such authority or person is unable to fully implement any project or scheme undertaken by it for the development of any part of the Jaipur Region, the Authority may, with the sanction of the State Government itself undertake any works and incur any expenditure for the execution of such projects or implementation of such schemes, as the case may be.

(2) The Authority may also undertake any work in the Jaipur Region in accordance with the Master Development Plan or the Zonal Development Plan or any other project or scheme as the case may be, as may be directed by the State Government and may incur such expenditure as may be necessary for the execution of such work. Such direction may be issued to the Authority only where in the opinion of the State Government-

(a) there is no other suitable authority to undertake such work, or

(b) where there is such an authority but it is unwilling or unable to undertake such work, or

(c) where the Authority has specifically requested the State Government to entrust such work to it.

(3) Where any work is undertaken by the Authority under Sub-sec. (1), it shall be deemed to have, for the purpose of the execution of such work, all the powers which may be exercised by or under any

law for the time being in force by the local authority or other authority or person referred to in Sub-sec. (1).

(4) The Authority may, for the purpose of Sub-secs. (1) and (2), undertake the survey of any area within the Jaipur Region and for that purpose it shall be lawful for any member, officer or servant of the Authority-

(a) to enter in or upon any land to take level of such land;

(b) to dig or bore into the sub-soil;

(c) to mark levels and boundaries by placing marks and cutting trenches;

(d) where otherwise the survey cannot be completed and levels taken and boundaries marked, to cut down and clear away any fence or jungle :

Provided that, before entering upon any land, the Authority shall give notice of its intention to do so in such manner as may be specified in the regulations.

CHAPTER 5 MASTER DEVELOPMENT PLAN AND ZONAL DEVELOPMENT PLANS

21. Civil Survey and preparation of Master Development Plan :-

(1) The Authority with a view to securing planned integrated development and use of land, shall carry out a civic survey of and prepare a Master Development Plan for Jaipur Region.

(2) The Master Development Plan shall precisely define the quality of life that a citizen of Jaipur Region could desirably be expected to

lead in (i) medium range perspective of the year 1991 A.D., (ii) long term perspective of the year 2001 A.D. and thereafter, and (iii) such other intermediate stages, as the State Government may direct, balanced and time targeted development to subserve the needs of the growing city of Jaipur and other areas of Jaipur Region, the net work of public utilities, civic amenities, community facilities, housing, communications and transport, the projects or schemes for conservation and development of natural resources and such other matters as are likely to have a bearing on the integrated development of the Jaipur Region and in particular may provide for-

(i) transport and communications such as roads, highways, railways, canals, international airports, air cargo complexes and bus-service, including their development;

(ii) water supply, drainage, sewerage, sewage disposal and other public utilities, amenities and services, including electricity and gas;

(iii) preservation, conservation and development of areas of natural scenery, city forests, wild life, natural resources and landscaping;

(iv) preservation of objects, features, structures or places of historical, natural, architectural or scientific interest and educational value;

(v) prevention of erosion, provision for afforestation or reforestation, improvement of water front areas, rivers, nallahs, lakes and tanks;

(vi) irrigation, water supply and hydroelectric works, flood control and prevention of water and air pollution;

(vii) educational and medical facilities;

(viii) district business centers, other shopping complexes, export

oriented industrial areas and clearing houses, permanent exhibition centers, cattle fairs and markets;

(ix) games and sports complexes worthy of holding international events;

(x) amusement parks including disney land style complexes, safari parks and other gardens and parks, picnic centers and day amusement including artificial lakes and water reservoirs;

(xi) cultural complexes including theatres, cinemas, rangmanch, studios, recreation centers, conference hall complexes, concert halls, town halls and auditorium;

(xii) tourist complexes including hotels and motels, car hiring services, organised tours and treks;

(xiii) development of satellite towns in Jaipur Region and their appropriate integration with the city of Jaipur including development of new townships;

(xiv) allocation of land for different uses, general distribution and general location of land, and the extent to which the land may be used as residential, commercial, industrial, agricultural, or as forests, or for mineral exploitation or for other purposes;

(xv) reservation of areas for open spaces, gardens, recreation centers, zoological gardens, nature-reserves, animal sanctuaries, dairies and health resorts and other purposes;

(xvi) the re-location of the population or industry from over-populated and industrially congested areas, and indicating the density of population or the concentration of industry to be allowed in any area of Jaipur Region;

(xvii) housing including rural housing;

(xviii) filling up or reclamation of low lying, swampy or unhealthy areas or levelling up of lands;

(xix) re-development and improvement of existing built-up areas;

(xx) planning standards and zoning regulations for different zones including development of "abadi"; and

(xxi) planning for Jaipur Region for management of urban growth and all matters connected therewith and other matters as are consistent with the objective of this Act.

(3) The Master Development Plan may also define the various zones into which the Jaipur Region shall be divided for the purposes of development and indicate the manner in which the development is to be carried-out and the land in each zone is proposed to be used (whether by the carrying out therein development or otherwise) and the stages by which any such development shall be carried out and shall serve as a basic pattern of framework within which the Zonal Development Plans of the various zones may be prepared :

Provided that the Authority may, if so considers necessary in the public interest alter the area of any zone.

22. Zonal Development Plan :-

(1) Simultaneously with the preparation of the Master Development Plan or as soon as may be thereafter, the Authority shall proceed with the preparation of a Zonal Development Plan for each of the zone into which the Jaipur Region may be divided.

(2) A Zonal Development Plan may-

(a) contain the provision for the developmental activities to be carried out as mentioned in Sub-sec. (2) of Sec. 21;

(b) contain a site-plan for the development of the zone and show the approximate locations and extents of land uses proposed in the zone for such things as public buildings and other public works and utilities, roads, housing, recreation, industry, business, markets, schools, hospitals, public and private open spaces and other categories of public and private uses;

(c) specify the standards of population density and building density;

(d) show every area in the zone which may, in the opinion of the Authority, be required or declared for development or re-development; and

(e) in particular, contain provisions regarding all or any of the following matters, namely: -

(i) the division of any site into plots for the erection of buildings;

(ii) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes;

(iii) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;

(iv) the erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and height and character of buildings;

(v) the alignment of buildings on any site;

(vi) the architectural features of the elevation or frontage of any building to be erected on any site;

(vii) the number of residential buildings which may be erected on any plot or site;

(viii) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection of buildings and the person or authority by whom or at whose expense such amenities are to be provided;

(ix) the prohibitions or restrictions regarding erection of shops workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in the locality;

(x) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;

(xi) the restrictions regarding the use of any site for purposes other than erection of building; and

(xii) any other matter which is necessary for the proper development of the zone or any area thereof according to plan and for preventing buildings being erected haphazardly in such zone or area.

23. Procedure to be followed in the preparation and sanction of Plans :-

(1) Before preparing any Plan finally the Authority shall prepare a Plan in draft and publish it by making a copy thereof available for

inspection and publishing a notice in such form and manner as may be determined by regulations inviting objections and suggestions from any person with respect to the draft Plan before such date as may be specified in the notice.

(2) The Authority, shall also give reasonable opportunity to every local authority within whose local limits any land touched by the Plan is situated, to make any representation with respect to the Plan.

(3) After considering all objections, suggestions and representations that may have been received by the Authority, the Authority shall finally sanction the Plan.

(4) Provisions may be made by regulations with respect to the form and content of a Plan and with respect to the procedure to be followed and any other matter, in connection with the preparation and sanction of such Plan.

(5) Notwithstanding anything contained in Sub-secs. (1) to (4), the procedure as laid down in the said sub-sections shall not be required to be followed in case the development of any project or scheme or any improvement thereof, in any zone is to be carried out on any land vested in the Authority.

24. Date of operation of Plan :-

Immediately after a Plan has been sanctioned by the Authority, it shall publish in such manner as may be determined by regulations a notice stating that a Plan has been approved and naming a place where a copy of the Plan may be inspected at all reasonable hours and upon the date of the first publication of the aforesaid notice, the Plan shall come into operation.

25. Subsequent modification of Plans :-

(1) At any time after a Plan has come into operation according to provisions of Sec. 24, the Authority may make any modification to

the Plan as it thinks fit, the modifications, which, in its opinion, do not affect material alterations in the character of the Plan and which do not relate to the extent of land uses or the standards of population density.

(2) The Authority with the approval of the State Government may make any other modifications into the Plan in order to promote planned development of any part of the Jaipur Region in more efficient manner.

(3) Before making any modification to the Plan, Authority shall publish a notice, in such form and manner as may be determined by regulation inviting objections before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Authority.

(4) Every modification made under the provisions of this section shall be published and the modification shall come into operation either on the date of publication or on such date as the Authority may fix by notice published in the Official Gazette whereupon the modified Plan shall come into operation to all intents and for all purposes of this Act.

(5) Upon coming into operation of any modified Plan, reference in any other section except in the foregoing sections of this Chapter, to the Master Development Plan or to the Zonal Development Plan shall be construed as a reference to the Master Development Plan or as the case may be to a Zonal Development Plan as modified under the provisions of this section.

26. Implementation of Plan :-

As soon as may be, on the coming into operation of any Plan, the Authority shall take such action for implementation of the Plan as may be deemed necessary subject to the provisions of this Act.

27. Plans prepared prior to this Act deemed to have been prepared under this Act :-

Any Master Plan or a Zonal Plan prepared under the provisions of any other law in force prior to the commencement of this Act, shall be deemed to have been prepared under the provision of this Act, to which the provisions of the foregoing sections relating to the sanction, modification and operation of a Master Plan/Master Development Plan shall mutatis mutandis apply:

Provided that any Master Plan or Zonal Plan sanctioned for the urban area of Jaipur under any other provisions of law shall cease to operate as soon as a Plan is sanctioned under the provisions of this Act.

28. Review of Plan :-

Notwithstanding anything contained in this Act, if the State Government or the Authority at any time within ten years from the date on which a Plan comes into operation under this Act is of the opinion that the revision of such Plan is necessary, the State Government may direct the Authority to revise or the Authority, may of its own motion undertake revision of such Plan, after carrying out, if necessary, fresh civic survey and preparing an existing land use map of the Jaipur Region, and there upon the foregoing provisions of this Chapter shall, so far as they can be made applicable, apply to the revision of such Plan as those provisions apply in relation to the preparation, publication and sanction of a Plan.

CHAPTER 6 CONTROL OF DEVELOPMENT AND USE OF LAND INCLUDED IN PLANS

29. Declaration of Development Areas :-

(1) As soon as may be after a Plan comes into operation as provided in Sec. 24, the Authority may, by notification in the Official Gazette, declare any area in Jaipur Region to be a development area for the purposes of this Act.

(2) Save as otherwise provided in this Act, the Authority shall not undertake or carry out any development of land in any area which is not a development area.

(3) On or after the date on which notification under Sub-sec. (1) is published in the Official Gazette, no person shall institute or change the use of any land or carry out any development of land without the permission in writing of the Authority except the breaking open of any public street for which the previous permission of the Jaipur Traffic Control Board shall be obtained :

Provided that, no such permission shall be necessary-

(i) for carrying out works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance thereof;

(ii) the carrying out of works in compliance with any order or direction made by any authority under any law for the time being in force;

(iii) the carrying out of works by any authority in exercise of its powers under any law for the time being in force;

(iv) for the carrying out by the Central or the State Government or any local authority of any works-

(a) required for the maintenance or improvement of a highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street;

(b) for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cable telephone or other apparatus;

(v) for the excavation (including wells) made in the ordinary course of agricultural operation;

(vi) for the construction of a road intended to give access to land

solely for agricultural purposes;

(vii) for normal use of land which has been used temporarily for other purposes;

(viii) in case of land, normally used for one purpose and occasionally used for any other purpose, for the use of land for that other purpose on occasions; and

(ix) for use, for any purpose incidental to the use of a building for human habitation of any other building or land attached to such building.

30. Power of revocation and modification of permission to development :-

(1) If it appears to the Authority that it is expedient, having regard to the Plan prepared or under preparation that any permission to develop land granted under this Act or any other law, should be revoked or modified, the Authority may, after giving the person concerned an opportunity of being heard against such revocation or modification, by order, revoke or modify the permission to such extent as appears to it to be necessary:

Provided that-

(a) where the development relates to the carrying out of any building or other operation, on such order shall affect such of the operations as have been previous carried out; or shall be passed after these operations have substantially progressed or have been completed;

(b) where the development relates to a change of use of land, on such order shall be passed at any time after the change has taken place.

(2) Where permission is revoked or modified by an order made under Sub-sec. (1) and any owner claims within the time and in the manner prescribed, compensation for the expenditure incurred in carrying out development in accordance with such permission which has been rendered abortive by the revocation or modification, the Authority shall, after giving the owner reasonable opportunity of being heard by the officer, appointed by it in this behalf and after considering his report, assess and offer reasonable compensation to the owner.

(3) If the owner does not accept the compensation and gives notice, within thirty days of his refusal to accept, the Authority shall refer the matter for the adjudication of the Tribunal and the decision of the Tribunal shall be final and the binding on the owner and the Authority.

31. Penalty for un-authorised development or for use otherwise than in conformity with the Plan :-

(1) Any person who, whether at his own instance or at the instance of any other person commences, undertakes or carries out development or institutes, or changes the use of any land -

(a) without permission required under this Act; or

(b) which is not in accordance with any permission granted or in contravention of any condition subject to which such permission has been granted; or

(c) after the permission for development has been duly revoked; or

(d) in contravention of any permission which has been duly modified; shall, on conviction, be punished with fine which may extend to five thousand rupees, and in the case of a continuing offence with a further fine which may extend to one hundred

rupees for every day during which the offence continues after conviction for the first commission of the offence.

(2) Any person who continues to use or allows the use of any land or building in contravention of the provisions of a Plan without being allowed to do so under Sec. 17 or where the continuance of such use has been allowed under that section continues such use after the period for which the use has been allowed or without complying with the terms and conditions under which the continuance of such sue is allowed, shall, on conviction be punished with fine which may extend to two thousand rupees; and in the case of a continuing offence, with a further fine which may extend to one hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

32. Power to require removal of un-authorised development
:-

(1) Where any development of land has been carried out as indicated in Sub-sec. (1) of Sec. 31, the Authority may, subject to the provisions of this sections, within three years of such development, serve on the owner a notice requiring him, within such period, being not exceeding one month, as may be specified therein after the service of the notice, to take such steps as may be specified in the notice-

(a) in case specified in Clause (a) or (c) of Sub-sec. (1) of Sec. 31 to restore the land to its condition existing before the said development took place;

(b) in cases specified in Clause (b) or (d) of Sub-sec. (1) of Sec. 31 to secure compliance with the conditions or with the permission as modified.

Provided that, where the notice requires the discontinuance of any use of land the Authority shall serve a notice on the occupier also.

(2) In particular, such notice may, for purposes of Sub-sec. (1), requires-

(a) the demolition or alteration of any building or works;

(b) the carrying out on land of any building or other operations; or

(c) the discontinuance of any use of land.

(3) Any person aggrieved by such notice may, within the period specified in the notice and in the manner determined by regulations, apply for permission under Sec. 18 for retention on the land of any building or works or for the continuance of any use of the land, to which the notice relates, and pending the final determination or withdrawal of the application, the mere notice itself shall not affect the retention of building or works or the continuance of such use.

(4) The foregoing provisions of this Chapter shall, so far as may be applicable, apply to an application made under Sub-sec. (3).

(5) If the permission applied for is granted, the notice shall stand withdrawn; but if the permission applied for is not granted, the notice shall stand; or if such permission is granted for the retention only of some buildings, or works, or for the continuance of use of only a part of the land, the notice shall stand withdrawn as respects such buildings or works or such part of the land, but shall stand as respects other buildings or works or other parts of the land, as the case may be; and thereupon, the owner shall be required to take steps specified in the notice under Sub-sec. (1) as respects such other buildings, works or part of the land.

(6) If within the period specified in the notice or within the same period after the disposal of the application under Sub- sec. (4), the notice or so much of it as stands is not complied with, the Authority may-

(a) prosecute the owner for not complying with the notice and where the notice requires the discontinuance of any use of land, any other person also who uses the land or causes or permits the land to be used in contravention of the notice; and

(b) where the notice requires the demolition or alteration of any building or works or carrying out of any building or other operations, itself cause the restoration of the land to its condition before the development took place and secure compliance with the conditions of the permission or with the permission as modified by taking such steps as the Authority may consider necessary including demolition or alteration of any building or works or carrying out of any building or other operations; and recover the amount of any expenses incurred by it in this behalf from the owner as arrears of land revenue.

(7) Any person prosecuted under Clause (a) of Sub-sec. (6) shall, on conviction, be punished with fine which may extend to five thousand rupees; and in the case of a continuing offence, with a further fine which may extend to one hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

33. Power to stop un-authorised development :-

(1) Where any development of land as indicated in Sub-sec. (1) of Sec. 31 is being carried out but has not been completed, the Authority may serve on the owner and the person carrying out the development, a notice requiring the development of land to be discontinued from the time of the service of the notice; and thereupon, the provisions of Sub-secs. (3), (4), (5) and (6) of Sec. 32 shall, so far as may be applicable, apply in relation to such notice, as they apply in relation to notice under Sec. 32.

(2) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, after such notice has been served shall, on conviction, be

punished with fine which may extend to five thousand rupees; and when the non-compliance is a continuing one, with a further fine which may extend to one hundred rupees for every day after the date of the service of the notice during which the non-compliance has continued or continues.

(3) Notwithstanding anything contained in this chapter, where any person continues to carry out unauthorised development after receiving a notice under Sub-sec. (1), the Authority or any officer authorised by it in this behalf, shall, in addition to any prosecution or other proceedings or action that may be initiated under this Act, have the power to require any Police Officer to remove the person by whom the erection of the building has been continued and all his assistants and workmen from the place of the unauthorised development within such time as may be specified in the requisition and such Police Officer shall comply with the requisition accordingly. In addition to such removal of persons, the Authority may also confiscate such construction materials, tools, etc. which such person was using for unauthorised development.

(4) After a requisition order under Sub-sec. (3) has been complied with, any person or his assistants and workmen subsequently continuing unauthorised development shall, on conviction, be punishable under Sec. 71 of this Act, in addition to the action under Sub-sec. (3).

(5) No compensation shall be claimed by any person for any damage which he may sustain in consequence of the discontinuation of the unauthorised development under this Act.

34. Removal or discontinuance of un-authorised temporary development summarily :-

(1) Notwithstanding anything herein before contained in this Chapter, where any person has carried out any development of a temporary nature unauthorisedly as indicated in Sub-sec. (1) of Sec. 31, the Authority may, by an order in writing direct that person to remove any structure or work erected, or discontinue the

use of land made, unauthorisedly as aforesaid, within fifteen days of the receipt of the order; and if thereafter, the person does not comply with the order within the said period, the Authority or any officer authorised by it in this behalf may get such work summarily removed or get such use summarily discontinued without any notice as directed in the order; and any development unauthorisedly made again shall similarly be summarily removed or discontinued without making any order as aforesaid:

Provided that standing crops shall not be summarily removed and reasonable period not exceeding six months shall be allowed to the person concerned by the Authority for the crop to be cut and gathered.

(2) The decision of the Authority on the question of what is development of a temporary nature shall be final.

35. Power to require removal of authorised development or use :-

(1) If it appears to the Authority that it is expedient in the interest of proper planning of its areas (including the interest of amenities) having regard to the Plan prepared, -

(a) that any use of land should be discontinued, or

(b) that any conditions should be imposed on the continuance thereof, or

(c) that any building or works should be altered or removed, the Authority may, by notice served on the owner, -

(i) require the discontinuance of that use; or

(ii) impose such conditions as may be specified in the notice on the

continuance thereof; or

(iii) require such steps, as may be specified in the notice to be taken for the alteration or removal of any building or works, as the case may be, within such period, being not less than one month, as may be specified therein, after the service of the notice.

(2) Any person aggrieved by such notice may, within the said period and in the manner prescribed, appeal to the Tribunal.

(3) On receipt of an appeal under Sub-sec. (2), the Tribunal may, after giving a reasonable opportunity of being heard to the appellant and the Authority, dismiss the appeal or allow the appeal by quashing or varying the notice as it may think fit.

(4) If any person, -

(i) who has suffered damage in consequence of the compliance with the notice by the depreciation on any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land or otherwise; or

(ii) who has carried out any works in compliance with the notice, claims, from the Authority, within the time and in the manner prescribed, compensation in respect of that damage, or of any expenses, reasonably incurred by him for complying with the notice, then the provisions of Sub-secs. (2) and (3) of Sec. 30 shall apply in relation to such claim as those provisions apply to claims for compensation under those provisions.

36. Sanction for sub-division of plot or layout of private street :-

(1) Every person who intends to sub-divide his land or his plot or make or lay-out a private street on such land or plot on or after the date of the publication of the draft plan in the Official Gazette

under Sec. 23 shall submit the intended layout plan for such purpose together with such particulars as may be determined by regulations to the Authority for sanction.

(2) The Authority may, within the period specified in the regulations, sanction such plan either without modifications or subject to such modifications or conditions as it considers expedient or may refuse to give sanction, if the Authority is of opinion that such division or laying out of street is not in any way consistent with the proposals of the plan.

(3) No compensation shall be payable for the refusal of a sanction or for the imposition of modifications or conditions in the sanction.

(4) If any person does any work in contravention of Sub-sec. (1), or in contravention of the modifications or conditions in any sanction given under Sub-sec.(2) or inspite of refusal of sanction under the said Sub-sec. (2), the Authority may direct such person by notice in writing to stop any work in progress and after making an inquiry in the manner determined by regulations remove or pull down any work or restore the land to its original condition.

CHAPTER 7 PROJECTS AND SCHEMES

37. Recovery of expenses incurred :-

Any expenses incurred by the Authority under Secs. 32, 33, 34, 35 and 36 shall be a sum due to the Authority under this Act from the person in default or the owner of the land or plot and shall be recovered as arrears of land revenue.

38. Making and Contents of Projects and Schemes :-

(1) Subject to the provisions of this Act or any other law for the time being in force, the Authority for the purpose of implementing the proposals in any plan may make such projects and schemes for the integrated development of Jaipur Region or any part thereof, as may be considered necessary.

(2) A project or scheme may make provisions for all or any of the following matters, namely: -

(i) any of the matters specified in Secs. 21 and 22;

(ii) acquisition, development, reservation and sale or leasing of land for purpose of public utilities such as roads, streets, open spaces, parks, gardens, recreation and play grounds, hospitals, dispensaries, educational institutions, green-belts, dairies housing development, development of markets, shopping centers, commercial complexes, cultural centers, administrative centers, transport facilities and public purposes of all kinds;

(iii) acquisition, laying-out or relaying out of land either vacant or already built upon, re-building or re-locating areas which have been badly laid out or which have developed or degenerated into a slum or kachhi basti, the filling up or re-clamation of low lying, swampy or un-healthy areas or levelling up of land;

(iv) acquisition and development of areas for commercial, industrial, transportation, agricultural mandies and other similar purposes;

(v) acquisition of land and its development for the purpose of laying out or re-modelling of roads and streets pattern, lay out of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads and discontinuance of communications;

(vi) re-construction of plots for the purpose of buildings, roads, drainage inclusive of sewerage, surface or subsoil drainage, sewerage disposal and other similar amenities;

(vii) the construction, alteration and removal of buildings, bridges and other structures;

(viii) lighting and water supply;

(ix) the preservation of objects of historical or national interest or natural beauty and of buildings actually used for religious purposes;

(x) the reservation of land in any scheme to such extent as may be provided by regulations for the purpose of providing housing accommodation to the members of Scheduled Castes, Scheduled Tribes, backward classes and weaker sections of the society,

(xi) the imposition of conditions and restrictions in regard to the open space to be maintained around buildings, the percentage of building area for a plot, the number, size, height and character of buildings allowed in specified areas the purposes to which buildings specified areas may or may not be appropriated, the or sub-division of plots, the discontinuance of objectionable uses of lands in any area in specified periods, parking space and loading and unloading space for any building and the sizes or locations of projections, advertisement signs and hordings;

(xii) the suspension, so far as may be necessary, for the proper carrying out of the schemes, of any rule, bye-law, regulation, notification or order made or issued under any law for the time being in force which the legislature of the State is competent to make:

Provided that any suspension under this clause shall cease to operate in the event of the withdrawal of the scheme or on the coming into force of the final Scheme;

(xiii) any other work of a nature such as would bring about environmental improvements which may be taken up by the Authority and all such other matters not inconsistent with the objects of this Act.

(3) The draft project or scheme shall contain the following

particulars, namely: -

(a) the area, ownership and tenure of each original plot;

(b) the particulars of land allotted or reserved under Clause (ii) of Sub-sec. (2) with a general indication of the uses to which such land is to be put and the terms and the conditions subject to which such land is to be put to such uses;

(c) the extent to which it is proposed to alter the boundaries of original plots;

(d) the estimate of the net cost of the scheme to be borne by the appropriate authority;

(e) a full description of all the details of the scheme under Sub-sec. (2) as may be applicable;

(f) the laying out or relaying out of land either vacant or already built upon;

(g) the filling up or reclamation of low laying; swampy or unhealthy areas or levelling up of land; and

(h) any other particulars as may be determined by regulations.

39. Preparation of Projects and Schemes :-

(1) The Authority, may, by resolution, declare its intention to prepare a project or scheme as provided in Sec. 38 in any development area.

(2) No later than thirty days from the date of such declaration of

intention to make such project or scheme, the Authority shall publish the declaration in the Official Gazette and in such other manner as may be determined by regulations.

(3) Not later than two years from the date of publication of the declaration under Sub-sec. (2) the Authority shall prepare a project or scheme in draft form and publish it in such form and manner as may be determined by regulations together with a notice inviting objections and suggestions from any person with respect to the said draft project or scheme before such date as may be specified therein, such date being not earlier than thirty days from the date of publication of such notice.

(4) The Authority shall consider all the objections and suggestions as may be received within the period specified in the notice under Sub-sec. (3) and shall, after giving a reasonable opportunity to such persons affected thereby as are desirous of being heard, approve the draft project or scheme as published or make such modifications, as it may deem fit.

(5) Immediately after a project or scheme is approved under Sub-sec. (4) with or without modifications, the Authority shall publish in the Official Gazette and in such other manner as may be determined by regulations a final project or scheme and specify the date on which it shall come into operation.

(6) Notwithstanding anything contained in the foregoing sub-sections, the procedure as laid down therein shall not be required to be followed in case the project or scheme is to be carried out on any land vested in the Authority and no demolition of any building or removal of persons living thereat is involved in its execution.

40. Restrictions on use and development of land after declaration of a Scheme :-

(1) On or after the date on which a draft scheme is published under Sec. 39, no person shall, within the area included in the project or

scheme, institute or change the use of any land or building or carry out any development, unless such person has applied for and obtained the necessary permission for doing so from the Authority in accordance with the regulations made in this behalf:

Provided that it shall be lawful for any person to undertake such development within the village abadi limits in accordance with the permission granted by the local panchayat so far as such permission is consistent with such draft scheme or schemes.

(2) The provisions of Chapter VI shall be applicable mutatis mutandis for the project or scheme approved under Sub-sec. (4) of Sec. 39.

41. Lapse of Scheme :-

If the Authority fails to implement the project or scheme approved under Sub-sec. (4) of Sec. 39 within a period of five years from the date of publication thereof under Sub-sec. (5) of Sec. 39, it shall, on the expiration of the said period of five years, lapse.

42. Modification or withdrawal of Project or Scheme :-

(1) The Authority after making such inquiry as it may deem fit, may, if it is of the opinion that it is necessary or expedient so to do, by notification published in the Official Gazette, declare that the project or scheme approved under Sub-sec. (4) of Sec. 39, is withdrawn and upon such declaration, no further proceedings, shall be taken in regard to such project or scheme.

(2) If the Authority, after approval of any project or scheme under Sub-sec. (4) of Sec. 39, at any time, considers it necessary to make certain modifications therein, which in its opinion do not effect material alteration in the character of the project and scheme, may make suitable modifications.

CHAPTER 8 ACQUISITION AND DISPOSAL OF LAND

43. Saving to any Project or Scheme :-

Notwithstanding anything contained in any provisions of this Act or in any plan sanctioned under it, the Authority shall be at liberty to make and carry out any project or scheme not covered by the said plan if in the opinion of the Authority, it is necessary to do so or expedient in public interest, and the said plan shall be deemed to be modified to that extent.

44. Power to purchase or lease by agreement :-

The Authority may enter into an agreement with any person, for the purchase, leasing or exchange by the Authority from such person, of any land which the Authority is authorised to acquire or any interest in such land.

45. Power to State Government to acquire land :-

(1) Where, on any representation from the Authority, it appears to the State Government that, in order to enable the Authority to perform any of its functions or to discharge any of its duties or to exercise any of its powers, or to carry out any of its projects or schemes or development programmes, it is necessary that any land in any part of the Jaipur Region should be acquired, the State Government may acquire the land ¹[under and in accordance with the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894)].

²[xxx]

1. Substituted by Raj. 30 of 1987. Pub. in Raj. Gaz. Exty. Pt. IV-A dated 5.11.1987.

2. Omitted by Raj. 30 of 1987. Ibid

46. Possession to be made available to the Authority :-

¹[Where any land is taken possession of, the State Government shall make that land available to the Authority for the purpose of performing its functions, discharging its duties and exercising its powers].

1. Substituted by Raj. 30 of 1987. Pub. in Raj. Gaz. Exty. Pt. IV-A

dated 5.11.1987.

47. xxx xxx xxx :-

Deleted

48. xxx xxx xxx :-

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49. xxx xxx xxx :-

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50. xxx xxx xxx :-

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51. xxx xxx xxx :-

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52. xxx xxx xxx :-

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53. xxx xxx xxx :-

Deleted

¹Sec. 47. to 53.-Deleted

1. Section 47 to 53 Deleted by Raj. 30 of 1987, Pub. in Raj. Gaz. Exty. Pt. IV-A dated 5.11.1987.

54. Land to vest in the Authority and its disposal :-

(1) Notwithstanding anything contained in the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956), the land as defined in Sec. 103 of that Act, excluding land referred to in Sub-clause (ii) of Clause (a) of the said section and Nazul Land placed at the disposal of a local authority under Sec. 102-A of that Act in Jaipur Region shall, immediately after establishment of the Authority under Sec. 3 of this Act, be deemed to have been placed at the disposal of and vested in the Authority which shall take over such land for and on behalf of the State Government and may use the same for the purposes of this Act and may dispose of the same *(by way of allotment, regularisation or auction) subject to such conditions and restrictions as the State Government may, from time to time, lay down and in such manner, as it may, from time to time, prescribe:

Provided that the Authority may dispose of any such land-

(a) without undertaking or carrying out any development thereon;
or

(b) after undertaking or carrying out such development as it thinks fit, to such person, in such manner and subject to such covenants and conditions, as it may consider expedient to impose for securing development according to plan.

(2) No development of any land shall be undertaken or carried out except by or under the control and supervision of the Authority.

(3) If any land vested in the Authority is required at any time thereafter by the State Government, the Authority shall, by notification in the Official Gazette place it at the disposal of the State Government upon such terms and conditions as may be agreed upon between the State Government and the Authority.

(4) All land acquired by the Authority, or by the State Government and transferred to the Authority, shall be disposed of by the Authority in the same manner as may be prescribed for land in Sub-sec. (1).

*. Inserted by Act No. 21 of 1999 Pub in Raj. Gaz. Pt. IV-A dated 11.10.99 (deemed to be effective from 17.6.99).

54A. Transitory provisions for pending matters relating to acquisition of land :-

¹[(1) Notwithstanding anything otherwise contained in Sub-sec. (1) of Sec. 45, where, in any matter relating to the acquisition of land pending between 24th day of September, 1984 and 31st day of July, 1987, an action, thing or order has been taken, done or made under and in accordance with the provisions of this Act, as it stood before the first day of August, 1987, such action, thing or order shall not be reopened or reviewed or be liable to be challenged on

the ground that such action thing or order was at variance with that provided for in the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter in this section referred to as The Land Acquisition Act) subject, however, that any, further proceeding action or order in such matter conducted, taken or made on or after the first day of August, 1987, shall, subject to the other provision of this section, be made under and in accordance with the Land Acquisition Act.

1. Substituted. by Raj. 4 of 1995. Pub. in Raj. Gaz. Exty. Pt. VI-A dated 3.4.1995 P. 1.

54B. Allotment, regularisation etc. of certain Land :-

*[(1) All lands which are deemed to have been placed at the disposal of the Authority, under Sec. 90-B of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956) upon resumption or surrender of tenancy rights and interest of khatendars thereof, as the case may be, shall be available for allotment, or regularization, preferably to the persons having possession over such land or part thereof, as the case may be, on the basis of allotment made or Patta given to them by the Housing Co-operative Society or on the basis of any other document of transfer of land to them either by tenant or any other person claiming through the tenant, whose tenancy rights have been resumed or surrendered, under the said provision on such terms and conditions and subject to payment to the Authority of such charges or premium or both, as the case may be, and at such rates as may be prescribed by the State Government in this behalf:

Provided that no allotment or regularisation of any land shall be made which has been duly earmarked for public utilities/services such as park, nursery, civil or military aviation, bus stand, transport terminal, railways, public roads, highways, footpath, sewage lines, water supply, electricity supply, telephone lines, hospital, school, educational institution, university, cremation ground, grave-yard and such other purposes as the State Government may specify by notification in the Official Gazette.

(2) The charges realised under sub-sec.

(1) shall be credited to the Consolidated Fund of the State and to the fund of the Authority as may be determined by the State Government."

(2) The amount of compensation or interest or that Payable for another reason, shall in a matter pending on the first day of August, 1987, be payable under and in accordance with the provisions of the Land Acquisition Act and the money paid prior to the first day of August, 1987, shall be deducted from or adjusted against the said amount.

(3) Where in a matter pending on the first day of August, 1987, a notice under Sub-sec. (2) of Sec. 45 or a notification under Sub-sec. (1) thereof has been issued or, as the case may be published such notice or notification shall be deemed to be notification or declaration published or made under Sub-sec. (1) of Sec. 4 or, as the case may be, under Sub-sec. (1) of Sec. 6 of the Land Acquisition Act and the declaration or award in such matter shall be made within a period of one year or as the case may be, two years from the first day of August, 1987.

(4) Where any land has, prior to the first day of August, 1987, vested in the State Government or its possession has been taken in accordance with the provisions of this Act, as it stood before the first day of August, 1987, such vesting or possession of land shall not be liable to be challenged on the ground that no amount of compensation was tendered and paid in accordance with Sub-sec. (3-A) of Sec. 17 of the Land Acquisition Act, subject, however, that such amount shall be tendered and paid within a period of six months from the first day of August, 1987.

(5) In determining the amount of compensation to be awarded in a matter pending on the first day of August, 1987, the market value of the land at the date on which the notice was published in the Official Gazette under Sub-sec. (2) of Sec. 45, as it stood before first day of August, 1987, shall be taken into consideration.

(6) An appeal preferred to the Tribunal under Sub-sec. (6) of Sec. 48 or a dispute referred to the Tribunal under Sub-sec. (2) of Sec. 49 or a deposit of amount made in the Court of the District Judge under Sub-sec. (2) of Sec. 50 and pending decision or disposal on the first day of August, 1987 shall be dealt with having regard to the provisions of the Land Acquisition Act.

(7) Where in a matter pending on the first day of August, 1987, the amount of compensation payable under the provisions of this Act, as it stood before the first day of August, 1987, is higher than that payable under the Land Acquisition Act, the owner of the land and the persons interested therein shall be entitled to claim the higher amount).

*. Inserted by Act No. 21 of 1999 Pub in Raj. Gaz. Pt. IV-A dated 11.10.99 (deemed to be effective from 17.6.99).

CHAPTER 9 FINANCE, BUDGET AND ACCOUNTS

55. Funds of the Authority :-

(1) There shall be a fund for the Authority to be called "The Jaipur Region Development Fund" (herein after referred to as Fund), to which shall be credited all moneys received by the Authority, including-

(a) such amount of contribution to be made by the State Government yearly or in such installments in each year as it may determine in accordance with the schemes included in the State Plan and under appropriation duly made in this behalf, which contribution shall be utilised by the Authority for the development of Jaipur Region;

(b) contribution to be made by the State Government in the first instance of a sum equivalent to rupees one crore toward a revolving fund to be established by the Authority,

(c) such other moneys as may be paid to the Authority by the State

Government, Central Government or any other authority or agency by way of grants, loans, advances or otherwise;

(d) 50% share of the proceeds of tax recovered on land and buildings situated within the Jaipur Region in accordance with provisions of the Rajasthan Lands and Buildings Tax Act, 1964 (Raj. Act No. 18 of 1964);

(e) income derived from premium on second and subsequent sale of vacant land;

(f) income from levy on vacant land;

(g) all fees, costs and charges received by the Authority under this Act or any other law for the time being in force;

(h) all moneys received by the Authority from the disposal of land, building and other property, movable and immovable and other transactions, including lease money, urban assessments, development charges and other similar charges recovered from plot holders;

(i) all moneys borrowed by the Authority including loans to be raised from the financing institutions;

(j) all moneys received by the Authority by way of rents and profits or in any other manner or from any other source; and

(k) all donations to be received by the Authority.

(2) The Authority may keep in current or deposit account with any Scheduled Bank or any Co-operative or other Bank approved by the State Government in this behalf, such sum of money out of its Fund as may be determined by the Authority and any money in excess of the said sum shall be invested in such manner as may be

determined by regulations.

(3) Such accounts shall be operated upon by the Jaipur Development Commissioner or by such other officer of the Authority as may be authorised by it by regulations made in this behalf.

56. Loans Fund :-

(1) As a part of the Fund, the Authority shall establish in distinct Bank accounts a Loans Fund for the purposes of (a) receiving all moneys borrowed by it including all repayments of loan installments together with payment of interest made by the borrower on loans, (b) providing all moneys to be made available by the Authority as loans or advances to local authorities and other authorities or persons, (c) repayment of loans raised by the Authority for the purposes of this Act, and (d) expenditure on projects and schemes.

(2) All matters connected with the Loans Fund shall be governed by the regulations made in this behalf.

57. Reserve and other Funds :-

(1) The Authority shall make provisions for a reserve fund and may provide for other specially denominated funds as it deems fit.

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

58. Application of Funds, etc :-

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

59. Power of the Authority to borrow :-

The Authority may, with the previous approval of the State Government, borrow any money for carrying out the purposes of this Act or for servicing any loan obtained by it, at such rates and on such conditions as the State Government may determine at the time money is borrowed.

60. Power of the Authority to finance project and schemes and impose conditions therefor :-

The Authority shall be competent to give grants, advances or loans to, or to share expenses with, any local authority or other authority in Jaipur Region, or any Government Department or any person, for any of the purposes of Sec. 16 and notwithstanding anything contained in any law for the time being in force, it shall be lawful for such local authority, other authority, Government Department or any person to accept such grants, advances or loans or share in the expenses, subject to such terms and conditions as the Authority may, from time to time, in consultation with such local authority, other authority, Government Department or any person, as the case may be, specify.

61. State guarantee to loans taken or given by Authority :-

The State Government may guarantee repayment of the principal of, and interest on, any loan raised or given by the Authority or transferred to it, for the purposes of this Act, subject to such conditions as the State Government may think fit to impose.

62. Accounts and Audit :-

(1) The Authority shall keep accounts in such form and in such manner, as it may, be regulations made in this behalf, determine.

(2) The Accounts of the Authority shall be subject to audit by the Examiner, Local Fund Audit in accordance with the provisions of the Rajasthan Local Fund Audit Act, 1954 (Rajasthan Act XXVIII of 1954).

(3) The Authority shall pay from the Fund such charges for the

audit as may be prescribed.

63. Budget :-

(1) The Director, Finance of the Authority shall prepare, every in such form and at such time as may be determined by regulations, an annual budget estimate in respect of the financial year next ensuing, showing the estimated receipts and disbursements of the Authority to the Jaipur Development Commissioner who shall after making such modifications as he deems fit, submit it to the Authority for approval.

(2) The Jaipur Development Commissioner shall forward to the State Government copies of the budget approved by the Authority.

64. Annual Report :-

The Authority shall prepare after the end of each year (ending on the 31st day of March), a report of its activities during the previous year and submit it to the State Government before the 30th day of September. The State Government shall cause to be laid on the table of the House of the State Legislature such annual report including the statement of accounts.

CHAPTER 10 POWER TO LEVY CERTAIN CHARGES

65. Power to levy certain charges :-

The Authority shall levy at such rate and from such date as the State Government may direct by notification in the Official Gazette, and in such manner as may be prescribed by the State Government in this behalf, the following charges, namely: -

(a) a premium on second or subsequent sale of vacant land in Jaipur Region;

(b) an annual levy on vacant land in Jaipur Region; and

(c) conversion charges for conversion of the use of land from

residential purpose to commercial or any other purpose.

Explanation. - The expression "vacant land" used in this Chapter shall mean all land allotted or sold by the State Government, the Authority, or any local authority on lease hold basis or land owned or held otherwise and on which no building has been constructed or if any building has been constructed, the covered area is less than 1/5th of the total area of the land.

66. Restrictions on the registration of sale deeds, etc :-

Notwithstanding anything contained in any other law for the time being in force, when any document required to be registered under the provisions of Clauses (a) to (e) of Sub- sec. (1) of Sec. 17 of the Indian Registration Act, 1908 (Central Act XVI of 1908), purports to transfer by way of sale or lease any vacant land, no registering officer appointed under that Act shall register any such document unless the transferor produces before such registering officer evidence to show that he has paid the premium levied by the Authority as provided under Clause (a) of Sec. 65.

67. Urban assessment (ground rent) to be credited to the fund of the Authority :-

(1) The Authority shall recover the urban assessment or ground rent from the plot-holders on the land or plot sold on lease hold basis by the State Government or the Authority or any local authority at such rates and in such manner as may be prescribed.

(2) The urban assessment or ground rent recovered under Sub-sec. (1) shall be deposited in the Fund of the Authority.

68. Authority may charge fee for certain licenses or permission :-

When any license is granted by the Authority under this Act or when any permission is given by it for any of the purposes of this Act, the Authority may charge a fee for such license or permission as may be determined by regulations.

CHAPTER 11 PROSECUTIONS, SUITS AND POWERS OF POLICE

69. Penalty for un-authorized obstruction :-

Whoever,-

(i) obstructs the entry of any person empowered under Sec. 85 to enter into or upon any land or building in any part of the Jaipur Region for the purposes mentioned in that section; or

(ii) molests such person as aforesaid after such entry; or

(iii) resists, obstructs or molests any member or employee of the Authority or any employee of the Government in the exercise of any power conferred on, or in the discharge of any duty imposed upon, or in the performance of any function entrusted to, the Authority or the Government or such member, or employee of the Authority or any employee of the Government; or

(iv) obstructs or molests any person with whom the Authority or the Government or an officer of the Government, has entered into a contract or obstructs or molests a servant of the Authority, who may be lawfully engaged in doing anything, in connection with the discharge of the duties or performance of the functions of the Authority or of the Government or of an officer appointed by it, under this Act; shall be punishable with fine which may extend to one thousand rupees or with imprisonment for a term which may extend to six months, or with both.

70. Penalty for removing fence, etc. set up for the purposes of carrying out any work :-

If any person without lawful authority, -

(a) removes any fence, or any timber used for propping or supporting any building, wall or other things, or extinguishes any light set up at any place where the surface of street or other ground has been opened or broken up by the Authority for the purpose of carrying out any work authorised under this Act, or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of any work authorised under this Act, or

(c) infringes any order given or removes any bar, chain or post fixed by the Authority for the purpose of closing any street to traffic, during the course of execution of any work under this Act, he shall be punishable with fine which may extend to one thousand rupees.

71. Penalty for disobedience of requisition and furnishing false information, etc :-

Whoever-

(a) wilfully or without any reasonable excuse, disobeys any requisition or other lawful order or direction issued under or in pursuance of any of the provisions of this Act, or

(b) being required under any of the provisions of this Act to make any return or to furnish any information, makes a false return or furnishes false information, shall be punishable with fine which may extend to three thousand rupees or with imprisonment for a term which may extend to three months or with both.

72. Encroachment or obstruction upon public land :-

¹[Whoever makes any encroachment in any land or space not being private property, whether such land or space belongs to or vests in the Authority or not, except steps over drain in any public street shall on conviction be punished with simple imprisonment which shall not be less than one month but which may extend to three years and with fine which may extend to twenty thousand rupees:

Provided that the Court may for any adequate or special reasons to be mentioned in the judgment impose a sentence of imprisonment for a term of less than one month.

(2) Whoever makes any obstruction in any land or space not being private property, whether such land or space belongs to or vests in the Authority or not, except steps over drain in any public street shall on conviction be punished with simple imprisonment which may extend to one month or with fine which may extend to two thousand rupees or with both.

(3) The Authority or any officer authorised by it in this behalf shall have power to remove any such obstruction or encroachment and the expenses of such removal shall be paid by the person who had caused the said obstruction or encroachment.

(4) Whoever not being duly authorised in that behalf removes earth, sand or other material from any land or space as aforesaid, shall be punished on conviction with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both.

(5) Notwithstanding anything contained in the foregoing provisions, the Authority or the officer authorised by it in this behalf shall, in addition to the action taken as provided in this section, also have power to seize or attach any property found on the land or space referred to in this section or, as the case may be, attached to such land or space or permanently fastened to anything attached to such land or space.

(6) Where any property is seized or attached by an officer authorised by the Authority, he shall immediately make a report of such seizure or attachment to the Authority.

(7) The Authority may make such orders as it thinks fit for the proper custody of the property seized or attached, pending the conclusion of confiscation proceedings, and, if the property is subject to speedy and natural decay, or it is otherwise expedient so to do, the Authority may order it to be sold or otherwise disposed of.

(8) Where any property is sold as aforesaid, the sale proceeds thereof after deduction of the expenses of any such sale or other incidental expenses relating thereto, shall-

(a) where no order of confiscation is ultimately passed by the Authority; or

(b) where an order passed in appeal so requires, be paid to the owner thereof or the person from whom it is seized.

(9) Where any property is seized or attached under Sub-sec. (5), the Authority may order confiscation of such property.

(10) No order for confiscating a property shall be made under Sub-sec. (9) unless the owner of such property or the person from whom it is seized or attached is given. -

(a) a notice in writing, informing him of the grounds on which it is proposed to confiscate the property;

(b) an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and

(c) a reasonable opportunity of being heard in the matter.

(11) The order of any confiscation under this section shall not prevent the infliction of any punishment to which the person affected to hereby is liable under this Act.

(12) Whenever any property is seized or attached pending confiscation under this section, the Authority or the Tribunal constituted under Sec. 83 of the Act shall have, and notwithstanding anything to the contrary contained in any other law for the time being in force, any Court, other tribunal or other

authority shall not have, jurisdiction to make orders with regard to the possession, delivery, disposal, release or distribution of such property.

(13) Where any person is prosecuted of an offence under Sub- sec. (1) or Sub-sec. (2), the burden of proving that he has not committed the offence shall be on him.

(14) Whoever, being an employee of the Authority, specifically entrusted with the duty to stop or prevent the encroachment or obstruction punishable under this section, wilfully or knowingly neglects or deliberately omits to stop or prevent such encroachment or obstruction, shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees or with both :

Provided that no Court shall take cognizance against such employee for the offence punishable under this Sub-section except with the previous sanction of the Authority.

(15) No investigation of an offence under this section shall be made by an officer below the rank of a Deputy Superintendent of Police].

1. Substituted by Raj. 20 of 1991, Pub. in Raj. Gaz. Exty. Pt. IV-A dated 19.10.1991 Page 87.

73. General provision for punishment of offences :-

Whoever contravenes any of the provisions of this Act or of any rule or regulations made or does anything against any plan, project or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable-

(a) for the first offence, with fine which may extend to one thousand rupees; and

(b) for a second or any subsequent offence with fine which shall not be less than two hundred fifty rupees and not more than five

thousand rupees.

74. Offence by companies :-

(1) If the person committing an offence under this Act is a company, every person, who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of 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 sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in Sub-sec. (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 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 be liable to be proceeded against and punished accordingly.

Explanation. - For the purposes of this section -

(a) Company means a 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.

75. Cognizance of offences :-

(1) No Court shall take cognizance of any offence punishable under

this Act or any rule or regulation or order made thereunder except upon a complaint in writing of the facts constituting such offence made by the Authority, or by a person expressly authorised in this behalf by the Authority:

Provided that any person, whose right to enjoyment of his own property is adversely affected by any unauthorised development as indicated in Sub-sec. (1) of Sec. 31, may also file a complaint in the like manner against such person or persons who may have undertaken the said unauthorised development:

Provided further that the Authority shall also be given due notice of such proceedings and if the Authority removes the cause for action within a reasonable period, the proceedings in the Court shall abate, without prejudice to any other action or proceedings that the Authority has initiated or may initiate thereafter.

(2) No Court inferior to that of a Chief Judicial Magistrate shall try any offence punishable under this Act.

76. Fine when realised to be paid to the Authority :-

All fines realised in connection with prosecution under this Act shall be paid to the Authority.

77. Power of the Authority as to legal matters :-

The Authority may, -

(a) institute, defend or withdraw from any legal proceeding;

(b) compound any offence against this Act; and

(c) admit, compromise or withdraw any claim made in any legal proceeding or otherwise:

Provided that no withdrawal from prosecution for an offence under

this Act shall be made except with the permission of the Court.

78. Immunity to Authority :-

No suit, prosecution or other legal proceeding shall be maintainable against the Authority or any person acting under the direction of the Authority or the Chairman, member or any officer or servant of the Authority, Executive Committee, other committees, any Functional Board or any body thereof in respect of any thing lawfully and in good faith and with due care and attention done under this Act.

79. Notice of suit against Authority :-

(1) No suit shall be instituted against the Authority or any member thereof or any of its officers or other employees or any person acting under the directions of the Authority or any member or any officer or other employee of the Executive Committee, any Functional Board, Tribunal, any Committee or any body thereof, in respect of any act done or purporting to have been done in pursuance of this Act or any order, rule or regulation made thereunder till the expiration of two months from the date on which notice in writing has been left at the office or place of abode of the persons to be sued and unless such notice states explicitly the cause of action, the nature of relief sought, the amount of compensation claimed and the name and place of residence of the intending plaintiff and unless the plaint contains a statement that such notice has been left or delivered.

(2) No suit such as is described in Sub-sec. (1) shall, unless it is a suit for recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of one year from the date on which the cause of action arises.

(3) Nothing contained in Sub-sec. (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by giving of the notice or the postponement of the institution of the suit.

80. Mode of proof of record :-

A copy of any receipt application, plan, notice, order, entry in a registrar other document in the possession of the Authority shall, if duly certified by the legal keeper thereof, or the Jaipur Development Commissioner or any person authorised by him in this behalf, be received as prima facie evidence of the entry or document and shall be admitted as evidence of the matters and transaction therein recorded in every case where, and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matter.

81. Restriction on the summoning of servants of Authority to produce documents :-

No member or officer or servant of the authority shall in any legal proceeding to which the Authority is not a party be required to produce any register or document the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transaction recorded therein unless by order of the Court made for special cause.

82. Power of police officer :-

(1) Any police officer, not below the rank of a Sub-Inspector, authorised by the Authority in this behalf, may arrest any person committing in his view any offence relating to encroachment or unauthorised development on the lands vested in the Authority or on public streets, as provided under Sec. 72 of the Act or of any order or rule or regulations thereunder, if the name and address of such person be unknown to him and he declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address if given, and such person may be detained at the station house until his name and address shall be correctly ascertained:

Provided that no person arrested shall be detained without the order of the Judicial Magistrate longer than is necessary for bringing him before a Judicial Magistrate or twenty four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the Authority of the commission of any offence against the provisions of this Act or of any order, rule or regulation made thereunder, and to assist all members, officers and servants of the Authority or any body thereof in the exercise of their lawful authority.

CHAPTER 12 MISCELLANEOUS

83. Constitution of Tribunal :-

(1) The State Government shall, by notification in the Official Gazette, constitute a Tribunal for the purposes of this Act.

(2) The Tribunal shall consist of one person who shall be an officer of the State Government and shall be paid such salary and allowances as may be determined by the State Government.

(3) The State Government may, to assist the Tribunal, direct the Authority to appoint such number of servants and of such cadre as may be deemed necessary.

(4) The expenses of the Tribunal shall be borne by the Authority.

(5) The procedure to be followed by the Tribunal in deciding the appeals or disputes referred to it under this Act shall be such as may be prescribed.

(6) The Tribunal shall have the same powers as are vested in a civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of hearing and deciding of an appeal or any dispute referred to it.

(7) Except as otherwise provided, any dispute arising out of any provision of this Act may be referred to the Tribunal by the Authority. The decision of the Tribunal shall be final and binding on

all the parties thereto.

¹[(8) Except as otherwise provided,-

(a) any person aggrieved by an order or notice of the Authority may file an appeal in the Tribunal within thirty days of the communication of such order or notice to him; and

(b) any person aggrieved by any threatened act or injury from the Authority affecting his rights may refer the dispute to the Tribunal within thirty days of the communication or knowledge of such threatened act or injury; and the decision of the Tribunal shall be final].

1. Substituted by Raj. 20 of 1991, Pub. in Raj. Gaz. Exty. Pt. IV-A dated 19.10.1991 Page 87.

84. Recovery of moneys due to the Authority as arrears of land revenue :-

Where any sum (not being rent payable in respect of any premises of the Authority) payable to the Authority, whether under any agreement, express or implied or otherwise, howsoever, is not paid on or before the due date

(a) and the claim is not disputed, the Jaipur Development Commissioner or any officer authorised by him in this behalf shall send to the Collector a certificate under his hand indicating therein the sum which is due to the Authority or is claimed by the Authority, as the case may be, and thereupon, the Collector shall recover the sum due or claimed as an arrear of land revenue;

(b) and the claim is disputed, it shall be referred to the Tribunal which shall after making such inquiry as it thinks fit and after giving to the person by whom the sum is alleged to be payable a reasonable opportunity of being heard, decide the question; and communicate forthwith its decision to the Authority. Any person aggrieved by the decision of the Tribunal may, within thirty days from the date of such decision, appeal to the Board of Revenue.

The decision of the Board of Revenue shall be final and shall not be called in question in any Court, Thereupon the Collector shall recover the sum determined to be due as arrears of land revenue.

85. Power of entry :-

(1) The Chairman and members of Authority, the Executive Committee, any other Committee, any Functional Board or any body thereof, the Jaipur Development Commissioner and officers and servants of the Authority authorised by him in this behalf with or without assistants or workmen, enter into or upon any land or building for the purposes of, -

(a) making any inquiry, inspection, measurement or survey 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 works;

(e) making such levels, boundaries and lines by placing mark, and cutting trenches;

(f) ascertaining whether any land is being or has been developed in contravention of any plan or without the permission or in contravention of any condition subject to which such permission has been granted under this Act; or

(g) 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 at least of twenty-fours to the occupier, or if there be no occupier, to the owner of the land or building;

(ii) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to move to some part of the premises where their privacy need not be disturbed; and

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purposes for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(2) It shall be lawful for any person authorised under Sub-sec. (1) to make an entry for the purpose of inspection or search to open or cause to be opened a door, gate or other barrier-

(a) if he considers the opening thereof necessary for the purpose of such entry, inspection or search, and

(b) if the owner or occupier is absent or, being present, refuses to open such door, gate or barrier.

86. Service of notice under this Act :-

(1) All documents, which expression shall include, notices and orders required by this Act or any rule or regulation made thereunder to be served upon any person, shall, save as otherwise provided in this Act, or rule or regulation made thereunder, be deemed to be duly served, -

(a) where such document is to be served on a department, local authority, railway, company, society or any other body of persons whether incorporated or not, if the document is addressed to the head of the department, General Manager of the Railway, Secretary or principal officer of the local authority, company, society or any such other body at its principal branch, local or registered office, as the case may be, and is either-

(i) sent by registered post to such office; or

(ii) delivered at such office; or

(b) where the person to be served is a partner in a firm, if the document is addressed to the partnership firm at its principal place of business, identifying it by the name or style under which its business is carried on and is either-

(i) sent by registered post; or

(ii) delivered at the said place of business; or

(c) in any other case, if such document is addressed to the person to be served and-

(i) is given or tendered to him, or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family; or is affixed on some conspicuous part of the land or building to which it relates, or

(iii) is sent by registered post to the person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming or describing that land or building), without further name or description and shall be deemed to be duly served-

(a) if the document so addressed is sent or delivered in accordance with Clause (c) of Sub-sec. (1), or

(b) if the document so addressed or a copy thereof so addressed is delivered to some person on the land or building.

(3) Where a document is served on a partnership firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the Jaipur Development Commissioner or any other officer authorised by him in this behalf, may be, notice in writing, require the occupier, if any, of the property to state the name and address of the owner thereof.

(5) Where an attempt to serve a document on any person in the manner indicated in the foregoing provisions of this section has failed it shall be deemed to be an effective service of the document on such person if the notice of the document to be served is published in some prominent daily local Hindi newspaper:

87. Officers and other employees of the Authority to be public servants :-

Every officer and other employees of the Authority and every member of the Authority. Executive Committee, other committees, Functional Board and other bodies constituted under this Act shall be deemed to be a public servant within the meaning of Sec 21 of the Indian Penal Code, 1860 (Central Act No. XLV of 1860).

88. Lump sum contribution by the Authority in lieu of taxes levied by local authorities :-

(1) Subject to rules if any, that may be made under this Act, and regard being had to the fact that the Authority itself provides in the areas within the jurisdiction of any local authority all or any of the amenities which the local authority provides, then the Authority shall not be liable to pay the taxes including property taxes, if any, but it shall be lawful for the local authority to arrive at an agreement with the Authority, with the prior sanction of the State Government to receive a lump sum contribution from the Authority in lieu of all or any of the taxes levied or services rendered by the local Authority.

(2) Where no such agreement as is referred to in Sub-sec. (1) can be reached, the matter may be referred to the State Government and the State Government may, after giving to the local authority and the Authority a reasonable opportunity of being heard, decide the amount of such contribution the decision of the State Government shall be binding on both parties.

89. Deduction from salary or wages to meet claims of the Authority in certain cases :-

(1) Any person dealing with the Authority may execute an agreement in favour of such Authority providing that his employer shall be competent to deduct from the salary or wages payable to him by the employer, such amount as may be specified in the agreement, and to pay to the Authority the amount so deducted in satisfaction of any debt or demand of the Authority against such person. Such an agreement shall be accompanied with a consent in writing of the employer.

(2) On the execution of such agreement, the employer shall, if so required by the Authority, by requisition in writing and so long as the Authority does not intimate that the whole of such debt or demand has been paid, make the deduction in accordance with the agreement, and pay the amount so deducted to the Authority as if

it were a part of the salary or wages payable by the employer as required under the Payment of Wages Act, 1936 (Central Act No. 4 of 1936) on the day on which the employer makes payment.

(3) If, after the receipt of a requisition made under the foregoing sub-section, the employer at any time fails to deduct the amount specified in the requisition from the salary or wages payable to such person or makes a default in remitting the amount deducted to the Authority, the employer shall be personally liable for the payment thereof; and the amount shall be recoverable on behalf of the Authority, from the employer as an arrear of land revenue.

90. Control by State Government :-

(1) The Authority shall exercise its powers and perform its duties under this Act in accordance with the policy framed and the guidelines laid down, from time to time by the State Government for development of the areas in the Jaipur Region.

(2) The Authority shall be bound to comply with such directions which may be issued, from time to time, by the State Government for efficient administration of this Act.

(3) If, in connection with the exercise of the powers and the performance of the duties of the Authority under this Act, any dispute arises between the Authority and the State Government, the matter shall be decided by the State Government and its decision shall be final.

90A. Power to transfer :-

¹[The officers and employees of the Authority may, in accordance with the rules made under Sec. 95, be transferred, by the State Government, to any Urban Improvement Trust in the State.]

1. Instituted. by Raj. 16 of 1994. Pub. in Raj. Gaz. Exty. Pt. IV-A dated 29.4.1994 Page. 217 (1)

91. Power of Authority to call for returns, reports, etc :-

The Authority shall have power to call for any return, statement of accounts, reports, statistics or other information from any local authority or other authority in the Jaipur Region, or from any person which is required by it in the exercise of its powers and the performance of its duties under this Act or under any other law for the time being in force, and such authority or person shall be bound to furnish such information.

92. Act to override other laws :-

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force.

93. Delegation of Powers :-

(1) The State Government may, by notification in the Official Gazette, delegate to any officer subordinate to it all or any power conferred on it by or under this Act, other than the power to make rules.

(2) The Authority may, by a resolution, delegate any of its powers and functions exercisable by it under this Act or regulations thereunder except the power to prepare any Master Development Plan, Zonal Development Plan or to make regulations to any officer of the Government, any local authority or other authority or body functioning in Jaipur Region or the Executive Committee, or any Functional Board or Jaipur Development Commissioner or any officer subordinate to it, subject to such conditions and restrictions as may be specified in the resolution :

Provided that the delegation of powers and functions under this sub-section to any officer of the Government, local authority or other authority or body shall be made with the consent of the State Government or local authority or other authority or body, as the case may be.

94. Local Authorities to continue to perform duties :-

(1) Notwithstanding anything contained in this Act, all local authorities in Jaipur Region shall, continue to exercise their powers, perform their functions and discharge their duties which may not be inconsistent with any plan, project or scheme of the Authority.

(2) In the event of failure on the part of any local authority to carry out any plan, scheme, project or any direction given under this Act, the Authority, if it deems fit, for the development of Jaipur Region, with the sanction of the State Government and by an order published in the Official Gazette, may assume of the powers, functions and duties performed by any local authority from such date as may be specified in the order and in that case, such local authority shall, notwithstanding anything contained in any other law for the time being in force, cease to exercise such powers, functions and duties from the said date.

95. Power to make rules :-

(1) The State Government may from time to time make rules for the purpose of carrying out general the provisions of this Act and regulation any particular matter thereunder which requires to be prescribed or in respect of which rules are required to be or may be made.

(2) All rules made by the State Government under this Act shall be published in the Official Gazette.

(3) All rules made under this Act shall be laid, as soon as may be after these are so made, before the House of the State Legislature, while it is in session for a total period of thirty days which may be composed in one session or in two successive sessions, and if, before the expire of the session in which they are so laid, or of the session immediately following, the House of the State Legislature makes any modifications in any of such rules or resolves that any such rule should not be made, such rules, shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall

be without prejudice to the validity of anything previously done thereunder.

96. Power to make regulations :-

(1) The Authority may, from time to time, make regulations for all or any of the matters to be provided under this Act by regulations for all or any of the matters to be provided under this Act by regulations and generally for all other matters for which provision is, in the opinion of the Authority, necessary for the exercise of its powers and the discharge of its functions and duties under this Act.

(2) No regulation made by the Authority under Sub-sec. (1) shall take effect unless it is published in the Official Gazette.

(3) The State Government may, at any time by notification in the Official Gazette, repeal wholly or in part or modify any regulation made by the Authority provided that, before taking any action under this sub-section, the State Government shall communicate to the Authority the grounds on which it proposes to do so, fix a reasonable period for the Authority to show cause against the proposal and consider the explanation and objections, if any, of the Authority.

(4) The repeal or modification of any regulation shall take effect from the date of publication of the notification in the Official Gazette, if no date is therein specified, and shall not affect anything done or omitted or suffered before such date.

97. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, but not later than two years from the date on which the Authority is established, by order, do anything, not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty.

98. Dissolution of the Authority :-

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

(2) From the said date-

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

(b) all land vesting in, belonging to or placed at the disposal of the Authority shall revert to the State Government;

(c) all liabilities which are enforceable against the Authority shall be enforceable against the State Government; and

(d) for the purpose of carrying out any development which has not been fully carried out by the Authority and for the purpose of realising assets, properties, funds and dues referred to in Clause (a), the functions of the Authority shall be discharged by the State Government.

99. Bar of jurisdiction of Civil Court :-

(1) Save as otherwise provided in this Act, no civil Court shall take cognizance of any matter which is required to be or may be decided by the Authority, Executive Committee, Jaipur Development Commissioner, Functional Board, any body thereof, the Tribunal or the State Government, under this Act.

(2) Save as otherwise expressly provided in this Act, an order passed or a direction given by the State Government to the Authority or an order passed or notice issued by the Authority under this Act shall be final and shall not be questioned in any suit or other legal proceeding.

100. Application of Rajasthan Public Premises (Eviction of Un-authorised Occupants) Act, 1964 to the Authority with certain modifications :-

The Rajasthan Public Premises (Eviction of Unauthorised Occupants) Act, 1964 (Raj. Act No. 2 of 196S) shall apply, to premises vesting in, belonging to, or taken on lease by the Authority as that Act applies in relation to public premises, subject to the following modifications in the Said Act, namely: -

(a) in Sec. 2, for Clause (b), there shall be substituted the following clause: -

"(b) Authority means the Jaipur Development Authority established under the Jaipur Development Authority Act, 1982 and Authority premises means any premises; vesting in, belonging to or taken on lease by that Authority";

(b) any reference to "public premises" in that Act shall be deemed to be reference to "Authority premises" and references to the "State Government" in Secs. 6, 10-A, 13, 14 and 15 thereof shall be deemed to be references to "the Authority"; and

(c) in Sec. 3, for Clause (a), there shall be substituted the following clause: -

"(a) appoint such officers, being Gazetted Officers of Government, or officers of equivalent rank of the Authority as it thinks fit to be estate officers for the purpose of this Act;"

101. Dissolution of the Urban Improvement Trust, Jaipur and savings :-

(1) Notwithstanding anything contained in the Rajasthan Urban Improvement Act, 1959 (Raj. Act 35 of 1959), hereinafter referred to as the said Act, and the rules, regulations and bye-laws made thereunder, as from the date of the constitution of the Authority for the Jaipur Region under this Act, hereinafter referred to as such constitution-

(a) the urban area of Jaipur shall cease to vest in the Urban Improvement Trust, Jaipur (hereinafter referred to as the Trust) and the Trust shall cease to exercise jurisdiction or the function in that area;

(b) the Trust functioning in the area covered by the urban area of Jaipur, immediately before such constitution, shall stand dissolved;

(c) all land, buildings and other immovable properties (together with all interests of whatever nature and kind therein) situated in urban area of Jaipur and vested in the Trust for the purpose of carrying out or undertaking development or improvement in such area, immediately before such constitution, shall pass on to and vest in the Authority so constituted;

(d) all stores, articles or other movable properties belonging to the Trust held by it for the purpose of carrying out or undertaking development or improvement in such area, immediately before such constitution, shall pass on to and vest in the Authority so established.

(e) all assessments, valuations, measurements or divisions made by the Trust immediately, before such constitution in or in connection with such area, shall, in so far as they are not inconsistent with the provisions of this Act, continue and be deemed to have been made under the provisions of this Act, unless and until they are superseded by any assessment, valuation, measurement or division

made by the Authority;

(f) all plans, schemes for the development or improvement of any area declared as the urban area of Jaipur and prepared under the said Act shall in so far as they are not inconsistent with the provisions of this Act, be deemed to have been prepared under this Act and any such plan or scheme which was in force immediately before the commencement of this Act, shall continue to be in force so long it is not otherwise dealt with under this Act;

(g) all records and papers belonging to the Trust and relating to the development or improvement of such area, including the plans and schemes and papers relating thereto, as are referred to in Clause (0 shall vest in and stand transferred to the Authority;

(h) every officer or servant serving under the Trust immediately before such constitution shall, on or from such constitution, be deemed to have been transferred temporarily for a period of six months to the Authority within which period until otherwise extended by it, the Authority shall, after their screening in such manner as may be determined by regulations, absorb them in the service of the Authority on such posts and with such designations, as the Authority may determine. The Officers and servants so absorbed in the service of the Authority may hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as they would have held if the Authority had not been constituted, and shall continue to so hold unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority. Such of the officers and servants who are not absorbed by the Authority under its service shall be deemed to be surplus officers and servants of the Trust and shall be absorbed by the State Government in the service of any local authority or other authority as the State Government may deem fit, on such posts, with such designations on such salary and allowances and on such terms and conditions of service, as may be prescribed but they shall not be absorbed on posts on terms, which are less advantageous to them in the matter of salary and allowances:

Provided that-

(i) any service rendered by any officer or servant so absorbed before such constitution shall be deemed to be service rendered under the Authority; and

(ii) the surplus officers and servants not so absorbed shall be continued in the service of the Authority and their salary and allowances shall be paid out of the Fund of the Authority until they are absorbed by the State Government, as aforesaid;

(i) anything done or any action taken including any appointment, delegation, order, scheme, rule, bye-laws, regulation or form made or notification issued or permission granted under the said Act so far as it is not inconsistent with the provisions of this Act continue in force and be deemed to have been done or taken under the provisions of this Act unless and until it is superseded by anything done or any action taken under the said provisions;

(j) all debts, obligations and liabilities incurred, all contracts entered into, all allotments and transfers of land made, and all matters and things engaged to be done in or as respects the area covered by the urban area of Jaipur, by, with or for the Trust for such area shall, immediately before such constitution be deemed to have been incurred, entered into, made or engaged to be done by, with or for the Authority;

(k) notwithstanding anything contained! in this Act, the validity of any declaration of application, publication, notification, appointment, order, allotment of land proposal award, proceeding, consultation, inquiry, certification, compromise, sanction, agreement, notice approval, decision,. dispute, withdrawal of any legal proceeding, final scheme or act made, held, issued, entered into, given, taken, decided, drawn up, or done, before such constitution, by or on behalf of the Trust, shall be deemed as if they were made, held, issued, entered into, given, taken, decided, drawn up or done under this Act by or on behalf of the Authority,

(l) all compromises, defence on withdrawals, made in or from any

legal proceeding, any offence compounded or any claim admitted, by or on behalf of the Trust before such constitution shall be deemed to have been made by or on behalf of the Authority and may be enforced by or against the Authority as effectively as they could be enforced by or against the Trust before such constitution;

(m) all suits, prosecutions and other legal proceedings instituted by, for, or against the Trust may be continued or instituted by, for, or against the Authority;

(n) all properties movable and immovable and all rights, title and interest in any property vested in the Trust shall vest in the Authority and all such properties in possession of the Trust shall be deemed to be in possession of the Authority,

(o) all rents, fees and other sums of money due to the Trust shall be deemed to be due to the Authority; and

(p) all sums or charges which the Trust was, immediately before such constitution, entitled to levy, assess and recover for or in respect of development or improvement of any land in the urban area of Jaipur, may continue to be levied, assessed and recovered by the Authority under the corresponding provisions of this Act.

(2) Where any acquisition proceedings have been started under the provisions of the Rajasthan Urban Improvement Act, 1959 (Raj. Act No. 35 of 1959) or the Rajasthan Land Acquisition Act, 1953 (Raj. Act No. 24 of 1953) or under any other law for the time being in force for any of the purposes of the Trust, shall be continued and completed under and in accordance with the provisions of such laws as aforesaid.

102. Repeal and Savings :-

(1) The Jaipur Development Authority Ordinance, 1982 (Ordinance No. 4 of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Jaipur Development Authority Ordinance, 1982 shall be deemed to have been done or taken under this Act as if this Act had come into force on 14th day of July, 1982.

SCHEDULE 1

SCHEDULE-I

SCHEDULE-I

[See Clause (7) of Sec. 2]

LIST OF CITY, TOWNS AND VILLAGES FALLING IN JAIPUR REGION

A. City

1. Jaipur City

B. Towns

2. Sanganer.

3. Amer

4. Bagaru

5. Bhomu

6. Bassi

C. Villages Tehsil-Jaipur.

7. Manpura Sarva

8. Kilangarh

9. Vijay Mahal

10. Santok Sagar

11. Talkatora

12. Nahargarh

13. Moti Katla

14. Badanpura

15. Galta

16. Jamroli

17. Chak Bhawani Shankarpura

18. Mahadeopura

19. Moti Dungri

20. Bhawani Shankarpura

21. Kishanpole

22. Hathroi

23. Bhojpura

24. Chak Sunder-Ka-Bas

25. Rampura Rupa

26. Manpura

27. Sudershanpura

28. Kartarpura

29. Sewage Farm

30. Chak Sudershanpura

31. Sodala

32. Brij Lalpura

33. Chak Choohawas

34. Choohawas

35. Prempura
36. Madrampura
37. Hasanpura
38. Barodia
39. Bassi Sitarampura
40. Chak HHasanpura
41. Shajpura
42. Jagannathpura
43. Saliawas
44. Birhhathi
45. Khatipura
46. Jhotwara
47. Parsrampura
48. Kishanbagh
49. Bir Paper 50. Bir Sarkari
51. Mahapura alias Kukarkbera
52. Shri Murlipura
53. Chirnandi
54. Nangal Jaisabora
55. Harnathpura
56. Govindpura
57. Chak Pithawas Badram
58. Gokalpura
59. Bichnawala
60. Lawas alias Minawala
61. Kanakpura
62. Pancha Ki Nangal alias Panchawala
63. Lalarpura
64. Girdharipura
65. Hirapura
66. Badrawas
67. Gajsinghpura
68. Dhaowas
69. Sirsi
70. Chak Pithawas alias Jaipur-ka-Bas
71. Kishorepura Charnan
72. Nanusar
73. Vijaipura bas Nanusar
74. Siwar
75. Nimeda
76. Bindaika
77. Mukandpura
78. Hatod
79. Bir Hatod
80. Peotawas
81. Niwaru
82. Lalchandpura
83. Chak Baori
84. Maksudanpura alias Mansarampura
85. Baori
86. Basdi
87. Sarana Dungar

88. Purshottampura alias Boytawala
89. Jaisinghpura Lehor
90. Meenawala
91. Rampura alias Roopaki-Nangal
92. Malpura Doongar
93. Bir Malpura
94. Malpura Chaur
95. Sumer
96. Ballupura
97. Vijaipura
98. Bagrana
- Tehsil-Sanganer
99. Shri Ramgopalpura
100. Keshopura
101. Bhan Krota Kalan
102. Hasanpura bas Bhankrota
103. Chimanpura
104. Shri Rampura bas Bhandrota
105. Asarpura
106. Singarpura
107. Ganpatpura
108. Chak Ganpatpura
109. Mangalwas
110. Nand Kishorepura alias Mangyawas
111. Anandpura-Sikelpura
112. Deori
113. Gopalpura
114. Ramsinghpura was Medau
115. JhalanaChor
116. Sukhalpura
117. Matipura Deori
118. Ramsinghpura was Dholai
119. Balrampura alias Khejda-ka-bas
120. Badh Mohanpura
121. Kalyanpura 122.Sukhia
123. Jaitpura Hajyawala
124. Madrampura
125. Kailashpura Kokawas
126. Ramsinghpura
127. Jaitawala
128. Rambala
129. Shopura
130. Dhelawas
131. Lachmi Damodarpura alias Nagariyawala
132. Chak Gaitor
133. Budh Singhpura
134. Khokawas
135. Dholi-Ka-bas
136. Surajpura
137. Gaitor
138. Chainpura
139. Durgapura

140. Ramjipura
141. Khalana Doonagar
142. Chak Daula
143. Bindaika 144.DHula
145. Jagat Pure
146. Manoharpura 147.BadTUawala 148.Tilawala
149. Toda Ramjanpura
150. Kho-Nagorian 151. Paldi Meena 152. Luniawas 153. Hirapura
154. Khorī
155. Lakhesara
156. Govindpura Roophara
157. Bhavgarh
158. Sri Govindpura
159. Dantli
160. Chatarpura alias Kalyanpura
161. Khatipura alias Kalyanpura
162. Gilaria
163. Khorebariayan
164. Udaipura Gilaria
165. Govindpura alias Chak Karol
166. Jaipura
167. Bhairoo Karol
168. Ramnagariya
169. Jhunjharpura
170. Seesyawas
171. Siroli
172. Murlipura
173. Narsinghpura
174. Chainpura
175. Mahal
176. Shri Kishanpura
177. Jirota
178. Jaistnghpura
179. Goner
180. Salagrampura
181. Chak Salagrampura
182. Vamalpura
183. Jaichandpura
184. Vidhani
185. Ramchandrapura
186. Khoosar
187. Maharajpura
188. Rampura
189. Bilwa
190. Rajpura Mathura
191. Prahaladpura
192. Ajairajpura
193. Nanakpura
194. Jaimohanpura
195. ChakAsabh
196. Bas Bilwa
197. Manpura Naglya

198. Srilanmipura
199. Khetipura
200. Chak Watka
201. Ramjipura
202. Kanarpura
203. Shampura Bhatia
204. Ban Ka Khera
205. Jaisinghpura
206. Sri Ram Ki Nangal
207. Sawara Wala
208. Sukhpura
209. Barhshyopur
210. Laxmipura
211. Indrapura
212. Sitapur
213. Sukhdeopura alias Nataniwala
214. Firozpur
215. Ashawala alias Yashonandpura
216. Shosinghpura
217. Khedi Gokulpura
218. Maharajpura alias Basawala
219. Govindpura
220. Sikarpura
221. Garwar Brahman
222. Badanpura
223. Purshottampura alias Dadiya
224. Ganwar Jatan
225. Bhatedar
226. Lakhna
227. Sitarampura
228. Khorampura alias Jatanwala
229. Shampura
230. Manyorayawala
231. Raghunathpura alias Ratalya
232. Sri Rampura
233. Balyawala
234. Govindpura Achrawala
235. Jagannathpura
236. Mahasinghpura
237. Abhaispura Jaisinghpura
238. TejawaJa
239. Muhana
240. Bir Sarkari
241. Jagatsiromanipura
242. Mohanpura
243. Madau
244. Chak Harbanspura
245. Narotampura
246. Ramsinghpura alias Rampura
247. Jaisinghpura
248. Dehmi Kalan
249. Badi-Ka-Kheda
250. Ghega-Ka-Kheda

251. Chimanpura
252. Bagru Kalan
253. Machela
254. Harmada
255. Badarna
256. Bir Jaisala
257. Kishanpura Lalwas
258. Chak Amer No. 1
259. Nangal Susawathan
260. Chak Amer No. 2
261 Chimanpura
262. Khurd
263. Lalwas
264. Nestiwas
265. Bir Taleda
266. Bara Gaon Jarkhiya
267. Sisawas
268. Mayla Bagh
269. Jaisla
270. Akora Doongar
271. Lachmi Narayanpura
272. Akhepura
273. Vishangarh
274. Kherwari
275. Daulatpura Kotra
276. Rampura
277. Looniyawas
278. Sevapura
279. Chak Hanumanpura
280. Udaipura
281. Deeppura
282. Ramliyawala
283. Chak Nangal
284. Rampura
285. Nindar
286. Benad with Dolatpura
287. Biharipura
288. Jahota
Tehsil-Jamwa Ramgarh
289. Kookas
290. Harwar
291. Achrol
292. Khora
293. Ajabgarh
294. Natata
295. Naradpura
296. Chak Saiwar
297. Rampura
298. Chainpura
299. Indargarh
300. Malawala
301. Jamwa Ramgarh

302. Dhaupura
303. Moondla
304. Chak Malya Ki Nangal
305. Khushalpura
306. Chak Chainpura
307. Saipura
308. Chawand Ka Mand
309. Palera
310. Rupwas
311. Dagarwala
312. Badh Raghudaspora
313. Lagariyawas
314. Mathurdaspura
315. Guwardi
- Tehsil-Bassi
316. Dyorha Chor
317. Ram Ratanpura
318. Harchandpura
319. Hirawala
320. Hardhyanpura
321. Mukandpura
322. Kanota
323. M ohanpura
324. Dudawala 323. Ramsinghpura
326. Hingoni
327. Bhatesari
328. Bhoorthol
329. Kanarwas
330. Geetawala
331. Girdharpura
332. Sri Rampura
333. Sindoli Tehsil-Chaksu
334. Khera Jagannathpura
335. Gordhanpura
336. Ramjanipura
337. Shivdaspora
338. Dhanod
339. Biharipura
340. Jainandpura
341. Ramjipura
342. Chandlai

SCHEDULE 2

SCHEDULE-II

SCHEDULE-II]

¹[

1. Deleted by Raj. 30 of 1987, Pub. in Raj. Gaz. Exty. Pt. IV-A dated 5.11.1987 Page 161 (1).