

Jodhpur Development Authority (Amendment) Act, 2010

17 of 2010

[13 September 2010]

CONTENTS

1. Short title and commencement
2. Amendment of Sec. 31, Rajasthan Act No. 2 of 2009
3. Amendment of Sec. 32, Rajasthan Act No. 2 of 2009
4. Amendment of Sec. 33, Rajasthan Act No. 2 of 2009
5. Insertion of new Sec. 35-A, Rajasthan Act No. 2 of 2009
6. Addition of Secs. 38-A and 38-B, Rajasthan Act No. 2 of 2009
7. Amendment of Sec. 67, Rajasthan Act No. 2 of 2009
8. Insertion of new Sec. 89-A, Rajasthan Act No. 2 of 2009

Jodhpur Development Authority (Amendment) Act, 2010

17 of 2010

[13 September 2010]

PREAMBLE

An Act to amend the Jodhpur Development Authority Act, 2009.
Be it enacted by the Rajasthan State Legislature in the Sixty-first
Year of the Republic of India, as follows:--

1. Short title and commencement :-

(1) This Act may be called the Jodhpur Development Authority
(Amendment) Act, 2010.

(2) It shall come into force on the date of its publication in the
Official Gazette.

2. Amendment of Sec. 31, Rajasthan Act No. 2 of 2009 :-

In Sec. 31 of the Jodhpur Development Authority Act, 2009 (Act
No. 2 of 2009), hereinafter referred to as the principal Act,--

(a) in sub-sec. (1),--

(i) for the existing expression "with fine which may extend to five thousand rupees", the expression "with simple imprisonment which shall not be less than fifteen days but which may extend to forty five days or with fine which shall not be less than twenty five thousand rupees" shall be substituted;

(ii) for the existing expression "one hundred", the expression "five hundred" shall be substituted; and

(iii) for the existing punctuation mark ".", appearing at the end, the punctuation mark ":" shall be substituted.

(b) after existing sub-sec. (1), so amended, the following new proviso shall be added, namely:--

"Provided that the court may for any adequate and special reasons to be mentioned in the judgment impose a sentence of imprisonment for a term of less than fifteen days.";

(c) in sub-sec. (2), --

(i) for the existing expression "with fine which may extend to two thousand rupees", the expression "with simple imprisonment which shall not be less than fifteen days but which may extend to forty five days or with fine which shall not be less than five thousand rupees" shall be substituted;

(ii) for the existing expression "five hundred", the expression "one thousand" shall be substituted; and

(iii) for the existing punctuation mark ".", appearing at the end, the punctuation mark ":" shall be substituted ; and

(d) after existing sub-sec. (2), so amended, the following new proviso shall be added, namely:--

"Provided that the court may for any adequate and special reasons to be mentioned in the judgment impose a sentence of imprisonment for a term of less than fifteen days."

3. Amendment of Sec. 32, Rajasthan Act No. 2 of 2009 :-

In Sec. 32 of the principal Act,--

(a) in sub-sec. (7),--

(i) for the existing expression "with fine which may extend to five thousand rupees", the expression "with simple imprisonment which shall not be less than fifteen days but which may extend to forty five days or with fine which shall not be less than twenty five thousand rupees" shall be substituted;

(ii) for the existing expression "five hundred", the expression "twenty five thousand" shall be substituted; and

(iii) for the existing punctuation mark ".", appearing at the end, the punctuation mark ":" shall be substituted ; and

(b) after existing sub-sec. (7), so amended, the following new proviso shall be added, namely:--

"Provided that the court may for any adequate and special reasons to be mentioned in the judgment impose a sentence of imprisonment for a term of less than fifteen days."

4. Amendment of Sec. 33, Rajasthan Act No. 2 of 2009 :-

In Sec. 33 of the principal Act,--

(a) in sub-sec. (2),--

(i) for the existing expression "with fine which may extend to five thousand", the expression "with simple imprisonment which shall not be less than fifteen days but which may extend to forty five days or with fine which shall not be less than thirty thousand rupees" shall be substituted; and

(ii) for the existing punctuation mark ".", appearing at the end, the punctuation mark ":" shall be substituted ; and

(b) after existing sub-sec. (2), so amended, the following new proviso shall be added, namely:--

"Provided that the court may for any adequate and special reasons to be mentioned in the judgment impose a sentence of imprisonment for a term of less than fifteen days."

5. Insertion of new Sec. 35-A, Rajasthan Act No. 2 of 2009
:-

After the existing Sec. 35 and before the existing Sec. 36 of the principal Act, the following new section shall be inserted, namely:--

"35-A. Power to seal unauthorized Development.--

(1) The Authority may, at any time before or after making an order for the removal or discontinuance of any development under Sec. 32 or Sec. 33 or Sec. 35, make an order directing the sealing of such development in the prescribed manner, for the purposes of carrying out the provisions of this Act, or for preventing any dispute

as to the nature and extent of such Development.

(2) Where any development has been sealed, the Authority or the officer authorized by it in this behalf may for the purpose of removing or discontinuing such development, order the seal to be removed.

(3) No Person shall remove such seal except,--

(a) under an order of the Authority or the officer authorized under sub-sec. (2); or

(b) under an order of the Tribunal.

(4) Any person who contravenes the provisions of sub-sec. (3) shall, on conviction, be punished with fine which may extend to twenty five thousand rupees."

6. Addition of Secs. 38-A and 38-B, Rajasthan Act No. 2 of 2009 :-

After the existing Sec. 38 of the principal Act, the following new sections shall be added, namely:--

"38-A. Provision of rain water harvesting.--

(1) In every building constructed on a plot of land exceeding three hundred square metres in Jodhpur region after the commencement of the Jodhpur Development Authority (Amendment) Act, 2010 (Act No. 17 of 2010), it shall be compulsory to install a rain water harvesting system of such type and specifications as may be prescribed by the State Government having regard to the area and use of the land and keep such system always in working condition:

Provided that if the State Government, having regard to the ground water level in a particular area, is of the opinion that installation of

rain water harvesting system in such area is not appropriate, it may, by notification in the Official Gazette, exempt such area from the operation of the provisions of this section.

(2) The Authority shall not grant any permission for development required under the provisions of this Act or rules or regulations made thereunder unless provision for rain water harvesting system of the type and specifications prescribed under sub-sec.(1) has been made in the site plan and maps and the person seeking permission undertakes to install such system and furnishes security for the same to the satisfaction of the Authority.

(3) Every owner of the building, for which rain water harvesting system is compulsory under the provisions of this section, shall, after completion of such building: obtain a completion certificate in the prescribed manner and no such building shall be occupied unless and until such certificate has been obtained.

(4) The officer or authority authorized to issue completion certificate under sub-sec. (3) shall not issue such certificate unless he is satisfied that a rain water harvesting system of the type and specifications prescribed under sub-sec. (1) has been installed in the building and is operational.

(5) Any development of land in Jodhpur region made or continued in contravention of the provisions of this section shall be deemed to be an unauthorized development for the purposes of this Act.

(6) No permanent water connection from any public water supply system shall be permitted in a building, for which rain water harvesting system is compulsory under the provisions of this section, unless the owner or occupier thereof produces a completion certificate issued under sub-sec. (3).

(7) Any person who contravenes any provision of this section shall, on conviction and without prejudice" to any other action that may be taken against him under any other provision of this Act or any

other law for the time being in force, be punishable with imprisonment which may extend to seven days or with fine which shall not be less than rupees twenty five thousand but which may extend to rupees one lakh or with both.

Explanation.--For the purposes of this section, rain water harvesting system means any structure or apparatus or both, including roof top structure and under ground tank, constructed or installed to collect rain water either for domestic use or for percolation into earth for the purpose of recharging ground water.

38-B. Provision of parking space.--

(1) In every building constructed in Jodhpur region after the commencement of the Jodhpur Development Authority (Amendment) Act, 2010 (Act No. 17 of 2010), it shall be compulsory to provide such parking space as may be prescribed by the State Government:

Provided that the State Government may, having regard to the area of land and situation and use of building, exempt, by notification in the Official Gazette, any building or class of buildings from the provisions of this section.

(2) The Authority shall not grant any permission for development required under the provisions of this Act or rules or regulations made thereunder unless provision for parking space as prescribed under sub-sec. (1) has been made in the site plan and maps and the person seeking permission undertakes to provide such parking space and furnishes security for the same to the satisfaction of the Authority.

(3) Every owner of the building, for which provision of parking space is compulsory under the provisions of this section, shall, after completion of such building, obtain a completion certificate in the prescribed manner and no such building shall be occupied unless and until such certificate has been obtained.

(4) The officer or authority authorized to issue completion certificate under sub-sec. (3) shall not issue such certificate unless he is satisfied that parking space as prescribed under sub-sec. (1) has been provided in the building.

(5) Any development of land in Jodhpur region made or continued in contravention of the provisions of this section shall be deemed to be an unauthorized development for the purposes of this Act.

(6) No permanent water connection from any public water supply system shall be permitted in a building, for which provision of parking space is compulsory under the provisions of this section, unless the owner or occupier thereof produces a completion certificate issued under sub-sec. (3).

(7) Any person who contravenes any provision of this section shall, on conviction and without prejudice to any other action that may be taken against him under any other provision of this Act or any other law for the time being in force, be punishable with imprisonment which may extend to seven days or with fine which shall not be less than rupees twenty five thousand but which may extend to rupees one lakh or with both."

7. Amendment of Sec. 67, Rajasthan Act No. 2 of 2009 :-

In Sec. 67 of the principal Act,--

(a) in sub-sec. (1),--

(i) for the existing expression "one month", wherever occurring, the expression "one year"; and

(ii) for the existing expression "twenty thousand rupees", the expression "one Lakh rupees" shall be substituted;

(b) in sub-sec. (2), for the existing expression "one month or with fine which may extend to two thousand rupees", the expression "one year or with fine which may extend to five thousand rupees" shall be substituted;

(c) in sub-sec. (4), for the existing expression "six months or with fine which may extend to ten thousand rupees", the expression "one year or with fine which may extend to twenty five thousand rupees" shall be substituted; and

(d) in sub-sec. (14), for the existing expression "one month or with fine which may extend to one thousand rupees", the expression "one year or with fine which may extend to five thousand rupees" shall be substituted.

8. Insertion of new Sec. 89-A, Rajasthan Act No. 2 of 2009

:-

After the existing Sec. 89 and before the existing Sec. 90 of the principal Act, the following new section shall be inserted, namely:--

"89-A. Power to call for records.--

(1) The State Government or any officer not below the rank of the Secretary to the Government authorized in this behalf by the State Government, may, for the purpose of being satisfied as to the correctness, legality or propriety of any order or resolution passed or purporting to have been passed, under this Act by the Authority or any committee or officer of it, call for the relevant record, and may, in doing so, direct that pending the examination of such record, such order or resolution shall be kept in abeyance and no action in furtherance thereof shall be taken until such examination by the State Government or by the officer authorized in this behalf by the State Government and the passing of order under sub-sec. (2):

Provided that no record relating to an order or a resolution shall be called for under this sub-section after the expiry of three years from the date of such order or resolution.

(2) After examining the record, the State Government or the officer authorized as aforesaid may rescind, reverse or modify such order or resolution and the order of the State Government or the officer authorized as aforesaid shall be final and binding on the Authority and on its officers and committees.". "