

Uttar Pradesh Area Development Act, 1976

51 of 1976

[20 November 1976]

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An Act to provide for matters connected with the comprehensive development of command areas covered by irrigation projects or any other areas and for establishment of corporate bodies for that purpose. It is hereby enacted in the Twenty-seventh year of the Republic of India as follows: Statement of Objects and Reasons.-

(1) In view of the need for maximum utilization of irrigation capacity available from major and medium irrigation projects and for co-ordinated development of area covered by such projects, command area schemes have been launched in the country. The command area programme envisages ensuring proper land and water arrangements, and also bringing about co-ordinated development through regional planning. (2) The Project Administrators, however, were not equipped with necessary legal powers for enforcing the programme. (3) With a view to removing

the said difficulty and managing command area schemes successfully, it was considered necessary to create a statutory authority known as Area Development Authority with necessary legal powers for various functions relating to command area programme. Therefore, it was considered necessary that such an Authority was to be constituted for every command area having among its main functions the promotion of agriculture production in the command area and the integrated development of such area. (4) Since the State Legislature was not in session and it was necessary to make provisions for the aforesaid purposes, the Governor promulgated the Uttar Pradesh Area Development Ordinance, 1976 on October 4, 1976. (5) The Bill is accordingly introduced to replace the aforesaid Ordinance. 1. Received the assent of the Governor on November 20, 1976, published in U.P. Gazette (Extra), dated 23rd November, 1976, pp. 13-25.

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Uttar Pradesh Area Development Act, 1976. (2) It extends to the whole of Uttar Pradesh. (3) It shall come into force on such date¹ as the State Government may by notification appoint in this behalf, and different dates may be appointed for different provisions of this Act and for different areas. 1. Enforced on 18th December, 1976, vide Notification No. 41000/XII (AD-1440-76, dated 18-12-1976.

2. Definitions :-

In this Act,-- (a) "agricultural development" means any work undertaken for the development of any agricultural land or for raising agricultural production, and includes drainage, ground-water development and soil conservation; (b) "agricultural production" includes production of agriculture, horticulture, pisciculture, forestry, sericulture, bee-keeping, dairy farming, piggery and poultry farming, and also includes such other types of production as are notified by the State Government as ancillary or incidental thereto; (c) "authority" means an Area Development Authority established under Section 3; (d) "chairman" means the Chairman of the Authority; (e) "command area" in relation to an irrigation project, means an area which for purposes of irrigation can be commanded through the irrigation project and the limits of which are notified by the State Government; (f) "cost of works" means all costs, charges and expenses as estimated by the Authority, and which the Authority may have to incur on, or in connection with, execution of the works, and includes, any other charges or fees as

may be prescribed; and also includes all expenses which may be incurred by the Authority in recovery thereof; (g) "district committee" means the District Committee established under Section 18; (h) "ineligible person" means a person not eligible for ordinary land development loans and belonging to any of the following categories-- (i) farmer without any valid title; (ii) illegal occupant; (iii) minor; (iv) landholder unable to get institutional finance because of heavy indebtedness to institutional sources which are to be cleared before obtaining finance for further capital investment; (v) rural artisan; or (vi) agricultural labourers; (i) "land development" means any of the following works, namely -- (i) construction, renovation, redesigning, realigning and lining of water courses; (ii) land levelling and land shaping, including realignment of field boundaries; (iii) digging of drop structures, culverts, and farm roads in the fields; (iv) providing of drop structure, culverts, and farm roads in the fields; (v) land reclamation by use of engineering, biological and chemical measures, including leaching; (vi) contour bounding and nala bunding; (vii) growing of trees, plants shrubs and grasses; (viii) development of permanent and temporary pastures, farm forestry and commercial afforestation; (ix) such other works as may be necessary or incidental to development of land or ground or flow water potential and for optimising the utilisation of land and Water resources; and (x) repairing and maintenance of any of the foregoing works; (j) "landholder" means a person in actual possession of the land, whether as an owner or a tenant or subtenant or as mortgagee in possession or licensee or otherwise, and includes person who is likely to benefited by land development and the expression "land holding" shall be construed accordingly; (k) "ordinary loan" means an area granted by a bank or any financing institution to a landholder against mortgage of land or any other security; (l) "outlet command" means an area served for irrigation purposes by a particular outlet as specified by the Authority; (m) "plan" means a plan prepared by the Authority under Section 14; (n) "project" means a project or scheme of land development; (o) "project administrator" means an officer appointed as such by the State Government by notification; (p) "project director" means such officer as may be nominated by the Authority and shall also include such other officer or officers as may be authorised by the Authority to exercise the powers and discharge the duties of a Project Director; (q) "proportionate cost of works" means cost of work recoverable from a land holder in proportion to the extent of woks

to be done on or for the benefit of his land holding; (r) "record of rights" has the same meaning as in the U. P. Land Revenue Act, 1901;. (s) "secretary" means Secretary of the Authority: (t) "small farmer", "marginal farmer", "agriculture labourer" and "village artisans" means persons defined as such by notification by the State Government from time to time; (u) "special loan" means a loan granted by the Authority to an ineligible person; (v) "works" includes any work relating to land development to be executed under a project under this Act.

3. Establishment Of Command Area Development Authority

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(1) The State Government may by notification establish an Area Development Authority for such area as may be notified: Provided that for every command area of an irrigation project, there shall be a separate Area Development Authority: Provided further that the State Government may by notification extend the jurisdiction of an Authority referred to in the preceding provision to any area, specified in the notification lying outside the command area for purpose of such of the provisions of this Act as may be notified. (2) The Area Development Authority shall be body corporate, and be deemed for all purposes to be a local authority. (3) The Authority shall have its head office at the place to be specified in the notification of its establishment.

4. Constitution Of The Authority :-

(1) The Authority shall consist of the following-- (a) project administrator who shall be the Chairman; (b) an officer nominated by the Agricultural Production Commissioner, not below the rank of Joint Secretary; 1[(bb) the Collectors of the Districts falling in the Area]; (c) not more than five officials of the State Government; (d) one representative of the Central Government nominated by that Government; (e) one member to be nominated by the State Government to represent banks and financing institutions; (f) one member having special knowledge or practical experience in respect of agriculture and rural economics to be nominated by the State Government; (g) not more than four members nominated by the State Government from amongst landholders of the relevant area, two of whom shall be so nominated from the weaker sections of that area, and the other two shall be from amongst the small farmers of that area. (2) Project Administrator shall nominate one of the Additional, Joint or Deputy Project Administrators to be the Secretary of the Authority. (3) Any member of the Authority, other

than ex officio member, shall hold office for three years, unless his term is determined earlier by the State Government by notification.

1. Inserted by U.P. Act 4 of 1987, vide Section 2(w.e.f. 19th December 1986).

5. Constitution Of Committees, Etc. :-

(1) The Authority may constitute standing or ad hoc committees consisting either wholly of members of the Authority or wholly of other persons, or partly of members of the Authority and partly of other persons, for any purpose or purposes consistent with the provisions of this Act, to assist the Authority in the discharge of its functions. (2) The terms and conditions of the non-official members of the committee or committees constituted under sub-section (1) shall be such as may be notified. (3) The committee or committees shall perform such functions as may be entrusted to them by the Authority from time to time.

6. Meetings :-

(1) The procedure for meetings of the Authority including the quorum to constitute a meeting, shall be such as may be laid down in regulations. (2) The Authority may invite any person to attend the meeting of the Authority for the purpose of assisting or advising it on any matter, and the person so invited may take part in any proceedings of the Authority but shall have no right to vote.

7. Share Capital And Share-Holders :-

(1) The authorised capital of the Authority shall be ten crores of rupees divided into ten thousand shares of ten thousand rupees each, or which two thousand fully paid up shares of ten thousand rupees each, shall be issued in the first instance, and the remaining shares, may, with the prior sanction of the State Government, be issued from time to time by the Authority as and when the Authority may deem fit. (2) The State Government and the Central Government shall subscribe, in such proportion as may be mutually determined by them, to the share capital to be issued in the first instance. (3) Subsequent issues of share capital may be subscribed to by the State Government and the Central Government in such proportion as may be mutually determined. (4) The State Government may from time to time increase the authorised capital of the Authority to such extent as the State Government may deem necessary.

8. Appointment Of Employees :-

(1) The Authority may appoint such employees as it considers

necessary and on such terms and conditions as it thinks fit for the efficient performance of its functions: Provided that the appointment of such employees as the State Government may by general or special order specify shall be made and their terms and conditions shall be determined with the approval of the State Government. (2) Subject to the general control and direction of the Chairman, the supervision and control over all employees of the Authority shall vest in the Secretary.

9. Authentication Of Orders And Other Instruments Of The Authority :-

All proceedings of the meetings of the Authority shall be authenticated by the signature of the Chairman and all orders and other instruments of the Authority shall be authenticated by signatures of the Secretary or such other office of the Authority as may be authorised in this behalf by regulations.

10. Acts Not To Be Invalidated By Informality Of Vacancy :-

No act done or proceedings taken under this Act by the Authority or a committee appointed by the Authority shall be invalidated merely on the ground of-- (a) any vacancy or defect in the constitution of the Authority or any committee thereof; or (b) any defect or irregularity in the appointment of a person acting as a member thereof; or (c) any defect or irregularity in such act or proceedings not affecting the substance.

11. Functions Of The Authority :-

The functions of the Authority shall be the followings, namely-- (1) to formulate plans for the integrated area and agricultural development of the territory within its area of operation; (2) treating the entire area under every outlet command as a single unit, to develop it according to topographical and hydrological requirements in the interest of efficient farming; (3) to survey the land, water resources, agricultural production and the like as may be necessary for the formulation of such plans; (4) to submit such plans showing their phasing both area-wise and work-wise to State Government for approval; (5) to implement such plans after their approval by the State Government; (6) to perform such other functions as may be prescribed or as may be entrusted to it by the State Government.

12. Powers Of The Authority :-

The Authority shall have the following powers, namely-- (1) to carry out surveys of the land, water resources, agriculture

production and the like as may be considered necessary by the Authority for formulation of the plans; (2) to require any State Government department, local body or corporate body to assist in the formulation of a plan, including survey for its formulation, and to call for records and documents from any State Government department, local body, corporate body or any individual for the purpose of such survey or formulation of plan; (3) to take all measures necessary for implementation of the approved plan, including the following-- (a) construction, improvement, maintenance or operation of the irrigation system; (b) development and maintenance of the main and subsidiary drainage systems; (c) ensuring of efficient maintenance of the field channels and field drains by the farmers; (d) measures for land development, either on its own or through other agencies; (e) enforcing an appropriate system of distribution and regulation of water supply, including osrabandi; (f) development and control of ground water resources and ensuring its conjunctive use alongwith surface irrigation both for control of ground and augmenting irrigation water; (g) selection, introduction and enforcing of suitable cropping pattern; (h) localization and delocalization of lands for various crops; (i) ensuring supplies of all inputs and services; (j) arranging ordinary loans for landholders, agricultural labourers and village artisans in the command areas, and granting of special loans to them, and their recovery; (k) development of marketing, processing and storage facilities; (l) development of subsidiary activities in the fields of animal husbandry, dairy, poultry farm, forestry, fisheries and horticulture; (m) organizing agricultural co-operatives and associations; (n) construction of roads; (o) promotion and setting up of rural growth centres for integrated area development; (p) agriculture extension services, including training of farmers, artisans, field research on experimental stations and farms and farmers service societies; (q) promotion and development of small and marginal farmers, agriculture labourers and village artisan. (4) to acquire and hold such movable and immovable property as it may deem necessary, and subject to such limitations as may be prescribed, lease, sell or otherwise transfer such property; (5) to borrow money in the open market by issuing bonds and debentures and other securities carrying interest. (6) to borrow money and accept deposits from the Central Government, the State Government, any bank or financing institution and, with the approval of the State Government, from a corporate body or from any other persons; (7) to levy such fees, dues and other charges as

are considered necessary to recover the cost of providing irrigation water and various services; (8) to carry on the activities of marketing, processing or storage of any agricultural produce, seeds, fertilizers, pesticides or any cottage industry alongwith or to the exclusion of others; (9) to do such other acts as may be provided for by or under this Act; (10) to do any other act not inconsistent with the provision of this Act as may be prescribed.

13. Guarantee By The State Government :-

The State Government may guarantee the bonds and debentures and other securities issued by the Authority and the loans and deposits by the Authority as to the repayment of principal and payment of interest thereon and incidental charges.

14. Plan :-

Every plan shall be prepared by the Authority and submitted to the State Government in such manner, and in such form as may be prescribed and shall, alongwith other such particulars as may be prescribed, contain the following details - (i) the area to be covered by the plan; (ii) the work or works to be executed; (iii) the phasing of the plan, both area-wise and work- wise; (iv) the cost involved in the plan as well as in each phase thereof; (v) the departments or other agencies at present carrying out such work; (vi) the staff of the Government departments or local bodies or other staff whose services shall be required by the authority for implementation of the plan; (vii) the charges or dues to be levied on the beneficiaries; and (viii) the betterment fee to be levied under Section 27. (2) The Authority may prepare separate land development projects and plan in respect of different areas or different works or include any other existing plan, project or scheme in the plan prepared under the provisions of this Act.

15. Approval Of Plan :-

The State Government may, by notification, either approve the plan or any phase thereof with or without any modification.

16. Consequences Of Notification :-

On the approval of the plan or any phase thereof by the State Government under Section 15 (which in its approved form shall be called the approved plan) the following consequences shall ensue, namely-- (a) the State Government may require any statutory body or any corporate body controlled by the State Government, functioning within the area of the operation of the approved plan to follow the directions of the Authority, and such body shall

thereupon follow such directions in respect of such matters as are specified in the approved plan; (b) all development plans relating to agricultural development drawn by any State Government department or any local authority or any statutory body or any corporation controlled by the State Government shall be intimated to the Authority and shall be executed with its approval and subject to such modifications or changes, if any, as suggested by the Authority and also subject to such directions as may be given by the Authority; (c) the Authority shall be deemed to be empowered to take all necessary action for implementation of the approved plan, including levy of betterment fee, cost of works and other charges and in particular, to give directions to any land-holder with regard to the following matters, namely-- (i) the manner in which cultivation is to be carried out; (ii) the crops which are to be raised and the rotation of such crops; (iii) the manner of carrying on any other agricultural production; (iv) the application and use of various inputs for agricultural production such as, seeds, pesticides, manures, fertilizers, fingerling, fodder, poultry feed, and such other items as may be provided by regulations; (v) provision for field channels for carrying water for purposes of irrigation; (vi) provision for drainage; (vii) location of wells tube-wells, pumps and other sources of irrigation; (viii) erection and removal of fences over lands; (ix) provision of pastures; (x) submission of returns within such time and in such manner as may be provided by regulations containing a true and accurate statement regarding the following matters, namely-- (a) area of land cultivated by him, the classification of such land, his interest therein and encumbrances on such land, if any; (b) the nature and quantity of agricultural production raised by him; (c) any other matter which may be provided by regulations; and (ix) such other matters as may be provided by regulations; (d) the State Government shall review the implementation of the approved plan periodically.

17. Land Development :-

(1) The Authority may either require the landholders concerned to carry out the land development as specified in the approved plan, or in this discretion, itself carry out such work on their behalf and recover the proportionate cost of works from the beneficiaries. (2) Where the Authority chooses to carry out the land development itself as provided in sub-section (1), the land development so carried out shall be deemed to have been done with the consent of the landholders for whose benefit the same is intended. (3) The

proportionate cost of works leviable from each landholder, as certified by the Authority, shall be a charge on the land of that landholder. (4) In order to provide for the physical planning the Project Director shall have the power to effect realignment of field boundaries and to proportionately reduce the area of land held by the landholders in the outlet command, or any other project area. (5) The realignment and change in the land holdings so made shall have effect notwithstanding any thing inconsistent therewith contained in any other enactment and shall be duly mutated in the record-of-rights.

18. District Committees :-

(1) The Authority shall by notification establish a District Committee for each district. (2) The District Committee shall consist of the following: (a) Collector ex officio Chairman. (b) Project Director ex officio Secretary. (c) Such other officers not exceeding five in number as the Authority may specify. Members.

19. Meeting Of The District Committees :-

The meetings of the District Committees shall be held in such manner and shall be governed by such procedure as may be laid down in the regulations.

20. Functions And Duties Of The District Committees :-

The District Committees shall perform such duties and functions and exercise such powers as may be laid down by the regulations or as may be entrusted to it by the Authority.

21. Functions Of The Project Director :-

Subject to the provisions of any regulations or any directions given by the Authority, the Project Director shall be in overall and immediate charge of implementation of project or projects for land development or any other project which the Authority may entrust under the approved plan.

22. Dissolution Of Chak Sabhas And Consequences :-

1[(1) With effect from September 16, 1989 all Chak Sabhas and Chak Samitis constituted respectively under Sections 22 and 23 as those sections stood immediately before the said date shall stand dissolved and thereupon : -- (a) all works constructed for land development of outlet command and other immovable property belongings to the Chak Sabha within the territorial limits whereof such works and other immovable property are situated; (b) all movable property and assets, and all rights, liabilities and

obligations of a Chak Sabha whether contractual or otherwise shall devolve upon such Gaon Sabha as the State Government may by notification, specify. (2) Any doubt or dispute in respect of the development referred to in sub-section (1) shall be referred to the State Government whose decision thereon shall be final. 1. Explanation. -- In this section and sections 23 and 24 "Gaon Sabha" means a Gaon Sabha established under the U. P. Panchayat Raj Act, 1947. 1. Sections 22 to 24 substituted by U.P. Act 27 of 1989, vide Sec. 4, (w.e.f. 16th Sept. 1989).

23. Jal Prabandh Samiti :-

For the Management of works constructed for land development and other properties devolving on a Gaon Sabha under section 22 and the maintenance of the outlet system, carrying out. Osarabandi and implementation of physical works of land development and cropping pattern in the outlet command falling within the territorial jurisdiction of the Gaon Sabha, there shall be constituted a Jal Prabandh Samiti in the manner prescribed in rules made under section 110 of the U.P. Panchayat Raj Act, 1947.

24. Powers, Functions And Duties Of Jal Prabandh Samiti :-

(1) without prejudice to the provision of section 23, the powers, functions and duties of Jal Prabandh Samiti shall be such as may be prescribed in rules made under section 110 of the U.P. Panchayat Raj Act, 1947. (2) Notwithstanding anything contained in the U.P. Panchayat Raj Act, 1947 the powers, functions and duties referred to in sub-section (1) and in section 23 shall be deemed to be the powers, functions and duties of the Gaon Panchayat under the said Act.]

25. Execution And Registration Of Contract, Etc. :-

Every contract or assurance of property on behalf on the Authority shall be in writing and be executed by such authority and in such manner as may be provided by regulations.

26. Authoritys Funds :-

(1) The Authority shall have its own fund to be called the Project Fund, which shall be deemed to be a local fund and to which shall be credited all moneys received otherwise than by way of loans by or on behalf of the Authority. (2) The Authority shall also have another fund to be called the Loan Fund, which shall also be deemed to be a local fund and to which shall be credited all moneys received by or on behalf of the Authority by way of loans. (3) Without prejudice to the provisions of sub-sections (1) and (2) the

Authority may, with the previous approval of the State Government, institute such other funds as may be necessary for the efficient performance of its functions under this Act.

27. Betterment Fee :-

(1) The Authority while framing a plan may declare that betterment fee shall be levied in relation to area of land held by landholders in its area of jurisdiction in lieu of the benefits that the landholders will reap, directly or indirectly, through the execution of the plan, either by way of improvement and stabilisation of the infrastructure of improvement in irrigation facilities or in communications and other services. (2) The betterment fee shall be assessed in such manner as may be prescribed.

28. Grant And Subventions To The Authority :-

(1) The State Government may after due appropriation by law by the State Legislature, from time to time make grants and subventions to the Authority for the purposes of this Act on such terms and conditions as the State Government may determine. (2) The State Government shall not make any subventions, grants and loans to any Board or any other body or individual for any of the purposes included in the approved plan, except through the Authority.

29. Loans To The Authority :-

The State Government may, from time to time, advance loans to the Authority, on such terms and conditions not inconsistent with the provisions of this Act as the State Government and the Authority may agree upon.

30. Power To The Authority To Borrow :-

(1) Stock of bonds issued by the Authority shall be issued, transferred, dealt with and redeemed in such manner, as the State Government may by general or special order direct. (2) The Authority may advance any part of such borrowings to any either body for the performance of functions specified in the Act on such terms and conditions as the Authority may determine.

31. Depreciation Reserve :-

The Authority shall create a depreciation reserve and make annual provision therefor in accordance with the principles as may be prescribed.

32. Accounts And Audit :-

(1) The Authority shall before the commencement of and may at

any time during a financial year, prepare a statement or a supplementary statement, as the case may be, of programme of its activities during the year as well as financial estimates in respect thereof and the same shall be submitted to the State Government in such manner, in such form and by such dates as the State Government may by general or special order direct, for the previous approval of the State Government: Provided that in the event of such previous approval not being received before the commencement of the financial year for which such financial statement has been submitted the Authority shall be entitled to expend on all accounts upto an amount not exceeding the amount approved for the corresponding period of the previous financial year and such amount shall not include any sum spent out of the grants and subventions during the said period. (2) The Authority shall cause to be maintained such proper books of account and other books in relation to its accounts and prepare the balance sheet in such form and manner as the regulations may require.

33. Surcharge :-

(1) The officers and employees of the Authority shall be liable to surcharge for the loss, waste or misapplication of any money or property of the Authority if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while acting as such officer or employee. (2) The procedure of surcharge shall be such as may be prescribed. (3) Any amount found to be involved in such loss, waste or misapplication as a result of proceedings for surcharge shall be recoverable as arrears of land revenue. (4) Nothing in sub-section (3) shall prevent the Authority from deducting any amount referred to therein from any sum payable by the Authority on account of remuneration or otherwise to such officer or employee.

34. Charges Leviable :-

The Authority may levy charges for the maintenance and repairs of irrigation channels from the beneficiaries where maintenance of such channels is done by the Authority.

35. Recovery Of The Cost Of Land Development And Cost On Works :-

(1) Subject to such terms and conditions as may be prescribed and subject also to the approval of the State Government the Authority may levy charges for the recovery of the cost of land development and the cost of any work from the person benefited by such land

development and works, in such instalments and during such period as may be specified by the Authority. (2) The recovery of cost of land development and works shall be in such proportion as the Authority may fix after taking into consideration the benefits or likely benefits to the land of each beneficiary from that work.

36. Fees For Service :-

The Authority may charge such fees as may be specified in the regulations for rendering any service to any person.

37. Recovery Of Fee, Cost Or Other Sum :-

Any sum due to the Authority on account of any special loan, betterment fee, charges, other fees, cost to works, penalty or damage under this Act shall be recoverable as arrears of land revenue.

38. Transfer Of Rights And Liabilities Towards Recovery Of Cost :-

(1) When any charges towards cost of any work are to be recovered from any person under Section 35, then notwithstanding anything contained in this Act or any other law for the time being in force, all the rights and liabilities of the Authority for the recovery of the cost or part of cost from the landholders may, if the Authority so directs, stand transferred to a Land Development Bank as defined in the Uttar Pradesh Co-operative Land Development Banks Act, 1964, hereinafter called the "development bank" in relation to such landholders subject to such terms and conditions (including any condition regarding giving of any guarantee by the Authority or the State Government) as may be agreed upon between the Authority, the State Government and such Bank. (2) Where the Authority makes a direction under sub-section (1) it shall be deemed that each landholder concerned has become member of the co-operative society, namely the development bank concerned, and accordingly, an amount equivalent to the value of one share in the society shall be added to the cost of works and be recoverable alongwith it. (3) For purposes of arriving at such agreement every owner of land shall produce before the development bank all such documents, and the evidence relating to this land as the Bank may require. (4) On such transfer of rights and liabilities of the Authority, the development bank shall pay to the Authority an amount equal to the extent of liability accepted by it under the agreement, and the Authority shall inform the holders of land concerned of such transfer, and thereupon amount to be recovered from such person

shall be recoverable by the development bank as if it was a loan advanced to such person by such bank. (5) The transfer of the rights and the liabilities and payment made in accordance therewith shall discharge the owner of the land of his liabilities to make payment to the Authority to the extent only of his respective liabilities accepted by the development bank.

39. Prohibition Of Certain Acts :-

No person shall-- (a) wilfully obstruct any person acting of behalf of the Authority in conducting survey of any land for preparation of the plan; (b) wilfully remove or damage any pillar, post or stand fixed on the ground for the purpose of setting out the lines of any works deface or destroy any marks made for this purpose; (c) wilfully or negligently break, injure or open any water channel without the permission of any officer authorised to give such permission; (d) wilfully obstruct the flow of or draw off or divert or take water from any channel; (e) obstruct any officer or other employee of the Authority in discharge of his duties under this Act; (f) disobey the directions given by the Authority under the provisions of this Act.

40. Members, Officers And Servants Of The Authority To Be Public Servants :-

All members, officers and servants of the Authority whether representing or appointed by the Authority of the State Government shall be deemed, when acting or purporting to act in pursuance of the provisions of this Act to be public servants within the meaning of Section 21 of Indian Penal Code (45 of 1860).

41. Cognizance Of Offences :-

No court shall take cognizance of any offence under this Act except on the complaint of the Authority made within six months next after the commission of the offence.

42. General Penalty :-

Whoever contravenes the provisions of this Act or of any rule or regulation made thereunder or fails to comply with any notice, order or direction issued under this Act or any rule or regulation made thereunder shall be punished with fine which may extend to one thousand rupees and with further fine which may extend to fifty rupees for every day on which such contravention or failure continues after the first conviction.

43. Offence By Companies :-

(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence 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 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-section (1) where any offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of or that the commission of the offence is attributable to any neglect on the part of, any director, manage, secretary, or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation. -- For the purposes of this section-- (a) Director in relation to a firm, means a partner in the firm; and (b) company means any body corporate and includes a firm or other association of individuals.

44. Power Of Entry :-

Any officer of the Authority may with or without assistance enter into any land in order to - (a) make any inspection, survey, measurement or inquiry; (b) take level; (c) dig or bore into sub-soil; (d) set out boundaries and intended lines of any works; (e) mark such levels, boundaries and lines by placing marks and cutting trenches; or (f) do any other thing necessarily for the purposes of this Act or any rule or regulation.

45. Power To Arrest Person Refusing To Give His Name And Address :-

(1) Where any person in the presence of any officer of the Authority, authorised by it by general or special order in that behalf has committed or has been accused of committing or who is reasonably suspected by such officer of committing any offence punishable under this Act refuses or fails on demand of such officer to give his name and address or gives a name or address which such officer has reason to believe to be false, he may be arrested by such officer without a warrant in order that his name or address or both may be ascertained. (2) The provisions of sub-sections (2) and (3) of Section 42 and of Sections 43, 48, 56, 58 and 59 of the

Code of Criminal Procedure, 1973 shall mutatis mutandis apply in relation of any arrest made under sub-section (1) as they apply to an arrest made under sub-section (1) of Section 42 thereof.

46. Composition Of Offences :-

(1) The Chairman or the Secretary of the Authority or any other officer or the Authority authorised by it by general or special order in that behalf may, either before or after institution of the proceedings, compound any offence punishable under this Act on such terms including payment of composition fee as he may think fit. (2) Where an offence has been compounded, the offender if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

47. Duties Of Police Officers And Employees Of The State Government, Etc. :-

It shall be duty of all police officers and of employees of the State Government in whose knowledge any offence punishable under this Act is committed or attempted to be committed, to give immediate information to the Authority or to officers of the Authority authorised in this behalf, of the commission of or, as the case may be, of the attempt to commit such offence and to assist all such officers in the exercise of their authority under this Act.

48. Direction To The Authority On Questions Of Policy :-

(1) In the discharge of its functions, the Authority shall be guided by such direction on questions of policy as may be given to it by the State Government. (2) If any question arises whether any matter is or is not a matter in respect of which the State Government may issue a direction under sub-section (1) the decision of the State Government shall be final.

49. Annual Report, Statistics, Returns And Other Information By The Authority :-

(1) The Authority shall, as soon as may be after the end of each financial year, prepare and submit to the State Government before such date and in such form as the State Government may direct, a report giving an account of its activities during the previous financial year, and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Authority in the next financial year, and the State Government shall cause every such report to be laid before the State Legislature as soon as may be after it is received by the State Government. (2) The Authority shall furnish to the State Government at such time and in

such form and manner as the State Government may direct such statistics and returns and such particulars in regard to any proposed or existing activities of the Authority or any other matter under the control of the Authority as the State Government may, from time to time require.

50. Duty Of State Government Departments And Other Statutory Bodies To Assist :-

(1) All State Government Departments and other statutory bodies controlled by the State Government shall render such help and assistance and furnish such information to the Authority and shall make available for the inspection and examination of land (if necessary, preparation of copies from) such records, maps, plans and other documents, as it may require in the discharge of its functions under this Act. (2) Without prejudice to other provisions of this Act and notwithstanding anything contained in any other law for the time being in force under which any statutory body is constituted, the State Government may give to any such body such direction as in its opinion may be necessary or expedient for enabling the Authority to perform its functions under this Act, and thereupon it shall be the duty of such body to comply with such directions.

51. General Power To Pay Compensation :-

In any case not otherwise expressly provided for in this Act the Authority may pay reasonable compensation to any person who sustains damage by reason of the exercise of any power vested by or under this Act in the Authority.

52. Protection For Acts Done In Good Faith :-

No suit, prosecution or other legal proceeding shall lie against the State Government, the Authority or a Chairman or other member of the Authority or any officer or servant of the State Government or of the Authority for any thing which is in good faith done or purported or intended to be done in pursuance of this Act or any rule or regulation made thereunder.

53. Powers To Make Rules :-

The State Government may, by notification make rules for carrying out the purposes of this Act.

54. Regulations :-

(1) The Authority may with the previous approval of the State Government, make regulations not inconsistent with the provisions

of this Act and the rules made thereunder. (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely: -- (a) summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of persons necessary to form a quorum thereat; (b) the powers and duties of the employees of the Authority; (c) the management of the property of the Authority; (d) the execution of contracts and assurances of the property on behalf of the Authority; (e) the limit up to which the Chairman, the member, Secretary or any other officer of the Authority shall be competent to incur recurring and non-recurring expenditure in any financial year; (f) the maintenance of accounts and the preparation of balance sheet by the Authority; (g) the procedure for carrying out the functions of the Authority under this Act including the preparation of the plan; (h) the delegation of powers of the Authority to the Chairman or to any other officer of the Authority. (i) any other matter for which provision is required to be made by regulations. (3) Until any regulations are made by the Authority, any regulation which may be so made by it, may be made by the State Government and any regulation so made may be altered or rescinded by the Authority in exercise of its powers under sub-section (1).

55. Delegation Of Powers :-

Subject to any directions of the State Government, the Authority may, by regulations delegate any of its powers, except the power to frame a plan, to the Chairman or any other officer of the Authority.

56. Additional Powers Under Other Enactments May Be Conferred On Authority :-

Where a power in respect of any of the functions assigned to the Authority under this Act is assigned to any other body under any other Uttar Pradesh Act, then upon a notification issued by the State Government in this behalf, the power shall be deemed to be conferred on the Authority or any of its officers to be specified in the notification.

57. Removal Of Difficulties :-

(1) The State Government may, for the purpose of removing any difficulty, particularly in relation to the transaction of functions from other State Government departments or authorities or bodies to the

Authority, make such order as it may deem to be necessary or expedient: Provided that no such order shall be made after the expiry of period of two years from the commencement of this Act. (2) Every order made under sub-section (1) shall be laid before both Houses of the State Legislature.

58. Repeal And Savings :-

(1) The Uttar Pradesh Area Development Ordinance, 1976 (U. P. Ordinance No. 32 of 1976) is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the aforesaid Ordinance shall be deemed to have been done or taken under the provisions of this Act, as if this Act were in force at all material times.