



The Aizawl Development Authority Act, 2005

Act 9 of 2005

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**THE AIZAWL
DEVELOPMENT AUTHORITY ACT
2005**

**BILL NO. 10 OF 2005
ACT NO. 9 OF 2005
PASSED ON 31.03.2005**

THE AIZAWL DEVELOPMENT AUTHORITY ACT, 2005

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THE AIZAWL DEVELOPMENT AUTHORITY ACT, 2005

(No. 9 of 2005)

An Act to provide for the development of Aizawl according to plan and for matters ancillary thereto

Be it enacted by the Legislative Assembly of Mizoram in the Fifty Sixth Year of Republic of India as follows:

CHAPTER I PRELIMINARY

1. Short title, extent and commencement -

(1) The Act may be called the Aizawl Development Authority Act, 2005.

(2) It extends to the whole of Aizawl.

Provided that the State Government may, by notification in the Official Gazette, extend the Act to any area or areas in the State contiguous to Aizawl.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions - In this Act, unless the context otherwise requires, -

(a) "Aizawl" means Aizawl city and comprises the area called the 'Greater Aizawl City Development Planning Area' notified in Government Notification No. D. 11 031/22/99-LAD dated the 24th October, 2000.

(b) 'amenity' includes road, water supply, street lighting, drainage, sewerage, public works and such other convenience as the State Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Act:

(c) "Authority" means the Authority constituted under section 3 of the Act;

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

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

- (f) “development” with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land and includes redevelopment;
- (g) “development area” means any area declared to be a development area under sub-section (1) of section 13;
- (h) “engineering operations” includes the formation or laying out of means of access to a road or the laying out of means of water supply, electricity or telephone lines;
- (i) “Government” means the Government of Mizoram;
- (j) “Legislative Assembly” means the Legislative Assembly of Mizoram.
- (k) “local authority” means a Village Council, Town Committee, Municipal Council, Municipal Corporation, District Council or other authority legally entitled to, or entrusted by the Government with, the control or management of local fund or which is permitted by the Government to exercise the powers of a local authority;
- (l) “means of access” includes any means of access whether private or public, or vehicles or for foot passengers, and includes a road;
- (m) “regulation” means a regulation made under this Act by the Aizawl Development Authority constituted under section 3;
- (n) “rule” means a rule made under this Act by the Government;
- (o) “to erect” in relation to any building includes –
- (i) any material alteration or enlargement of any building,
 - (ii) the conversion, by structural alteration into a place for human habitation of any building not originally constructed for human habitation,
 - (iii) the conversion into more than one place for human habitation of a building originally constructed as one such place,
 - (iv) the conversion of two or more places of human habitation into a greater number of such places,
 - (v) such alterations of a building as affect an alteration of its drainage or sanitary arrangements, or materially affect its security,
 - (vi) the addition of any rooms, buildings, houses or other structures to any building, and
 - (vii) the construction, in a wall adjoining any street or land not

belonging to the owner of the wall, of a door opening on to such street or land;

- (o) "zone" means any one of the divisions in which Aizawl may be divided for the purposes of development under this Act;
- (p) the expression "land" shall have the meaning assigned to it in section 3 of the Land Acquisition Act, 1894 (1 of 1894).

CHAPTER II

THE AIZAWL DEVELOPMENT AUTHORITY AND ITS OBJECTS

3. The Aizawl Development Authority - (1) As soon as may be after the commencement of this Act, the Government shall, by notification in the Official Gazette, constitute for the purposes of this Act an authority to be called the Aizawl Development Authority.

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

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

- (a) a chairman who shall be the Chief Minister, ex-officio;
- (b) a vice-chairman to be appointed by the Government;
- (c) a town planner member to be appointed by the Government;
- (d) an engineer member to be appointed by the Government;
- (e) Chief Secretary of the Government;
- (f) Commissioner/Secretary, Local Administration Department;
- (g) Commissioner/Secretary, Finance Department;
- (h) Dy. Commissioner, Aizawl;
- (i) Engineer-in-Chief, Public Works Department of the Government;
- (j) Chief Engineer, Public Health Engineering Department of the Government;
- (k) Chief Engineer, Power & Electricity Department of the Government;
- (l) Director, Local Administration Department;
- (m) Director, Land Revenue & Settlement;
- (n) Director, Transport Department;
- (o) Chief Town & Country Planner of the Government;
- (p) Head of the Geology & Mining;
- (q) Three Members of the Mizoram Legislative Assembly from Aizawl city to be nominated by the State Government with the prior approval of the Speaker of the Mizoram Legislative Assembly;
- (r) three prominent persons, preferably experts in the relevant field, to be nominated by the Government, and
- (s) one person to be nominated by the Government to represent the non-governmental organizations.

(4) The appointments of the vice-chairman, the town planner member and the engineer member shall be whole-time. The vice-chairman shall function as the chief executive of the Authority.

(5) The vice-chairman, the town planner member and the engineer member shall be entitled to receive from the funds of the Authority such salaries and such allowances and governed by such conditions of service as may be determined by rules made in this behalf.

(6) The other members specified in clauses (p), (q) and (r) of sub-section (3) may be paid from the funds of the Authority such allowances, if any, as may be fixed by the Government in this behalf.

(7) The vice-chairman, the town planner member, the engineer member and the members referred to in clause (q), and clause (r) of sub-section (3) shall hold office during the pleasure of the Government.

(8) A nominated member shall hold office for a term of three years and shall be eligible for re-nomination.

Provided that such term shall come to an end as soon as the member ceases to be a member of the body from which he is nominated.

(9) A member other than an *ex-officio* member may resign his office by writing under his hand addressed to the Government but shall continue in office until his resignation is accepted by the Government.

(10) No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy in, or defect in the constitution of, the Authority.

4 Staff of the Authority - (1) The Government may appoint two suitable persons respectively as the secretary and the chief accounts officer of the Authority who shall exercise such powers and perform such duties as may be prescribed by regulations or delegated to them by the Authority or the chairman.

(2) Subject to such control and restrictions as may be prescribed by rules, the Authority may appoint such member of other officers and employees (including experts for technical work) as may be necessary for the efficient performance of its functions and may determine their designations and grade.

(3) The secretary, chief accounts officer and other officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and such allowances, if any, and shall be governed by such conditions of service as may be determined by regulations made in this behalf.

5. Constitution of Committees – (1) The Authority may constitute as many committees consisting wholly of members or wholly of other persons or partly of members and partly of other persons and for such purpose or purposes as it may think fit.

(2) A committee constituted under this section shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be determined by regulations made in this behalf.

(3) Those members of a committee other than members of the Authority shall be paid such fees and allowances for attending its meetings and for attending to any other work of the Authority as may be determined by regulations made in this behalf.

6. Objects of the Authority – The objects of the Authority shall be to promote and secure the development of Aizawl according to plan and for that purpose the Authority shall have the power to acquire, hold, manage and dispose of land and other property, to carry out building, engineering, mining and other operations, to execute works in connection with supply of water and electricity, disposal of sewage and other services and amenities and generally to do anything necessary or expedient for purposes of such development and for purposes incidental thereto.

Provided that save as provided in this Act, nothing contained in this Act shall be construed as authorizing the disregard by the Authority of any law for the time being in force.

CHAPTER III MASTER PLAN AND ZONAL DEVELOPMENT PLAN

7. Civic survey of, and master plan for, Aizawl - (1) The Authority shall, as soon as may be, carry out a civic survey of, and prepare a master plan for Aizawl.

(2) The master plan shall –

- (a) define the various zones into which Aizawl may be divided for the purposes of development and indicate the manner in which the land in each zone is proposed to be used (whether by carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out; and
- (b) serve as a basic pattern of frame-work within which the zonal development plans of the various zones may be prepared.

(3) The master plan may provide for any other matter which is necessary for the proper development of Aizawl.

(4) If, prior to the commencement of this Act, a master plan has been prepared for Aizawl and the same has been accepted by the Government, the Authority may,

with the approval of the Government, adopt the said master plan with or without modification as the Authority may think fit.

8. Zonal development plans – (1) Simultaneously with the preparation of the master plan or as soon as may be thereafter, the Authority shall proceed with the preparation of a zonal development plan for each of the zones into which Aizawl may be divided.

(2) A zonal development may –

(a) contain a site-plan and use-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 and public and private open spaces and other categories of public and private uses;

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

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

(d) 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 building 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;

- (viii) 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;
- (ix) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;
- (x) the restrictions regarding the use of any site for purposes other than erection of buildings; and
- (xi) any other matter which is necessary or expedient 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.

9. Submission of plans to Government for approval – (1) In this section and in sections 10, 11, 12 and 14 the word “plan” means the master plan as well as the zonal development plan for a zone.

(2) Every plan shall, as soon as may be after its preparation, be submitted by the Authority to the Government for approval and the Government may either approve the plan without modification or with such modification as it may consider necessary or reject the plan with directions to the Authority to prepare a fresh plan according to such directions.

10. Procedure to be followed in the preparation and approval of plans –

(1) Before preparing any plan finally and submitting it to the Government for approval, 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 prescribed by rules made in this behalf 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 opportunities 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 prepare the plan and submit it to the Government for its approval.

(4) Provisions may be made by rules made in this behalf 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, submission and approval of such plan.

(5) Subject to the foregoing provisions of this section the Government may direct the Authority to furnish such information as the Government may require for the purpose of approving any plan submitted to it under this section.

11. Date of operation of plans – Immediately after a plan has been approved by the Government, the Authority shall publish, in such manner as may be prescribed 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.

CHAPTER IV MODIFICATIONS TO THE MASTER PLAN AND THE ZONAL DEVELOPMENT PLAN

12. Modifications to plans– (1) The Authority may make any modification to the master plan or the zonal development plan as it thinks fit, being a modification which, in its opinion, does not effect important alterations in the character of the plan and which does not relate to the extent of land-users or the standards of population density.

(2) The Government may make any modification to the master plan or the zonal development plan whether such modification is of the nature specified in sub-section (1) or otherwise.

(3) Before making any modification to the plan, the Authority or, as the case may be, the Government shall publish a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the proposed modification before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Authority or the Government.

(4) Every modification made under the provisions of this section shall be published in such manner as the Authority or the Government, as the case may be, may specify and the modification shall come into operation either on the date of the publication or on such other date as the Authority or the Government may fix.

(5) When the Authority makes any modification to the plan under sub-section (1) it shall report to the Government with full particulars of such modification within thirty days of the date on which such modification comes into operation.

(6) If any question arises whether the modification proposed to be made by the Authority is a modification which effects important alterations in the character of the plan or whether they relate to the extent of land-use or the standards of population density, it shall be referred to the Government whose decision thereon shall be final.

(7) Any reference in any other Chapter, except Chapter III, to the master plan or the zonal development plan shall be construed as a reference to the master plan or the zonal development plan as modified under the provisions of this section.

CHAPTER V DEVELOPMENT OF LANDS

13. Declaration of development areas and development of land in those and other areas – (1) As soon as may be after the commencement of this Act, the Government may, by notification in the Official Gazette, declare any area in Aizawl to be a development area for the purposes of this Act.

Provided that no such declaration shall be made unless a proposal for such declaration has been made to the Government by the Authority.

(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) After the commencement of this Act, no development of land shall be undertaken or carried out in any area within Aizawl by any person or body (including a department of Government) unless permission for such development has been obtained in writing from the Authority in accordance with the provisions of this Act.

(4) After the coming into operation of any of the plans in any area no development shall be undertaken or carried out in that area unless such development is also in accordance with such plans.

(5) Notwithstanding anything contained in sub-sections (3) and (4) development of any land begun by any department of Government or any local authority before the commencement of this Act may be completed by that Department or local authority without compliance with the requirements of those sub-sections.

14. Application for permission - (1) Every person or body (including a department of Government) desiring to obtain the permission referred to in section 13 shall make an application in writing to the Authority in such form and containing such

particulars in respect of the development to which the application relates as may be prescribed by regulations.

(2) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed by rules.

Provided that no such fee shall be necessary in the case of an application made by a department of the Government.

(3) On receipt of an application for permission under sub-section (1), the Authority after making such inquiry as it considers necessary in relation to any matter specified in clause (d) of sub-section (2) of section 8 or in relation to any other matter, shall, by order in writing, either grant permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such permission.

Provided that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused.

(4) Where permission is refused, the grounds of such refusal shall be recorded in writing and communicated to the applicant in the manner prescribed by regulations.

(5) The Authority shall keep in such form as may be prescribed by regulations a register of applications for permission under this section.

(6) The said register shall contain such particulars including information as to the manner in which applications for permission have been dealt with as may be prescribed by regulations and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee not exceeding rupees five as may be prescribed by regulations.

(7) Where permission is refused under this section, the applicant or any person claiming through him shall not be entitled to get refund of the fee paid on the application for permission but the Authority may, on application for refund being made within three months of the communication of the grounds of the refusal under sub-section (4), direct refund of such portion of the fee as to it may seem proper in the circumstances of the case.

15. User of land and buildings in contravention of plans - After the coming into operation of any of the plans in a zone no person shall use or permit to be used any land or building in that zone otherwise than in conformity with such plan.

Provided that it shall be lawful to continue to use, upon such terms and conditions as may be prescribed by regulations made in this behalf, any land or building for the purpose for, and the extent to which it is being used upon the date on which such plan comes into force.

CHAPTER VI ACQUISITION AND DISPOSAL OF LAND

16. Acquisition of land – (1) If, in the opinion of the Government, any land is required for the purpose of development, or for any other purpose, under this Act, the Government may acquire such land under the provisions of the Land Acquisition Act, 1894 (1 of 1894).

(2) Where any land has been acquired by the Government, the Government may, after it has taken possession of the land, transfer the land to the Authority for the purpose for which the land has been acquired on payment, by the Authority, of the compensation awarded under that Act and of the charges incurred by the Government in connection with the acquisition.

17. Disposal of land by the Authority -

(1) Subject to any direction given by the Government under this Act, the Authority may dispose of –

- (a) any land acquired by the Government and transferred to it, without undertaking or carrying out any development thereon; or
- (b) any such land after undertaking or carrying out such development as it thinks fit

to such persons, in such manner and subject to such terms and conditions as it considers expedient for securing the development of Aizawl according to plan.

(2) The powers of the Authority with respect to the disposal of land under subsection (1) shall be so exercised as to secure, so far as practicable, that persons who are living or carrying on business or other activities on the land shall, if they desire to obtain accommodation on land belonging to the Authority and are willing to comply with any requirements of the Authority as to its development and use, have an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.

Provided that where the Authority proposes to dispose of by sale any land without any development having been undertaken or carried out thereon, it shall offer the land in the first instance to the persons from whom it was acquired, if they desire to purchase it subject to such requirements as to its development and use as the Authority may think fit to impose.

(3) Nothing in this Act shall be construed as enabling the Authority to dispose of land by way of gift, mortgage or charge, but subject as aforesaid, reference in this Act to the disposal of land shall be construed as reference to the disposal thereof in any

manner, whether by way of sale, exchange or lease or by the creation of any easement right or privilege or otherwise.

18. Power of the Authority to develop land in non-development area –

Notwithstanding anything contained in sub-section (2) of section 13, the Authority may, if it is of the opinion that it is expedient to do so, undertake or carry out any development of any land which has been transferred to it or placed at its disposal under section 16 even if such land is situated in any area which is not a development area.

**CHAPTER VII
FINANCE, ACCOUNTS AND AUDIT**

19. Fund of the Authority – (1) The Authority shall have and maintain its own fund to which shall be credited –

- (a) all moneys received by the Authority from the Government by way of grants, loans, advances or otherwise;
- (b) all moneys borrowed by the Authority from sources other than the Government by way of loans and debentures;
- (c) all fees and charges received by the Authority under this Act;
- (d) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable; and
- (e) all moneys received by the Authority by way of rents and profits, or in any other manner or from any other source.

(2) The fund shall be applied towards meeting the expenses incurred by the Authority in the administration of this Act and for no other purposes.

(3) The Authority may keep in current account of the State Bank of India or any other bank approved by the Government in this behalf such sum of money out of its fund as may be prescribed by rules and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

(4) The Government may, after due appropriation made by the Legislative Assembly, make such grants, advances and loans to the Authority as the Government may deem necessary for the performance of the functions of the Authority under this Act; and all grants, loans and advances made shall be on such terms and conditions as the Government may determine.

(5) The Authority may borrow money by way of loans or debentures from such sources (other than the Government) and on such terms and conditions as may be approved by the Government.

(6) The Authority may maintain a sinking fund for the repayment of moneys borrowed under sub-section (5), and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed.

(7) The sinking fund or any part thereof shall be applied in, or towards, the discharge of the loan for which such fund was created, and until such loan is wholly discharged it shall not be applied for any other purpose.

20. Budget of the Authority - The Authority shall prepare, in such form and at such time every year as may be prescribed by rules, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Authority and shall forward to the Government such number of copies thereof as may be prescribed by rules.

21. Accounts and audit - (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Government may by rules prescribed in consultation with the Accountant General of Assam, Mizoram etc. having its office at Shillong.

(2) The accounts of the Authority shall be subject to audit annually by the Accountant General of Assam, Mizoram etc. having office at Shillong or by any other officer on his behalf.

(3) Any such officer as may be authorised by him in connection with the audit of accounts of the Authority shall have the same right, privilege and authority in connection with such audit as the Accountant General has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Authority.

(4) The accounts of the Authority as certified by the Accountant General or any other officer appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Government and the Government, after obtaining an order of the Governor in this regard, shall cause a copy of the same to be laid before the Legislative Assembly.

22. Annual Report - The Authority shall prepare every year a report of its activities during that year and submit the report to the Government in such form and on or before such date as may be prescribed by rules, and the Government, after obtaining an order of the Governor in this regard, shall cause a copy of the report to be laid before the Legislative Assembly.

23. Pension and provident funds - The Authority shall constitute for the benefit of its whole-time paid members and of its officers and other employees in such manner and subject to such conditions, as may be prescribed by rules, such pension and provident funds as it may deem fit.

CHAPTER VIII
SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

24. Power of entry – The Authority may authorize any person to enter into or upon any land or building with or without assistants or workmen for the purpose of –

- (a) making any enquiry, 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 work;
- (e) making such levels, boundaries and lines by placing marks and cutting trenches;
- (f) ascertaining whether any land is being or has been developed in contravention of the master plan or zonal development plan or without the permission referred to in section 13 or in contravention of any condition subject to which such permission has been granted; 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 to the occupier, or if there be no occupier, to the owner of the land or building;
- (ii) sufficient opportunity shall in every instance be given to enable women (if any) to withdraw from such land or building;
- (iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

25. Penalties – (1) Any person who, whether at his own instance or at the instance of any other person or any body (including a department of Government), undertakes or carries out development of any land in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 13 or in contravention of any condition subject to which such permission, approval or sanction has been granted, shall be punishable –

- (a) with rigorous imprisonment which may extend to three years, if such development relates to utilizing, selling or otherwise dealing with any land with a view to the setting up of a colony without lay-out plan; and
- (b) with simple imprisonment which may extend to six months, or with a fine which may extend to ten thousand rupees, or with both, in any case, other than those referred to in clause (a).

(2) Any person who uses any land or building in contravention of the provisions of section 15 or in contravention of any terms and conditions prescribed by regulations under the proviso to that section shall be punishable with fine which may extend to ten thousand rupees and in the case of continuing offence, with further fine which may extend to one thousand rupees for every day during which such offence continues after conviction for the first commission of the offence.

(3) Any person who obstructs the entry of a person authorized under section 24 to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

26. Order of demolition of building – (1) Where any development has been commenced or is being carried on or has been completed in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 13 or in contravention of any conditions subject to which such permission, approval or sanction has been granted, any officer of the Authority empowered by it in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order directing that such development shall be removed by demolition, filling or otherwise by the owner thereof or by the person at whose instance the development has been commenced or is being carried out or has been completed, within such period (not being less than five days and more than fifteen days from the date on which a copy of the order of removal, with a brief statement of the reasons therefore, has been delivered to the owner or that person) as may be specified in the order and on his failure to comply with the order, the officer of the Authority may remove or cause to be removed the development and the expenses of such removal shall be recovered from the owner or the person at whose instance the development was commenced or was being carried out or was completed as arrears of land revenue.

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

(2) The provisions of this section shall be in addition to, and not in derogation of, any other provision relating to demolition of buildings contained in any other law for the time being in force.

27. Power to stop development – (1) Where any development in any area has been commenced in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 13 or in contravention of any condition subject to which such permission, approval or sanction has been granted the Authority or any officer of the Authority empowered by it in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order requiring the development to be discontinued on or from the date of the service of the order, and such order shall be complied with accordingly.

(2) Where such development is not discontinued in pursuance of the order under sub-section (1), the Authority or the officer of the Authority may require any police officer to remove the person by whom the development has been commenced and all his assistants and workmen from the place of development or to seize any construction material, tool, machinery, scaffolding or other things used in such development within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(3) Any of the things caused to be seized by the Authority or the officer of the Authority under sub-section (2) shall, unless the owner thereof turns up to take back such things and pays to the Authority or the officer of the Authority the charges for the removal or storage of such things, be disposed of by it or him by public auction or in such other manner and within such time as the Authority or the officer of the Authority thinks fit.

(4) The charges for the removal and storage of the things sold under sub-section (3) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner of the things sold on a claim being made within a period of one year from the date of sale, and if no such claim is made within the said period, shall be credited to the fund of the Authority.

(5) After the requisition under sub-section (2) has been complied with, the Authority may depute by a written order a police officer or an officer or employee of the Authority to watch the place in order to ensure that the development is not continued.

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

(7) No compensation shall be claimable by any person for any damage which he may sustain in consequence of the removal of any development under section 26 or the discontinuance of the development under this section.

(8) The provisions of this section shall be in addition to, and not in derogation of, any other provision relating to stoppage of building operations contained in any other law for the time being in force.

28. Power to seal unauthorized development – (1) It shall be lawful for the Authority, at any time, before or after making an order for the removal or discontinuance of any development under section 26 or section 27, to make an order directing the sealing of such development in the manner prescribed by rules, for the purpose 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 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 made by the Authority ; or

(b) under an order of the Appellate Tribunal made in an appeal under this Act..

29. Appellate Tribunal – (1) The Government shall, by notification in the Official Gazette, constitute an Appellate Tribunal to be called the Aizawl Development Appellate Tribunal (hereinafter referred to as the Tribunal) for deciding appeals under section 30.

(2) The Government shall also specify in the notification referred to in sub-section (1) the place of the day-to-day sitting of the Tribunal.

(3) The Appellate Tribunal shall consist of one person to be designated as the Presiding Officer of the Tribunal and appointed, by notification in the Official Gazette, by the Government.

(4) A person shall not be qualified for appointment as the Presiding Officer of the Tribunal unless he –

(a) has been, or is qualified to be, a Judge of a High Court; or

(b) has held office, either in the Government of India or a State Government, not lower in rank than that of Additional Secretary to the Government of India.

(5) The Presiding Officer shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty five years, whichever is earlier.

(6) The salaries and allowances and the terms and conditions of service of the Presiding Officer shall be as prescribed by rules.

Provided that neither the salary and allowances nor the other terms and conditions of service of the Presiding Officer shall be varied to his disadvantage during his term of office.

(7) If, for reasons other than temporary absence, any vacancy occurs in the office of the Presiding Officer, then the Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(8) A Presiding Officer may, by notice in writing under his hand addressed to the Government, resign his office.

Provided that the Presiding Officer shall, unless he is permitted by the Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earliest.

(9) A Presiding Officer shall not be removed from his office except by an order by the Government on the ground of proved misbehaviour or incapacity after an enquiry made under the provisions of the Commission of Inquiry Act, 1952 (60 of 1952).

(10) No order of the Government appointing any person as Presiding Officer shall be called in question in any manner, and no act or proceeding before the Tribunal shall be called in question in any manner on the ground merely of any defect in the constitution of the Tribunal.

(11) The Government shall provide the Tribunal with such officers and other employees on such conditions of service as may be prescribed by rules.

(12) (a) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of justice and the spirit of the provisions of the Code, and subject to other provisions of this Act and the rules made thereunder, the Tribunal shall have powers to regulate its own procedure including the place at which it will have its sittings.

(b) The Tribunal shall have, for the purpose of discharging its functions under this Act, the same powers as vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while disposing an appeal, in respect of the following matters, namely:-

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery and production of documents;
- (iii) receiving evidence on affidavits;
- (iv) issuing commissions for the examination of witnesses or documents;
- (v) reviewing its decisions;

- (vi) dismissing an appeal for default or deciding it *ex parte*;
- (vii) setting aside any order of dismissal of any appeal for default or any order passed by it *ex parte*; and
- (viii) any other matter as may be prescribed by rules

(c) Every proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code, 1860 (45 of 1860) and Tribunal shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(13) The appellant may either appear in person or authorize one or more practitioners and, in the case of a government department or a corporate body, any of its officers, to present the case before the Tribunal.

(14) The Presiding Officer and officers and employees of the Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860),

30. Appeals – (1) Any person aggrieved by any of the following orders made under this Act may prefer an appeal to the Appellate Tribunal, namely:-

- (a) an order of the Authority granting, or refusing to grant permission for development under sub-section (3) of section 14;
- (b) an order of the Authority disposing of any land under section 17;
- (c) an order of an officer of the Authority made under sub-section (1) of section 26, for removal of any development;
- (d) an order of the Authority or an officer of the Authority made under sub-section (1) of section 27, for discontinuing any development;
- (e) an order of the Authority made under section 28, directing sealing of any development.

(2) An appeal under this section shall be filed within thirty days from the date of the order appealed against.

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Appellate Tribunal shall be made in such form and shall be accompanied by a copy of the order appealed against and by such fees as may be prescribed by rules.

31. Bar of jurisdiction of courts – (1) After issue of notification constituting the Appellate Authority under section 29 no court shall entertain any suit, application or other proceedings in regard to any order in respect of which appeal can be filed under section 30 and no such order shall be called in question otherwise than by preferring an appeal under that section.

(2) Notwithstanding anything contained in sub-section (1), every suit, application or other proceeding pending in any court immediately before issue of notification constituting the Appellate Authority under section 29 in regard to any order in respect of which appeal can be filed under section 30 shall continue to be dealt with and disposed of by that court as if the said section had not been brought into force.

32. Offences 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-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation – For the purposes of this section –

(a) “company” means 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.

33. Fines when realized to be paid to the Authority – All fines realised in connection with prosecutions under this Act shall be paid to the Authority.

34. Composition of offences – (1) An offence made punishable by or under this Act may, either before or after the institution of proceedings, be compounded by the Authority or any person authorised by the Authority by general or special order in this behalf.

(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 compounded.

35. Certain offences to be cognizable – The Code of Criminal Procedure, 1973 (2 of 1974) shall apply to an offence under sub-section (1) of section 25 as if it were a cognizable offence,-

- (i) for the purposes of investigation of such offence ; and
- (ii) for the purposes of all matters other than -
 - i. matters referred to in section 42 of that Code, and
 - ii. arrest of a person except on the complaint of, or upon information received from such officer of the Authority as may be appointed by the Government, if the offence is committed in relation to a development area.

Provided that no offence which relates to any deviation from the permission, approval or sanction given under section 14 and which could be compounded under the provisions of this Act, shall be cognizable.

36. Default powers of the Authority – (1) If the Authority, after holding a local enquiry or upon report from any of its officers or other information in its possession, is satisfied that any amenity in relation to any land in development area has not been provided in relation to that land which, in the opinion of the Authority, is to be provided, or that any development of the land for which permission, approval or sanction has been obtained under this Act has not been carried out, it may, after affording a reasonable opportunity to show cause, serve upon the owner of the land or upon the person providing or responsible for providing the amenity a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.

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

Provided that before taking any action under this sub-section, the Authority shall afford reasonable opportunity to the owner of the land or to the person providing or responsible for providing the amenity to show cause as to why such action should not be taken.

(3) All expenses incurred by the Authority or the agency employed by it in providing the amenity or carrying out the development together with interest at such rate as the Government may, by order, fix from the date when a demand for the expenses is made until payment may be recovered by the Authority from the owner or the person providing or responsible for providing the amenity as arrears of land revenue.

37. Power of the Authority to require local authority to assume responsibility for amenities in certain cases – Where any area has been developed by the Authority, the Authority may require the local authority within whose local limits the area so developed is situated, to assume responsibility for the maintenance of the amenities which have been provided in the area by the Authority and for the provision of the amenities which have not been provided by the Authority but which, in its opinion, should be provided in the area, on terms and conditions agreed upon between the Authority and that local authority; and where such terms and conditions cannot be agreed upon, on terms and conditions settled by the Government in consultation with the local authority on a reference of the matter to the Government by the Authority.

38. Power of the Authority to levy betterment charges – (1) Where, in the opinion of the Authority, as a consequence of any development having been executed by the Authority in any development area, the value of any property in that area or in any area other than the development area, which has been benefited by the development, has increased or will increase, the Authority shall be entitled to levy upon the owner of the property or any person having an interest therein a betterment charge in respect of the increase in value of the property resulting from the execution of the development.

Provided that no betterment charge shall be levied in respect of lands owned by Government within Aizawl.

Provided further that where any land belonging to Government has been let out by Government to any person, then that land and any building situated thereon shall be subject to a betterment charge under this section.

(2) Such betterment charge shall be an amount -

- (i) in respect of any property situated in a development area, equal to one-third of the amount; and
- (ii) in respect of property situated in any other area, not exceeding one-third of the amount

by which the value of the property on the completion of the execution of the development scheme estimated as if the property were clear of buildings exceeds the value of the property prior to such execution estimated in like manner.

Provided that in levying betterment charge on any property under clause (ii), the Authority shall have regard to the extent and nature of benefit accruing to the property from the development and such other factors as may be prescribed by rules made in this behalf.

39. Assessment of betterment charges by the Authority – (1) When it appears to the Authority that any particular development scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment

charge the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the property or any person having an interest therein that the Authority proposes to assess the amount of the betterment charge in respect of the property under section 38.

(2) The Authority shall then assess the amount of betterment charge payable by the person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of the notice in writing of such assessment from the Authority, inform the Authority by a declaration in writing that he accepts the assessment or dissents from it.

(3) When the assessment proposed by the Authority is accepted by the person concerned within the period specified in sub-section (2) such assessment shall be final.

(4) If the person concerned dissents from the assessment or fails to give the Authority the information required by sub-section (2) within the period specified therein the matter shall be determined by arbitrators in the manner provided in section 40.

40. Settlement of betterment charges by arbitrators – (1) For the determination of the matter referred to in sub-section (4) of section 39 the Government shall appoint three arbitrators of whom one at least shall have special knowledge of the valuation of land.

(2) The arbitrators shall follow such procedure as may be prescribed by rules made in this behalf.

(3) The arbitrators shall, for the purpose of determining any matter referred to them, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents, and
- (c) administering to any party to the arbitration such interrogatories as may, in the opinion of the arbitrators, be necessary.

(4) In the event of any difference of opinion among the arbitrators the decision of the majority shall prevail and that decision shall be the award of the arbitrators.

(5) If the arbitrator dies, resigns or is removed under sub-section (6) or refuses, or neglects, in the opinion of the Government, to perform his duties or becomes incapable of performing the same, then the Government shall forthwith appoint another fit person to take the place of such arbitrator.

(6) If the Government is satisfied after such inquiry as it thinks fit –

- (a) that an arbitrator has misconduct himself, the Government may remove him from his office;
- (b) that the award of the arbitrators has been improperly procured or that any arbitrator has conducted himself improperly in connection with such award, the Government may set aside the award.

(7) An award which has not been set aside by the Government under clause (b) of sub-section (6) shall be final and shall not be questioned in any court.

(8) The provisions of the Arbitration Act, 1940 (10 of 1940) shall not apply to arbitration under this section.

41. Payment of betterment charge – (1) The betterment charge levied under this Act shall be payable in such number of instalments and each instalment shall be payable at such time and in such manner as may be fixed by regulations made in this behalf.

(2) Any arrear of betterment charge shall be recoverable as an arrear of land revenue.

42. Mode of recovery of moneys due to Authority - Any money due to the Authority on account of fees or charges, or from the disposal of lands, buildings or other purposes, movable, or immovable, or by way of rents and profits may, if the recovery thereof is not expressly provided for in any other provision of this Act, be recovered by the Authority as arrears of land revenue.

43. Control by Government – (1) The Authority shall carry out such directions as may be issued to it from time to time by the Government for the efficient administration of this Act.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by the Authority under this Act, any dispute arises between the Authority and the Government, the decision of the Government on such dispute shall be final.

(3) The Government may, at any time, either on its own motion or on application made to it in this behalf, call for the records of any case disposed of or order passed by the Authority for the purpose of satisfying itself as to the legality or propriety of any order passed or direction issued and may pass such order or issue such direction in relation thereto as it may think fit.

Provided that the Government shall not pass an order prejudicial to any person without affording such person a reasonable opportunity of being heard.

44. Returns and inspections – (1) The Authority shall furnish to the Government such reports, returns and other information as the Government may from time to time require.

(2) Without prejudice to the provisions of sub-section (1), the Government or any officer authorised by the Government in this behalf, may call for reports, returns and other information from the Authority or local authority in regard to the implementation of the master plan.

(3) Any person authorised by the Government or the officer referred to in sub-section (2) may enter into or upon any land with or without assistants or workmen for ascertaining whether the provisions of the master plan are being or have been implemented, or whether the development is being or has been carried out in accordance with such plan.

(4) No such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building.

45. Service of notices, etc. – (1) All notices, orders and other documents 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 such rule or regulation, be deemed to be duly served –

- (a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either –
 - (i) sent by registered post, or
 - (ii) delivered at the registered office or at the principal office or place of business of the company;
- (b) where the person to be served is a partnership, if the document is addressed to the partnership 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;
- (c) where the person to be served is a public body or a corporation or society or other body, if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either –
 - (i) sent by registered post, or

(iii) delivered at that office;

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

(i) is given and 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, if within Aizawl 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 that 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 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 (d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(3) Where a document is served on a partnership 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 secretary to the Authority may by notice in writing require the occupier (if any) of the property to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) A servant is not a member of the family within the meaning of this section.

46. Public notice – how to be made known – Every public notice given under this Act shall be in writing over the signature of the secretary to the Authority and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality or by announcement in the public address system in the locality or by advertisement in local newspaper or by any two or more of these means, and by any other means that the secretary may think fit.

47. Notices etc. to fix reasonable time - Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule or regulation, the notice, order or other document shall specify a reasonable time for doing the same.

48. Authentication of orders and documents of the Authority - All permissions, orders, decision, notices and other documents of the Authority shall be authenticated by the signature of the secretary to the Authority or any other officer authorised by the Authority in this behalf.

49. Members and officers of the Authority to be public servants - Every member and every officer and other employee of the Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

50. Jurisdiction of courts - No court inferior to that of a Magistrate of First Class shall try an offence punishable under this Act.

51. Sanction of prosecution - No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Authority or any officer authorised by the Authority in this behalf.

52. Magistrate's power to impose enhanced penalties - Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any court of a Magistrate of First Class to pass any sentence authorised in this Act in excess of its powers under the said section.

53. Protection of action taken in good faith - No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

54. Power to delegate - (1) The Authority may, by notification in the Official Gazette, direct that any other power exercisable by it under this Act except the power to make regulations may also be exercised by such officer or local authority or committee constituted under section 5 as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(2) The Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act, except the power to make rules, may also be exercised by such officer as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

55. Act to have overriding effect - (1) Save as otherwise provided in sub-section (2) of section 26 or sub-section (8) of section 27, the provisions of this Act and the rules and regulations made thereunder shall have overriding effect notwithstanding anything inconsistent therewith contained in any other State law for the time being in force or in any instrument having effect by virtue of any such State law other than this Act.

(2) Notwithstanding anything contained in such other law -

- (a) when permission for development in respect of any land has been obtained under this Act such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has not been obtained;
- (b) when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

56. Restriction on power of a local authority to make rules, regulations or bye-laws in respect of certain matters – (1) Notwithstanding anything contained in any law for the time being in force, no rule, regulation or bye-law shall be made or amended by a local authority in respect of matters specified in sub-section (2) unless the Authority, upon consideration of such rule, regulation or bye-law, certifies that it does not contravene any of the provisions of the master plan or the zonal development plan.

2) The matters referred to in sub-section (1) are the following, namely:-

- (a) water supply, drainage and sewage disposal;
- (b) erection and re-erection of buildings, including grant of building permissions, licenses and imposition of restrictions on use and sub-division of buildings;
- (c) sub-division of land into building sites, roads and lanes, recreational sites and sites for community facilities; and
- (d) development of land, improvement schemes and housing and rehousing schemes.

57. Notice to be given of suits – (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 Authority in respect of any act done or purporting to have been done in pursuance of this Act or any rule or regulation made thereunder until the expiration of two months after notice in writing has been, in the case of the Authority, left at its office, and in any other case, delivered to, or left at the office or place of abode of, the person 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 a notice has been so left or delivered.

(2) No suit such as is described in sub-section (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 six months from the date on which the cause of action arises.

(3) Nothing contained in sub-section (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 the giving of the notice or the postponement of the institution of the suit.

58. Savings – Nothing in this Act shall apply to –

- (a) the carrying out of 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 of the building;
- (b) the carrying out by any local authority or by any department of Government of any works for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;
- (c) the erection of a building, not being a dwelling house if such building is required for the purposes subservient to agriculture;
- (d) the erection of a place of worship or a memorial stone or cenotaph or of a wall enclosing a graveyard, place of worship or cenotaph on land which at the commencement of this Act is occupied by or for the purpose of such worship, memorial stone, cenotaph or graveyard;
- (e) the excavations (including wells) made in the ordinary course of agricultural operations, and
- (f) the construction of unmetalled road intended to give access to land solely for agricultural purposes.

59. Plans to stand modified in certain cases – (1) Where any land situated in any area in Aizawl is required by the master plan or a zonal development plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of operation of the plan under section 11 or where such land has been so required or designated by any amendment of such plan, from the date of operation of such amendment, the land is not compulsorily acquired, the owner of the land may serve on the Government a notice requiring his interest in the land to be so acquired.

(2) If the Government fails to acquire the land within a period of six months from the date of receipt of the notice, the master plan or, as the case may be, the zonal development plan shall have effect, after the expiration of the said six months as if the

land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition.

60. Power to make rules – (1) The Government, after consultation with the Authority may, by notification in the Official Gazette, make rules to carry out the provisions of the Act.

Provided that consultation with the Authority shall not be necessary on the first occasion of the making of rules under this section, but the Government shall take into consideration any suggestion which the Authority may make in relation to the amendment of such rules after they are made.

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

- (a) the qualifications and disqualifications for being chosen as, and being, vice-chairman and members of the Authority;
- (b) the salaries, allowances and conditions of service of the whole-time paid members of the Authority;
- (c) travelling and other allowances of the vice-chairman and members of the Authority except those of the *ex officio* members and such other members as are Government servants;
- (d) the control and restrictions in relation to appointment of officers and other employees;
- (e) the stages by which the development of any particular features of a zone may be carried out;
- (f) the form and content of the master plan and a zonal development plan and the procedure to be followed in connection with the preparation, submission and approval of such plans and the form, and the manner of publication, of the notice relating to any such plan in draft;
- (g) the local inquiries and other hearings that may be held before a plan is approved;
- (h) the form and manner in which notice under sub-section (3) of section 12 shall be published;
- (i) the fee to be paid on an application for permission under sub-section (1) of section 14 and the factors and circumstances to be taken into consideration in determining such fee;

- (j) the factors to be taken into consideration in determining the rate of betterment charge in respect of property situate in any area outside the development area;
- (k) the manner in which the sealing of any development under sub-section (1) of section 28 shall be made;
- (l) salary, allowances and terms and conditions of service of the Presiding Officer of the Tribunal;
- (m) conditions of service of the officers and employees of the Appellate Tribunal;
- (n) the form in which an appeal shall be made to the Appellate Tribunal under sub-section (3) of section 30 and the fees that shall accompany such appeal;
- (o) the procedure for referring any matter to the Government under section 37 for settlement of terms and conditions subject to which a local authority may be required to assume responsibility for amenities in any area;
- (p) the procedure to be followed by arbitrators in the determination of betterment charge;
- (q) the sum of money that may be kept in current account;
- (r) the procedure to be followed for borrowing moneys by way of loans and debentures and their requirement;
- (s) the form of the budget of the Authority and the manner of preparing the same;
- (t) the form of the balance-sheet and statement of accounts;
- (u) the form of the annual report and the date on or before which it shall be submitted to the Government;
- (v) the manner of constitution of the pension and provident funds for the whole-time paid members and officers and other employees of the Authority and the conditions subject to which such funds may be constituted; and
- (w) any other matter which has to be, or may be, prescribed by rules.

61. Power to make regulations – (1) The Authority, with the previous approval of the Government may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of the

Act, and without prejudice to the generality of this power, such regulation may provide for –

- (a) the 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 members necessary to form a quorum thereat;
- (b) the summoning and holding of meetings of a committee constituted under section 5, the time and place where such meetings are to be held, the conduct of business at such meetings, and the number of members necessary to form a quorum thereat and the fees and allowances payable to the members for attending the meetings or any other work of the Authority.
- (c) the powers and duties of the secretary and chief accounts officer of the Authority;
- (d) the salaries, allowances and conditions of service of the secretary, chief accounts officer and other officers and employees;
- (e) the procedure for the carrying out of the functions of the Authority under Chapter III;
- (f) the form in which any application for permission under sub-section (1) of section 14 shall be made and the particulars to be furnished in such application;
- (g) the terms and conditions subject to which user of lands and buildings in contravention of plans may be continued;
- (h) the manner of communicating the grounds of refusal of permission for development;
- (i) the form of the register of applications for permission and the particulars to be contained in such register;
- (j) the management of the properties of the Authority;
- (k) the time and manner of payment of betterment charge, and
- (l) any other matter which has to be, or may be prescribed by regulations.

(2) Until the Authority is established under this Act, any regulation which may be made under sub-section (1) may be made by the Government; and any regulation so made may be altered or rescinded by the Authority in exercise of its powers under sub-section (1).

62. Laying of rules and regulations before the Legislative Assembly – Every rule and every regulation made under this Act shall be laid, as soon as may be after such rule or regulation is made, before the Legislative Assembly, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the Assembly agrees in making any modification in the rule or regulation, or the Assembly agrees that the rule or regulation should not be made, the rule or regulation 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 under that rule or regulation.

63. Dissolution of the Authority – (1) Where the Government is satisfied that the purposes for which the Authority was established under this Act have been substantially achieved so as to render the continued existence of the Authority, in the opinion of the 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 properties, funds and dues which are vested in, or realisable by, the Authority shall vest in, or be realisable by, the Government;
- (b) all liabilities which are enforceable against the Authority shall be enforceable against the Government; and
- (c) for the purpose of carrying out any development which has not been fully carried out by the Authority and for the purpose of realising properties, funds and dues referred to in clause (a), the functions of the Authority shall be discharged by the Government.

64. Repeal and savings - (1) The provisions of the Mizoram Urban and Regional Development Act, 1990 (12 of 1990), as amended from time to time, in so far as they relate to the matters dealt with in this Act, are hereby repealed with effect from the date this Act comes into force.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act 12 of 1990 or the rules framed thereunder may be deemed to have been done or taken under the corresponding provisions of this Act, unless specifically superceded.



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NOTIFICATION

No. H. 12018/176/2006 - LJD/82, the 24th April, 2008. The following Act of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Aizawl Development Authority (Amendment) Act, 2008

(Act No. 4 of 2008)

[Received the assent of the Governor of Mizoram on 31st March, 2008]

AN

ACT

to amend the Aizawl Development Authority Act, 2005 (No. 9 of 2005) (here inafter referred to as the Principal Act).

It is enacted by Legislative Assembly of Mizoram in the fifty-ninth year of the Republic of India as follows :-

- Short title, extend and commencement*
- 1) This Act may be called the Aizawl Development Authority (Amendment) Act, 2008.
 - 2) It shall have like extent as the Principal Act.
 - 3) It shall come into force from the date of it's publication in the official Gazette.

- Amendment of Section 3* 2. 1) In sub-section(3) of Section 3 of the Principal Act, the following shall be added, namely :-
- "(ff) Commissioner/Secretary, Urban Development & Poverty Alleviation Department;
- (ii) Principal Chief Conservator of Forest;
- (ll) Director, Urban Development & poverty Alleviation;
- (mm) Director, Disaster Management & Rehabilitation;
- (nn) Secretary, Aizawl Development Authority to be the Member Secretary;"
- 2) In clause (o) of sub-section (3) of Section 3 of the Principal Act, the words, 'Chief Town and Country Planner of the Government' shall be substituted by the words, 'Head of Town and Country Planning'.
- 3) In sub-section (6) of Section 3 of the Principal Act, the letters '(p), (q) and (r)' shall be substituted by the letters '(q), (r) and (s)' respectively.
- 4) In sub-section (7) of Section 3 of the Principal Act, the words and letters, 'clause (q) and clause (r)' shall be substituted by the word and letters 'clauses (q), (r) and (s)'.
- Amendment of Section 19* 3. 1) Sub-section (3) of Section 19 of the Principal Act, shall be substituted with the following :-
- "The Authority may keep in current account or savings account of the State Bank of India or any other Bank approved by the Government in this behalf such sum of money as may be received/raised by the Authority through the sources listed in sub-section (1) of Section 19".

Sd/-

(P. CHAKRABORTY)

Secretary to the Govt. of Mizoram,
Law, Judl. & Par. Affairs,
Aizawl.