

THE JODHPUR DEVELOPMENT AUTHORITY ACT, 2009
(Act No. 2 of 2009)

[Received the assent of the Governor on the 31st day of January, 2009]

An

Act

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

Whereas, Jodhpur City and areas contiguous to it are being progressively developed and populated, and the necessity is being increasingly felt for forming these areas into Jodhpur Region and for setting up of an Authority for the purpose of planning, co-ordinating, and supervising the proper, orderly and rapid development of these areas, in which several government departments, local authorities and other organisations are at present engaged within their own jurisdictions; to provide also that such Authority be enabled either itself or through other authority to formulate and execute plans, projects and schemes for the development of Jodhpur Region so that housing, community facilities, civic amenities and other infrastructure are properly created for the population of Jodhpur Region in the perspective of 2023 A.D. or thereafter including the intermediate stages, and to provide for matters connected with the purpose aforesaid;

Be it enacted by the Rajasthan State Legislature in the Fifty-ninth Year of the Republic of India, as follows:-

CHAPTER- I

Preliminary

1. Short title, extent and commencement .-(1) This Act may be called The Jodhpur Development Authority Act, 2009.

(2) It shall extend to Jodhpur Region Area.

(3) It shall be deemed to have come into force on and from 30th August, 2008.

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

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

(2) "amenities" include roads, bridges, any other means of communication, transport, streets, open spaces, parks, recreational grounds, play grounds, water, gas and electric supply, and source of energy, street lighting, sewerage, drainage, conservancy, public works and such other utilities, services and convenience has the State Government in consultation with the Authority may, by notification in the Official Gazette, specify to be an amenity for the purpose of this Act;

(3) "Authority" means the Jodhpur Development Authority constituted under section 3;

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

(5) "development" with its grammatical variations, means the carrying out of building, engineering, mining or other operations in, or over, or under any land (including land under river, lake or any other water) or the making of any material change in any building or land or in the use of any building or land, and includes re-development and lay out, and sub-division of any land and also the provision of amenities and projects and schemes for development of agriculture, horticulture, floriculture,

forestry, dairy development, poultry farming, piggery, cattle breeding, fisheries and other similar activities, and "to develop" shall be construed accordingly;

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

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

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

(9) "Land" includes benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;

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

(11) "Municipality" means a Municipality established under the Rajasthan Municipalities Ordinance, 2008 (Ordinance No. 10 of 2008) in Jodhpur Region;

(12) "occupier" includes-

- (a) an owner or any person who, but for a contract, express or implied, is paying or is liable to pay rent to the owner of any building or land; or
- (b) any person who is liable to pay to the owner of any land or building, damages for wrongful occupation of the whole or part of any such building or land; and
- (c) rent-free occupant of any building or land;

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

(14) "Panchayat" means a panchayat established under the Rajasthan Panchayati Raj Act, 1994 (Act No. 13 of 1994) in Jodhpur Region;

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

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

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

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

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

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

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

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

1959) and the Rajasthan Municipalities Ordinance, 2008 (Ordinance No. 10 of 2008).

CHAPTER- II

Establishment and Constitution of the Authority

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

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

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

4. Composition of the Jodhpur Development Authority.-(1) The Authority shall consist of the following members, namely :-

- (i) a Chairman, appointed by the State Government;
- (ii) a Vice-chairman, Jodhpur Development Commissioner, Jodhpur;
- (iii) Principal Secretary to the Government, Urban Governance (Development and Housing Department); or his representative not below the rank of Deputy Secretary;
- (iv) Deputy Housing Commissioner, Rajasthan Housing Board, Jodhpur;

- (v) Additional Chief Engineer, Public Health Engineering Department, Jodhpur;
- (vi) Additional Chief Engineer, Public Works Department, Jodhpur;
- (vii) District Collector, Jodhpur;
- (viii) Chief Managing Director, Jodhpur Vidyut Vitran Nigam Ltd., Jodhpur;
- (ix) Chairman/Administrator, Municipal Corporation, Jodhpur;
- (x) Zila Pramukh of Zila Parishad, Jodhpur ;
- (xi) Deputy Town Planner, Jodhpur; and
- (xii) Non-official members, not exceeding seven to be nominated by the State Government.

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

(3) The Chairman of the Authority shall supervise and control all the activities on behalf of the Authority and shall exercise such powers and perform such duties as are conferred on him under this Act and exercise such other powers and perform such other duties as the Authority may, by regulations, from time to time determine. He may also modify, subject to confirmation by the Authority, in its next meeting, the decisions of officers of authority and committees constituted under the provisions of this Act.

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

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

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

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

(8) The term of the non-official members of the Authority nominated under clause (xii) of sub-section (1) shall be for a period of two years:

Provided that in the event of the office of any aforesaid member becoming vacant by reason of death, removal, resignation or otherwise, the vacancy shall be filled up by fresh nomination according to the provisions of clause (xii) of sub-section (1).

(9) No act or proceeding of the Authority, or of any board, committee or other body thereof shall be deemed to be invalid at any time merely on the ground that any of the members of the Authority or such body are not nominated, appointed or for any other reason are not available to take office at the time of the constitution or any meeting of the Authority, or such body or any person is a member in more than one capacity, or there are one or more vacancies in the offices of any members of the Authority or such body.

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

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

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

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

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

7. Constitution and powers of Executive Committee.- (1)

There shall be an Executive Committee of the Authority consisting of the following members, namely: -

- (i) a Chairman, who shall be the Jodhpur Development Commissioner;
- (ii) representative of Principal Secretary, Urban Governance (Development and Housing) not below the rank of Deputy Secretary;
- (iii) Secretary, Jodhpur Development Authority (who shall be the member-Secretary of the Committee);
- (iv) Chief Engineer, Public Works Department, Jodhpur, Rajasthan;
- (v) Chief Engineer, Public Health Engineering Department, Jodhpur, Rajasthan;
- (vi) Managing Director or his representative of the Jodhpur Vidyut Vitaran Nigam Limited not below the rank of a Chief Engineer;
- (vii) Managing Director, Rajasthan State Industrial and Investment Corporation Limited; or his representative not below the rank of General Manager;
- (viii) Managing Director, Rajasthan State Road Transport Corporation; or his representative not below the rank of General Manager;
- (ix) Deputy Director, Tourism, Jodhpur;
- (x) Director, Engineering of the Authority;
- (xi) Director, Town Planning of the Authority;
- (xii) Director, Finance of the Authority;
- (xiii) Director, Law of the Authority;
- (xiv) Collector, Jodhpur;

(xv) Superintendent of Police, Jodhpur; and

(xvi) The Commissioner, Municipal Corporation, Jodhpur :

Provided that where an Administrator has been appointed of the Municipal Corporation of Jodhpur, he shall be the member.

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

- (i) organisation of the divisions and operational units of the Authority;
- (ii) preparation of drafts of regulations and recommending to the Authority for making them;
- (iii) operation of the Jodhpur Region Development Funds;
- (iv) preparation of projects and schemes;
- (v) approval or rejection of tenders for projects and schemes;
- (vi) creation of posts under the Authority upto such level as may be determined by regulations with the prior approval of the Government ;
- (vii) borrowing and reborrowing of money required by the Authority;
- (viii) investment of surplus money of the Jodhpur Region Development Funds;
- (ix) making of grants, subventions, loans or advances to, or sharing expenses with any local or other authority or person for projects and schemes;
- (x) institution or withdrawal of legal proceedings on behalf of the Authority; and
- (xi) delegation of any of its powers and duties to its Chairman or any officer of the Authority.

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

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

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

- (i) management and supervision of operational units of the Authority;
- (ii) except as otherwise provided, appointment of the staff as per strength sanctioned by the Authority or the Executive Committee, as the case may be, including

their removal, dismissal or otherwise punishing them in accordance with the regulations made by the Authority;

- (iii) promulgation of internal procedure for management of the Authority;
- (iv) administration of Projects and Schemes of the Authority;
- (v) grant of any permission required to be given under this Act or refusal thereof on behalf of the Authority;
- (vi) calling tenders, scrutinise them and approve or reject them where the value does not exceed rupees one crore and where the value exceeds rupees one crore making recommendation to the Executive Committee;
- (vii) executing agreements and entering into contracts for and on behalf of the Authority; and
- (viii) all other powers, functions and duties as may be determined by regulations.

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

- (i) Director, Engineering who shall not be below the rank of Chief Engineer of civil construction;
- (ii) Director, Town Planning, who shall not be below the rank of Senior Town Planner and Architectural Advisor;
- (iii) Director, Finance who shall be not below the rank of Senior Accounts Officer; and
- (iv) Director Law who shall not be below the rank of a District Judge, or a Joint Legal Remembrancer from the Rajasthan State Legal Service.

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

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

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

9. Determination of strength of the Staff, etc..- The Authority or in case the powers are delegated by it, the Executive Committee may, from time to time, sanction creation of posts of all other officers and servants with the prior approval of the Government, except the officers referred to in section 8, subordinate to the Authority including Executive Committee, any other Committee, any Functional Board or any other body as it thinks necessary. The conditions of appointment and service, strength of the cadre and the powers, functions and duties of such

officers and servants shall be such as may be determined by regulations.

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

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

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

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

12. Provision for inviting Government and Local Authority Officers to assist for advice.- The Authority, the Executive Committee, the Jodhpur Development Commissioner or a Functional Board may invite any officer of the State Government or local authority or other authority or any person to attend its meeting or meetings as a special or permanent invitee for the purpose of assisting or advising it on any matter or matters. The

officers or the persons so invited may take part in the proceedings, but shall have no right to vote.

CHAPTER- III

Constitution of Functional Boards

13. Establishment of Jodhpur Traffic Control Board.-

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

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

- (i) a Chairman who shall be the Jodhpur Development Commissioner ;
- (ii) Secretary, Jodhpur Development Authority ;
- (iii) Regional Transport Officer, Jodhpur, Rajasthan ;
- (iv) General Manager(Operation), Rajasthan State Road Transport Corporation, Zone Jodhpur ;
- (v) Additional Chief Engineer, Public Works Department, Jodhpur ;
- (vi) Additional Chief Engineer, Public Health Engineering Department, Jodhpur ;
- (vii) Representative of the Jodhpur Vidyut Vitran Nigam Ltd., not below the rank of a Additional Chief Engineer ;
- (viii) Director, Engineering of the Authority ;
- (ix) Director, Town Planning of the Authority ;
- (x) Director, Finance of the Authority ;
- (xi) District Magistrate, Jodhpur ;

- (xii) Superintendent of Police, Jodhpur ;
- (xiii) Chairman/Administrator, Municipal Corporation, Jodhpur ; and
- (xiv) two persons to be nominated by the Chairman of the Authority.

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

- (i) to prepare a Master Plan for traffic control in Jodhpur City and to take steps in a phased manner for its implementation ;
- (ii) to take steps to modernise the traffic control system ;
- (iii) to lay down the policy for issuing traffic licences of light and heavy vehicles ;
- (iv) to determine policy for one way traffic, to impose restrictions for certain hours on certain kind of traffic on certain roads, to bar certain vehicles on certain roads, to determine parking places, stands, stops and cycle ways and other matters connected therewith ;
- (v) to lay down guidelines for raising sign-signals, barriers and speed breakers ;
- (vi) to grant permission to any person, Government Department (Central or State), any local authority or any other body to cut the roads for various purposes and to impose conditions thereof ;
- (vii) to demolish traffic hazards, obstacles and to determine compensation in such cases in accordance with regulations ;
- (viii) to solicit help of the citizens and associations of repute to advise and raise funds for traffic control and traffic education in accordance with the rules ;
- (ix) to organise traffic education ; and

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

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

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

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

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

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

- (b) advise the Authority, Executive Committee or the Jodhpur Development Commissioner;
- (c) implement any project or scheme, entrusted to it by the Authority or Executive Committee; and
- (d) exercise such other powers and perform such other functions and duties as may be delegated to it by the Authority or as may be assigned to it by the Executive Committee or the Jodhpur Development Commissioner from time to time.

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

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

CHAPTER- IV

Powers and Functions of the Authority

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

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

- (b) formulation and sanction of the projects and schemes for the development of the Jodhpur Region or any part thereof;
- (c) execution of projects and schemes directly by itself or through a local authority or any other agency;
- (d) to make recommendations to the State Government on any matter or proposal requiring action by the State Government, Central Government, any local authority or any other authority for overall development of the Jodhpur Region;
- (e) participation with any other authority for the development of the Jodhpur Region;
- (f) co-ordinating execution of projects or schemes for the development of the Jodhpur Region;
- (g) supervision or otherwise ensuring adequate supervision over the planning and execution of any project or scheme, the expenses of which, in whole or in part are to be met from the Jodhpur Region Development Funds;
- (h) preparing schemes and advising the concerned authorities, departments and agencies in formulating and undertaking schemes for development of agriculture, horticulture, floriculture, forestry, dairy development, transport, communication, schooling, cultural activities, sports, medicare, tourism entertainment and similar other activities;
- (i) execution of projects and schemes on the directions of the State Government;
- (j) undertaking housing activity in Jodhpur Region, provided that the delineation of responsibility for housing between Rajasthan Housing Board and the

Authority will be made by the State Government effective from the date to be fixed by it;

- (k) to acquire, hold, manage and dispose of property, movable or immovable, as it may deem necessary;
- (l) to enter into contracts, agreements or arrangements with any person or organisation as the Authority may deem necessary for performing its functions;
- (m) to prepare Master Plan for traffic control and management, devise policy and programmes of action for smooth flow of traffic and matters connected therewith;
- (n) to perform functions designated by the State Government in the areas of urban renewal, environment and ecology, transport and communication, water energy resource management directly or through its Functional Board or other departments/agencies as the State Government may specify;
- (o) regulating the posting of bills, advertisement hoardings, signpost, and name boards in Jodhpur Region or in any part thereof as specified by the Authority;
- (p) regulating the erection or re-erection of buildings and projections, making material alterations therein and providing for open spaces in Jodhpur Region or in any part thereof as specified by the Authority;
- (q) removing obstructions and encroachments upon public streets, open spaces and properties vesting in the Government or the Authority;
- (r) to do all such other acts and things which may be necessary for or incidental or conducive to, any

matters which arise on account of its activity and which are necessary for furtherance of the objects for which the Authority is established; and

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

17. No other authority or person to undertake certain development without permission of the Authority.- (1)

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

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

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

(3) The Authority shall, after making such enquiry as it deems necessary and within sixty days from the receipt of an application under sub-section (2), grant such permission without any conditions or with such conditions as it may deem fit to impose or refuse to grant such permission. If such permission is not granted or refused within sixty days as aforesaid, the applicant may, by a written communication presented in person or through his authorised representative to the Secretary of the Authority or any other officer nominated by him in this behalf, call the attention

of the Authority to the omission or neglect in granting or refusing permission, and if such omission or neglect continues for a further period of thirty days from the receipt of such communication, the Authority shall be deemed to have permitted the proposed development and such development may be proceeded within the manner specified in the application:

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

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

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

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

18. Powers of the Authority to give directions.- (1) Notwithstanding anything contained in any other law for the time being in force, the Authority may give such directions to any local authority or other authority or person, with regard to the implementation of any project or scheme financed under section

16, as it thinks fit and any such local authority or other authority or person shall be bound to comply with such directions.

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

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

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

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

20. Power of the Authority to execute any plan.- (1) Where the Authority is satisfied that any direction given by it

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

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

- (a) there is no other suitable authority to undertake such work, or
- (b) where there is such an authority but it is unwilling or unable to undertake such work, or
- (c) where the Authority has specifically requested the State Government to entrust such work to it.

(3) Where any work is undertaken by the Authority under sub-section (1), it shall be deemed to have, for the purpose of the execution of such work, all the powers which may be exercised by or under any law for the time being in force by the local Authority or other authority or person referred to in sub-section (1).

(4) The Authority may, for the purpose of sub-sections (1) and (2), undertake the survey of any area within the Jodhpur

Region and for that purpose it shall be lawful for any member, officer or servant of the Authority:-

- (a) to enter in or upon any land to take level of such land ;
- (b) to dig or bore into the sub-soil ;
- (c) to mark levels and boundaries by placing marks and cutting trenches ; and
- (d) where otherwise the survey cannot be completed and levels taken and boundaries marked, to cut down and clear away any fence or jungle :

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

CHAPTER- V

Master Development Plan and Zonal Development Plans

21. Civic Survey and preparation of Master Development Plan.- (1) The Authority with a view to securing planned integrated development and use of land, shall carryout a civic survey of and prepare a Master Development Plan for Jodhpur Region.

(2) The Master Development Plan shall precisely define the quality of life that a citizen of Jodhpur Region could desirably be expected to lead in (i) medium range perspective of the year 2016 A.D. (ii) long term perspective of the year 2023 A.D. and thereafter, and (iii) such other intermediate stages, as the State Government may direct, balanced and time targeted development to sub-serve the needs of the growing city of Jodhpur and other areas of Jodhpur Region, the network of public utilities, civic amenities, community facilities, housing, communications and transport, the projects or schemes for conservation and development of natural resources and such other matters as are

likely to have bearing on the integrated development of the Jodhpur Region and in particular may provide for :-

- (i) transport and communications such as roads, high-ways, railways, canals, international air-ports, air cargo complexes and bus-service, including their development ;
- (ii) water supply, drainage, sewerage, sewage disposal and other public utilities, amenities and services, including electricity and gas ;
- (iii) preservation, conservation and development of areas of natural scenery, city forests, wild life, natural resources and landscaping ;
- (iv) preservation of objects, features, structures or places of historical, natural, architectural or scientific interest and educational value ;
- (v) prevention of erosion, provision for afforestation or re-forestation, improvement of water front areas, rivers, nallahs, lakes and tanks ;
- (vi) irrigation, water supply and hydro-electric works, flood control and prevention of water and air pollution;
- (vii) educational and medical facilities ;
- (viii) district business centers, other shopping complexes, export oriented industrial areas and clearing houses, permanent exhibition centres, cattle fairs and markets ;
- (ix) games and sports complexes worthy of holding international events ;
- (x) amusement parks including disney land, style complexes, safari parks and other gardens and parks,

picnic centres and day amusement including artificial lakes and water reservoirs ;

- (xi) cultural complexes including theatres, cinemas, rangmanch, studios, recreation centres, conference hall complexes, concert halls, town halls and auditoria ;
- (xii) tourist complexes including hotels and motels, car hiring services, organised tours and treks ;
- (xiii) development of satellite towns in Jodhpur Region and their appropriate integration with the City of Jodhpur including development of new townships ;
- (xiv) allocation of land for different uses, general distribution and general location of land and the extent to which the land may be used as residential, commercial, industrial, agricultural, or as forests or for mineral exploitation or for other purposes ;
- (xv) reservation of areas for open spaces, gardens, recreation centres, zoological gardens, nature-reserves, animal sanctuaries, dairies and health resorts and other purposes ;
- (xvi) the relocation of the population or industry from over populated and industrially congested areas and indicating the density of population or the concentration of industry to be allowed in any area of Jodhpur Region ;
- (xvii) housing including rural housing ;
- (xviii) filling up or reclamation of low lying, swampy or un-healthy areas or levelling up of lands ;
- (xix) re-development and improvement of existing built-up areas ;

- (xx) planning standards and zoning regulations for different zones including development of "abadi" ; and
- (xxi) planning for Jodhpur Region for management of urban growth and all matters connected therewith and other matters as are consistent with the objective of this Act.

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

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

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

- (2) A Zonal Development Plan may :-
 - (a) contain the provision for the developmental activities to be carried out as mentioned in sub-section (2) of section 21 ;
 - (b) contain a site-plan for the development of the zone and show the approximate locations and extents of land uses proposed in the zone for such things as public buildings and other public works and utilities,

roads, housing, recreation, industry, business, markets, schools, hospitals, public and private open spaces and other categories of public and private uses ;

- (c) specify the standards of population density and building density ;
- (d) show every area in the zone which may, in the opinion of the Authority, be required or declared for development or re-development ; and
- (e) in particular, contain provisions regarding all or any of the following matters, namely :-
 - (i) the division of any site into plots for the erection of building ;
 - (ii) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes ;
 - (iii) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out ;
 - (iv) the erection of buildings on any site and the restrictions and conditions in regard to the open space 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 building and the person or authority by whom or at whose expense such amenities are to be provided ;
- (ix) the prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in the locality ;
- (x) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained ;
- (xi) the restrictions regarding the use of any site for purposes other than erection of buildings ; and
- (xii) any other matter which is necessary for the proper development of the zone or any area thereof according to plan and for preventing buildings being erected haphazardly in such zone or area.

23. Procedure to be followed in the preparation and sanction of Plan.- (1) Before preparing any Plan finally the Authority shall prepare a Plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be determined by regulations inviting objections and suggestions from any person with respect to the draft Plan before such date as may be specified in the notice.

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

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

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

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

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

25. Subsequent modification of Plans.- (1) At any time after a Plan has come into operation according to provisions of section 24, the Authority may make any modification to the Plan as it thinks fit, the modification, which in its opinion, does not affect material alterations in the character of the Plan and which does not relate to the extent of land uses or the standards of population density.

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

(3) The Authority or the Municipal Corporation, Jodhpur, or any other body or Committee, as may be authorised by the State Government in this behalf, may, in order to promote planned development of any part of the Jodhpur Region in more efficient manner, make such modifications in land use of the Plan for such area, as may be specified by the State Government by notification in the Official Gazette.

(4) Before making any modification to the Plan, The Authority, Municipal Corporation, Jodhpur or any other body or Committee shall publish a notice, in such form and manner as may be determined by regulation inviting objections before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Authority, Municipal Corporation, Jodhpur or any other body or Committee.

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

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

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

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

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

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

CHAPTER- VI

Control of Development and use of Land included in Plans

29. Declaration of Development Areas.- (1) As soon as may be after a plan comes into operation as provided in section 24, the Authority may, by notification in the Official Gazette, declare any area in Jodhpur Region to be a development area for the purposes of this Act.

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

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

Provided that, no such permission shall be necessary: -

- (i) for carrying out works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance thereof ;
- (ii) the carrying out of works in compliance with any order or direction made by any authority under any law for the time being in force ;
- (iii) the carrying out of works by any authority in exercise of its powers under any law for the time being in force ;
- (iv) for the carrying out by the Central or the State Government or any local authority of any works:-
 - (a) required for the maintenance or improvement of a highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street ;

- (b) for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cable, telephone or other apparatus ;
- (v) for the excavation (including wells) made in the ordinary course of agricultural operation ;
- (vi) for the construction of a road intended to give access to land solely for agricultural purposes ;
- (vii) for normal use of land which has been used temporarily for other purpose ;
- (viii) in case of land, normally used for one purpose and occasionally used for any other purpose, for the use of land for that other purpose on occasion ; and
- (ix) for use, for any purpose incidental to the use of a building for human habitation of any other building or land attached to such building.

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

Provided that -

- (a) where the development relates to the carrying out of any building or other operation, no such order shall affect such of the operations as have been previously carried out or shall be passed after these operations have substantially progressed or have been completed ;

- (b) where the development relates to a change of use of land, no such order shall be passed at any time after the change has taken place:

Provided further that where the revocation or modification of the permission is necessary in public interest, the provisions of the first proviso shall not apply.

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

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

31. Penalty for unauthorised development for use otherwise than in conformity with the Plan.- (1) Any person who, whether at his own instance or at the instance of any other person commences, undertakes or carries out development or institutes, or changes the use of any land :-

- (a) without permission required under this Act; or
- (b) which is not in accordance with any permission granted or in contravention of any condition subject to which such permission has been granted ; or
- (c) after the permission for development has been duly revoked; or

- (d) in contravention of any permission which has been duly modified ;

shall on conviction, be punished with fine which may extend to five thousand rupees, and in the case of a continuing offence with a further fine which may extend to one hundred rupees for every day during which the offence continues after conviction for the first commission of the offence.

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

32. Power to require removal of un-authorised development.- (1) Where any development of land has been carried out as indicated in sub-section (1) of section 31, the Authority may, subject to the provisions of this section, within ten years of such development, serve on the owner a notice requiring him, within such period being not exceeding one month, as may be specified therein after the service of the notice, to take such steps as may be specified in the notice:-

- (a) in cases specified in clause (a) or (c) of sub-section (1) of section 31 to restore the land to its condition existing before the said development took place ;

- (b) in cases specified in clause (b) or (d) of sub-section (1) of section 31 to secure compliance with the conditions or with the permission as modified :

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

(2) In particular, such notice may, for purposes of sub-section (1), require :-

- (a) the demolition or alteration of any building or works;
- (b) the carrying out on land of any building or other operations; or
- (c) the discontinuance of any use of land.

(3) Any person aggrieved by such notice may, within the period specified in the notice and in the manner determined by regulations, apply for permission under section 17 for retention on the land, of any building or works or for the continuance of any use of the land, to which the notice relates and pending the final determination or withdrawal of the application, the mere notice itself shall not affect the retention of buildings or works or the continuance of such use.

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

(5) If the permission applied for is granted, the notice shall stand withdrawn; but if the permission applied for is not granted, the notice shall stand; or if such permission is granted for the retention only of some buildings; or works, or for the continuance of use of only a part of the land, the notice shall stand withdrawn as respects such buildings or works or such part of the land, but shall stand as respects other buildings or works or other parts of the

land, as the case may be; and thereupon the owner shall be required to take steps specified in the notice under sub-section (1) as respects such other buildings, works or part of the land.

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

- (a) prosecute the owner for not complying with the notice and where the notice requires the discontinuance of any use of land, any other person also who uses the land or causes or permits the land to be used in contravention of the notice; and
- (b) where the notice requires the demolition or alteration of any building or works or carrying out of any building or other operations, itself cause the restoration of the land to its condition before the development took place and secure compliance with the conditions of the permission or with the permission as modified by taking such steps as the Authority may consider necessary including demolition or alteration of any building or works or carrying out of any building or other operation; and recover the amount of any expenses incurred by it in this behalf from the owner as arrears of land revenue.

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

33. Power to stop un-authorised development.- (1)

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

(2) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, after such notice has been served shall, on conviction, be punished with fine which may extend to five thousand rupees, and when the non-compliance is a continuing one, with a further fine which may extend to five hundred rupees for every day after the date of the service of the notice during which the non-compliance has continued or continues.

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

(4) After a requisition order under sub-section (3) has been complied with, any person or his assistants and workmen subsequently continuing un-authorised development shall, on conviction, be punishable under section 66 of this Act, in addition to the action under sub-section (3).

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

34. Composition of un-authorised development.-

Notwithstanding anything herein before contained in this chapter, where any person has carried out any development of a permanent nature or has changed the use of land,-

- (a) without permission required under this Act, or
- (b) which is not in accordance with any permission granted or is in contravention of any conditions subject to which any permission has been granted, or
- (c) in contravention of any permission granted or duly modified,

such development or change of use of land may be compounded by the Authority on such terms and on payment of such fees and charges, as may be prescribed by the State Government from time to time.

35. Removal or discontinuance of un-authorised temporary development summarily.-

(1) Notwithstanding anything herein-before contained in this Chapter, where any person has carried out any development of a temporary nature un-authorisedly as indicated in sub-section (1) of section 31, the Authority may, by an order in writing direct that person to remove any structure or work erected, or discontinue the use of land made, un-authorisedly as aforesaid, within fifteen days of the receipt of the order; and thereafter, the person does not comply with the order

within the said period, the Authority or any officer authorised by it in this behalf may get such work summarily removed or get such use summarily discontinued without any notice as directed in the order; and any development un-authorisedly made again shall similarly be summarily removed or discontinued without making any order as aforesaid:

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

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

36. Power to require removal of authorised development or use.- (1) If it appears to the Authority that it is expedient in the interest of proper planning of its areas (including the interest of amenities) having regard to the Plan prepared-

- (a) that any use of land should be discontinued ; or
- (b) that any conditions should be imposed on the continuance thereof; or
- (c) that any building or works should be altered or removed, the Authority may, by notice served on the owner-
 - (i) require the discontinuance of that use; or
 - (ii) impose such conditions as may be specified in the notice on the continuance thereof; or
 - (iii) require such steps, as may be specified in the notice to be taken for the alteration or removal of any building or works, as the case may be within such period, being not less than one month, as may be specified therein, after the service of the notice.

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

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

(4) If any person: -

- (i) who has suffered damage in consequence of the compliance with the notice by the depreciation on any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land or otherwise; or
- (ii) who has carried out any works in compliance with the notice, claims, from the Authority, within the time and in the manner prescribed compensation in respect of that damage, or of any expenses reasonably incurred by him for complying with the notice, then the provisions of sub-sections (2) and (3) of section 30 shall apply in relation to such claim as those provision apply to claims for compensation under those provisions.

37. Sanction for sub-division of plot or layout of private street.- (1) Every person who intends to sub-divide his land or his plot or make or lay-out a private street on such land or plot on or after the date of the publication of the draft plan in the Official Gazette under section 23 shall submit the intended lay-out plan for such purpose together with such particulars and such fees, as may be determined by regulations or by Government orders, to the Authority for sanction.

(2) The Authority may, within the period specified in the regulations, sanction such plan either without modifications or

subject to such modifications or conditions as it considers expedient or may refuse to give sanction, if the Authority is of opinion that such division or laying out of street is not in any way consistent with the proposal of the plan.

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

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

38. Recovery of expenses incurred.- Any expenses incurred by the Authority under sections 32,33,35,36 and 37 shall be a sum due to the Authority under this Act from the person in default or the owner of the land or plot and shall be recovered as arrears of land revenue.

CHAPTER- VII

Projects and Schemes

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

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

- (i) any of the matters specified in sections 21 and 22 ;

- (ii) acquisition, development, reservation and sale or leasing of land for purpose of public utilities such as road, streets, open spaces, parks, gardens, recreation and playgrounds, hospitals, dispensaries, educational institutions, green-belts, dairies, housing development, development of markets, shopping centres, commercial complexes, cultural centres, administrative centres, transport facilities and public purposes of all kinds;
- (iii) acquisition, laying out or relaying out of land either vacant or already built upon, re-building or re-locating areas which have been badly laid out or which have development or degenerated into a slum or kachhi basti, the filling up or re-clamation of laying, swampy or un-healthy areas or levelling up of land;
- (iv) acquisition and development of areas for commercial, industrial, transportation, agricultural mandies and other similar purposes ;
- (v) acquisition of land and its development for the purpose of laying out or re-modelling of roads and streets pattern, layout of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads and discontinuance of communications ;
- (vi) re-construction of plots for the purpose of buildings, roads, drainage inclusive of sewerage, surface or sub soil drainage, sewerage disposal and other similar amenities ;
- (vii) the construction, alteration and removal of buildings, bridges and other structures ;
- (viii) lighting and water supply ;

- (ix) the preservation of objects of historical or national interest or natural beauty and of buildings actually used for religious purposes ;
- (x) the reservation of land in any scheme to such extent as may be provided by regulations for the purpose of providing housing accommodation to the members of Scheduled Castes, Scheduled Tribes, backward classes and weaker sections of the society ;
- (xi) the imposition of conditions and restrictions in regard to the open space to be maintained around buildings, the percentage of building area for a plot, the number, size, height and character of building allowed in specified areas the purpose to which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of lands in any area in specified periods, parking space and loading and unloading space for any building and the sizes or locations of projections advertisement signs and hoardings ;
- (xii) the suspension, so far as may be necessary, for the proper carrying out of the schemes, of any rule, bye-law, regulation, notification or order made or issued any law for the time being in force which the legislature of the State is competent to make:

Provided that any suspension under this clause shall cease to operate in the event of the withdrawal of the scheme or on the coming into force of the final scheme;
- (xiii) any other work of a nature such as would bring about environmental improvements which may be

taken up by the Authority and all such other matters not inconsistent with the objects of this Act.

(3) The draft project or scheme shall contain the following particulars, namely: -

- (a) the area, ownership and tenure of each original plot ;
- (b) the particulars of land allotted or reserved under clause (ii) of sub-section (2) with a general indications of the uses to which such land is to be put and the terms and conditions subject to which such land is to be put to such uses ;
- (c) the extent to which it is proposed to alter the boundaries of original plots ;
- (d) the estimate of the net cost of the scheme to be borne by the appropriate authority ;
- (e) a full description of all the details of the scheme under sub-section (2) as may be applicable ;
- (f) the laying out or relaying out of land either vacant or already built upon ;
- (g) the filling up or reclamation of low laying, swampy or unhealthy areas or levelling up of land ; and
- (h) any other particulars as may be determined by regulations.

40. Preparation of Projects and Schemes.- (1) The Authority may, by resolution, declare its intention to prepare a project or scheme as provided in section 39 in any development area.

(2) Not later than thirty days from the date of such declaration of intention to make such project or scheme, the Authority shall publish the declaration in the Official Gazette and in such other manner as may be determined by regulations.

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

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

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

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

41. Restrictions on use and development of land after declaration of a Scheme.- (1) On or after the date on which a draft scheme is published under section 40, no person shall, within the area included in the project or scheme, institute or change the use of any land or building or carry out any development, unless such person has applied for and obtained the necessary permission for

doing so from the Authority in accordance with the regulations made in this behalf :

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

(2) The provisions of Chapter-VI shall be applicable *mutatis mutandis* for the project or scheme approved under sub-section (4) of section 40.

42. Lapse of Scheme.- If the Authority fails to implement the project of scheme approved under sub-section (4) of section 40 within a period of five years from the date of publication thereof under sub-section (5) of section 40, it shall, on the expiration of the said period of five years, lapse.

43. Modification or withdrawal of project or Scheme.-

(1) The Authority after making such inquiry as it may deem fit, may, if it is of the opinion that it is necessary or expedient so to do, by notification published in the Official Gazette, declare that the project or scheme approved under sub-section (4) of section 40, is withdrawn and upon such declaration, no further proceedings, shall be taken in regard to such project or scheme.

(2) If the Authority, after approval of any project or scheme under sub-section (4) of section 40, at any time, considers it necessary to make certain modifications therein, which in its opinion do not effect material alteration in the character of the project and scheme, may make suitable modifications.

44. Saving to any project or Scheme.- Notwithstanding anything contained in any provision of this Act or in any plan sanctioned under it, the Authority shall be at liberty to make and carry out any project or scheme not covered by the said plan in the opinion of the Authority, it is necessary to do so or expedient in

public interest, and the said plan shall be deemed to be modified to that extent.

CHAPTER- VIII

Acquisition and Disposal of Land

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

46. Power to State Government to acquire land.- Where, on any representation from the Authority, it appears to the State Government that, in order to enable the Authority to perform any of its functions or to discharge any of its duties or to exercise any of its powers, or to carry out any of its projects or schemes or development Programmes, it is necessary that any land in any part of the Jodhpur Region should be acquired, the State Government may acquire the land under and in accordance with the provisions of the Land Acquisition Act, 1894 (Central Act No. 1 of 1894).

47. Possession to be made available to the Authority.- Where any land is taken in possession of the State Government shall make that land available to the Authority for the purpose of performing its functions, discharging its duties and exercising its powers.

48. Land to vest in the Authority and its disposal.- (1) Notwithstanding anything contained in the Rajasthan Land Revenue Act, 1956(Rajasthan Act No. 15 of 1956), the land as defined in section 103 of that Act, excluding land referred to in sub-clause (ii) of clause (a) of the said section and nazul land placed at the disposal of a local authority under section 102 A of that Act in Jodhpur Region shall, immediately after establishment of the Authority under section 3 of this Act, be deemed to have

been placed at the disposal of and vested in the Authority which shall take over such land for and on behalf of the State Government and may use the same for the purposes of this Act and may dispose of the same by way of allotment, regularisation or auction subject to such conditions and restrictions as the State Government may, from time to time, lay down and in such manner, as it may, from time to time, prescribe :

Provided that the Authority may dispose of any such land-

- (a) without undertaking or carrying out any development thereon; or
- (b) after undertaking or carrying out such development as it thinks fit, to such person, in such manner and subject to such covenants and conditions, as it may consider expedient to impose for securing development according to plan.

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

(3) If any land vested in the Authority is required at any time by the Municipal Corporation, Jodhpur for carrying out its functions, or by the State Government for any other purpose, the State Government may, by notification in the Official Gazette, place such land at the disposal of the Municipal Corporation, Jodhpur or any Department of the State Government on such terms and conditions, as may be deemed fit.

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

49. Allotment, regularisation etc. of certain lands.- (1)

All lands which are deemed to have been placed at the disposal of

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

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

(2) The charges realised under sub-section (1) shall be credited to the Consolidated Fund of the State and to the fund of the Authority as may be determined by the State Government.

50. Transfer to be on free hold or lease hold basis.- (1) Every transfer of land under section 48 or section 49 shall be either on free hold basis or on lease hold basis.

(2) Any land sold, allotted, regularized or otherwise transferred on lease hold basis may be converted in free hold basis

subject to such terms and conditions, and on payment of such conversion charges, as may be prescribed.

Explanation.- For the purposes of this section, "free hold" means tenure in perpetuity with right of inheritance and alienation.

CHAPTER- IX

Finance, Budget and Accounts

51. Funds of the Authority.- (1) There shall be a fund for the Authority to be called "The Jodhpur Region Development Fund" (hereinafter referred to as "Fund"), to which shall be credited all moneys received by the Authority, including: -

- (a) *such amount of contribution to be made by the State Government yearly or in such instalments in each year as it may determine in accordance with the schemes included in the State Plan and under appropriation duly made in this behalf, which contribution shall be utilised by the Authority for the development of Jodhpur Region;*
- (b) *contribution to be made by the State Government in the first instance of a sum equivalent to rupees one crore toward a revolving fund to be established by the Authority;*
- (c) *such other moneys as may be paid to the Authority by the State Government, Central Government or any other authority or agency by way of grants, loans, advances or otherwise;*
- (d) *50% share of the proceeds of tax recovered on land and buildings situated within the Jodhpur Region in accordance with the provisions of the Rajasthan Lands and Buildings Tax Act, 1964 (Act No. 18 of 1964) ;*

- (e) *income derived from premium on second and subsequent sale of vacant land ;*
- (f) *income from levy on vacant land ;*
- (g) *all fees, costs and charges received by the Authority under this Act or any other law for the time being in force ;*
- (h) *all moneys received by the Authority from the disposal of land, building and other property, movable and immovable and other transactions, including lease money, urban assessment, development charges and other similar charges recovered from plot holders;*
- (i) *all moneys borrowed by the Authority including loans to be raised from the financing institutions;*
- (j) *all moneys received by the Authority by way of rents and profits or in any other manner or from any other source ; and*
- (k) *all donations to be received by the Authority.*

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

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

52. Loans Fund.- (1) As a part of the Fund, the Authority shall establish in distinct Bank accounts Loans Fund for the

purpose of (a) receiving all moneys borrowed by it including all repayments of loan instalments together with payment of interest made by the borrower on loans, (b) providing all moneys to be made available by the Authority as loans or advances to local authorities and other authorities or persons, (c) repayment of loans raised by the Authority for the purposes of this Act, and (d) expenditure on projects and schemes.

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

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

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

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

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

56. Power of the Authority to finance project and schemes and impose conditions therefor.- The Authority shall be competent to give grants, advances or loans to, or to share expenses with, any local authority or other authority in Jodhpur Region, or any Government Department or any person, for any of

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

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

58. Accounts and Audit.- (1) The Authority shall keep accounts in such form and in such manner, as it may, by regulations made in this behalf, determine.

(2) The Accounts of the Authority shall be subject to audit by the Examiner, Local Fund Audit in accordance with the provisions of the Rajasthan Local Fund Audit Act, 1954 (Act No. XXVIII of 1954).

(3) The Authority shall pay from the Fund such charges for the audit, as may be prescribed.

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

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

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

CHAPTER- X

Powers to Levy Certain Charges

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

- (a) a premium on second or subsequent sale of vacant land in Jodhpur Region ;
- (b) an annual levy on vacant land in Jodhpur Region ; and
- (c) conversion charges for conversion of the use of land from residential purpose to commercial or any other purpose.

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

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

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

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

CHAPTER- XI

Prosecutions, Suits and Powers of Police

64. Penalty for un-authorised obstruction.- Whoever: -

- (i) obstructs the entry of any person empowered under section 80 to enter into or upon any land or building in any part of the Jodhpur Region for the purpose mentioned in that section ; or
- (ii) molests such persons as aforesaid after such entry ; or
- (iii) resists, obstructs or molests any member or employee of the Authority or any employee of the Government in the exercise of any power conferred on, or in the discharge of any duty imposed upon, or in the performance of any function entrusted to, the Authority or the Government or such member, or employee of the Authority or any employee of the Government ; or
- (iv) obstructs or molests any person with whom the Authority or the Government or an officer of the Government, has entered into a contract or obstructs

or molests a servant of the Authority, who may be lawfully engaged in doing anything, in connection with the discharge of the duties or performances of the functions of the Authority or of the Government or of an officer appointed by it under this Act ;

shall be punishable with fine which may extend to one thousand rupees or with imprisonment for a term which may extend to six months or with both.

65. Penalty for removing fence etc. set up for the purpose of carrying out any work.- If any person without lawful authority: -

- (a) removes any fence, or any timber used for propping or supporting any building, wall or other things, or extinguishes any light set up at any place where the surface of street or other ground has been opened or broken up by the Authority for the purpose of carrying out any work authorised under this Act, or
- (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of any work authorised under this Act, or
- (c) infringes any order given or removes any bar, chain or post fixed by the Authority for the purpose of closing any street to traffic, during the course of execution of any work under this Act,

shall be punishable with fine which may extend to one thousand rupees.

66. Penalty for disobedience of requisition and furnishing false information etc..- Whoever -

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

- (b) being required under any of the provisions of this Act to make any return or to furnish any information, makes a false return or furnishes false information,

shall be punishable with fine which may extend to three thousand rupees or with imprisonment for a term which may extend to three months or with both.

67. Encroachment or obstruction upon public land.- (1)

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

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

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

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

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

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

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

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

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

- (a) Where no order of confiscation is ultimately passed by the Authority ; or
- (b) Where an order passed in appeal so requires, be paid to the owner thereof or the person from whom it is seized.

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

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

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

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

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

(12) Whenever any property is seized or attached pending confiscation under this section , the Authority or the Tribunal constituted under section 77 of this Act shall have, and notwithstanding anything to the contrary contained in any other law for the time being in force, any court, other tribunal or other authority shall not have, jurisdiction to make orders with regard to the possession, delivery, disposal, release or distribution of such property.

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

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

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

(15) No investigation of an offence under this section shall be made by an officer not below the rank of a Deputy Superintendent of Police.

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

- (a) for the first offence, with fine which may extend to one thousand rupees ; and
- (b) for a second or any subsequent offence with fine which shall not be less than two hundred fifty rupees and not more than five thousand rupees.

69. Offence by companies.- (1) If the person committing an offence under this Act is a company, every person, who at the time the offence was committed was incharge 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 or, is attributable to any neglect on the part of any Director, Manager, Secretary or other officer of the

company, such Director, Manager, Secretary or other officer shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section –

- (a) "Company" means a body corporate and includes a firm or other association of individuals, and
- (b) "Director" in relation to a firm means a partner in the firm.

70. Cognizance of offences.- No court shall take cognizance of any offence punishable under this Act or any rule or regulation or order made thereunder except upon a complaint in writing of the facts constituting such offence made by the Authority, or by a person expressly authorised in this behalf by the Authority:

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

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

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

72. Power of the Authority as to legal matters.- The Authority may,-

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

- (b) compound any offence against this Act ; and
- (c) admit, compromise or withdraw any claim made in any legal proceeding or otherwise:

Provided that no withdrawal from prosecution for an offence under this Act shall be made except with the permission of the court.

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

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

(2) No suit such as is described in sub-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 one year 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 giving of the notice or the postponement of the institution of the suit.

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

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

CHAPTER - XII

Miscellaneous

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

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

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

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

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

(6) The Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act No. V of 1908) in respect of hearing and deciding of an appeal or any dispute referred to it.

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

(8) Except as otherwise provided-

- (a) any person aggrieved by an order or notice of the Authority may file an appeal in the Tribunal within thirty days of the communication of such order or notice to him; and
- (b) any person aggrieved by any threatened act or injury from the Authority affecting his rights may refer the dispute to the Tribunal within thirty days of the communication or knowledge of such threatened act or injury;

and the decision of the Tribunal shall be final.

78. Constitution of Settlement Committee.- (1) The State Government may, by notification in the Official Gazette, constitute a Settlement Committee consisting of a Chairman and such other

members, as it may deem fit, to resolve the disputes between the Authority and other persons; and such Committee shall undertake to resolve the dispute whenever so requested by the concerned person.

(2) The Settlement Committee shall have such powers and follow such procedure as may be prescribed by the State Government.

(3) Any Committee already constituted for this purpose shall be deemed to have been constituted under this Act.

(4) The decision given by such Committee shall be binding on the Authority.

79. Recovery of moneys due to the Authority as arrears of land revenue.- Where any sum (not being rent payable in respect of any premises of the Authority) payable to the Authority, whether under any agreement, express or implied or otherwise, howsoever, is not paid on or before the due date-

- (a) and the claim is not disputed, the Jodhpur Development Commissioner or any officer authorised by him in this behalf shall send to the Collector a certificate under his hand indicating therein the sum which is due to the Authority or is claimed by the Authority, as the case may be, and thereupon, the Collector shall recover the sum due to be claimed as arrears of land revenue;
- (b) and the claim is disputed, it shall be referred to the Tribunal which shall, after making such inquiry as it thinks fit and after giving to the person by whom the sum is alleged to be payable a reasonable opportunity of being heard, decide the question; and communicate forthwith its decision to the Authority. Any person aggrieved by the decision of the Tribunal may, within thirty days from the date of such decision,

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

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

- (a) making any 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 works;
- (e) making such lines, boundaries and lines by placing mark; and cutting trenches;
- (f) ascertaining whether any land is being or has been developed in contravention of any plan or without the permission or in contravention of any condition subject to which such permission has been granted under this Act; or
- (g) doing any other thing necessary for the efficient administration of this Act:

Provided that -

- (i) no such entry shall be made except between the hours of sunrise and sunset and without giving

reasonable notice at least of twenty-four hours to the occupier, or if there be no occupier, to the owner of the land or building;

- (ii) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed; and
- (iii) due regard shall always be had, so far as may be compatible with the exigencies of the purposes for which the entry is made, to the social and religious usages of the occupants of the premises entered.

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

- (a) if he considers the opening thereof necessary for the purpose of such entry, inspection or search, and
- (b) if the owner or occupier is absent or, being present, refuses to open such door, gate or barrier.

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

- (a) where such document is to be served on a department, local authority, railway, company, society or any other body of person whether incorporated or not, if the document is addressed to the head of the department, General Manager of the Railway, Secretary or principal officer of the local

authority, company, society or any such other body at its principal, branch, local or registered office, as the case may be, and is either –

- (i) sent by registered post to such office; or
 - (ii) delivered at such office; or
- (b) where the person to be served is a partner in a firm, if the document is addressed to the partnership firm at its principal place of business, identifying it by the name or style under which its business is carried on and is either-
- (i) sent by registered post; or
 - (ii) delivered at the said place of business; or

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

- (i) is given or tendered to him, or
- (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or
- (iii) is sent by registered post of the person.

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

- (a) if the document so addressed is sent or delivered in accordance with clause (c) of sub-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.

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

(4) For the purpose of enabling any document to be served on the owner of any property, the Jodhpur Development Commissioner or any other officer authorised by him in this behalf, 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 an attempt to serve a document on any person in the manner indicated in the foregoing provisions of this section has failed it shall be deemed to be an effective service of the document on such person if the notice of the document to be served is published in some prominent daily local Hindi newspaper.

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

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

contribution from the Authority in lieu of all or any of the taxes levied or services rendered by the local authority.

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

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

(2) On the execution of such agreement, the employer shall, if so required by the authority, by requisition in writing and so long as the Authority does not intimate that the whole of such debt or demand has been paid, make the deduction in accordance with the agreement, and pay the amount so deducted to the Authority as if it were a part of the salary or wages payable by the employer as required under the Payment of Wages Act, 1936 (Central Act No. 4 of 1936) on the day on which the employer makes payment.

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

behalf of the Authority, from the employer as an arrear of land revenue.

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

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

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

86. Power to transfer.- Any officer or employee of the Authority may, in accordance with the rules made under section 91, be transferred by the State Government to the Rajasthan Housing Board or any Urban Improvement Trust or any Municipality on post carrying pay scale not lower than the pay scale of the officer or employee to be transferred :

Provided that lien of the officer or employee so transferred shall remain in the Authority and he shall be considered for further promotion whenever a consideration for promotion to the higher post in his cadre is made in the Authority.

87. Power of Authority to call for returns, reports etc.- The Authority shall have power to call for any return, statement of accounts, reports, statistics or other information from and local authority or other authority in the Jodhpur Region, or from any person which is required by it in the exercise of its powers and the performance of its duties under this Act or under any other law for

the time being in force, and such authority or person shall be bound to furnish such information.

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

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

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

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

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

(2) In the event of failure on the part of any local authority to carry out any plan, scheme, project or any direction given under this Act, the Authority, if it deems fit, for the development of

Jodhpur Region, with the sanction of the State Government and by an order published in the Official Gazette, may assume any of the powers, functions and duties performed by any local authority from such date as may be specified in the order and in that case, such local authority shall, notwithstanding anything contained in any other law for the time being in force, cease to exercise such powers, functions and duties from the said date.

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

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

(3) All rules made under this Act shall be laid, as soon as may be after these are so made, before the House of the State Level Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which they are so laid, or of the session immediately following, the House of the State Legislature makes any modifications in any of such rules, or resolves that any such rule should not be made, such rules, shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

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

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

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

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

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

94. Dissolution of the Authority .– (1) Where the State Government is satisfied that the purpose 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 State Government unnecessary, the Government may, by notification in the Official Gazette, declare that the Authority shall be dissolved with effect from such date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly.

(2) From the said date -

- (a) all assets, properties, funds and dues which are vested in, or realisable by the Authority shall vest in, or be realisable by the State Government ;
- (b) all land vesting in, belonging to or placed at the disposal of the Authority shall revert to the State Government ;
- (c) all liabilities which are enforceable against the Authority shall be enforceable against the State Government ; and
- (d) for the purpose of carrying out any development which has not been fully carried out by the Authority and for the purpose of realising assets, properties, funds and dues referred to in clause (a) the functions of the Authority shall be discharged by the State Government.

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

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

96. Dissolution of the Urban Improvement Trust, Jodhpur and savings.-(1) Notwithstanding anything contained in the Rajasthan Urban Improvement Act, 1959 (Act No.35 of 1959), hereinafter referred to as the "said Act" and the rules, regulations and bye-laws made thereunder, as from the date of the constitution

of the Authority for the Jodhpur Region under this Act, hereinafter referred to as such constitution: -

- (a) the urban area of Jodhpur shall cease to vest in the Urban Improvement Trust, Jodhpur (hereinafter referred to as the Trust), and the Trust shall cease to exercise jurisdiction or the function in that area ;
- (b) the Trust functioning in the area covered by the urban area of Jodhpur, immediately before such constitution, shall stand dissolved ;
- (c) all land, buildings and other immovable properties (together with all interest of whatever nature and kind therein) situated in urban area of Jodhpur and vested in the Trust for the purpose of carrying out or undertaking development or improvement in such area, immediately before such constitution, shall pass on to and vest in the Authority so constituted ;
- (d) all stores, articles or other movable properties belonging to the Trust held by it for the purpose of carrying out or undertaking development or improvement in such area, immediately before such constitution, shall pass on to and vest in the Authority so established ;
- (e) all assessments, valuations, measurements or divisions made by the Trust immediately before such constitution in or in connection with such area, shall, in so far as they are not inconsistent with the provisions of this Act, continue and be deemed to have been made under the provisions of this Act, unless and until they are superseded by the any assessment, valuation, measurement or division made by the Authority ;

- (f) all plans, schemes for the development or improvement of any area declared as the urban area of Jodhpur and prepared under the said Act, shall in so far as they are not inconsistent with the provisions of this Act, be deemed to have been prepared under this Act and any such plan or scheme which was in force immediately before the commencement of this Act, shall continue to be in force so long it is not otherwise dealt with under this Act ;
- (g) all records and papers belonging to the Trust and relating to the development or improvement of such area, including the plans and schemes and papers relating thereto, as are referred to in clause(f) shall vest in and stand transferred to the Authority ;
- (h) every officer or servant serving under the Trust immediately before such constitution shall, on or from such constitution, be deemed to have been transferred temporarily for a period of six months to the Authority within which period until otherwise extended by it, the Authority shall, after their screening in such manner as may be determined by regulations, absorb them in the service of the Authority on such posts and with such designations, as the Authority may determine. The Officer and servants so absorbed in the service of the Authority may hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as they would have held if the Authority had not been constituted, and shall continue to so hold unless and until such tenure, remuneration and terms and conditions are duly altered by the

Authority. Such of the officers and servants who are not absorbed by the Authority under its service shall be deemed to be surplus officers and servants of the Trust and shall be absorbed by the State Government in the service of any local authority or other authority as the State Government may deem fit, on such posts, with such designations on such salary and allowances and on such terms and conditions of service, as may be prescribed but they shall not be absorbed on posts on terms, which are less advantageous to them in the matter of salary and allowances :

Provided that :-

- (i) any service rendered by any officer or servant so absorbed before such constitution shall be deemed to be service rendered under the Authority ; and
- (ii) the surplus officers and servants not so absorbed shall be continued in the service of the Authority and their salary and allowances shall be paid out of the Funds of the Authority until they are absorbed by the State Government, as aforesaid ;
- (i) anything done or any action taken including any appointment, delegation, order, scheme, rule, bye-laws, regulation or form made or notification issued or permission granted under the said Act so far as it is not inconsistent with the provisions of this Act continue in force and be deemed to have been done or taken under the provisions of this Act unless and until it is superseded by anything done or any action taken under the said provisions ;

- (j) all debts, obligations and liabilities incurred, all contracts entered into, all allotments and transfers of land made and all matters and things engaged to be done in or as respects the area covered by the urban area of Jodhpur, by, with or for the Trust for such area shall, immediately before such constitution be deemed to have been incurred, entered into, made or engaged to be done by, with or for the Authority ;
- (k) notwithstanding anything contained in this Act, the validity of any declaration of application, publication, notification, appointment, order, allotment of land, proposal, award, proceeding, consultation, inquiry, certification, compromise, sanction, agreement, notice, approval, decision, dispute, withdrawal of any legal proceeding, final scheme or act made, held, issued entered into, given, taken, decided, drawn up, or done, before such constitution, by or on behalf of the Trust, shall be deemed as if they were made, held, issued, entered into, given, taken decided, drawn up or done under this Act by or on behalf of the Authority ;
- (l) all compromises, defence or withdrawals, made in or from any legal proceeding, any offence compounded or any claim admitted, by or on behalf of the trust before such Constitution shall be deemed to have made by or on behalf of the Authority and may be enforced by or against the Authority as effectively as they could be enforced by or against the Trust before such constitution ;
- (m) all suits, prosecutions and other legal proceedings instituted by, for, or against the Trust may be

continued or instituted by, for, or against the Authority ;

- (n) all properties movable and immovable and all rights, title and interest in any property vested in the Trust shall vest in the Authority and all such properties in possession of the Trust shall be deemed to be in possession of the Authority ;
- (o) all rents, fees and other sums of money due to the Trust shall be-deemed to be due to the Authority, and
- (p) all sums or charges which the Trust was, immediately before such constitution, entitled to levy, assess and recover for or in respect of development or improvement of any land in the urban area of Jodhpur, may continue to be levied, assessed and recovered by the Authority under the corresponding provisions of this Act.

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

97. Repeal and savings.– (1) The Jodhpur Development Authority Ordinance, 2008 (Ordinance No. 5 of 2008) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Jodhpur Development Authority Ordinance, 2008 (Ordinance No. 5 of 2008) shall be deemed to have been done or taken under this Act.

SCHEDULE-I**LIST OF CITY, TOWNS AND VILLAGES FALLING IN
JODHPUR REGION****A. City**

1. Jodhpur City

B. Town

2. Mandor
3. Pal
4. Jhalamand
5. Baga (Sursagar)
6. Koori Bhagatasani
7. Salawas
8. Sangaria

C. Villages Tehsil-Jodhpur

9. Akthali
10. Alakhadhara
11. Anganwa
12. Asaranada
13. Badliya
14. Bala Kua
15. Bambor Darjiyan
16. Bambor Purohitan
17. Banar
18. Baniyawas
19. Banwarla
20. Barli
21. Basni Bagela
22. Basni Beda
23. Basni Jhoontha
24. Basni Karwar
25. Basni Lachhan
26. Basni Nikooba
27. Basni Sepha
28. Basni Silawata
29. Beota

30. Beroo
31. Bhagtasani
32. Bhagtasani Khalsa
33. Bhakrasni
34. Bhandoo Kalan
35. Bhandoo Khurd
36. Bhirkali
37. Bidasani
38. Birami
39. Birdawas
40. Bisalpur
41. Boojawar
42. Boranada
43. Borawas
44. Chanwa
45. Charan Basni
46. Choukha with chak & Bandh Ummed Sagar
47. Chawanda
48. Cheecharli
49. Chhali (Chali)
50. Daijar
51. Daikara
52. Dangiyawas
53. Dantiwara
54. Deoliya
55. Desooriya Kharol (Desooriya Khorala)
56. Desooriya Vishnoiyan
57. Dhandhiya (Dhodhiyan)
58. Dhawa
59. Dhigana
60. Doli
61. Doli-ka-Kani
62. Doliya (Roliya)
63. Feench (Keench)
64. Gangana
65. Gelawas

66. Ghantiyala
67. Gharao
68. Golasani
69. Goliya
70. Goojarwas Kalan
71. Goojarwas Khurd
72. Gurha Vishanoiyan
73. Hingola
74. Indroka
75. Jajiwal Bhandariya
76. Jajiwal Bhatiya (Jajiwal Bhatinda)
77. Jajiwal Brahman
78. Jajiwal Dhadhla
79. Jajiwal Gehlota
80. Jajiwal Kalan
81. Jajiwal Kankrala
82. Jajiwal Khichiya
83. Jajiwal Kutri
84. Jaleli Champawatan
85. Jaleli Daikara
86. Jaleli Faujdarani
87. Janadesar
88. Jatiyasani
89. Jatiyawas
90. Jhalamand
91. Jhanwar
92. Jheepasani
93. Jogiyasani
94. Joliyali
95. Kankani
96. Kakelao
97. Kalijal
98. Kanawas-ka-Pana
99. Karani
100. Karwar
101. Katara

102. Keroo
103. Kharabera Bheemitan
104. Kharabera Purohitan
105. Kharda Bhandoo
106. Kharda Randheer
107. Khatawas
108. Khatiyasani
109. Khejarli Kalan
110. Khejarli Khurd
111. Khokhari
112. Khokharia
113. Khudala
114. Kukanda
115. Lenga-ki-Dhani
116. Loonawas Charana
117. Loonawas Kalan
118. Loonawas Khara
119. Loonawas Khurd
120. Lordi Daijagra
121. Lordi Doliyas
122. Lordi Panditji
123. Magera Kalan
124. Magera Khurd
125. Manai
126. Manaklao
127. Meglasiya
128. Miyasani
129. Modathali
130. Modi Joshiyan
131. Modi Soothra
132. Moklawas
133. Mortuka
134. Nandra Kalan
135. Nandra Khurd
136. Nandri
137. Nandwana

138. Narnadi
139. Narwa Khichiyan
140. Nimbla
141. Palasni
142. Palri Khichiyan
143. Palri Mangaliya
144. Palri Panwaran
145. Peethasni
146. Peethawas
147. Pesawas (Peshawas)
148. Phitkasni
149. Popawas
150. Rabariya
151. Rajpuriya
152. Rajwa
153. Ralawas
154. Raseeda
155. Rendari
156. Roheecha Kalan
157. Roheecha Khurd
158. Roodkali
159. Royala Bhandoo
160. Royala Kalan
161. Royala Khurd & Phalasiya
162. Sajara (Sagara)
163. Salori
164. Salwan Kalan
165. Sangariya (Sagariya)
166. Sangasni
167. Sar
168. Sarecha
169. Satlana
170. Sikarpura
171. Singasni
172. Sinli (Seengli)
173. Sirodi

- 174. Sooraj Basni
- 175. Soorpura
- 176. Subdand
- 177. Tanawara
- 178. Thabukra
- 179. Uchiyarda
- 180. Vishawas (Pishawas)

Tehsil Osian

- 181. Balkha
- 182. Bara kotecha
- 183. Bari
- 184. Basni Patan
- 185. Baori
- 186. Beej Bariya
- 187. Bhainsere Chawandiyali
- 188. Bhainser Kootri
- 189. Bhainser Kotwali
- 190. Bhat Koriya
- 191. Bhawad
- 192. Birai
- 193. Borvi Kalan
- 194. Borvi Khurd
- 195. Bucheti
- 196. Changawara Charan
- 197. Changawara Kalan
- 198. Changawara Khurd
- 199. Chaupasani Charna
- 200. Doli Nerwa
- 201. Gangani
- 202. Jointara
- 203. Jur
- 204. Kasti
- 205. Khari Khurd
- 206. Kotra
- 207. Lawera

- 208. Lunavasiya
- 209. Mailana
- 210. Malunga
- 211. Mathaniya
- 212. Nawa Nagariya
- 213. Nerwa Charnan
- 214. Netra
- 215. Rajasani
- 216. Rampuriya Bhatiya
- 217. Santora Kalan
- 218. Santora Khurd
- 219. Sanwat Kua Kalan
- 220. Sanwat Kua Khurd
- 221. Sevki Kalan
- 222. Sevki Khurd
- 223. Surpura Kalan
- 224. Tinwari
- 225. Ujaliya
- 226. Ummed Nagar

Tehsil Shergarh

- 227. Agolai
- 228. Basni Manna
- 229. Basarli
- 230. Bhatelai Charnan
- 231. Bhatelai Purohitan
- 232. Dugar
- 233. Surani
- 234. Tolesar Charnan
- 235. Tolesar Purohitan

**LAW (LEGISLATIVE DRAFTING) DEPARTMENT
(GROUP-II)****NOTIFICATION****Jaipur, September 15, 2010**

No. F. 2 (26) Vidhi/2/2010.—In pursuance of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English language of the Jodhpur Vikas Pradhikaran (Sanshodhan) Adhiniyam, 2010 (2010 Ka Adhiniyam Sankhyank 17) :—

(Authorised English Translation.)

**THE JODHPUR DEVELOPMENT AUTHORITY
(AMENDMENT) ACT, 2010**

(Act No. 17 of 2010)

[Received the assent of the Governor on the 13th day of
September, 2010]

An

Act

to amend the Jodhpur Development Authority Act, 2009.

Be it enacted by the Rajasthan State Legislature in the Sixty-first Year of the Republic of India, as follows:—

1. Short title and commencement.—(1) This Act may be called the Jodhpur Development Authority (Amendment) Act, 2010.

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

2. Amendment of section 31, Rajasthan Act No. 2 of 2009.—in section 31 of the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009), hereinafter referred to as the principal Act,—

(a) in sub-section (1),—

(i) for the existing expression "with fine which may extend to five thousand rupees", the expression "with simple imprisonment which shall not be

less than fifteen days but which may extend to forty five days or with fine which shall not be less than twenty five thousand rupees" shall be substituted;

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

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

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

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

(c) in sub-section (2),-

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

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

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

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

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

3. Amendment of section 32, Rajasthan Act No. 2 of 2009.—In section 32 of the principal Act,-

(a) in sub-section (7),-

- (i) for the existing expression "with fine which may extend to five thousand rupees", the expression "with simple imprisonment which shall not be less than fifteen days but which may extend to forty five days or with fine which shall not be less than twenty five thousand rupees" shall be substituted;
- (ii) for the existing expression "five hundred", the expression "twenty five thousand" shall be substituted; and
- (iii) for the existing punctuation mark ".", appearing at the end, the punctuation mark ":" shall be substituted ; and

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

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

4. Amendment of section 33, Rajasthan Act No. 2 of 2009.—In section 33 of the principal Act,-

(a) in sub-section (2),-

- (i) for the existing expression "with fine which may extend to five thousand", the expression "with simple imprisonment which shall not be less than fifteen days but which may extend to forty five days or with fine which shall not be less than thirty thousand rupees" shall be substituted; and
- (ii) for the existing punctuation mark ".", appearing at the end, the punctuation mark ":" shall be substituted ; and

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

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

5. Insertion of new section 35-A, Rajasthan Act No. 2 of 2009.—After the existing section 35 and before the existing section 36 of the principal Act, the following new section shall be inserted, namely:-

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

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

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

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

(a) under an order of the Authority or the officer authorized

under sub-section (2); or

(b) under an order of the Tribunal.

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

6. Addition of sections 38-A and 38-B, Rajasthan Act No. 2 of 2009.—After the existing section 38 of the principal Act, the following new sections shall be added, namely:—

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

Provided that if the State Government, having regard to the ground water level in a particular area, is of the opinion that installation of rain water harvesting system in such area is not appropriate, it may, by notification in the Official Gazette, exempt such area from the operation of the provisions of this section.

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

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

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

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

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

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

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

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

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

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

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

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

(5) Any development of land in Jodhpur region made or continued in contravention of the provisions of this

section shall be deemed to be an unauthorized development for the purposes of this Act.

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

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

7. Amendment of section 67, Rajasthan Act No. 2 of 2009.—In section 67 of the principal Act,—

(a) in sub-section (1), -

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

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

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

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

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

8. Insertion of new section 89-A, Rajasthan Act No. 2 of 2009.— After the existing section 89 and before the existing section 90 of the principal Act, the following new section shall be inserted, namely:—

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

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

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

कपिल भार्गव.

Principal Secretary to the Government.