

(Received the assent of the Governor on the 29th December, 1964)

ASSAM ACT NO. XXXI OF 1964

THE ASSAM DEVELOPMENT AUTHORITIES ACT, 1964

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An

Act

to provide for the constitution of authorities for the development of the local areas of the State of Assam

Preamble.

WHEREAS it is expedient to provide for the constitution of authorities for the development of the local areas of the State of Assam on sound principles of planning with the object of securing welfare of the people;

It is hereby enacted in the Fifteenth Year of the Republic of India as follows:-

CHAPTER – I

PRELIMINARY

**Short title,
extent and
commencement.**

1. (1) This Act may be called the Assam Development Authorities Act, 1964.
- (2) It extends to the whole of the State of Assam.
- (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context:-
 - (a) “Authority” means the Local Area Development Authority constituted under- Section 3;
 - (b) “Advisory Council” means the Local Area Advisory

Council constituted under Section 9;

- (c) "Local Area" means such area within a district of Assam as the State Government may, by notification in the official Gazette, declare;
- (d) "State Government" means the Government of Assam ;
- (e) "Prescribed" means prescribed by rules made under this Act.

CHAPTER – II

CONSTITUTION OF THE DEVELOPMENT AUTHORITY

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| Establishment
of the
Authority. | 3. | (1) The State Government may, by notification in the official Gazette, establish for the purpose of this Act, an Authority to be called "The Local Area Development Authority" hereinafter referred to as the Authority with jurisdiction over such local area as may be specified in the notification.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of properties both movable and immovable and to enter into any agreement and shall by the said name sue and be sued . |
| Composition of
the Authority. | 4. | The Authority shall be constituted under Chairmanship of Deputy Commissioner of the district and such number of officials and non-official members as may be prescribed. |
| Term of Office. | 5. | (1) A member shall hold office for such period as may be prescribed in this behalf and shall, on expiry of the term of his office, be eligible for reappointment.

(2) A member may resign his office by writing under his hand addressed to the State Government, and on the resignation being accepted by the State Government, he shall cease to be a member of the Authority. |
| Meetings of the
Authority. | 6. | The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meeting as may be provided by regulations made under this Act. |

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| Vacancy in the Authority, etc, not to invalidate acts or proceedings. | 7. | No act or proceedings of the Authority shall be deemed to be invalid by reason only of the existence of any vacancy in the Authority or any defect in the appointment of a member thereof. |
| Appointment of Agencies. | 8. | Subject to the provisions of this Act and the rules made thereunder, the State Government may, from time to time appoint one or more Agencies for the purpose of securing the efficient discharge of the functions of an Authority, and in particular for the purpose of securing that those functions are exercised with due regard to the circumstances and requirements of particular local area for which the Authority is established. |

CHAPTER – III

CONSTITUTION OF THE ADVISORY COUNCIL

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| Constitution of the advisory Council. | 9. | <p>(1) The State Government may, by notification in the Official Gazette, constitute an Advisory Council to be called "The Local Area Advisory Council" hereinafter referred to as Advisory Council with jurisdiction over such local area with respect to which an Authority under Section 3 has been established.</p> <p>(2) The Advisory Council shall consist of such number of official and non-official members as may be prescribed including the Chairman of the Authority who shall also be the Chairman of the Advisory Council.</p> |
| Term of Office. | 10. | <p>(1) A member shall hold office for such period as may be prescribed in this behalf and shall, on expiry of the term of his office, be eligible for re-appointment.</p> <p>(2) A member may resign his office by writing under his hand addressed to the State Government and on the resignation being accepted by the State Government, he shall cease to be a member of the Advisory Council.</p> |
| Meeting of the Advisory Council. | 11. | The Advisory Council shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meeting as may be determined by it from time to time. |

- Vacancy in the Advisory Council, etc., not to invalidate acts or proceedings.**
12. No act or proceedings of the Advisory Council shall be deemed to be invalid by reason only of the existence of any vacancy in the Advisory Council or any defect in the appointment of a member thereof.

CHAPTER – IV

POWERS AND FONCTIONS OF THE AUTHORITY

- Functions of the Authority.**
13. The functions of the Authority shall be any or all of the following:-
- (a) to promote and operate schemes for expansion of education ;
 - (b) to promote and operate schemes for facility of travel and transportation of goods ;
 - (c) to promote and operate schemes for harnessing natural resources and forest wealth ;
 - (d) promote and operate schemes for expansion of agriculture through modern improved technique ;
 - (e) to promote and operate schemes for expansion of veterinary and conservation of soil ;
 - (f) to promote and operate schemes for the setting up of industries and generation of power; and
 - (g) to promote and operate schemes for such other matters as may be prescribed.
- General powers of the Authority.**
14. The Authority empowered to perform functions under this Act or the rules made thereunder may, from time to time, prepare such plans and schemes and undertake such preliminary investigation or other measures or do such other things as it may deem necessary not inconsistent with its functions for the purpose of developing the area within its jurisdiction.

CHAPTER – V

FUNCTIONS OF THE ADVISORY COUNCIL

- Functions of the Advisory Council.** **15.** The functions of the Advisory Council shall be :-
- (a) to advise the Authority on matters referred to it for successful implementation of the plans and schemes of the Authority;
 - (b) to secure the efficient discharge of the functions of the Authority ;
 - (c) to do such other things as may be prescribed.

CHAPTER – VI

FINANCE, ACCOUNTS AND AUDIT OF THE AUTHORITY

- Development Fund.** **16.** The receipts of the Authority under this Act shall form a separate development fund and any expenditure incurred by the Authority for carrying out the functions of the Authority under this Act or the rules made thereunder shall be defrayed out of such fund which shall be non-lapsable. No portion of the fund shall, except with the previous sanction of the State Government, be expended for purposes other than for carrying out the functions of the Authority under this Act or rules made thereunder.
- Grants, Advances and Loans.** **17.** The State Government may make such grants, advances and loans to the Authority as it may deem necessary for the purpose of carrying out the functions of the Authority under this Act or any rule made thereunder.
- Power to borrow.** **18.** For the purposes of borrowing money the Authority under this Act shall be deemed to be a local Authority as defined in the local Authorities Loans Act, 1914 and any work executed by the Authority for exercising the functions under this Act or the rules framed thereunder shall be deemed to be a work which such local Authority is competent to carry out under that Act.
- Budget.** **19.** The Authority shall prepare, in such form and at such time each year as may be prescribed, a Budget in respect of the financial year next ensuing showing the estimated receipts and expenditure and copy thereof shall be forwarded to the State Government.

Central Act
XI of 1914.

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| Annual report. | 20. | The Authority shall prepare, in such form and at such time each year as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copy thereof shall be forwarded to the State Government. |
| Accounts and Audit. | 21. | <p>(1) The Authority shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed.</p> <p>(2) The accounts of the Authority shall be audited at such time and in such manner as may be prescribed,</p> |

CHAPTER – VII

MISCELLANEOUS

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| Members and Officers of the Authority to be public servants. | 22. | All members and officers of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act and the rules made thereunder shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860. |
| Protection of action taken in good faith. | 23. | No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder. |
| Dissolution of the Authority and transfer of assets and liabilities. | 24. | <p>(1) When the State Government is of opinion that an Authority is not competent to perform, or persistently makes default in the performance of its functions imposed on it by or under this Act, or exceeds or abuses its powers, the State Government may, by notification in the Official Gazette, declare that the Authority shall be dissolved from such date as may be specified in this behalf in the notification; and the Authority shall be deemed to have been dissolved accordingly.</p> <p>(2) On the dissolution of the Authority by a notification under sub-section (1), -</p> <p style="margin-left: 40px;">(a) all properties, funds and dues which are vested in, or realisable by, the Authority shall vest in and be realisable by the State Government ; and</p> <p style="margin-left: 40px;">(b) all liabilities which are enforceable against the Authority shall be enforceable only against the State Government.</p> |

The Act No.
45 of 1860.

Power to make rules.

25. (1) The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of foregoing powers such rules may provide for all or any of the following matters, namely:-
- (a) the number of official and non-official members for the composition of the Authority;
 - (b) the term of membership of the Authority ;
 - (c) the number of official and non-official members of the Advisory Council ;
 - (d) the term of the membership of the Advisory Council;
 - (e) the functions of the Authority ;
 - (f) the functions of the Advisory Council ;
 - (g) the form in which, and the time within which, the budget and annual report of the Authority may be prepared and forwarded to the State Government;
 - (h) the form and manner in which the accounts of the Authority may be maintained, and the time at which and the manner in which, such accounts may be audited ;
 - (i) any other matter which has to be, or may be, prescribed
- (3) Every rule under this section shall be laid as soon as may be after it is made, before the Assam Legislative Assembly while it is in Session for a total period of fourteen days which may be comprised in one Session or in two successive Sessions, and, if before the expiry of the Session in which it is so laid or the Session immediately following, the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**Power to make
regulations.**

26. The Authority may, with the previous approval of the State Government, by notification in the Official Gazette, make regulations, not inconsistent with this Act or the rules made thereunder.

**P. C. DAS,
Jt. Secy to the Govt. of Assam, Law Deptt.**