



The Uttar Pradesh Special Area Development Authorities Act, 1986
Act 9 of 1986

Keyword(s):

Amenity, Building, Development, Special Development Area

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Dated Lucknow, March 19, 1986

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Vishesh Kshetri Vikas Pradhikaran Adhiniyam, 1986 (Uttar Pradesh Adhiniyam Sankhya 9 of 1986) as passed by the Uttar Pradesh Legislature and assented to by the President on March 19, 1986.

**THE UTTAR PRADESH SPECIAL AREA DEVELOPMENT
AUTHORITIES ACT, 1986**

(U. P. Act No. 9 of 1986)

[As passed by the U. P. Legislature]

**AN
ACT**

to provide for the establishment of Special Area Development Authorities for the planned development of certain areas of Uttar Pradesh and for matters ancillary thereto.

IT IS HEREBY enacted in the Thirty-seventh Year of the Republic of India as follows :

CHAPTER I

Preliminary

Short title, extent
and commencement

1. (1) This Act may be called the Uttar Pradesh Special Area Development Authorities Act, 1986.

(2) It extends to the whole of Uttar Pradesh excluding cantonment areas.

(3) It shall be deemed to have come into force on October 8, 1985.

Definitions

2. In this Act unless the context otherwise requires,—

(a) "Authority" in relation to any local area means the Special Area Development Authority constituted for that area under section 4 ;

(b) "amenity" includes roads and streets, water and electric supply, street lighting, open spaces, parks, recreation grounds, playgrounds, natural features, drainage, sewerage, public works and other utilities, services and conveniences ;

(c) "building" includes any structure or part of a structure with whatever material constructed which is used or intended to be used as a place for human dwelling or custody of property or performance of worship or for carrying on any occupation, trade or business ;

(d) "development" with its grammatical variations means, the planned development of any area by carrying out building, engineering, mining or other operations in, on, over or under land, or making any material change in any building or land in such area and includes agricultural, industrial and socio-economic development of such area ;

(e) "regulation" means a regulation made under this Act by the Special Area Development Authority ;

(f) "rule" means a rule made under this Act [by the State Government ;

(g) "special development area" means the special development area notified under section 3 ;

(h) words and expressions used in this Act but not defined, shall have the meanings respectively assigned to them in the Uttar Pradesh Urban Planning and Development Act, 1973.

CHAPTER II

Establishment of Special Development Authorities

3. If the State Government is of opinion that any area of special importance in the State needs to be developed in a planned manner, it may, by notification, declare such area to be a special development area for the purposes of this Act.

Declaration of Special Development Area

4. (1) For a special development area, notified under section 3, the State Government may, by notification, constitute an Authority to be called the Special Area Development Authority.

The Development Authority

(2) The Special Area Development Authority shall be a body corporate, by the name given to it in the said notification, having perpetual succession and a common seal with power to contract and acquire, hold and dispose of property, and shall, by the said name sue and be sued.

(3) The special Area Development Authority shall consist of the following members, namely:—

(a) A Chairman, to be appointed by the State Government,

(b) The Secretary to the State Government Incharge of the Department in which, for the time being, the business relating to the Development Authorities is transacted,

ex-officio :

(c) The Secretary to the State Government in the Department of Finance,

ex-officio ;

(d) The Secretary to the State Government in the Planning Department,

ex-officio ;

(e) Chief Town and Country Planner, Uttar Pradesh,

ex-officio ;

(f) Chairman of the Uttar Pradesh State Electricity Board,

ex-officio ;

(g) Chairman of the Uttar Pradesh Jal Nigam, *ex-officio*;
 (h) District Magistrate of every district any part of which is included in the special development area, *ex-officio*;

(i) Four persons to be nominated by the State Government to represent the industrial, mining and power undertakings operating in the area;

(j) Such other members, not exceeding two, as may be nominated by the State Government to represent other interests in the special development area.

(4) A member referred to in clause (b), clause (c) or clause (d) of sub-section (3) may instead of attending a meeting of the Authority himself, depute an officer, not below the rank of Joint Secretary in the department, and a member referred to in clause (e), clause (f) or clause (g) of sub-section (3) may, likewise depute an officer not below the rank of Additional Chief Engineer. The officer so deputed shall have the right to take part in the proceedings of the meeting and shall also have the right to vote.

(5) The Special Area Development Authority may associate with itself, in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in complying with any of the provisions of this Act.

(6) Any person associated under sub-section (5) shall have the right to take part in the discussion of the Authority relevant to the purpose for which he has been associated, but he shall not be entitled to vote.

(7) There shall be paid to the Chairman such salary, honoraria and allowances from the funds of the Authority, as may be determined by the State Government.

(8) The term of office of the Chairman and members (other than the *ex-officio* members) shall be such as may be determined by order by the State Government.

(9) No act or proceedings of the Authority shall be invalid merely by reason of the existence of any vacancy in, or defect in the constitution thereof or any irregularity in the procedure thereof not affecting the merits of the case.

Staff of the Authority

5. (1) The State Government may appoint suitable persons respectively as the Secretary and the Chief Accounts Officer of the Authority who shall exercise such powers and perform such duties as may be prescribed.

(2) The Authority may, with the prior approval of the State Government, create such posts, as it considers necessary, for the efficient discharge of its functions under this Act and may, subject to any rules that may be made in this behalf, make appointments on such posts and determine the designations of persons so appointed.

(3) The qualifications and terms and conditions of service of officers and employees, appointed under sub-section (2), shall be such as may be prescribed.

(4) The officers and employees appointed under sub-section (2), shall perform and discharge such functions and duties as may be prescribed.

(5) The Secretary, the Chief Accounts Officer and other officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and allowances as may be prescribed.

Functions of the Authority

6. The functions of the Special Area Development Authority shall be—

(i) to promote and secure development in a planned manner of the special development area for which it has been constituted;

(ii) to prepare development plan for the special development area;

(iii) to implement the development plan after its approval by the State Government;

(iv) for the purpose of implementation of the plan, to acquire, hold, develop, manage and dispose of land and other property ;

(v) to carry out building, engineering, mining operations and other construction activity;

(vi) to execute works in connection with the supply of water and electricity and to provide such utilities and amenities as water, electricity, drainage and the like;

(vii) to dispose of sewage and to provide and maintain other services and amenities ;

(viii) to provide for the municipal management of the special development area in the same manner as is done by Nagar Mahapalika under the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 ;

(ix) to otherwise perform all such functions as are necessary or expedient for the purpose of the planned development of the special development area and for purposes incidental thereto :

Provided that the functions specified in clauses (viii) and (ix) shall not be performed unless so required by the State Government.

7. The Special Area Development Authority shall—

Powers of the Authority

(a) for the purpose of municipal administration have the powers which a Nagar Mahapalika has under the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 ;

(b) for the purpose of taxation have the powers which a Nagar Mahapalika has in relation to a city under the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959.

CHAPTER III

Master Plan for Special Development Area

8. (1) The Authority shall, as soon as may be, prepare a master plan for the special development area for which it has been constituted.

Preparation of Master Plan

(2) The master plan shall—

(a) define the various sectors into which such area may be divided for the purposes of development and indicate the manner in which the land in each sector is proposed to be used and the stages by which any such development shall be carried out; and

(b) serve as a basic pattern of frame-work within which the development plans for various sectors may be prepared.

(3) The master plan may provide for any other matter which may be necessary for the proper development of such area.

9. (1) Simultaneously with the preparation of the master plan or as soon as may be thereafter, the Authority shall proceed with the preparation of a sector plan for each of the sectors referred to in sub-section (2) of section 8.

Sector Plans

(2) A sector development plan may—

(a) contain a site-plan and use-plan for the development of the sector and show the approximate locations and extent of land uses proposed in the sector for such things as public buildings and other public works and utilities, roads, housing, recreation, industry, business, markets, schools, hospitals and public and private open spaces and other categories of public and private uses;

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

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

(d) in particular, contain provisions regarding all or any of the following matters, namely—

(i) the division of any site into plots for the construction of buildings;

(ii) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes;

(iii) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;

(iv) the construction of building on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and height and character of buildings;

(v) the alignment of buildings of any site;

(vi) the architectural features of the elevation or frontage of any buildings to be constructed on any site;

(vii) the number of residential buildings which may be constructed 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 construction of buildings and the person or authority by whom or at whose expense such amenities are to be provided;

(ix) the prohibitions or restrictions regarding construction 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 construction of buildings;

(xii) any other matter which is necessary for the proper development of the sector or any portion thereof according to plan.

Procedure for preparation of plan and submission of the same

10. (1) Before preparing any plan under section 8 or 9 finally the Authority shall prepare a draft plan and publish a notice in such form and manner as may be prescribed, inviting objections and suggestions by such date being not less than thirty days from the date of the publication of the notice, 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 such objections, suggestions, and representations, as may be received, the Authority shall finally prepare the plan and submit it to the State Government for its approval.

(4) The State Government may either approve the plan without modification or with such modifications as it may consider necessary or reject the plan with directions to the Authority to prepare a new plan according to such directions.

Date of commencement of plan

11. Immediately after a plan has been approved under section 10 the State Government shall cause it to be published in the *Gazette* and in such other manner as may be prescribed and the plan shall come into operation with effect from the date of its publication in the *Gazette*.

Amendment of plan

12. (1) The Authority may, with the approval of the State Government, make such amendments in the plan prepared under section 8 or 9 as it thinks fit.

(2) The provisions of sections 10 and 11 shall *mutatis mutandis* apply to any amendment made under this section.

CHAPTER IV

Development of Lands

13. (1) After the establishment of the Authority for any special development area, no development of land shall be undertaken or carried out or continued in that area by any person or body including a department of Government or any undertaking in public or private sector, unless permission for such development has been obtained in writing from the authority in accordance with the provisions of this Act.

Development of
land in the
Special Develop-
ment Area

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

(3) Notwithstanding anything contained in sub-sections (1) and (2), the following provisions shall apply in relation to development of land in that area by any department of the State Government or the Central Government or any local authority—

(a) when any such department or local authority intends to carry out any development of land it shall inform the Chairman of the Authority in writing of its intention to do so giving full particulars thereof, including any plans and documents, at least 90 days before undertaking such development;

(b) in the case of a department of any State Government or the Central Government, if the Chairman has any objection he shall inform such department of the same within six weeks from the date of receipt by him under clause (a) of the department's intention, and if the Chairman does not make any objection within the said period the department shall be free to carry out the proposed development;

(c) where the Chairman raises any objection to the proposed development on the ground that the development is not in conformity with any master plan or sector plan prepared or intended to be prepared by it under this Act or on other ground, such department or the local authority, as the case may be, shall—

(i) either make necessary modifications in the proposal for development to meet the objections raised by the Chairman; or

(ii) submit the proposals for development together with the objections raised by the Chairman to the Authority for decision under clause (d);

(d) the Authority on receipt of proposals for development together with the objections of the Chairman may either approve the proposals with or without modifications or direct the department or the local authority, as the case may be, to make such modifications as it considers necessary and the decision of the Authority shall be final.

14. (1) Every person or body (other than any department of Government or any local authority) desiring to obtain the permission referred to in section 13 shall make an application in writing to the Authority in such form and containing such particulars in respect of the development to which the application relates as may be prescribed.

Application for
permission

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

(3) On the receipt of an application for permission under sub-section (1), the Authority or such person as may be authorised by it in this behalf, after making such inquiry as is considered necessary in relation to any matter specified in clause (d) of sub-section (2) of section 9 or in relation to any other matter, shall, by order in writing, either grant the permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such permission :

Provided that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause :

Provided further that the Authority may, before passing any order on such application give an opportunity to the applicant to make any correction therein or to supply any further particulars or documents or to make good any deficiency in the requisite fee with a view to bringing it in conformity with the relevant rules or regulations.

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

(5) Any person aggrieved by an order under sub-section (4) may appeal to the State Government against that order within thirty days from the communication thereof and the State Government may pass such orders as it thinks fit.

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

(7) The said register shall contain such particulars, including information as to the manner in which application for permission have been dealt with, as may be laid down in the regulations, and shall be available for inspection by the public at all reasonable hours on payment of such fee as may be laid down in the regulations.

15. After the coming into operation of any of the plans in a sector, no person shall use or permit to be used any land or building in that sector otherwise than in conformity with such plan :

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

CHAPTER V

Acquisition and Disposal of Land

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

Provided that any person from whom any land is so acquired may, after the expiration of a period of five years from the date of such acquisition, apply to the State Government for restoration of that land to him on the ground that the land has not been utilised within the period for the purpose for which it was acquired, and if the State Government is so satisfied it shall order restoration of the land to him on re-payment of the charges which were incurred in connection with the acquisition together with interest at the rate of twelve per cent per annum and such development charges, if any, as may have been incurred after acquisition.

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

17. (1) Subject to any directions given by the State Government in this behalf, the Authority may dispose of—

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

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

(2) Nothing in this Act shall be construed as enabling such Authority to dispose of land by way of gift, but subject thereto, references in this Act to the disposal of land shall be construed as references to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement, right or privilege or otherwise.

Uses of land
and buildings in
contravention of
Plans

Compulsory
acquisition of
land

Disposal of land
by the
Authority
concerned

CHAPTER VI

Finance, Accounts and Audit

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

(a) all moneys received by the Authority from the State Government or the Central Government by way of grants, loans, advances or otherwise;

(b) all moneys borrowed by the Authority from sources other than the State Government or the Central Government by way of loans or debentures;

(c) all fees, tolls, cess and charges received by the Authority under this Act;

(d) all moneys received by the Authority from the disposal of lands, buildings and other properties movable and immovable; and

(e) all moneys received by the Authority by way of rents and profits or in any other manner or from any other source.

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

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

(4) The Authority shall maintain a sinking fund for the repayment of moneys borrowed under sub-section (3), and shall pay every year to the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed.

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

19. The Authority shall prepare in such form and at such time every year as the State Government may specify, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Authority. Budget of the Authority

20. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the State Government may specify. Accounts and Audit

(2) The accounts of the Authority shall be subject to audit annually by the Director, Local Fund Audit Department and any expenditure incurred by him in connection with such audit shall be payable by the Authority to the Director, Local Fund Audit Department.

(3) The Director, Local Fund Audit Department and any person appointed by him in connection with the audit of accounts of the Authority shall have the same rights, privileges and authority in connection with such audit as the Director, Local Fund Audit Department has in connection with the audit of the accounts of a local authority and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect, the office of such Authority.

(4) The accounts of the Authority as certified by the Director, Local Fund Audit Department or any other person appointed by him in that behalf, together with the audit report thereon, shall be forwarded annually to the State Government.

21. The Authority shall prepare for every year a report of its activities during that year and submit a report to the State Government in such form and on or before such date as the State Government may specify. Annual Report

Pension and
Provident Fund

22. (1) The Authority may constitute for the benefit of its paid members and of its officers and other employees in such manner and subject to such conditions, as the State Government may specify, such pension or provident funds, or schemes of group insurance as it may deem fit.

(2) Where any such pension or provident fund has been constituted, the State Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

CHAPTER VII

Supplemental and Miscellaneous Provisions

Powers of entry

23. Subject to any rules that may be made in this behalf, the Authority may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purposes of —

(a) making any inquiry, inspection, measurement or survey or taking levels of such land or building;

(b) examining works under construction and ascertaining the course of sewers and drains;

(c) digging or boring into the sub-soil;

(d) setting out boundaries and intended lines of work;

(e) making such levels, boundaries and lines by placing marks and cutting trenches;

(f) ascertaining whether any land is being or has been developed in contravention of the master plan or without the permission referred to in section 14 or in contravention of any condition subject to which permission has been granted ; or

(g) doing any other thing necessary for the efficient administration of this Act.

Explanation—Every person authorised to enter into or upon any land or building under this section, shall while so acting in pursuance of such authority be deemed to be a public servant for the purposes of section 21 of the Indian Penal Code.

Offences

24. (1) Any person who undertakes or carries out development of any land in contravention of the master plan or sector plan or without the permission, approval or sanction referred to in section 14 or in contravention of any condition subject to which such permission, approval or sanction has been granted, shall be punishable with fine which may extend to ten thousand rupees, and in the case of a continuing offence with 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.

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

(3) Any person who obstructs the entry of a person authorised under section 23 to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Order of
demolition of
building

25. (1) Where any development has been commenced or is being carried on or has been completed in contravention of the master plan or sector plan or without the permission, approval or sanction referred to in section 14 or in contravention of any conditions subject to which such permission, approval or sanction has been granted, then without prejudice to the provisions of section 24 the Authority may make an order, directing that such

development shall be removed by demolition, filling or otherwise by the owner thereof or by the person at whose instance the development has been commenced or is being carried out or has been completed, within such period not being less than fifteen days as may be specified in the order and on his failure to comply with the order, may remove or cause to be removed such development and expenses of such removal shall be recoverable from the owner or the person at whose instance the development was commenced or was being carried out or was completed, as arrears of land revenue and no suit shall lie in the Civil Court for recovery of such expenses :

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

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

(3) Any person aggrieved by an order passed under sub-section (1) may within thirty days from the date of such order, prefer an appeal to the Commissioner of the division and the decision of the Commissioner in such appeal shall be final.

(4) The provisions of the Code of Civil Procedure, 1908 shall *mutatis mutandis* apply to the hearing and disposal of any appeal under this section, as if it were an appeal from original decree under that Code.

(5) It shall be lawful for the Commissioner to pass such interlocutory or interim orders including stay of operation of the order appealed against, as he considers necessary for the ends of justice.

26. (1) Where any development has been commenced or continued in contravention of the master plan or sector plan or without the permission, approval or sanction referred to in section 14 or in contravention of any condition subject to which such permission, approval or sanction has been granted, then, without prejudice to the provisions of sections 24 and 25, the Authority or such officer as may be authorised by it in this behalf, may make an order requiring the development to be discontinued on and from the date of the service of the order, and such order shall be complied with accordingly.

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

(3) Any person failing to comply with an order under sub-section (1), or sub-section (2), shall be punishable with fine which may extend to five thousand rupees.

(4) No compensation shall be admissible to any person for any damage which he may sustain in consequence of the removal of any development under section 25 or the discontinuance of the development under this section.

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

27. (1) If the person committing an offence under this Act is a company every person who, at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Power to stop development

Offences by companies.

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

(3) Every company shall at such interval as may be prescribed file a statement, with the Authority, specifying the name, designation and address of the person or persons in charge of and responsible to such company for the conduct of its affairs in relation to matters provided under this Act.

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.

Fines when realised to be paid to the Authority

Composition of offences

28. All fines realised in connection with prosecutions under this Act shall be paid and credited to the Authority.

29. (1) Any offence made punishable by or under this Act may either before or after the institution of proceedings be compounded by the Authority or any officer authorised by it in that behalf by general or special order on such terms including any term, as regards, payment of composition fee, as such Authority or officer, may think fit.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

Power of the Authority to provide amenity or carry out development at the cost of owner in the event of his default and to levy cess in certain cases.

30. (1) If the Authority is satisfied that any amenity has not been provided but which ought to be provided or that any development of the land for which permission, approval or sanction had been obtained under this Act or under any law in force before the commencement of this Act has not been carried out, it may after affording the owner of the land or the person providing or responsible for providing the amenity a reasonable opportunity to show cause, by order require him to provide the amenity or carry out the development within such time as may be specified in the order.

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

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

(3) All expenses incurred by the Authority or the agency employed by it in providing the amenity or carrying out the development together with interest at such rate, as the State Government may, by order fix from the date when a demand for the expenses is made until payment may be recovered by the Authority from the owner or the person providing or responsible for providing the amenity as arrears of land revenue, and no suit shall lie in the Civil Court for recovery of such expenses.

(4) The expenses incurred by the Authority or the agency employed by it under this section shall be certified by such Authority and such certificate shall be final.

Power of Authority to require local authority to assume responsibilities in certain cases

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

32. Where in the opinion of the Authority, as a consequence of any development scheme having been executed by it in any special development area, the value of any property in that area which has been benefited by the development, has increased or will increase, such Authority shall be entitled to levy in such manner as may be prescribed upon the owner of the property or any person having an interest therein a betterment charge at such rate as may be prescribed in respect of the increase in value of the property resulting from the execution of the development :

Betterment charge

Provided that no betterment charge shall be levied in respect of lands owned by Government:

Provided further that where any land belonging to Government has been granted by way of lease or licence by Government to any person, then that land and any building situate thereon shall be subject to a betterment charge under this section.

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

Payment of betterment charge

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

34. (1) The duty imposed by the Indian Stamp Act, 1899, on any deed of transfer of immovable property shall, in the case of an immovable property situated within a special development area, be increased by two per cent on the amount or value of the consideration with reference to which the duty is calculated under the said Act:

Additional stamp duty on certain transfers of property

Provided that the State Government may, by notification, enhance the aforementioned percentage of the increase in stamp duty up to five.

(2) All collections resulting from the said increase shall, after deduction of incidental expenses, if any, be allocated and paid by the State Government to the Authority in such manner and in accordance with such principles as the State Government may, by notification, specify.

(3) For purposes of this section, section 27 of the Indian Stamp Act, 1899, shall be read as if it specifically required the particulars referred to therein to be separately set forth in respect of property within the area subject to the jurisdiction of the Authority.

(4) For the purposes of this section, section 64 of the Indian Stamp Act, 1899 shall be so read and construed as if it referred to the Authority as well as to the State Government.

35. (1) Subject to any limitations imposed by Parliament by law relating to mineral development, the Authority may impose a cess on mineral rights at such rate as may be prescribed.

Cess on mineral rights

(2) Any cess imposed under this section shall be subject to confirmation by the State Government and shall be leviable with effect from such date as may be appointed by the State Government in this behalf.

36. Notwithstanding anything contained in any other law for the time being in force, there may be levied by the Authority, with the previous sanction of the State Government, cess at a rate, not exceeding ten paise per kw, on the consumption or sale of electricity in the special development area.

Power to levy charge on the consumption or sale of electricity

37. Any money certified by the Authority as due to it on account of fees or charge, or from the disposal of lands, buildings or other properties, movable or immovable or by way of rents and profits may, if the recovery thereof is not expressly provided for in any other provision of this Act, be recovered by such Authority as arrears of land revenue, and no suit shall lie in the Civil Court for recovery of such money.

Mode of recovery of moneys due to the Authority

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

Control by State Government

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

(3) The State Government may, at any time either on its own motion or on application made to it in this behalf call for the records of any case disposed of or order passed by the Authority or any officer authorised by it to perform any function under this Act for the purpose of satisfying itself as to the legality or propriety of any order passed or direction issued and may subject to any order passed by the Commissioner of the division under sub-section (3) or sub-section (5) of section 25, pass such order or issue such direction in relation thereto as it may think fit:

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

(4) Every order of the State Government made in exercise of the powers conferred by this Act shall be final and shall not be called in question in any Court.

Returns and inspections

39. (1) The Authority shall furnish to the State Government such reports, returns and other information as that Government may, from time to time require.

(2) The State Government may give such directions on such reports, returns and other information, as it thinks fit, and it shall be the duty of the Authority to carry out such directions.

Power of State Government to give directions

40. (1) In the discharge of their duties the Authority and its officers and other servants shall be bound by such directions on matters of policy as may be given to them by the State Government.

(2) If any dispute arises between the State Government and the Authority as to whether a question is or is not a question of policy, the decision of the State Government shall be final.

Delegation of powers

41. (1) The State Government may, by notification, delegate to any officer or authority subordinate to it all or any powers conferred on it by or under this Act other than the power to make rules.

(2) Subject to the provisions of this Act and to such restrictions as may be imposed by the State Government by a general or special order, the Authority or the Chairman may, by an order in writing, delegate to any officer subordinate to the Authority all or any powers exercisable by the Authority or the Chairman, as the case may be, under this Act, or the rules made thereunder.

Dissolution of Authorities

42. (1) Whenever in the opinion of the State Government the continued existence of any Authority constituted under this Act is unnecessary or undesirable, the State Government may, by notification, declare that such Authority shall be dissolved from such date as may be specified therein and the Authority shall stand dissolved accordingly.

(2) As from the said date—

(a) all properties, funds and dues which are vested in or realisable by the Authority, shall vest, in, or be realisable by, the State Government;

(b) all liabilities which are enforceable against the Authority shall be enforceable against the State Government;

(c) for the purpose of realising properties, funds and dues referred to in clause (a), the function of the Authority shall be discharged by the State Government;

(d) all powers and functions to be exercised or discharged by the Authority under this Act or the rules framed thereunder shall be exercised or discharged by such person in the prescribed manner as may be appointed or designated by the State Government in this behalf.

Jurisdiction of courts

43. No court inferior to that of Magistrate of the first class shall try an offence punishable under this Act.

Cognizance of offences

44. No court shall take cognizance of any offence under this Act except on a complaint in writing made under the signature of an officer duly authorised by the Authority in this behalf.

45. The Chairman, every member and every officer of any Authority established under this Act shall be deemed to be a public servant within the meaning of the section 21 of the Indian Penal Code, 1860.

Members and officers to be public servants

46. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Chairman of the Authority.

Sanction of prosecution

47. All permissions, orders, decisions, notices and other documents of the Authority shall be authenticated by the signature of the Secretary to the Authority or any other officer authorised by the Authority in that behalf.

Authentication of orders and documents

48. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

Suit and other proceedings

49. A Chairman or a member of the Authority shall notwithstanding the expiration of his term, continue to hold office till his successor enters upon office.

Members to continue till successor enters upon office

50. The Authority may with the previous approval of the State Government make such regulations as are required to be made under this Act or the rules framed thereunder and, otherwise, may subject to the provisions of this Act and rules made thereunder, make regulations generally to carry out the provisions of this Act.

Regulations

51. The State Government may make rules for carrying out the provisions of this Act.

Power to make rules

52. Upon any area being declared a special development area under the provisions of this Act, such area, if included in the master plan or the zonal development plan under the Uttar Pradesh Urban Planning and Development Act, 1973, or any other master plan or development plan under any other Uttar Pradesh Act, shall, with effect from the date of such declaration, be deemed to be excluded from any such plan.

Over-riding effect of the Act.

53. (1) The Uttar Pradesh Special Area Development Authorities Ordinance, 1985, is hereby repealed.

Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under this Act, as if this Act were in force at all material times.

By order,
S. N. SAHAY,
Sachiv.

Ordi-
no. 15
1985