

Jammu and Kashmir Metropolitan Region Development Authorities Act, 2018

JAMMU & KASHMIR

India

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Act 49 of 2018

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Jammu and Kashmir Metropolitan Region Development Authorities Act, 2018(Act No. 49 of 2018)[Dated 16th December, 2018.]An Act to provide for the establishment of Metropolitan Region Development Authorities, for the Metropolitan Regions of the State for the purposes of coordinating and supervising the proper, orderly and rapid development of the areas in such Regions and executing plans, projects and schemes for such development, and to provide for matters connected therewith or incidental thereto.In exercise of the powers vested under Proclamation No. P-1/18 of 2018 dated 20th of June, 2018, the Governor is pleased to enact as follows :-

Chapter I Preliminary

1. Short title and commencement.

(1)This Act may be called the Jammu and Kashmir Metropolitan Region Development Authorities Act, 2018.(2)It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint.

2. Definitions.

(1)In this Act, unless the context otherwise requires,-(a)"Act" means the Jammu and Kashmir Metropolitan Region Development Authorities Act, 2018 ;(b)"Amenity" means any item of infrastructure developmental work ;(c)"Authority" means the Authority established under section 3 ;(d)"Chief Executive Officer" means the Chief Executive Officer appointed under sub-section (1) of section 13 ;(e)"Development" with its grammatical variations, means the carrying out of building,

engineering, mining or other operations or the making of any material change in any building or land, or in the use of any building or land and includes redevelopment, layout and sub-divisions of any land and also the provision of amenities and projects, and "to develop" shall be construed accordingly ;(f)"Development Authority" means any Authority established under the Jammu and Kashmir Development Act, 1970 (Act No. XIX of 1970) having jurisdiction, whether wholly or partially, in the areas covered by the Metropolitan Region Development Authority ;(g)"Development Plan" means a plan prepared or modified in terms of Chapter III and Chapter IV of the Jammu and Kashmir Development Act, 1970 ;(h)"Executive Committee" means the Executive Committee constituted under section 7 ;(i)"Government" means the Government of Jammu and Kashmir ;(j)"Infrastructure Development Plan" means the infrastructure plan published under sub-section (5) of section 15 ;(k)"Infrastructure Development Work" means development of infrastructure such as roads, water supply systems and water treatment, sewerage systems, sewerage treatment and disposal, drainage, electricity transmission and distribution systems, solid waste management facility, metro railway systems, piped natural gas, communications or such other urban infrastructure which connects two or more sectors, municipal colonies or villages or which provides for the infrastructure needs of the Region, but does not include any internal development work ;(l)"Internal Development Work" means development of roads, provision of water supply, sewerage, drainage, electricity, sanitation or such other urban facilities or amenities within a sector, colony, municipal colony or abadi deh areas of villages located in the Region ;(m)"Land" includes benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth ;(n)"Metropolitan Region" or "Region" means the area notified by the Government as the Srinagar Metropolitan Region and the Jammu Metropolitan Region for the purposes of the Act ;(o)"Mobility" means movement of a person on foot or a wheeled conveyance of any description ;(p)"Mobility Management Plan" means the mobility management plan for managing mobility in the Region published under sub-section (5) of section 17 ;(q)"Prescribed" means prescribed by rules made under this Act ;(r)"Resident" means a permanent resident of the State of Jammu and Kashmir who ordinarily resides in the Metropolitan Region ;(s)"Residents Advisory Council" means the Residents Advisory Council constituted under section 12 ; and(t)"State" means the State of Jammu and Kashmir.(2)Words and expressions used in this Act but not defined herein shall have the same meaning as respectively assigned to them in the General Clauses Act, Samvat 1977 (Act No. XX of 1977), the Jammu and Kashmir Development Act, 1970 (Act No. XIX of 1970), Jammu and Kashmir Municipal Act, 2000 (Act No. XX of 2000), The Jammu and Kashmir Municipal Corporation Act, 2000 (Act No. XXI of 2000) and the relevant laws for the time being in force in the State.

Chapter II

Establishment and Constitution of the Authority

3. Establishment of the Authority.

(1)As soon as, after the commencement of this Act, the Government may, by notification establish, for the purposes of this Act, two authorities namely "Srinagar Metropolitan Region Development Authority" and "Jammu Metropolitan Region Development Authority" for the two Metropolitan Regions notified under clause (n) of sub-section (1) of section 2 of the Act, from time to time.(2)The

Authority so constituted shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both moveable and immovable and to contract and may sue or be sued by its corporate name as aforesaid.(3)The Authority shall be deemed to be a local authority within the meaning of the term "Local Authority" as defined in the General Clauses Act, Samvat 1977.

4. Composition of the Authority.

(1)The Authority established under section (1) of section 3 shall consist of the following members, namely :-(i)Chief Minister ;(ii)Minister for Housing and Urban Development ;(iii)Minister for Transport ;(iv)Members of Parliament in the Metropolitan Region ;(v)Minister of State for Housing and Urban Development ;(vi)Mayor of the Municipal Corporation concerned ;(vii)Presidents of the Municipal Committees and Municipal Councils within the Metropolitan Region ;(viii)Chairperson(s) of the District Planning and Development Board(s) in the Metropolitan Region.(ix)Four Members of the Legislative Assembly, representing constituencies falling wholly or partly within the limits of the Metropolitan Region, to be nominated by the Government ;(x)One Member of the Legislative Council, to be nominated by the Government ;(xi)Chief Secretary to the Government of Jammu and Kashmir ;(xii)Administrative Secretary, Housing and Urban Development Department ;(xiii)Chief Executive Officer ;(xiv)Divisional Commissioner and Inspector General of Police of the respective Region ;(xv)Municipal Commissioner of the Municipal Corporation within the Capital City ;(xvi)Such experts of eminence, not exceeding six, as the Government may from time to time nominate from the field of urban infrastructure, public administration, finance, management, urban forestry, environment, engineering, town planning, etc. as members ;(xvii)Vice-Chairperson(s)/Chief Executive Officer(s) of the Development Authority(ies) ; and(xviii)Deputy Commissioner(s) of the District(s) falling in the Metropolitan Region ;(2)The Chief Minister of the State shall be the Chairperson and the Chief Executive Officer shall be the Member-Secretary of the Authority.(3)With effect from the date of establishment of Authority under subsection (1) of section 3, the Authority shall be deemed to be duly constituted, notwithstanding that there may be any vacancies as some of the members may not have been nominated or appointed or for any other reason may not be available to take office on that day and the members of the Authority, who may, from time to time, be available shall be competent to exercise, perform and discharge all the powers, duties and functions of the Authority from that date.(4)The Government may, from time to time, notify the names of members nominated under clauses (ix) , (x) and (xvi) of subsection (1).(5)The members shall receive such allowances as may be determined by regulations 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 a member.(6)Where a person becomes or is elected or nominated as a member of the Authority by virtue of holding any office or being a member of the Legislature or any local authority, or Committee or body thereof, he shall cease to be a member of the Authority, as soon as he ceases to hold that office or to be such member, as the case may be.(7)A member of the Authority, other than ex-officio member, may, at any time, by writing under his hand addressed to the Chairperson, resign from his office.(8)No act or proceeding of the Metropolitan Region Authority, or of any Committee thereof, shall be deemed to be invalid at any time merely on the ground that-(a)any of the members of the Authority or its Committee are not duly elected, nominated or 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 of its Committee or body or there is any defect in the constitution thereof, or any person is a member in more than one capacity or there are one or more vacancies in the offices of any such members ; and(b)there is any irregularity in the procedure of the Authority or such Committee not affecting the merits of the matter under consideration.Explanation : - During the continuation of proclamation under section 92 of the Constitution of Jammu and Kashmir or Article 356 of the Constitution of India as applicable to the State, the term 'Chief Minister' shall mean and include 'Governor' for the purposes of this section.

5. The Chairperson and the Chief Executive Officer.

(1)The Chairperson 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 by this Act and exercise such other powers and perform such other duties as the Authority may, from time to time, by regulations determine.(2)Subject to the provisions of sub-section (1), the Chief Executive officer shall ,--(a)be the Chief Executive of the Authority ; and shall exercise such powers and perform such functions or duties as the Authority may, by a resolution passed in this behalf, direct. The Chief Executive Officer may, by general or special order, further direct that such of the powers, functions or duties delegated to him as aforesaid or under sub-section (5) of section 7 shall be exercised or performed by such of the officers of the Authority, as may be specified in such order ;(b)supervise and control all its officers and servants, including any officers of the Government appointed, from time to time, on deputation to the Authority or any Committee or body thereof ; and(c)be responsible for collection of all sums due to the Authority and payment of all sums payable by the Authority. He shall ensure adequate security of all assets, including cash balances, of the Authority. He shall also be responsible for performing all executive functions in connection with the works of the Authority.(3)Subject to the provisions of sub-section (2), the Executive Committee shall, from time to time, by order determine the powers and duties of any Additional, Deputy and Assistant Chief Executive Officers appointed under section 13.

6. Meetings of the Authority.

(1)The Authority shall meet at least once in six months, at such place and at such time as the Chairperson may decide and shall, subject to the provisions of sub-section (3), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum) as may be laid down by the regulations.(2)The Chairperson shall preside at the meetings of the Authority. In the absence of the Chairperson, at any meeting, any other member of the Authority nominated by the members present at the meeting shall preside at such meeting.(3)A member of the Authority, who has acquired 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 shareholder of a public limited company concerned 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.(4)If any question arises whether a member of the Authority has become subject to the disqualification mentioned in the last preceding subsection, the question shall be referred for decision of the Government, and its decision thereon shall be final.

7. Executive Committee.

(1)There shall be an Executive Committee of the Authority, consisting of the following members, namely :-(a)Chief Secretary to the Government of Jammu and Kashmir ;(b)Administrative Secretaries of Housing and Urban Development, Finance, Planning, Monitoring and Development, Tourism, Transport, R&B and PHE and Flood Control Departments ;(c)Divisional Commissioner and the Inspector General of Police of the respective Region ;(d)Municipal Commissioner of the Corporation in Capital City ;(e)Vice-Chairperson(s)/Chief Executive Officer(s) of Development Authority(ies) in the Region ;(f)Chief Executive Officers of Jammu & Srinagar Smart Cities Ltd. ;(g)Chief Executive Officer Economic Reconstruction Agency ;(h)Chief Town Planner, Town Planning Organization of the Region ;(i)Managing Director J&K Housing Board ;(j)Three members who are experts in the field of urban planning and infrastructure development, to be appointed by the Government ; and(k)Financial Advisor/ Chief Accounts Officer of the Authority.(2)The Chief Secretary shall be the Chairperson of the Executive Committee and the Chief Executive Officer appointed under section 13 of the Act, shall be the Member-Secretary of the Executive Committee.(3)Subject to the provisions of Section 33 and the guidelines or directives issued by the Authority, the Executive Committee shall exercise the following powers and perform the following duties, namely :-i. Appointment of the staff ;ii. Planning and implementation of the projects and schemes of the Authority, including approval or rejection of such projects and schemes ;iii. Approval or rejection of tenders for projects and schemes ;iv. Grant of permission or refusal of permission, on behalf of the Authority, under sub-section (3) of section 20 ;v. Investment of surplus moneys of the Metropolitan Region Development Fund ;vi. Institution, conduct and withdrawal of any legal proceedings on behalf of the Authority ; and vii. The powers (except the power to make regulations) delegated or the functions or duties imposed, from time to time, on the Executive Committee by the Authority.(4)The Executive Committee shall meet at such place and at such time as may be determined by its Chairperson and shall observe such rules of procedure as it may determine.(5)The Executive Committee may, from time to time, by a resolution passed in this behalf, direct that any power and any function or duty which is conferred on it, by or under the provisions of this Act, shall be exercised or performed by the Chief Executive Officer.

8. Authentication of Proceedings.

- All proceedings of the Authority and the Executive Committee shall be authenticated under the seal and signature of the Chairperson of the Authority or the Executive Committee, as the case may be, or of any member thereof authorized by the Chairperson in this behalf, and all other orders and instruments of the Authority and the Executive Committee shall be authenticated by the Chief Executive Officer or by any other officer of the Authority authorized by the Authority, the Executive Committee or the Chief Executive Officer in this behalf.

9. Constitution of Committees.

(1)The Authority may constitute committees consisting wholly of members of such Authority or partly of other persons and for such purpose or purposes, as it may think fit ; and entrust to any such committee such powers as the Authority may specify 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 the 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 provided by regulations.

10. Members of the Authority not disqualified for being chosen or holding certain offices.

- Notwithstanding anything contained in any other law for the time being in force, a member (including the Chairperson of the Authority or any of its Committees) shall not be disqualified for being chosen as, and for being, a Member or Councillor of the State Legislature or any local authority or any committee members of or body of such legislature or authority, merely by reason of the fact that he is a member of the Authority or any of its Committees.

11. Special or permanent invitees in meetings having no right to vote.

- The Authority, or the Executive Committee may invite any officer of the Government or local authority 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 officer so invited may take part in the proceedings, but shall have no right to vote.

12. Residents Advisory Council.

(1)There shall be a Residents Advisory Council to aid and advise the Authority in discharge of its functions.(2)The Residents Advisory Council shall consist of the Chief Executive Officer, who shall preside over the meetings of the council and the following members, namely :-(a)Commissioner of the Municipal Corporation concerned ;(b)Deputy Commissioners and Superintendents of Police of the Districts falling in the Metropolitan Region ;(c)Director Urban Local Bodies of the respective division ;(d)Director Tourism of the respective division ;(e)Chief Engineers of Public Works Department, Public Health Engineering Department, Power Development Department and Urban Environment Engineering Department of the Region ;(f)such officers of the Authority, not exceeding two, as the Chief Executive Officer may, from time to time, nominate ; and(g)such persons, not less than six and not more than ten, being residents in the Metropolitan Region, to be nominated from amongst resident welfare associations, civil society, labour, industry, real estate developers, commerce and services by the Authority or the Executive Committee, in such manner and for such term, as may be prescribed.(3)The Residents Advisory Council may aid and advise the Authority on the implementation of the annual plan of action for infrastructure development, mobility

management plan and the plan for sustainable management of the urban environment and make appropriate such recommendations, as it may decide.(4)The recommendations of the Residents Advisory Council, along with an explanatory memorandum on the action taken or proposed to be taken thereon, shall be placed by the Chief Executive Officer before the Authority.(5)The procedure for conduct of meetings and transaction of business of the Residents Advisory Council shall be such, as may be prescribed.(6)The members of the Residents Advisory Council nominated under clause (e) of sub-section (2), may receive such allowances for attending the meetings of the Authority, as may be prescribed.

Chapter III

Officers and Staff

13. Appointment of the Chief Executive Officer and other officers of the Authority.

(1)The Government shall appoint a Chief Executive Officer for the Authority who shall be an officer not below the rank of Principal Secretary to the Government.(2)The Government may, on a request being made by the Executive Committee, appoint,-(a)one or more Additional/Deputy/Assistant Chief Executive Officers who shall be officer(s) not below the rank of Secretary/Special Secretary/Additional Secretary to the Government ; and(b)Financial Advisor/ Chief Accounts Officer for the Authority who shall be an officer not below the rank of Financial Advisor/ Chief Accounts Officer of the Jammu and Kashmir Accounts (Gazetted) Service.(3)The Authority may, from time to time, with the approval of Government sanction creation of posts of other officers and staff to the Authority as it may deem necessary.(4)The conditions of appointment and service and the powers and duties of such officers and staff shall be such as may be determined by the regulations.(5)The Chief Executive Officer may engage temporarily, on such fee and remuneration and for such period, such experts of eminence having such experience, as may be specified by regulations.

Chapter IV

Powers and Functions of the Authority

14. Object of the Authority.

- (1) The main object of the Authority shall be to secure the development of the Metropolitan Region according to the Development Plan and for that purpose, the functions of the Authority shall be to,-(i)review any physical, financial and economic plan ;(ii)review any project or scheme for development which may be proposed or may be in the course of execution or may be completed in the Metropolitan Region ;(iii)formulate Schemes for the development of the Metropolitan Region or any part thereof ;(iv)execute projects and schemes ;(v)recommend to the Government any matter or proposal requiring action by the Government or any other authority for the overall development of the Metropolitan Region ;(vi)participate with any other authority for inter-regional development

;(vii)finance any project or scheme for the development of the Metropolitan Region ;(viii)coordinate execution of the projects or schemes for the development of the Metropolitan Region ;(ix)supervise or otherwise ensure 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 Metropolitan Region Development Fund ;(x)prepare schemes and advise the concerned authorities in formulating and undertaking schemes for development of social, economic and industrial infrastructure in the Metropolitan Region ;(xi)prepare and implement schemes for providing alternative accommodation and for rehabilitation of persons displaced by projects and schemes which provide for such requirements ;(xii)enter into partnership with leading institutions in the fields of policy planning and development to strengthen the institutional capacity of the Authority ; and(xiii)do all such other acts and things as 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.(2)Notwithstanding anything contained in the Jammu and Kashmir Development Act, 1970, the Jammu and Kashmir State Town Planning Act, 1963, or any other law for the time being in force, the Authority shall assist the concerned authority in preparation of the Master Plan, Zonal Plan or Town Planning Scheme, as the case may be, under the provisions of these Acts.(3)The Authority may also, in consultation with the authority concerned, for the purpose of the integrated development of the Metropolitan Region, undertake modification or revision of the Development Plans and shall for this purpose have all the powers of the authorities under these Acts and obtain the approval of the Government to the same. In doing so, the Authority shall take into consideration all the relevant plans of the authorities in the Region and specify the extent and the reason for modification of each such plan.

15. Infrastructure Development Plan.

(1)The Chief Executive Officer shall, within such period from the commencement of this Act and at such intervals thereafter, as may be specified by the Authority, after such consultations as may be specified by regulations, prepare an infrastructure development plan for the Metropolitan Region :Provided that such infrastructure development plan shall be in conformity with the Development Plan(s).(2)The infrastructure development plan shall-(a)describe and detail the infrastructure development work and amenities, including but not limited to roads, water supply, sewage disposal, storm water drainage, electricity, solid waste management, public transportation, parking and other amenities, required for the maintenance of a reasonable standard of livability in the Metropolitan Region or part thereof :Provided that nothing in this clause shall apply to any internal development work in the Metropolitan Region :Provided further that the parameters for measuring the reasonable standard of livability of residents shall be such, as may be determined by the Authority ; and(b)specify the right of way requirements for infrastructure development work under, over, along, across or upon any road or public street or any property vested in or under the control or management of the Authority, including but not limited to electricity, telecommunications, piped natural gas, provided by entities under a license issued by or under any State law :Provided that the right of way requirements shall make provision for prevention of frequent damage to road and related infrastructure standing thereon.(3)The Chief Executive Officer shall cause the infrastructure development plan to be published for the purpose of inviting objections or suggestions thereon.(4)Any person may within a period of thirty days from the date of publication of the plan

under sub-section (3), send his objections or suggestions in writing, if any, in respect of such plan to the Chief Executive Officer and he shall submit, within a period of sixty days from the aforesaid date, the infrastructure development plan along with his recommendations to the Authority.(5)After considering the objections and suggestions, if any, and the recommendations of the Chief Executive Officer thereon, the Authority shall, subject to such modifications as it deems fit, prepare final infrastructure development plan and publish the same.

16. Annual Plan for infrastructure development.

(1)The Chief Executive Officer shall, based on the infrastructure development plan published under sub-section (5) of section 15 and an assessment of the availability of resources, prepare an annual plan of action for infrastructure development and provision of amenities in the ensuing financial year.(2)The annual plan of action for infrastructure development and provision of amenities referred to in sub-section (1) shall contain schemes or projects for infrastructure development work or amenities proposed in the ensuing financial year along with an estimate of funds required for its implementation and source of funding.(3)The annual plan of action for infrastructure development under sub-section (1) shall include a statement of infrastructure development work and amenities-(a)included in the annual plan of action of the current financial year that have not started along with reasons thereof ;(b)that have been started, either in the current financial year or in the financial years preceding the current financial year, but not completed along with reasons thereof ; and(c)that have been completed or are likely to be completed in the current financial year.(4)The annual plan of action for infrastructure development shall include an assessment by the Chief Executive Officer, after obtaining information required for the purpose, of infrastructure development and provision of amenities proposed or under implementation by any person, board, company or other agency in the Metropolitan Region.(5)The Chief Executive Officer shall submit, at least one month before the end of the financial year, the annual plan of action for infrastructure development and provision of amenities referred to in sub-section (2) and the statement referred to in sub-section (3) to the Authority.(6)The Authority shall, before the commencement of the ensuing financial year and after consideration of the annual plan of action for infrastructure development and provision of amenities, approve the plan with such amendments or modifications, if any, as it deems fit :Provided that any amendment or modification to such annual plan of action shall be made only after an estimate of funds required for its implementation is assessed and the source of funding is identified.(7)The Chief Executive Officer shall cause the annual plan of action for infrastructure development and provision of amenities, as approved by the Authority, to be published as soon as may be practicable.

17. Mobility Management Plan.

(1)The Chief Executive Officer shall, in consultation with the Transport Commissioner, Inspector General of Police, Traffic, Commissioner of the Municipal Corporation, Deputy Commissioners of the Districts falling within the Metropolitan Region, and after such other consultations as the Chief Executive Officer deems fit, prepare from time to time, a mobility management plan for managing mobility in the Metropolitan Region.(2)The mobility management plan shall include-(a)measures for infrastructure development, including improvement of road junctions, construction of roads,

bridges, pedestrian footpaths, subways and such other construction or improvement, as the case may be ;(b)measures for infrastructure development aimed at enhancing safety of life and prevention of accidents on public roads ;(c)measures in regard to public transportation, mass transportation, integrated multi-modal transportation, bus shelters, parking and their improvement ;(d)measures to regulate parking, traffic, installation of traffic signals and the transit of vehicles, including its speed, form, construction, weight, size or laden with such heavy or unwieldy objects, as may be likely to cause injury ;(e)measures to regulate access to premises from any particular public street carrying high speed vehicular traffic ; and(f)such other measures, as may be required for managing mobility in the Metropolitan Region.(3)The mobility management plan shall be submitted to the Residents Advisory Council and it shall make such recommendations, if any, as it may decide.(4)The mobility management plan shall be submitted to the Authority along with the recommendations of the Residents Advisory Council, if any and the Authority shall approve the plan with such amendments or modifications, as it deems fit.(5)The Chief Executive Officer shall cause the mobility management plan as approved by the Authority to be published as soon as may be practicable.(6)The Transport Commissioner, Inspector General of Police, Traffic, Commissioner of Municipal Corporation concerned, and such other officer(s), as may be empowered under the law for the purpose, shall be responsible for enforcement of the measures in regard to clauses (d) and (e) of sub-section (2) requiring the imposition of any penalty for violation of such law for the time being in force.

18. City Bus service within Metropolitan Region.

- The Government shall, in public interest and pursuant to a proposal regarding a scheme published in accordance with the provisions of sub-section (1) of section 99 of the Motor Vehicles Act, 1988 (59 of 1988) and published under sub-section (3) of section 100 of the said Act for the purpose of providing an efficient, adequate, economical and properly coordinated road transport service, permit the Authority to operate a city bus service within the Metropolitan Region.

19. Plan for sustainable management of urban environment.

(1)The Chief Executive Officer shall, in consultation with the Chief Conservator of Forests, the Deputy Commissioners of the districts falling in the Metropolitan Region, the Commissioner of the Municipal Corporation, Chief Engineer Urban Environmental Engineering Department concerned and such other persons as the Chief Executive Officer deems fit, prepare, from time to time, a plan for sustainable management of the urban environment of the Metropolitan Region.(2)The plan for sustainable management of the urban environment shall include-(i)provision for urban forestry, tree plantation and horticulture, so as to endeavor to achieve such international standards for green spaces, as the Authority may determine ; and(ii)measures for solid waste management and water conservation, as may be necessary and desirable.(3)The Chief Executive Officer shall cause the plan for sustainable management of the urban environment to be published for the purpose of inviting objections or suggestions thereon.(4)Any person may within a period of twenty-one days from the date of publication of the plan under sub-section (3) send to the Chief Executive Officer, his objections and suggestions, if any, in respect of such plan and the Chief Executive Officer shall submit, within a period of sixty days from the aforesaid date, the plan for sustainable management

of the urban environment along with his recommendations to the Authority.(5)After considering the objections and suggestions, if any, and the recommendations of the Chief Executive Officer thereon, the Authority shall, subject to such modifications, as it deems fit, decide as to the final plan for sustainable management of the urban environment and the Chief Executive Officer shall cause the plan so approved to be published as soon as may be practicable.(6)The plan for sustainable management of the urban environment may, from time to time as may be required, be modified after following the process described in sub-sections (3) to (5), in so far as the modification is concerned.(7)On the approval of the plan for sustainable environment management, the relevant authorities, as the case may be, shall incorporate such of the measures, as may relate to the erection of buildings, including but not limited to water conservation, recycling of waste water, rain water harvesting, provision of roof-top solar energy, as the case may be, in the building bye-laws applicable in the Metropolitan Region.

20. No development to be undertaken without the 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 Metropolitan Region of the type as the Authority may from time to time specify, by notification in the Government Gazette, and which in the opinion of the Authority, is likely to adversely affect the overall development of the Metropolitan 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.(3)The Authority shall, after making such inquiry as it deems necessary and within 60 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 the Authority fails to communicate its decision to grant or refuse permission to the applicant within sixty days from the date of receipt of his application, or within sixty days from the date of receipt of compliance of requisition, if any, made by the Authority, whichever is later, such permission shall be deemed to have been granted to the applicant on the date immediately following the date of expiry of such sixty days, but subject to the provisions of the Development Plan or the Regulations or the building control regulations and bye-laws, if any, applicable for the time being to such development.(4)Any authority or person aggrieved by the decision of the Authority under sub-section (3), may, within forty days, appeal against such decision to the Government, whose decision thereon shall be final :Provided that, where the aggrieved authority submitting such appeal is under administrative control of the Central Government, the appeal shall be decided by the Government, after consultation with the Central Government.(5)In case any person or authority contravenes any condition imposed under sub-section (3) or does anything contrary to the decision given under sub-section (4), 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.(6)Without prejudice to the powers exercised by the Authority under this Act and notwithstanding the powers exercised by any other authority in the Metropolitan Region, any difference or disputes between such other authorities and the Metropolitan Region Development Authority only in respect of matters of proper, orderly and rapid development of any part of the

Metropolitan Region shall be referred to the Authority whose decision thereon shall be final and binding on such other authorities.

21. Power to give instructions.

(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 development project or scheme financed fully or partially by it, as it thinks fit, and any such authority or person in that Region shall be bound to comply with such directions. (2) Where any direction is given to any authority or person under sub-section (1), such authority or person may, within fifteen days from the date of receipt of such direction, appeal to the Government against such direction, and the decision of the Government thereon shall be final. (3) The Authority shall so exercise the powers of supervision referred to in clause (i) of sub-section (1) of section 14 as may be necessary to ensure that each development project or scheme is executed in the interest of the overall development of the Metropolitan Region, and in accordance with any plan, project or scheme duly approved under any law for the time being in force by the Government. (4) The Authority shall have power to direct the Inspector General of Police or Superintendent of Police, as the case may be, who shall comply with these directions in so far as they relate to execution of development work or removal of unauthorised development or for enforcing the provisions of this Act or for ensuring proper development as per the approved Development Plan for the time being in force in that Region.

22. Amenities provided by the Authorities.

- Where any amenity is 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 authority including a local authority, within whose local limits the area so developed is situated, to assume such responsibility for the maintenance of the amenity, and for the provision of such other amenities which have not been provided by the Authority, but which in its opinion should be provided in the area, on such terms and conditions as may be agreed upon between the Authority and that local authority ; and where such terms and conditions cannot be agreed upon, on such terms and conditions as may be specified by the Government, in consultation with both the other local authority and the Authority.

23. Execution of projects in certain cases.

(1) Where the Authority is satisfied that any direction given by it under sub-section (1) of section 21 with regard to any development project or scheme has not been carried out by the Authority referred to therein, within the time specified in the direction or that any such authority is unable to fully implement any project or scheme undertaken by it for the development of any part of the Region, the Authority may itself undertake any work and incur any expenditure for the execution of such development projects or implementation of such schemes, as the case may be, and recover the cost thereof from that Authority. (2) The Authority may also undertake any work in the Region for development in accordance with the Infrastructure Development Plan as may be directed by the

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 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 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 purposes 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 authority referred in sub-section (1).(4)The Authority may, for the purposes of sub-sections (1) and(2), undertake the survey of any area within the Metropolitan Region and for that purpose, it shall be lawful for any officer or servant of the Authority,-(a)to enter in or upon any land and 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.(5)Before entering upon any land for the purpose given in aforesaid sub-section (4), the Authority or an officer authorized by it shall give notice of its intention to do so in such manner as may be specified in the regulations.

24. Power to incorporate subsidiaries and Joint Project Ventures.

(1)The Authority may subscribe to the share capital of any public limited company incorporated under the Companies Act, 2013 or a cooperative society, with limited liability registered under the Jammu and Kashmir Cooperative Societies Act, 1989 (Act No. X of 1989) :Provided that, the amount of such subscription in a year shall not exceed such sum as may be prescribed :(2)The Authority for the purpose of executing or managing projects, schemes, policies and raising equity therefor shall have power to create Joint Project Venture (JPV) with Private Partner(s).

Chapter V

Finance, budget and accounts

25. Metropolitan Region Development Fund.

(1)There shall be a fund for the Authority to be called Metropolitan Region Development Fund for that Region to which shall be credited all moneys received by the Authority, including,-(a)a contribution to be made by the Government of a sum of not less than rupees hundred crores towards a revolving fund to be established by the Authority, in such instalments not exceeding four, as the Government may determine in consultation with the Authority ;(b)such other monies as may be paid to the Authority by the Government ;(c)such monies as may be paid to the Authority by the Union Government or any other authority or agency ;(d)the sums collected on account of any duty or cess levied under Chapter VI ;(e)the proceeds of any betterment charge levied under Chapter VI ;(f)all fees, costs and charges received by the Authority under this Act or any other law for the time being in force ;(g)all monies received by the Authority from the disposal of lands, buildings and other properties, moveable and immoveable, and other transactions ;(h)all monies borrowed by the Authority ; and(i)all monies received by the Authority by way of rents and profits or in any other manner or from any other source.(2)The Authority may keep in current or deposit account with the

Jammu and Kashmir Bank Ltd. or with any Nationalised Bank, or with any other bank approved by the Government in this behalf, such sum of money out of its fund as may be prescribed, and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.(3)Such accounts shall be operated upon by such officers of the Authority as may be authorized by regulation made in this behalf.(4)Government lands free from encumbrances in the Metropolitan Region shall be made available by the Government to the Authority on such terms and conditions as the Government may deem fit and the Authority shall use those lands as resource to raise funds to provide infrastructure as per the approved Infrastructure Development Plan for that Region.

26. Loan Fund.

(1)As a part of the Metropolitan Region Development Fund, the Authority shall establish in distinct Bank accounts a Loan Fund for the purposes of,-(a)receiving all monies borrowed by it including all repayments of loan instalments together with payment of interest made by the borrower on loans,(b)providing all monies 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 purpose of this Act, and(d)expenditure on projects and schemes financed through loans.(2)All matters connected with the Loans Fund shall be governed by the regulations made in this behalf.

27. Other funds and reserves.

(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.

28. Property, funds etc. of the Authority to be applied to the purposes of the Act.

- 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.

29. Borrowings.

- The Authority may borrow any moneys for carrying out the purpose of this Act or for servicing any loan obtained by it, at such appropriate rates and on such conditions, as it may deem fit, in so far as where the guarantees or letters of the Government are not required.

30. Grants, Advances and Loans.

- The Authority shall be competent to give grants, advances or loans to, or to share expenses with, any local authority or other authority in the Metropolitan Region, for any of the purposes of section

14, and notwithstanding anything contained in any law for the time being in force, but subject to the restrictions (if any) contained in the Jammu and Kashmir Municipal Act, 2000 (Act No. XX of 2000), the Jammu and Kashmir Municipal Corporation Act, 2000 (Act No. XXI of 2000) or any law relating to such local authority or other authority, it shall be lawful for such other authority 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 other authority, specify.

31. Guarantee by the Government.

- The 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 Government may think fit to impose :Provided that, the guarantee of repayment shall be applicable only to the cases where the loan is raised, given or transferred by the Authority with the prior approval of the Government :Provided further that, the Government shall not give guarantee for repayment of the principal of, and interest on, any loan raised or given by the Authority or transferred to it under section 29.

32. Form and manner of keeping accounts.

(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 audited by the Director, Local Fund Audit and Pensions, Jammu and Kashmir or by any other auditor appointed by the Government from time to time.(3)The audit shall be made in such manner as may be determined by regulations.(4)The auditor shall submit his audit report to the Authority and shall forward a copy thereof to the Government.

33. Annual Budget.

(1)The Chief Executive Officer of the Authority shall prepare, every year, in such form and at such time as may be prescribed, an annual budget estimate in respect of the next ensuing financial year showing the estimated receipts and disbursements of the Authority and shall submit it to the Authority for approval.(2)The Authority shall also approve the Annual Capital Budget.(3)The Chief Executive Officer shall forward to the Government copies of the budget estimate and capital budget so prepared by him and the budget as approved by the Authority.

34. 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 Government before the 30th day of November and the Government shall cause a copy of such report to be laid before the State Legislature.

35. Deficit in Metropolitan Region Development Fund.

- The Authority shall not and shall not be required to carry out any of its operation under this Act at a loss. Any deficit in the Metropolitan Region Development Fund in any financial year shall be made good by the Authority not later than in the next succeeding financial year.

Chapter VI

Powers of Taxation

36. Duty on transfer of immovable properties.

- The Authority shall have the power to levy a duty on the transfer of immovable properties situated within the limits of the Metropolitan Region in addition to the duty imposed under the Stamp Act, 1977 on every instrument of the description specified below and at such rate, as the Government may by notification, direct, which shall not be more than two per cent of the amount specified below against such instruments :-(i)sale of immovable property-the amount or value of the consideration for the sale as set forth in the instrument ;(ii)exchange of immovable property-the value of the property or the greater value as set forth in the instrument ;(iii)gift of immovable property - the value of the property as set forth in the instrument ;(iv)mortgage with possession of immovable property - the amount secured by the mortgage as set forth in the instrument ;(v)lease in perpetuity of immovable property-the amount equal to one-sixth of the whole amount or value of the rent which shall be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument :Provided that the said duty shall be collected in such a manner as may be prescribed.

37. Cess on lands and buildings.

(1)The Government may, upon a request received from the Authority by notification in the Government Gazette, levy cess on lands and buildings in the Metropolitan Region or any part thereof, at such rate not exceeding five per cent, as may be determined by the Government, of the annual value of the property :Provided that, any land or building vested in or under the control or possession of the Central Government, the Government or of any local authority shall be exempt from the payment of the cess.(2)Such cess may be levied at different rates for different areas and for different classes of properties.(3)The cess shall be collected by the local authority within whose areas the properties are situated as if the cess were a property tax levied by it under the law governing that local authority and shall be paid into the fund of the Authority for being utilised by it for the purposes of this Act.(4)Every landlord shall, in respect of any premises situated in the Metropolitan Region, be entitled to make any increase in the rent of the premises on account of the payment by him of the cess levied under this section.

38. Betterment charges.

(1)Where, in the opinion of the Authority as a consequence of any development project or scheme

having been executed by the Authority in any area the value of any land in that area has increased or will increase, the Authority shall be entitled to levy upon the owner of the land or any person having an interest therein, a betterment charge in respect of the increase in value of the land resulting from the execution of the development project or scheme.(2)Such betterment charge shall be an amount not exceeding one-half of the amount by which the value of the land on the completion of the execution of the development project or scheme, estimated as if the land were clear of buildings, exceeds the value of the land immediately before such execution estimated in like manner :Provided that, in levying betterment charge on any land the Authority shall have regard to the extent and nature of benefit accruing to the land from the development project or scheme and such other factors as may be laid down by rules made in this behalf.(3)When it appears to the Authority that any particular development project or scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment charge the execution of the development project or scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the land or any person having an interest therein that the Authority proposes to assess the amount of the betterment charge in respect of the land under the last preceding section.(4)The Authority shall then assess the amount of betterment charge payable by the person concerned after giving such person a reasonable opportunity to be heard and such person shall, within one month from the date of receipt of the notice in writing of such assessment from the Authority, inform the Authority by a declaration in writing that he accepts the assessment or dissents from it.(5)When the assessment proposed by the Authority is accepted by the person concerned within the period specified in sub-section (4), such assessment shall be final.(6)If the person concerned dissents from the assessment or fails to give the Authority the information required by sub-section (4) within the period specified therein, the matter shall be determined by arbitrators in the manner provided in the next following section.(7)No betterment contribution shall be payable by the Government, the Authority or other local authority in respect of any land which is the property of the Government, the Authority or other local authority.(8)For the determination of the matter referred to in sub-section (4), the provisions regarding arbitration under the Jammu and Kashmir Arbitration and Conciliation Act, 1997, shall be applicable.

39. Manner of payment of betterment charges.

(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 rules.(2)Any arrear of betterment charge shall bear interest at the prescribed rate and shall be recoverable as an arrear of land revenue.

40. Inability to pay betterment charge.

(1)Any person liable to the payment of betterment charge may, at his option instead of making a payment thereof to the Authority, execute an agreement with the Authority to leave the said payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the prescribed rate, the first annual payment of such interest being made at such time and in such manner as may be fixed by the rules :Provided that, within a period of ten years from

the date on which the first payment of interest is made by any person, he may, at any time, pay the betterment charge in full in a lump sum and thereupon the agreement executed by him shall stand terminated and the charge created by him on his interest in the land shall also stand released.(2)Every payment due from any person in respect of a betterment charge and every charge referred to in sub-section (1) shall notwithstanding anything contained in any other law for the time being in force but subject to the payment of any dues of the Government, or of any local authority, be the first charge upon the interest of such person in such land.

41. Levy and collection of user charges.

(1)The Authority may, for the purposes of recovering wholly or in part, any expenditure on any infrastructure development work or amenity provided or maintained by it, directly or indirectly under its authorization, levy and collect a charge from the users of such infrastructure development work or amenity.(2)The user charge for each infrastructure development work or amenity shall be such, as may be determined by the Authority :Provided that the Authority shall be eligible to collect the user charge from such date, not being less than a period of seven days from the date of its publication by the Authority.(3)The Chief Executive Officer may authorise or assign any person, company, board or any other agency, the collection of the user charge on such terms and conditions, as the Chief Executive Officer may, with the prior approval of the Authority, determine.

Chapter VII

Miscellaneous

42. Recovery of unpaid sums as arrears of land revenue.

- Where any sum (not being rent payable in respect of any Authority premises) payable to the Authority, whether under any agreement, express or implied or otherwise, howsoever, is not paid on or before the due date, the person duly authorised by the Authority 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 or claimed as an arrear of land revenue.

43. Lump sum payment to other local authorities in lieu of taxes etc.

(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 area within the jurisdiction of any local authority any of the infrastructure which the local authority provides, 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 to receive a lump sum contribution 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 Government, and the Government may, after giving to the local authority or the Authority or both, a reasonable opportunity of being heard, decide the amount of such contribution. The decision of the Government shall be binding on both

parties.

44. Deduction of sums due to the Authority from salaries or wages in certain cases.

(1) Any person dealing with the Authority may execute an agreement in favour of the 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. (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, 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. (4) Nothing contained in this section shall apply to persons employed in any railways and in mines and oil fields.

45. Power of the Government to give directions.

(1) The Authority shall exercise its powers and perform its duties under this Act in accordance with the policy framed and guidelines laid down from time to time, by the Government for development of the areas in the Metropolitan Region. (2) The Authority shall be bound to comply with such directions which may be issued, from time to time, by the 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 Government, the matter shall be decided by the Government and its decision shall be final.

46. Power to call for information.

- The Authority shall have power to call for any return, statement of accounts, reports, statistics or other information from any local authority or other authority or person in the Metropolitan Region, which is required by it in exercise of its powers and the performance of its duties under this Act, or any other law for the time being in force and such authority or person shall be bound to furnish such information.

47. Delegation of Powers.

- The Authority may, by resolution, delegate, from time to time, any power (except the power to make regulations) exercisable by it or any function to be discharged or any duty to be performed by

it, by or under this Act to the Chief Executive Officer or the Executive Committee subject to such terms and conditions as may be specified in such resolution.

48. Member, Officer and employees to be public servants.

- Every member, officer and other employees of the Authority and every member of the Committees constituted under this Act shall be deemed to be a public servant within the meaning of section 21 of the State Ranbir Penal Code, Samvat 1989.

49. Indemnity for action taken in good faith.

- No suit, prosecution or other legal proceeding shall lie against any member or any officer or other employee of the Authority and any member of Committees constituted under this Act for anything done in good faith under this Act.

50. Power to make Rules.

(1)The power to make all rules under this Act shall be exercisable by the Government by notification in the Government Gazette.(2)Without prejudice to any power to make rules contained elsewhere in this Act, the Government may make rules consistent with this Act generally to carry out the purposes of this Act.

51. Power to make regulations.

- The Authority may, with the prior approval of the Government, from time to time, make regulations, not inconsistent with provisions of the Act and the rules made thereunder, 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 under this Act.

52. Overriding effect.

- Notwithstanding anything contained in any other law, the provisions of this Act, so far as they relate to the coordinating and supervising development of the areas in the Metropolitan Region shall prevail.

53. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may by notification issue instructions not inconsistent with the objects and purposes of this Act, which appear to it to be necessary or expedient for the purpose of removing the difficulty.