

# Rajasthan Special Investment Regions Act, 2016

RAJASTHAN

India

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### Act 13 of 2016

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Rajasthan Special Investment Regions Act, 2016(Act No. 13 of 2016)Statement of Objects and Reasons. - With the intention to give impetus to all economic sectors, it is required to have organized development of various economic activities along with the provision of essential infrastructure. As such, a concept of Special Investment Regions has been framed to attract investment, which shall be large sized regions covering vast areas in the State for industrial and other economic activities, with essential infrastructure and amenities to be provided by the State Government, government agencies or Government Companies or through public private partnership or private parties. Therefore, it is proposed to provide for establishment, planning, development, operation, maintenance, management and regulation of the Special Investment Regions proposed in the State and to enable their development as global economic hubs. The Bill seeks to achieve the aforesaid objectives. Hence the Bill. [Dated 26.4.2016] [Received the assent of the Governor on the 25th day of April, 2016] An Act to provide for establishment, planning, development, operation, maintenance, management and regulation of Special Investment Regions in the State and to provide for matters connected therewith or incidental thereto. Be it enacted by the Rajasthan State Legislature in the Sixty-seventh Year of the Republic of India, as follows: -

## Chapter I Preliminary

### 1. Short title, extent and commencement.

(1) This Act may be called the Rajasthan Special Investment Regions Act, 2016. (2) It shall extend to the whole of the State of Rajasthan. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint: Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to coming into force of that provision.

## 2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "abadi" or "abadi area" means abadi or abadi area or abadi land as defined under Section 103 of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956); (b) "appellate authority" means the appellate authority established and constituted under Section 67; (c) "Board" means the Rajasthan Special Investment Regions Board established under Section 7; (d) "buffer for abadi development" means the area adjoining a municipal area or abadi area of a village specified in a Master Development Plan for the development of abadi of the village or municipality, as the case may be; (e) "building" means any structure or erection, or any part of a structure or erection which is intended to be used for residential, industrial, commercial or other purposes whether in actual use or not; (f) "Chief Executive Officer" means the Chief Executive Officer of the Regional Development Authority; (g) "concession agreement" means a contract of the nature specified in the Schedule between a concessionaire and the Regional Development Authority, State Government, or a Government agency relating to a project; (h) "concessionaire" means a private sector participant with whom a concession agreement is entered into by a Regional Development Authority; (i) "development", with its grammatical variations, means the carrying out of building, engineering, mining or other operations in, or over, or under any land (including land under river, lake or any other water) or the making of any material change in any building or land or in the use of any building or land, and includes re-development and lay-out, and sub-division of any land and also the provision of public and civic facilities and projects and schemes for development of agriculture, horticulture, floriculture, forestry, dairy development, poultry farming, piggery, cattle breeding, fisheries and other similar activities, and 'to develop' shall be construed accordingly; (j) "development authority" means Ajmer Development Authority constituted under the Ajmer Development Authority Act, 2013 (Act No. 39 of 2013), Jaipur Development Authority constituted under the Jaipur Development Authority Act, 1982 (Act No. 25 of 1982), Jodhpur Development Authority constituted under the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009) or any other similar Development Authority constituted by any Rajasthan law but excluding a Regional Development Authority constituted under this Act; (k) "development scheme" means a scheme for the purpose of implementation of Master Development Plan or Zonal Development Plan or to provide for development of any area; (l) "economic activity" means the activity and service relating to industrial, manufacturing, commercial, financial, processing, packaging, logistics, transport, tourism, hospitality, health, housing, entertainment, research, development, education, training, skill development, information and communication, management, consultancy and such other activity and service as may be prescribed; (m) "government agency" means a Government Company or a body constituted under any Rajasthan Law or any other institution by whatever name called, owned or controlled by the State Government; (n) "Government Company" means a Government company as defined under clause (45) of Section 2 of the Companies Act, 2013 (Central Act No. 18 of 2013); (o) "industrial area" means an area of land developed by the Rajasthan State Industrial Development and Investment Corporation Limited or by any other government agency or person for setting up of industries and other supportive services including but not limited to commercial units, residential units, schools, institutions, hospitals, police stations, post offices, fire stations and banks and is approved as such by the State Government; (p) "infrastructure facility" means road, bridge, bypass, underpass, water supply, drainage, collection-treatment-discharge and disposal of industrial, institutional and township

waste, transport, electricity, post, telecommunication, disaster management, gas pipeline, and such other facility and includes any kind of public and civic facility;(q)"infrastructure project" means any project for creation, rehabilitation, improvement, expansion, alteration or replacement of any infrastructure facility including financing, construction, operation, maintenance or management thereof, whether within a Special Investment Region, connecting a Special Investment Region or required for a Special Investment Region and includes any project which is linked to or from an infrastructure project;(r)"land pooling" means an arrangement wherein a tenant or owner of any land or part thereof agrees to surrender his rights in the land or any part thereof in favour of the Regional Development Authority for any development scheme in lieu of such developed land or such cash compensation or such proportion of developed land and cash compensation as may be agreed between such tenant or the owner, as the case may be, and the Regional Development Authority;(s)"local authority" means a Panchayati Raj Institution, a municipality, Rajasthan Housing Board, an Urban Improvement Trust, or a Development Authority constituted by or under any Rajasthan Law;(t)"Master Development Plan" means the Master Development Plan prepared and approved in accordance with the provisions of Chapter V;(u)"municipal services" means arrangement for public health, sanitation, solid waste management, drainage and sewerage, cleaning public streets or places, sewers and drains, lighting public streets or places, extinguishing fires, regulating offensive or dangerous trades or practices, removing obstructions and projections in public streets or places, securing or removing dangerous buildings, regulating disposal of carcasses of dead animals, naming streets and numbering houses, regulating the movement of dogs, cattle and other animals, and includes arrangement for such other services as are provided by a municipality in a municipal area;(v)"municipality" means a Municipality as defined in clause (xiii) of Section 2 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009);(w)"Panchayati Raj Institution" means a Panchayati Raj Institution as defined under clause (xvii) of Section 2 of the Rajasthan Panchayati Raj Act, 1994 (Act No. 13 of 1994);(x)"periphery" means the adjoining area of a Special Investment Region declared as such under Sec. 4;(y)"private sector participant" means any person other than, -(i)the State Government or a government agency, or(ii)the Central Government or any public sector undertaking of the Central Government, or(iii)any joint venture between the Central Government and the State Government or a government agency;(z)"public and civic facility" means open space, garden, zoological garden, natural reserve, sanctuary, play ground, stadium, recreation ground, public assembly ground, theater, place for public gathering or entertainment, museum, art gallery, public lavatory, green belt, housing, school, college and other educational institution, hospital and other health and medical facility, social welfare and cultural facility, parking facilities and all other kind of facility for public and civic purpose as may be prescribed;(za)"public private partnership" means a participation contract between a Regional Development Authority and any private sector participant in connection with a development scheme;(zb)"Rajasthan Housing Board" means Rajasthan Housing Board constituted under the Rajasthan Housing Board Act, 1970 (Act No. 4 of 1970);(zc)"Rajasthan State Industrial Development and Investment Corporation Limited" means the Rajasthan State Industrial Development and Investment Corporation Limited, a company incorporated under the Companies Act, 1956 (Central Act No. 1 of 1956);(zd)"Regional Development Authority" means a Regional Development Authority constituted under Section 9;(ze)"regulations" means the regulations made by the Board and the Regional Development Authority under this Act;(zf)"rules" means the rules made by the State Government under this Act;(zg)"Schedule" means the Schedule to this

Act;(zh)"Secretary in-charge" means the Secretary to the Government in-charge of a Department and includes an Additional Chief Secretary and Principal Secretary when he is in-charge of the Department;(zi)"Special Investment Region" means an area declared as such under Section 3;(zj)"Urban Improvement Trust" means a Trust constituted under the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959); and(zk)"user charges" means the charges imposed under Section 56.

## **Chapter II**

### **Special Investment Region**

#### **3. Declaration of Special Investment Region.**

(1)The State Government may, by notification in the Official Gazette, declare any area of land, including an industrial area, to be a Special Investment Region and specify the geographical area thereof.(2)An area declared as a Special Investment Region may be known by the name of its location and/or its predominant economic activity.(3)Every notification issued under sub-section (1) shall be laid before the State Legislature as soon as may be after it is issued.

#### **4. Declaration of periphery.**

(1)The State Government may, by notification in the Official Gazette, declare such of the outer area on any side adjoining a Special Investment Region, to be the periphery of the Special Investment Region as it deems fit.(2)On declaration of an area under sub-section (1) as periphery of a Special Investment Region, -(a)the Regional Development Authority of the Special Investment Region shall be the Regional Development Authority for the periphery of the Special Investment Region; and(b)the powers and functions of the Regional Development Authority and the Board shall extend to the periphery of the Special Investment Region.(3)In order to regulate the developments in the periphery area, the Regional Development Authority may prepare separate Master Development Plan and Development Scheme for the periphery area in accordance with the provisions of this Act.

#### **5. Special Investment Region to be an industrial township.**

- The area comprising a Special Investment Region and the periphery thereof, except the abadi area, including the land set apart for development of abadi, of a village and the municipal area, shall be deemed to be an industrial township within the meaning of the provisions of clause (1) of Article 243Q of the Constitution of India from the date it is so notified in the Official Gazette by the State Government.

#### **6. Special Investment Region to be out of jurisdiction of local authority.**

(1)A Special Investment Region declared under this Act, except the abadi area, including the land set apart for development of abadi, of a village and the municipal area, shall cease to be under the

jurisdiction of a local authority to the extent it relates to the provisions made in this Act.(2)While preparing the Master Development Plan for the Special Investment Region, the Regional Development Authority shall take into account the development plan, if any, prepared by the respective local authorities.

## **Chapter III**

# **The Rajasthan Special Investment Regions Board**

## **7. Establishment of Board.**

(1)As soon as may be after the commencement of this Act, the State Government may, by notification in the Official Gazette, establish a Board to be called the Rajasthan Special Investment Regions Board with effect from such date as may be specified in the notification.(2)The headquarters of the Board shall be at Jaipur or at such other place as the State Government may, by notification in the Official Gazette, specify.(3)The Board shall consist of a Chairperson, Vice-Chairperson, Member-Secretary and such number of other official and non-official members not exceeding twelve, who shall be appointed by the State Government.(4)The Chairperson, Vice-Chairperson, and every other member of the Board shall hold office during the pleasure of the State Government.(5)If any vacancy arises in the Board by reason of death, resignation or otherwise, the same shall be filled up by the State Government as soon as possible.(6)The Board shall meet at such time and place and shall observe such rules of procedure in regard to transaction of its business at its meeting (including the quorum at such meeting) as may be provided by regulations made by the Board.(7)The Board may associate with itself any person whose assistance or advice is required in performing any of its functions under this Act.(8)The Board may obtain from the State Government, a Government agency, a Regional Development Authority or a developer any information which is required for performing its functions under this Act.(9)The State Government shall provide such officers and servants to the Board as it may consider necessary for the efficient discharge of functions of the Board.(10)The remuneration, allowance and other conditions of service of the non-official members of the Board shall be such as may be prescribed by the rules.(11)No act or proceeding of the Board shall be invalid merely by reason of any vacancy therein or any defect in the constitution thereof, or any irregularity in its procedure not affecting the merits of the case.

## **8. Powers and functions of the Board.**

- The Board shall have the following powers and functions, namely: -(a)to promote and establish Special Investment Regions and the periphery;(b)to monitor the development of Special Investment Regions and issue necessary instructions to the agencies involved;(c)to identify difficulties in development of Special Investment Regions in the State and to make recommendations on any matter or proposal requiring action by the State Government, Central Government, any government agency, or the National Capital Region Planning Board including coordination with them for achieving the purposes of this Act or in furtherance of the objects thereof, including making of or amendments to any policy or law;(d)to consider appropriate State support or customized package for any project or economic activity in the Special Investment Region and recommend it to the State

Government for its approval under the provisions of the Rajasthan Enterprises Single Window Enabling and Clearance Act, 2011 (Act No. 7 of 2011); and (e) to exercise such powers and perform such functions as may be necessary for carrying out the provisions of this Act.

## **Chapter IV**

### **Regional Development Authority**

#### **9. Constitution of Regional Development Authority.**

(1) The State Government may, by notification in the Official Gazette, constitute a Regional Development Authority for a Special Investment Region, which shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of movable and immovable property and to contract, and by its name, to sue and be sued: Provided that the State Government may constitute a single Regional Development Authority for more than one Special Investment Regions: Provided further that a Regional Development Authority may be known by the name of its location and/or its predominant economic activity. (2) The Regional Development Authority shall consist of the following: -

- (i) Minister in-charge of the Delhi-Mumbai Industrial Corridor Department of the State Government - Chairperson;
- (ii) all members of the Lok Sabha and Rajasthan Vidhan Sabha representing the areas included in a Special Investment Region - Members;
- (iii) such number of other official or non-official persons not exceeding thirteen to be nominated by the State Government - Members;
- (iv) Chief Executive Officer to be appointed by the State Government - Member-Secretary

(3) The headquarters of a Regional Development Authority shall be at such place as the State Government may, by notification in the Official Gazette, specify. (4) The remuneration, allowances and other conditions of service of the non-official members specified in clause (iii) of sub-section (2) shall be such as may be prescribed by rules by the State Government. (5) The Regional Development Authority shall meet at such time and place and shall observe such rules of procedure in regard to transaction of its business at its meeting (including the quorum at such meeting) as may be provided by regulations made by the Regional Development Authority. (6) No act or proceeding of the Regional Development Authority shall be invalid merely by reason of any vacancy therein or any defect in the constitution thereof, or any irregularity in its procedure not affecting the merits of the case. (7) Notwithstanding anything contained in sub-sections (1) to (5), the State Government may, by notification in the Official Gazette, constitute a Regional Development Authority for a Special Investment Region by designating an existing Regional Development Authority or any other government agency or Government Company as the Regional Development Authority for that Special Investment Region.

## 10. Powers and functions of Regional Development Authority.

- The Regional Development Authority shall, subject to the provisions of this Act and under the control, supervision and guidance of the State Government and the Board, discharge the following functions and exercise following powers, namely: -(a)to acquire, procure and hold land within the Special Investment Region by purchase, lease, exchange, agreement or otherwise;(b)to give directions to any government agency or persons functioning in the Special Investment Region or the periphery thereof in matters pertaining to plans and schemes prepared under Chapter V;(c)to promote private sector participation in development and implementation of Development Schemes;(d)to raise finance from market including financial and multilateral institutions;(e)to allot land under Section 36;(f)to modify or cancel permission to develop subject to the provisions of Sections 40 and 41;(g)to regulate the development activities in the Special Investment Region in accordance with the plans and schemes prepared under Chapter V and the building regulations made by the Regional Development Authority in this behalf;(h)to enter upon any land or building to carry out surveys, make enquiry, inspection, examination or measurement subject to the provisions of Section 49;(i)to make arrangements for observance and promotion of safety, order, health and environmental safeguards, disaster management for the Special Investment Region;(j)to engage consultants or persons having special knowledge or skill to assist it in performance of its functions;(k)to negotiate and enter into any contract including by way of public private partnership;(l)to administer its funds;(m)to constitute committees for proper regulation of traffic, environment, building, land uses and any other purposes to achieve the objects of this Act;(n)to subscribe for shares in a company with the prior approval of the State Government and enter into joint venture agreement with any person or body upon such terms and conditions as may be approved by the State Government;(o)to enter into concession agreements with the approval of the State Government;(p)to accept grants and donations;(q)to carry out surveys and prepare and execute plans and schemes prepared in accordance with Chapter V for development of the Special Investment Region;(r)to classify, earmark, demarcate and develop the Special Investment Region and the periphery for purposes and usages, inter alia, for any economic activity, infrastructure facility including housing and industrial areas and public and civic facility and to encourage and promote aesthetics, efficiency and generate revenues in the process of development;(s)to ensure provision of sufficient infrastructure facility and public and civic facility and to make sustainable arrangements for adequate maintenance thereof;(t)to conduct, prepare and assess the techno-commercial, economic and environmental feasibility studies relating to infrastructure projects;(u)to regulate, grant, suspend, withdraw or cancel approvals and permissions for economic activity in accordance with the provisions of this Act;(v)to remove encroachments and constructions not duly authorized or which are made in violation of this Act or rules or regulations made thereunder;(w)to update the Board on planning, development, operation, maintenance, management and regulation of the Special Investment Region and its projects and implement the directions, policies, guidelines and parameters issued by the State Government and the Board on matters relating thereto;(x)to make the regulations on matters specified in Section 71;(y)to globally market the Special Investment Region and its projects;(z)to provide public and civic facilities within the Special Investment Region;(za)to provide municipal services within the Special Investment Region;(zb)to plan, develop, operate, maintain, manage and regulate the periphery in accordance with the provisions of this Act;(zc)to procure land for the Special Investment Region in accordance

with Chapter VI;(zd)to provide urban transport facility for the Special Investment Region;(ze)to appoint such officers and servants subordinate to the Regional Development Authority as it may consider necessary for the efficient discharge of its functions, on such conditions of appointment and service and with such powers, functions and duties as it may determine by regulations; and(zf)to exercise such other powers and discharge such other functions as may be necessary or expedient to carry out provisions of this Act and such other functions as may be assigned to it by the State Government or the Board.

## **Chapter V**

# **Planning For The Special Investment Regions Master Development Plan**

### **11. Preparation of Master Development Plan.**

- As soon as may be after the constitution of a Regional Development Authority for a Special Investment Region, the Regional Development Authority shall, subject to general or specific directions of the State Government or the Board, carry out a civic survey and prepare an existing land use map and prepare a draft Master Development Plan for the area declared as the Special Investment Region and the periphery, if any, in accordance with the provisions of this Act.

### **12. Applicability of existing Master Development Plans.**

(1)If, before the coming into force of this Act, the State Government has notified a Master Development Plan for any area of the Special Investment Region, such Master Development Plan shall be the Master Development Plan for that area of the Special Investment Region.(2)If any area of any local authority or a development authority is included in the Special Investment Region, the Master Development Plan prepared by that local authority or the development authority shall, with such alterations and modifications as the Regional Development Authority may consider appropriate, be the Master Development Plan for that area of the Special Investment Region:Provided that buffer for abadi development as provided in a Master Development Plan of a local authority or development authority shall not be altered or modified by the Regional Development Authority while adopting such Master Development Plan under this sub-section.

### **13. Contents of a Master Development Plan.**

(1)A Master Development Plan shall generally indicate the manner in which the use of land in the area of the Special Investment Region shall be regulated, and also indicate the manner in which the development of land therein shall be carried out. In particular, it shall provide for the following matters, namely: -(a)areas reserved for the purpose of economic activity, infrastructure facility, public and civic facility, zones into which the Special Investment Region shall be divided and for any other purposes;(b)demarcation and reservation of land for polluting and non-polluting industrial activities, manufacturing activities, other kind of economic activities, infrastructure facility, public



and civic facility, infrastructure projects and for any other purposes;(c)comprehensive land allocation for future development of the Special Investment Region;(d)complete road and street pattern and traffic circulation pattern for present and future requirements and major roads and street improvement;(e)arrangement for providing infrastructure facility, public and civic facility and infrastructure projects including those required from distant sources;(f)buffer for abadi development;(g)all such matters as may be directed by the State Government;(h)all such matters as may be provided for in the guidelines or parameters framed by the Board; and(i)all such matters as may be prescribed by the rules.(2)The draft Master Development Plan shall include such maps and such descriptive matters as may be necessary to explain and illustrate the proposals.

#### **14. Public notice of draft Master Development Plan.**

- The Regional Development Authority shall on preparation of the draft Master Development Plan for the area declared as the Special Investment Region and the periphery, if any, issue and publish a notice in the Official Gazette in such other manner as may be prescribed by rules, stating that the draft Master Development Plan has been prepared, specifying the name of the place where a copy thereof shall be available for inspection by the public and that copies thereof or extracts therefrom, certified to be correct shall be available for sale to the public at a reasonable price, and inviting objections and suggestions within a period of sixty days from the date of notice in the Official Gazette.

#### **15. Objections to draft Master Development Plan.**

(1)Subject to the provisions of this Act, if, within the time allowed under Section 14, any person communicates in writing to the Regional Development Authority any suggestions or objections relating to the draft Master Development Plan, the Regional Development Authority may, after considering the suggestions or objections received by it, modify or change the Master Development Plan in such manner as it thinks fit.(2)The draft Master Development Plan so modified shall be published in the Official Gazette and in such other manner as may be prescribed by regulations, not less than one month prior to the submission of the same to the State Government for sanction.

#### **16. Sanction of draft Master Development Plan.**

(1)The Regional Development Authority shall submit the draft Master Development Plan to the State Government for sanction on the expiry of the period of one month from the date of publication of it in the Official Gazette under sub-section (2) of Section 15.(2)The State Government may, by notification in the Official Gazette, sanction the draft Master Development Plan submitted to it, either without modification, or subject to such modifications as it may consider proper, or return the draft Master Development Plan to the Regional Development Authority for modifying the Master Development Plan as it may direct, or refuse to accord sanction and direct the Regional Development Authority to prepare a fresh Master Development Plan:Provided that, where the modifications proposed to be made by the State Government are of substantial nature, the State Government shall publish a notice in the Official Gazette and also in local newspapers inviting objections and suggestions from any person in respect of the proposed modifications within a period

of sixty days from the date of such notice.(3)The State Government shall, before according sanction to the draft Master Development Plan, take into consideration such objections and suggestions.(4)The State Government shall fix in the notification under sub-section (2) a date not earlier than one month from its publication on which the final Master Development Plan shall come into operation.(5)A Master Development Plan which has come into operation shall be called the "final Master Development Plan" and shall, subject to the provisions of this Act, be binding on the Region Development Authority.

## **17. Modification of final Master Development Plan.**

(1)Where the State Government is of the opinion that it is necessary or expedient to modify any part of or any proposal made in the final Master Development Plan to give effect to the objects of this Act, it may direct the Regional Development Authority to carry out the modifications.(2)The Regional Development Authority shall, within ninety days from the date of direction given under sub-section (1), publish a notice in the Official Gazette and in such other manner as may be prescribed by regulations inviting objections and suggestions from any person with respect to the proposed modification not later than one month from the date of such notice; and shall also serve notice on all persons affected by the proposed modification and after giving a hearing to any such persons, submit the proposed modification with amendments, if any, to the State Government for sanction.(3)The State Government shall, after giving hearing to the affected persons and the Regional Development Authority and after making such inquiry as it may consider necessary, publish, by notification in the Official Gazette, the approved modification with or without changes, and subject to the conditions as it may deem fit. On the publication of the modification in the Official Gazette, the final Master Development Plan shall be deemed to have been modified accordingly.

## **18. Revision of Master Development Plan.**

- At least once in ten years from the date on which a Master Development Plan has come into operation, the Regional Development Authority may, and at any time when so directed by the State Government, shall revise the Master Development Plan either wholly, or in parts separately after carrying out, if necessary, a fresh survey and preparing an existing land use map of the area within its jurisdiction, and the provisions of Sections 11 to 16 shall, so far as they can be made applicable, apply in respect of such revision of the Master Development Plan.Development Schemes and Zonal Development Plans

## **19. Preparation and contents of Development Scheme.**

(1)A Regional Development Authority may, for the purpose of implementation of the provisions of the Master Development Plan, or the Zonal Development Plan, prepare one or more Development Schemes.(2)The Development Scheme may make provisions for any or all of the following matters, namely: -(a)the manner in which the Regional Development Authority proposes use of land in the Special Investment Region or the periphery, whether by carrying out development thereon or otherwise and the stages by which any such development is to be carried out;(b)the proposals for

conservation and development of natural resources including water bodies;(c)the laying out or relaying out of plots, either vacant or already built upon, or merger or reconstitution or sub-division of plots;(d)the construction, alteration and removal of buildings, bridges and other structures;(e)the reservation and allocation of land for infrastructure facility and public and civic facility;(f)the allocation of land for economic activity, infrastructure facility, public and civic facility and infrastructure projects;(g)layout of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets, roads and communication, lighting, electricity, gas, waterways, canals, water supply, long term arrangement for providing water supply to the areas whether from near or distant sources, drainage including sewerage, surface or sub-soil drainage and sewerage disposal, solid waste and refuse and manufacture of its by-products, and other infrastructure facility based on present and future requirements;(h)the preservation and protection of objects of historical importance or national interest or natural beauty and of buildings actually used for religious purposes;(i)the suspension, so far as may be necessary for proper carrying out of the Development Scheme, of any rules, bye-laws, regulations, notifications or orders made or issued under any Rajasthan Law;(j)acquisition by purchase, exchange or otherwise of any property necessary for or affected by the execution of the Development Scheme; and(k)such other matters as are likely to have an important influence on the development of the area or matters not inconsistent with the objects of this Act, as may be laid down by the regulations to be prepared by the Regional Development Authority.

## **20. Power of Regional Development Authority to declare its intention to make Development Scheme.**

(1)Subject to the guidelines and parameters framed by the State Government or Board, if any prevailing in this regard, a Regional Development Authority may by resolution declare its intention to make Development Scheme in respect of the Special Investment Region, the periphery, or any part thereof:Provided that no declaration under this sub-section shall be made by a Regional Development Authority in respect of areas provided in a Master Development Plan as buffer for abadi development, except with prior consent of the concerned gram panchayat or municipality, as the case may be.(2)Not later than thirty days from the date of declaration of intention to make a Development Scheme, the Regional Development Authority shall publish the declaration in the Official Gazette and in such other manner as may be provided by the regulations.(3)A copy of the declaration referred to in sub-section (2) shall be open to the inspection of the public at all reasonable hours at the head office of the Regional Development Authority.

## **21. Making and publication of draft Development Scheme and its operation by means of notice.**

(1)Not later than twelve months from the date of declaration, the Regional Development Authority shall make a draft Development Scheme for the area in respect of which the declaration was made.(2)The Regional Development Authority shall publish a notice in the Official Gazette and in such other manner as may be provided by the rules stating that the draft Development Scheme in respect of such area has been made and notice shall state the name of the place where a copy thereof

shall be available for inspection by public and shall also state that copies thereof or any extract therefrom, certified to be correct, shall be available for sale to the public at a reasonable price.(3)After thirty days from the date of publication of the notice under sub-section (2) regarding preparation of the draft Development Scheme, if any person affected thereby communicates in writing any objection relating to such draft Development Scheme, the Regional Development Authority shall consider such objection and may make necessary modifications to the draft Development Scheme, as it may deem fit. The Regional Development Authority shall publish final Development Scheme in the Official Gazette, and in such other manner as may be provided by the rules, and specify the date on which it shall come into operation.

## **22. Power to vary Development Scheme on ground of error, irregularity or infirmity.**

- If after the final Development Scheme has come into operation, the Regional Development Authority considers that the Development Scheme is defective on account of an error, irregularity or infirmity, the Regional Development Authority may amend or vary the Development Scheme to remove such error, irregularity or infirmity:Provided that before making any amendments under this section the Regional Development Authority shall issue a notice in the Official Gazette to that effect and follow the procedure as may be laid down by the regulations.

## **23. Power to vary Development Scheme.**

- Notwithstanding anything contained in this Act, a Development Scheme may, at any time be amended by an amended Development Scheme, published in the Official Gazette, and sanctioned in accordance with this Act:Provided that when a Development Scheme is so amended, the provisions of Sections. 19 to 21 shall, so far as may be applicable, apply to such amendment and making of subsequent Development Scheme and the date of the declaration of intention of the Regional Development Authority to amend the Development Scheme shall be deemed to be the date of declaration of intention to make a Development Scheme referred to in Section 20.

## **24. Power of Regional Development Authority to make agreement.**

- A Regional Development Authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a Master Development Plan or a Development Scheme and unless it is otherwise expressly provided therein, such agreement shall take effect on or after the day on which the Master Development Plan or the Development Scheme, as the case may be, comes into force.

## **25. Power to give directions to government agency.**

(1)A Regional Development Authority may give directions to any government agency or person, with regard to implementation of any plan or scheme prepared under this Chapter, as it thinks fit and such government agency or person shall be bound to comply with such directions.(2)Where any

direction is given to any government agency or person under sub-section (1), such government agency or person may, within fifteen days from the date of receipt of such direction, appeal to the State Government against such direction, and the decision of the State Government thereon shall be final.(3)A Regional Development Authority shall exercise such powers as may be necessary to ensure that every plan and scheme sanctioned under this Chapter is executed in the interest of achieving the purposes of this Act.

## **26. Preparation of Zonal Development Plans.**

- Subject to the provisions of this Act, a Regional Development Authority, for the purpose of implementation of the Master Development Plan or otherwise, may, subject to general or specific directions of the State Government or the Board, prepare Zonal Development Plan for any zone of the Special Investment Region or the periphery. The Zonal Development Plan may generally provide for those matters as may be prescribed by the rules. Sections 19 to 21, shall, to the extent possible, apply to the preparation, publication and approval of Zonal Development Plan as they apply to Development Scheme.

## **Chapter VI**

### **Land Procurement**

## **27. Vesting of land in the Regional Development Authority, and its disposal.**

(1)Notwithstanding anything contained in the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956), the land, as defined in Section 103 of that Act, situated in a Special Investment Region, (excluding land referred to in sub-clause (ii) of clause (a) of the said section and nazul land placed at the disposal of a local authority under Section 102-A of that Act and the abadi area and the land set apart for development of abadi of a village and the municipal area and the land vested in any local authority by virtue of an Act of the State Legislature prior to the commencement of this Act) shall, immediately on constitution of the Regional Development Authority under Section 9, be deemed to have vested in and placed at the disposal of the Regional Development Authority on behalf of the State Government and the Regional Development Authority may use the same for the purposes of this Act and may dispose of the same subject to such conditions and restrictions as the State Government may, from time to time, lay down and in such manner, as it may, from time to time, prescribe by rules, -(a)without undertaking or carrying out any development thereon; or(b)after undertaking or carrying out such development as it thinks fit, to such person, in such manner and subject to such covenants and conditions, as it may consider proper.(2)If the State Government is satisfied that any land vested in any local authority is required at any time by the Regional Development Authority for carrying out its functions, it may, notwithstanding anything contained in any Rajasthan Law, by notification in the Official Gazette, place such land at the disposal of the Regional Development Authority on such terms and conditions as it may deem fit:Provided that, before taking any action under this sub-section, the State Government shall give an opportunity of hearing to the local authority concerned.(3)If any land vested in the Regional Development Authority is required at any time by any local authority for carrying out its functions or by the State

Government for any other purpose, the State Government may, by notification in the Official Gazette, place such land at the disposal of such local authority or any Department of the State Government on such terms and conditions as it may deem fit: Provided that, before taking any action under this sub-section, the State Government shall give an opportunity of hearing to the Regional Development Authority concerned. (4) The State Government may, for the purposes of this Act, acquire land in accordance with the provisions of the law relating to land acquisition, in force, at the time of acquisition. (5) The State Government may transfer land owned, acquired or controlled by it to the Regional Development Authority for the purposes of this Act as per laws relating to land revenue. (6) Where any land or any other property of the government agencies are transferred and vested in the Regional Development Authority under this Act, and compensation, if any, for such land and other property is to be paid to such government agencies, the compensation shall be such as may be decided by the State Government.

## **28. Procurement of land from private parties.**

- A Regional Development Authority may, on such terms and conditions as it may decide, procure by purchase, lease, exchange, agreement or otherwise, including by way of land pooling, any land required by the Regional Development Authority for carrying out its functions.

## **29. Disposal, etc. of certain lands.**

- Any land vested in, transferred to or placed at the disposal of a Regional Development Authority or procured by it under the provisions of this Act shall be available for disposal by the Regional Development Authority under this Act in accordance with the rules made in this behalf.

# **Chapter VII**

## **Infrastructure Projects**

## **30. Manner of undertaking infrastructure projects.**

- A Regional Development Authority may identify or conceptualise any infrastructure project and after carrying out the necessary studies and evaluations, implement such infrastructure project directly through its own resources or undertake it through public private partnership: Provided that an infrastructure project where the project cost envisaged is above rupees two hundred and fifty crores shall be undertaken subject to the approval of the State Government.

## **31. Concession agreement.**

(1) The nature of a concession agreement shall be such as specified in the Schedule. (2) The State Government may, by notification in the Official Gazette, amend the Schedule by inserting therein, or by omitting therefrom, any entry or any part thereof and on the publication of the notification such entry or part shall be deemed to be specified in, or as the case may be, omitted from, the

Schedule.(3)Any concession conferred under the concession agreement shall be for a period not exceeding thirty years after which all rights and interests of the concessionaire shall stand transferred to the Regional Development Authority:Provided that if the Regional Development Authority is satisfied with the performance of the concessionaire, the concession agreement may be extended by the Regional Development Authority for a period not exceeding fifteen years on such terms and conditions as may be laid down in the regulations.(4)Every notification issued under this section shall be laid, as soon as may be after it is issued, before the House of the State Legislature.

### **32. Infrastructure project to vest in the Regional Development Authority.**

- All infrastructure projects undertaken in accordance with the provisions of this Chapter shall, subject to the covenants of the Concession Agreement, vest in the Regional Development Authority.

## **Chapter VIII**

## **Economic Activity and Allotment of Land and Building**

### **33. Regional Development Authority to be the Nodal Agency.**

- A Regional Development Authority shall be the single point of contact for starting any economic activity or provision of infrastructure facility in the Special Investment Region and shall also be the nodal agency under Section 5 of the Rajasthan Enterprises Single Window Enabling and Clearance Act, 2011 (Act No. 7 of 2011).

### **34. Proposal and approval of economic activity.**

(1)Any person who intends to start an economic activity shall make a proposal in that regard to the Regional Development Authority in such form and in such manner, along with such fees, as may be provided in the regulations to be made by the Regional Development Authority.(2)The Regional Development Authority, on receipt of a proposal made under sub-section (1), shall examine the proposal and may approve it with or without modification or reject the proposal.

### **35. Letter of approval.**

- On approval of the proposal, the Regional Development Authority shall issue a letter of approval to the person who has made a proposal under Section 34.

### **36. Allotment of land or building.**

- A Regional Development Authority may, depending upon the availability of land and/or building and the requirements of the person who has received a letter of approval, allot land and/or building and allow him to use the infrastructure facility and public and civic facility in accordance with this Act.

## **Chapter IX**

### **Development In Special Investment Region**

#### **37. Use and development of land before the coming into force of Master Development Plan.**

(1)The State Government may, by notification in the Official Gazette, declare the whole or any part of the Special Investment Region and the periphery, if any, to be controlled area for the purposes of this Act.(2)No land within the controlled area, for which a Master Development Plan has not been notified, shall, except with the permission of the Regional Development Authority granted in the manner prescribed by the regulations, be used for purposes other than those for which it was used on the date of notification under sub-section (1).

#### **38. Restriction on grant of permission for development after the coming into force of Master Development Plan.**

(1)From the date of notification of the Master Development Plan, no government agency or any other person shall, within the area included in the Master Development Plan, institute or change the use of any land or building or undertake, or grant any permission for, any development unless the Regional Development Authority has given specific approval for the same in the manner prescribed by the regulations.(2)No local authority shall undertake, or grant any permission for, any development, within the area included in the Master Development Plan, unless it has obtained the approval of the Regional Development Authority in the manner prescribed by the regulations.

#### **39. Restrictions on use and development after declaration or making of Development Scheme.**

(1)No development of any land shall be undertaken or carried out in the area included in a development scheme, except with the permission of the Regional Development Authority granted in the manner prescribed by the regulations.(2)On or after the date on which a declaration of intention to make a Development Scheme is published in the Official Gazette under Section 20, no person shall within the area included in the Development Scheme, institute or change the use of any land or building or carry out any development, unless such person has applied for and obtained the permission of the Regional Development Authority in the manner prescribed by the regulations.

#### **40. Power to modify permission to develop.**

(1)If it appears to a Regional Development Authority that it is necessary or expedient having regard to the general development, operation, maintenance and management of the Special Investment Region or the periphery, that the permission or approval granted under this Act should be revoked or modified, it may, after giving a reasonable opportunity of being heard to the person in whose favour the permission has been granted, by an order revoke or modify the permission to such extent



as it appears to be necessary: Provided that - (a) where the development relates to carrying out of any building operation or other operation, no such order shall affect such of the operations as have previously been carried out, or shall be passed after these operations have substantially progressed or have been completed; (b) where the development relates to a change of use of land, no such order shall be passed at any time after the change has taken place: Provided further that where the revocation or modification of the permission is necessary in the public interest, the provision of the first proviso shall not apply. (2) Where permission is revoked or modified by an order made under sub-section (1) and any owner claims within the time and manner prescribed, compensation for the expenditure incurred in carrying out the development in accordance with such permission which has been rendered abortive by the revocation or modification, the Regional Development Authority shall, after giving the owner a reasonable opportunity of being heard by the officer, appointed by it in this behalf and after considering his report assess and pay reasonable compensation to the owner.

#### **41. Power of cancellation of permission.**

- If at any time after grant of permission or approval by a Regional Development Authority, the Regional Development Authority is satisfied that such permission or approval was granted in consequence of any material misrepresentation or there has been a breach of the terms and conditions of the allotment or any contravention of this Act, rules or regulations made thereunder, it may, after giving an opportunity of being heard to the person in whose favour the permission or approval had been granted, cancel such permission or approval for reasons to be recorded in writing and any development carried out shall be treated as unauthorized development and proceeded with accordingly.

#### **42. Appeal against the decision of the Regional Development Authority.**

(1) Any person aggrieved by a decision of a Regional Development Authority under Section 40 or 41 may, within thirty days from the date of decision, prefer an appeal to the appellate authority. (2) The appellate authority, after affording a reasonable opportunity of hearing to the parties may accept or reject the appeal filed under sub-section (1) or modify the decision taken by a Regional Development Authority.

#### **43. Restriction on erection or occupation of building in contravention of regulations.**

- No person shall erect or occupy any building in the Special Investment Region or the periphery in contravention of any building regulations made by the Regional Development Authority.

## **Chapter X**

### **Offences and Prosecution**

#### **44. Penalty for sale, lease or booking in an unauthorized scheme or project.**

(1) No Developer of any scheme or project in the Special Investment Region shall invite the public directly or indirectly for sale, lease, or booking of any part of its scheme or project unless the developer has, before the launch of the scheme or project, obtained permission in this behalf from the Regional Development Authority in the manner prescribed by the regulations. (2) Whoever invites or induces any person for sale, lease or booking of any part in a scheme or project not having permission under sub-section (1) from the Regional Development Authority shall, on conviction, be punished with simple imprisonment which may extend to five years or with fine which may extend to one lac rupees or with both.

#### **45. Encroachment or obstruction upon land and building.**

(1) Whoever makes any encroachment on any land or building vested in a Regional Development Authority or on any land or building not being a private property, whether such land or building belongs to or vests in the Regional Development Authority or not, shall, on conviction, be punished with simple imprisonment which shall not be less than one month but which may extend to one year or with fine which shall not be less than ten thousand rupees but which may extend to one lac rupees or with both. (2) Whoever makes any obstruction upon any land or building vesting with a Regional Development Authority or upon any land or building not being a private property, whether such land or building belongs to or vests in the Regional Development Authority or not, not being duly authorized in that behalf, shall, on conviction, be punished with simple imprisonment which shall not be less than one month but which may extend to two months or with fine which shall not be less than ten thousand rupees but which may extend to one lac rupees or with both. (3) A Regional Development Authority or any officer authorized by it in this behalf shall have the power to remove any such obstruction or encroachment and the expenses of such removal shall be recovered from the person who has caused the said obstruction or encroachment. (4) Whoever not being duly authorized in that behalf removes earth, sand or other material from any land not being a private land, shall, on conviction, be punished with imprisonment which may extend to six months or with fine which shall not be less than five thousand rupees but which may extend to one lac rupees or with both.

#### **46. Power to stop unauthorized development or construction in a Special Investment Region.**

(1) Where any unauthorized development or construction on any land in a Special Investment Region is being carried out but has not been completed, the Regional Development Authority may serve on the owner and the person carrying out the development or construction, a notice requiring the development of land or construction to be discontinued from the time of service of the notice. (2) Any person, who continues to carry out the unauthorized development or construction on such land, whether for himself or on behalf of the owner or any other person, after such notice has been served, shall, on conviction, be punished with fine which may extend to five thousand rupees and where the unauthorized development or construction continues after the first offence, with a further fine which may extend to five hundred rupees for every day during which such offence

continues after conviction for the first offence.(3)Notwithstanding anything contained in this Act, where any person continues to carry out unauthorized development or construction after receiving notice under sub-section (1), the Regional Development Authority or any officer authorized by it in this behalf shall, in addition to any prosecution or other proceedings or action that may be initiated under this Act, have the power to require any police officer to remove the person by whom the unauthorized development or construction has been continued along with all his assistants and workmen from the place of unauthorized development or construction within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly. In addition to such removal of persons, the Regional Development Authority or the authorized officer of the Regional Development Authority may confiscate such construction material including the equipments, tools, vehicles, etc. which such person was using for the unauthorized development or construction.(4)No compensation shall be claimed by any person for any damage which he may sustain in consequence of the discontinuation of the unauthorized development or construction under this Act.

#### **47. Penalty for unauthorized development or use.**

- Any person who, whether at his own instance or at the instance of any other person, commences, undertakes or carries out development of any land or building, -(a)without obtaining the permission required under this Act or the rules and regulations made thereunder; or(b)which is not in accordance with any permission granted or is in contravention of any condition subject to which such permission has been granted; or(c)after the permission for development has been duly revoked; or(d)which is in contravention of the building regulations, shall, on conviction, be punished with fine which may extend to five thousand rupees, and in case of a continuing offence with a further fine which may extend to one hundred rupees for every day during which the offence continues after conviction for the first offence.

#### **48. Power to seal and/or remove unauthorized development.**

- Without prejudice to Section 45, where any unauthorized development of land or building has been carried out as provided under Section 46 or 47, the Regional Development Authority shall have the power to seal buildings and/or remove such unauthorized development in the manner as may be prescribed by the rules.

#### **49. Power of entry.**

(1)The Regional Development Authority may authorize any person to enter into or upon any land or building with or without assistants or workmen for the purpose of, -(a)preparation of any plans or schemes required under this Act, carrying out any surveys, making any measurement or taking levels of such land or building;(b)digging or boring into the sub-soil;(c)setting out boundaries and intended lines of works;(d)making such levels, boundaries and lines by placing mark, and cutting trenches;(e)examining works under construction and ascertaining the course of sewers and drains;(f)making any enquiry, inspection or search for ascertaining contravention of this Act or the rules and regulations made thereunder; or(g)doing any other thing necessary for the efficient

administration of this Act: Provided that -(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice at least of twenty four hours to the occupier, or if there be no occupier, to the owner of the land or building; and (ii) intimation shall be given in every instance to enable the inmates of any apartment appropriated to females to shift to such part where their privacy may not be disturbed. (2) It shall be lawful for any person authorized under sub-section (1) to make an entry for the purpose of inspection or search and to open or cause to be opened a door, gate or other barrier, -(a) if he considers the opening thereof necessary for the purpose of such entry, inspection or search; and (b) if the occupier is absent or, being present, refuses to open such door, gate or barrier. (3) If any damages are or are likely to be caused to any owner or occupier of any land or building in carrying out any of the functions under sub-section (1), the person so authorized shall at the time of such entry pay or tender payment of such damages to the owner or occupier and in case of dispute as to sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the appellate authority and the decision of the appellate authority thereon shall be final.

## **50. Penalty for obstructing entry.**

- Whoever, -(a) obstructs the entry of any person empowered under the provisions of this Act upon any land or building; (b) resists or obstructs any member, employee or servant of a Regional Development Authority or any employee of the State Government in exercise of any power conferred on, or in the discharge of any duty imposed upon, or in the performance of any function entrusted to him; or (c) restricts or obstructs any person with whom a Regional Development Authority or the State Government or an officer of the State Government, has entered into a contract, including any concessionaire, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

## **51. General provision for punishment of offences.**

- Whoever contravenes any of the provisions of this Act or the rules and regulations made thereunder, for which no specific penalty is provided for, shall, for the contravention, be punished, -(a) for the first offence, with fine which may extend to five thousand rupees; and (b) for a second or any subsequent offence, with fine which shall not be less than ten thousand rupees but which may extend to one lac rupees.

## **52. Offence by companies.**

(1) Where an offence has been committed by a company under this Act, every person, who at time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence

has been committed with the consent or connivance or, is attributable to any neglect on the part of any Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall be liable to be proceeded against and punished accordingly. Explanation. - For the purposes of this section -(a)"company" means a body corporate and includes a firm or other association of individuals; and (b)"director" in relation to a firm means a partner in the firm.

### **53. Expenses incurred by the Regional Development Authority.**

- Any expenses incurred by a Regional Development Authority under this Chapter shall be a sum due to the Regional Development Authority under this Act from the person in default and shall be recovered in accordance with the provisions of Section 59.

### **54. Cognizance of offences.**

- No court shall take cognizance of any offence punishable under this Act, except the offence under Section 45, or any rule or regulation made thereunder, or except upon a complaint in writing of the facts constituting such offence made by a Regional Development Authority, or by a person expressly authorised in this behalf by the Regional Development Authority: Provided that any person whose right to enjoyment of land or building is adversely affected by any unauthorized development may also file a complaint in the like manner against such person or persons who may have undertaken the said unauthorized development: Provided further that the Regional Development Authority shall also be given due notice of such proceedings and if the Regional Development Authority removes the cause w for action within a reasonable period, the proceedings in the court shall abate without prejudice to any other action or proceedings that the Regional Development Authority has initiated or may initiate thereafter.

### **55. Power of a Regional Development Authority as to legal matters.**

- A Regional Development Authority may, -(a)institute, defend or withdraw from any legal proceeding; and (b)admit, compromise or withdraw any claim made in any legal proceeding or otherwise: Provided that no withdrawal from prosecution for an offence under this Act shall be made except with the permission of the court.

## **Chapter XI**

## **User Charges, Fees and Recovery of Dues**

### **56. Imposition of user charges.**

- A Regional Development Authority may impose user charges for such services and at such rates and in such manner as may be prescribed by the rules.

## **57. Fee for approval or permission.**

- A Regional Development Authority may charge such fee as may be laid down in the regulations for processing of any applications, grant of any approval, permission or concession under this Act.

## **58. Premium and lease rent of land.**

- A Regional Development Authority shall charge lease rent of land with respect to any land allotted by it and premium on its second or subsequent sale at such rate and in such manner as may be prescribed by the rules.

## **59. Recovery of moneys due to Regional Development Authority.**

- Any amount due to a Regional Development Authority may, without prejudice to the right of recovery provided by or under any other law for the time being in force, be recoverable as arrears of land revenue.

# **Chapter XII**

## **Funds, Accounts and Audit**

### **60. Funds and finances of the Regional Development Authority.**

(1) Subject to the provisions of this Act, a Regional Development Authority may create such funds for such purposes as it may determine from time to time, to which, shall be credited all moneys received by it, including, -(a) contribution to be made by the State Government in the first instance of a sum equivalent to rupees five crore towards a revolving fund to be established by every Regional Development Authority under this Act; (b) all moneys received from the Central Government, State Government, or any other person by way of grants, donations, loans, advances or otherwise; (c) all fees and user charges received by the Regional Development Authority under this Act; and (d) all moneys received by the Regional Development Authority towards lease, premium or cost of land and/or building. (2) The fund shall be applied towards meeting the expenses incurred by the Regional Development Authority in performing its functions and for administration of the provisions of this Act.

### **61. Accounts and Audit.**

(1) The accounts of the Regional Development Authority shall be prepared and maintained in such form and in such manner as may be prescribed by the rules. (2) The Accounts of every Regional Development Authority shall be subject to audit by the Director Local Fund Audit in accordance with the provisions of the Rajasthan Local Fund Audit Act, 1954 (Act No. 28 of 1954) or in the manner as may be prescribed by the rules. (3) The Regional Development Authorities shall pay from their funds the charges for their respective audit as may be prescribed by the rules.

## **62. Power of the Regional Development Authority to borrow and raise loans.**

(1) Subject to approval of the State Government, a Regional Development Authority may borrow and raise loans from any source including by issue of bonds, debentures and other instruments for carrying out the purpose of this Act or for servicing any loan obtained by it, upto such limits and on such rates and other conditions as the State Government may specify. (2) The Regional Development Authority shall maintain a sinking fund for the repayment of money borrowed and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed for all moneys so borrowed. (3) The sinking fund or any part thereof shall be applied in, or towards, the repayment of the loan for which such fund was created and until such loan is wholly repaid, it shall not be applied for any other purpose.

## **63. Power of the Regional Development Authority to finance project and impose conditions therefor.**

- A Regional Development Authority may give loans to or share expenses with any person for any project, including an infrastructure project, subject to such limitations and conditions as the State Government may, from time to time, specify.

## **64. Budget.**

(1) A Regional Development Authority shall cause to be prepared, every year, in such form and at such time as may be laid down in the regulations, an annual budget estimate in respect of the financial year next ensuing, showing the estimated receipt and expenditure of the Regional Development Authority and shall submit it to the Board for its approval. (2) A Regional Development Authority shall forward to the State Government copies of the budget approved by the Board.

## **65. Annual Report.**

- A Regional Development Authority shall, at the end of each financial year, prepare an annual report giving a true and full account of its activities during the previous financial year and submit it to the Board and the State Government.

## **66. Furnishing of accounts and reports to the State Legislature.**

- The State Government shall cause to be laid before the House of the State Legislature as soon as may be after their receipt, -(a) the statement of accounts of every Regional Development Authority; and (b) the annual report of every Regional Development Authority.

## **Chapter XIII**

### **Dispute Resolution and Appeal**

## **67. Appellate authority.**

(1)The State Government may, by notification in the Official Gazette, establish and constitute one or more appellate authority or authorities for the purposes of this Act. The appellate authority shall have jurisdiction for the area as may be specified in the notification by the State Government.(2)The appellate authority shall consist of a Chairperson and two other members, having qualification and experience in the field of law or administration, as may be prescribed by the rules, and such persons may be serving or retired officers of the State Government and shall be paid such salary and allowances as may be determined by the State Government.(3)The office of the appellate authority shall be at such place as may be specified in the notification.(4)The State Government may, to assist the appellate authority, appoint such number of officers and staff and of such cadre as it may deem necessary.(5)The expenses of the appellate authority shall be borne by the State Government.(6)The procedure to be followed by the appellate authority in deciding the appeals or disputes referred to it under this Act, including the quorum at its meeting, shall be such as may be prescribed by the rules.(7)No act or proceeding of the appellate authority shall be invalid merely by reason of any vacancy therein or any defect in the constitution thereof, or any irregularity in its procedure not affecting the merits of the case.(8)Except as otherwise provided, any person aggrieved by an order of the Regional Development Authority may file an appeal before the appellate authority within thirty days of the communication of such order to him and the decision of the appellate authority shall be final.(9)Except as otherwise provided, any dispute arising out of any provision of this Act may be referred to the appellate authority by a Regional Development Authority. The decision of the appellate authority thereon shall be final and binding on all the parties thereto.

## **68. Reference of certain disputes to arbitration.**

- Any dispute or differences between a Regional Development Authority and a concessionaire shall be settled by arbitration in the manner as may be provided for in the concession agreement.

## **69. Disputes with local authority.**

- Notwithstanding anything contained in any Rajasthan Law, any dispute relating to territorial or functional jurisdiction between a Regional Development Authority and any local authority, if not amicably settled, shall be referred to the State Government and the decision of the State Government thereon shall be final.

## **Chapter XIV**

### **Miscellaneous**

## **70. Power of State Government to make rules.**

(1)The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing power,



such rules may provide for all or any of the following matters, namely: -(a)the activities and services to be prescribed under clause (1) of Section 2;(b)the facilities for public and civic purposes to be prescribed under clause (z) of Section 2;(c)the remuneration, allowance and other conditions of service of the non-official members of the Board under sub-section (10) of Section 7;(d)the remuneration, allowance and other conditions of service of the non-official members of a Regional Development Authority under sub-section (4) of Section 9;(e)the contents of Master Development Plan to be prescribed under clause (i) of sub-section (1) of Section 13;(f)the manner of publication of the notice for the preparation of draft Master Development Plan under Section 14;(g)the manner of publication of Development Scheme by means of notice under sub-sections (2) and (3) of Section 21;(h)the contents of the Zonal Development Plan to be prepared under Section 26;(i)the conditions and restrictions subject to which and the manner in which the land may be disposed of under sub-section (1) of Section 27;(j)the manner for sealing buildings and removal of unauthorized development by the Regional Development Authority under Section 48;(k)the services on which, rates at which, and the manner in which, user charges may be imposed under Section 56;(l)the rate and manner of charging lease rent and premium under Section 58;(m)the form and manner in which accounts of the Regional Development Authority shall be prepared and maintained, the other manner in which accounts of the Regional Development Authority may be audited and the charges of audit to be paid by the Regional Development Authority under sub-sections (1), (2) and (3) of Section 61;(n)the qualifications of the appellate authority and the procedure including quorum at its meeting to be followed by the appellate authority under sub-sections (2) and (6) of Section 67; and(o)any other matter which, is to be, or may be, prescribed by the rules.(3)All rules made under this section shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session for a period of not less than fourteen days, which may comprise in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

## **71. Power of the Board and Regional Development Authority to make regulations.**

(1)The Board may make regulations not inconsistent with the provisions of this Act or the rules made thereunder, for matters referred to under sub-section (6) of Section 7.(2)The Regional Development Authority may make regulations not inconsistent with the provisions of this Act or the rules made thereunder, to carry out the purposes of this Act.(3)In particular, and without prejudice to the generality of the foregoing power, the regulations made by the Regional Development Authority may provide for all or any of the following matters, namely: -(a)the procedures to transact business the meeting of the Regional Development Authority and quorum thereat under sub-section (5) of Section 9;(b)the conditions of appointment and service and the powers, functions and duties of officers and servants of the Regional Development Authority under clause (ze) of Section 10;(c)the other manner of publication of modified draft Master Development Plan under sub-section (2) of Section 15;(d)the other manner of publication of notice under sub-section (2) of Section

17;(e)the matters to be included in a Development Scheme under clause (k) of sub-section(2) of Section 19;(f)the manner of publication of the declaration of intention to make Development Scheme under sub-section (2) of Section 20;(g)the procedure for varying the Development Scheme on ground of error, irregularity or infirmity under Section 22;(h)the terms and conditions for extension of concession agreement under sub-section (3) of Section 31;(i)the manner of giving any permission or approval under Sections 37, 38, 39 and 44;(j)the form and time for preparation of annual budget of the Regional Development Authority under Section 64.(4)Such regulations may also provide for all or any of the following matters, namely: -(a)the form and manner of the proposal and the fee payable for starting an economic activity under sub-section (1) of Section 34;(b)the building regulations to regulate buildings under Section 43;(c)the fee that may be charged under Section 57.

## **72. Power of State Government to remove difficulties.**

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, but not later than two years from the date of commencement of this Act, by order published in the Official Gazette, make such provisions not inconsistent with the objects and purposes of this Act, as appear to be necessary or expedient for removing the difficulty.(2)Every order made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature.

## **73. Dissolution of the Regional Development Authority.**

(1)Where the State Government is satisfied that the purpose for which any Regional Development Authority was established under this Act have been substantially achieved so as to render the continued existence of such Regional Development Authority in the opinion of the State Government unnecessary, the State Government may by notification in the Official Gazette declare that such Regional Development Authority shall be dissolved with effect from such date as may be specified in the notification, and such Regional Development Authority shall be deemed to have been dissolved accordingly.(2)From the said date, -(a)all properties, funds and dues which are vested in, or realizable by such Regional Development Authority shall vest in or be realizable by the State Government;(b)all lands placed at the disposal of such Regional Development Authority shall revert to the State Government;(c)all liabilities which are enforceable against such Regional Development Authority shall be enforceable against the State Government; and(d)for the purpose of carrying out any work which has not been fully carried out and for the purposes of realizing properties, funds and dues referred to in sub-clause (a) and for such other purposes as may be required, the functions of such Regional Development Authority shall be discharged by the State Government.

## **74. Delegation of powers.**

(1)The State Government may, by a notification in the Official Gazette, delegate to any officer subordinate to it or delegate to the Board or to a Regional Development Authority all or any powers conferred on it by or under this Act, other than the power to make rules.(2)The State Government

may, by notification in the Official Gazette, delegate such functions and powers of the Regional Development Authority as are provided under this Act, for such area within a Special Investment Region, as may be specified in the notification, to a Government Company and such Government Company shall exercise such powers and discharge such functions subject to the Master Development Plan, if any, of the Special Investment Region: Provided that no powers or functions under this Act for making of regulations shall be delegated to such Government Company. (3) The Board may, by an order, assign and delegate any of its functions and powers to its Chairperson or any other member or to the Regional Development Authority subject to such conditions or limitations as it may deem fit except the function and power of making regulations. (4) A Regional Development Authority may assign and delegate any of its functions and powers to any committee, or to any officer or staff of the Regional Development Authority, subject to such conditions or limitations as it may deem fit.

## **75. State Support.**

(1) A Regional Development Authority may, for any economic activity in the Special Investment Region or for any infrastructure project as per the existing policy of the State Government, propose a customized package after getting it examined by the concerned departments of the State Government for approval of the Board. (2) The Board, on being satisfied with the proposal, may, with or without any modification, recommend the package and send it to the State Government for approval. (3) Such customized package may provide for incentive in the form of exemptions from State taxes, duties, cess, etc. levied by the State Government under any Rajasthan Law. (4) In order to make any infrastructure project sustainable or commercially viable, a Regional Development Authority may propose to the Board for consideration and approval and the Board may, on being satisfied with the proposal, recommend to the State Government to sanction and provide State support which may include, - (a) equity participation subject to a maximum of forty nine per cent of the total equity; (b) financial assistance which may include capital grant, minimum revenue guarantee, payment guarantee and off take and purchase guarantees to the concessionaire as a substitute for or in addition to whole or part of the charges collected for such infrastructure project; (c) incentives in form of exemptions from State taxes, duties, cess, etc. levied by the State Government under any Rajasthan Law; (d) guarantees with respect to any obligation of the State Government under a concession agreement; or (e) any other State support which may be notified from time to time by the State Government in the Official Gazette: Provided that the ceiling of forty nine per cent equity participation under clause (a) shall not be applicable in the case of companies promoted by a Regional Development Authority pursuant to any joint venture or collaboration agreement with any government agency or any company, body or any other institution by whatever name called, owned or controlled by the Central Government.

## **76. Units and infrastructure facility of Special Economic Zone in Special Investment Region to be governed under the relevant Acts.**

(1) Notwithstanding anything contained in this Act or the rules or regulations made thereunder, units and amenities set up in any Special Economic Zone falling under a Special Investment Region shall continue to be governed by and shall avail the benefits under the Special Economic Zones Act,

2005 (Central Act No. 28 of 2005) and the Rajasthan Special Economic Zones Act, 2015 (Act No. 1 of 2016). (2) The developer of a Special Economic Zone shall take into account the plans and schemes prepared by the Regional Development Authority in accordance with Chapter V while finalizing any activity within the Special Economic Zone.

## **77. Act to override other Rajasthan Law.**

- Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other Rajasthan Law for the time being in force.

## **78. Immunity to the Board or Regional Development Authority.**

- No suit, prosecution or other legal proceeding shall be maintainable against the Board, or any Regional Development Authority, or a Government Company delegated with the powers of a Regional Development Authority under sub-section (2) of Section 74 or any person acting under the direction thereof or the members, officers or staff thereof in respect of anything done lawfully and in good faith and with due care and attention under this Act.

## **79. Officers and other employees to be public servants.**

- Every member, officer and staff of a Regional Development Authority or a Government Company delegated with the powers of a Regional Development Authority under sub-section (2) of Section 74, shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

## **80. Service of notice under this Act.**

- All documents, which expression shall include notice and orders required by this Act or the rules and regulations made thereunder to be served upon any person, shall, save as otherwise provided in this Act or the rules and regulations made thereunder, be deemed to be duly served where it is sent by registered post or speed post or delivered at the place of his residence or business or given or tendered to the person to whom it is addressed or if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or where an attempt to serve a document on any person in the manner indicated in the foregoing provisions of this section fails, it shall be deemed to be an effective service of the document on such person if the notice of the document to be served is published in any daily local newspaper.

## **81. Bar of jurisdiction of civil court.**

(1) No civil court shall take cognizance of any matter which is required to be or may be decided by the State Government, Board, Regional Development Authority, or the appellate authority under the

provisions of this Act.(2)An order passed or a direction given by the State Government to the Board, Regional Development Authority, or the appellate authority under the provisions of this Act or an order passed or notice issued by the Board, Regional Development Authority, or the appellate authority under the provisions of this Act shall be final.

## **82. Control by State Government.**

(1)The Board and every Regional Development Authority shall exercise their powers and perform their duties under this Act in accordance with the policy framed and the guidelines laid down, from time to time, by the State Government for establishment, planning, development, operation, maintenance, management and regulation of the Special Investment Regions.(2)The Board and every Regional Development Authority shall be bound to comply with such direction which may be issued from time to time by the State Government for efficient administration of this Act.

## **83. Dissolution of the Urban Improvement Trust entire area of which has been declared to be a Special Investment Region and savings.**

(1)Where entire area of an Urban Improvement Trust has been declared to be a Special Investment Region under Section 3, notwithstanding anything contained in the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959), hereinafter in this section referred to as the 'said Act', and the rules, regulations and bye-laws made thereunder, as from the date of the constitution of the Regional Development Authority for such Special Investment Region under this Act, hereinafter referred to as 'such constitution', -(a)such Urban Improvement Trust (hereinafter in this section referred to as 'the Trust') functioning in the area covered by the area of such Special Investment Region immediately before such constitution, shall stand dissolved;(b)all land, buildings and other immovable properties (together with all interests of whatever nature and kind therein) situated in the area of such Special Investment Region and vested in the Trust for the purpose of carrying out or undertaking development or improvement in such area, immediately before such constitution, shall pass on to and vest in the Regional Development Authority so constituted;(c)all stores, articles or other movable properties belonging to the Trust held by it for the purpose of carrying out or undertaking development or improvement in such area, immediately before such constitution, shall pass on to and vest in the Regional Development Authority so constituted;(d)all assessments, valuations,, measurements or divisions made by the Trust immediately before such constitution in or in connection with such area, shall, in so far as they are not inconsistent with the provisions of this Act, continue and be deemed to have been made under the provisions of this Act, unless and until they are superseded by any assessment, valuation, measurement or division made by the Regional Development Authority so constituted;(e)all plans, schemes for the development or improvement of any area declared as the area of such Special Investment Region and prepared under the said Act, shall in so far as they are not inconsistent with the provisions of this Act, be deemed to have been prepared under this Act and any such plan or scheme which was in force immediately before the commencement of this Act, shall continue to be in force so long it is not otherwise dealt with under this Act;(f)all records and papers belonging to the Trust and relating to the development or improvement of such area, including the plans and schemes and papers relating thereto, as are referred to in clause (e) shall vest in and stand transferred to the Regional

Development Authority so constituted;(g)every officer or servant serving under the Trust immediately before such constitution, shall, on or from such constitution, be deemed to have been transferred temporarily for a period of one year to the Regional Development Authority so constituted, within which period until otherwise extended by it, such Regional Development Authority shall, after their screening in such manner as may be determined by regulations, absorb them in the service of such Regional Development Authority on such posts and with such designations, as the Regional Development Authority may determine. The officers and servants so absorbed in the service of the Regional Development Authority shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as they would have held if the Regional Development Authority had not been constituted, and shall continue to so hold unless and until such tenure, remuneration and terms and conditions are duly altered by such Regional Development Authority:Provided that any service rendered by any officer or servant so absorbed before such constitution shall be deemed to be service rendered under the Regional Development Authority;(h)anything done or any action taken including any appointment, delegation, order, scheme, rule, bye-laws, regulation or form made or notification issued or permission granted under the said Act so far as it is not inconsistent with the provisions of this Act shall continue to be in force and be deemed to have been done or taken under the provisions of this Act unless and until it is superseded by anything done or any action taken under the said provisions;(i)all debts, obligations and liabilities incurred, all contracts entered into, all allotments and transfers of land made and all matters and things engaged to be done in or as respects the area covered by the area of such Special Investment Region, by, with or for the Trust for such area shall, immediately before such constitution be deemed to have been incurred, entered into, made or engaged to be done by, with or for the Regional Development Authority;(j)notwithstanding anything contained in this Act, the validity of any declaration of application, publication, notification, appointment, order, allotment of land, proposal, award, proceeding, consultation, inquiry, certification, compromise, sanction, agreement, notice, approval, decision, dispute, withdrawal of any legal proceeding, final scheme or act made, held, issued, entered into, given, taken, decided, drawn up, or done, before such constitution, by or on behalf of the Trust, shall be deemed as if they were made, held, issued, entered into, given, taken, decided, drawn up or done under this Act by or on behalf of the Regional Development Authority;(k)all compromises, defenses or withdrawals, made in or from any legal proceedings, any offence compounded or any claim admitted, by or on behalf of the Trust before such constitution shall be deemed to have been made by or on behalf of the Regional Development Authority and may be enforced by or against the Regional Development Authority as effectively as they could be enforced by or against the Trust before such constitution;(l)all suits, prosecutions and other legal proceedings instituted by, for, or against the Trust may be continued or instituted by, for, or against the Regional Development Authority;(m)all properties movable and immovable and all rights, title and interest in any property vested in the Trust shall vest in the Regional Development Authority and all such properties in possession of the Trust shall be deemed to be in possession of the Regional Development Authority;(n)all rents, fees and other sums of money due to the Trust shall be deemed to be due to the Regional Development Authority; and(o)all sums or charges which the Trust was, immediately before such constitution, entitled to levy, assess and recover for or in respect of development or improvement of any land in the area of such Special Investment Region, may continue to be levied, assessed and recovered by the Regional Development Authority under the corresponding provisions of this Act.(2)Where any

acquisition proceedings have been started under any law for the time being in force for any of the purposes of the Trust, the same shall be continued and completed under and in accordance with the provisions of such laws as aforesaid.

## **84. Repeal.**

- The Rajasthan Industrial Area Development Authority Act, 1995 (Act No. 7 of 1996) is hereby repealed.

## **Schedule**

[See Sections 2(g) & 31] Nature of Concession Agreement

**1. Build Own Operate and Transfer Agreement. - An agreement whereby the developer undertakes to finance, construct, maintain and operate a project and whereby such project is to vest in the developer for a specified period. During the period of operation of the project by the developer, he may be permitted to charge user charges as specified in the agreement. The developer is required to transfer the project to the Regional Development Authority, the State Government or, as the case may be, a Government agency after the expiry of the period of operation.**

**2. Build Own Operate and Maintain Agreement. - An agreement whereby a developer undertakes to finance, construct, operate and maintain a project and whereby such project is to vest in the developer for specified period. During the period of operation of the project, he may be permitted to charge user charges as specified in the agreement.**

**3. Build Transfer Agreement. - An agreement whereby a developer undertakes to finance and construct a project. After the completion of the project, the developer is required to transfer the project to the Regional Development Authority, the State Government or, as the case may be, a Government agency . The developer shall be paid such amount as is fixed in amortization schedule specified in the agreement.**

**4. Build Lease and Transfer Agreement. - An agreement whereby a developer undertakes to finance and construct the project. On completion of the project, the developer hands it over to the Regional Development Authority, the State Government or, as the case may be, a Government agency for**

**operation under a lease agreement for period specified in the agreement after the expiry of which the project stands transferred to the Regional Development Authority, the State Government, or as the case may be, a Government agency.**

**5. Build Transfer and Operate Agreement. - An agreement whereby the developer undertakes to finance and construct the project. On completion of the project, the Developer transfers the project to the Regional Development Authority, the State Government or, as the case may be, a Government agency which permits the developer to operate the project on its behalf for a period specified in the agreement.**

**6. Lease Management Agreement. - An agreement whereby the Regional Development Authority, the State Government or a Government agency leases a project owned by the Regional Development Authority, the State Government or, as the case may be, a Government agency to the person who is permitted to operate and maintain the project for the period specified in the agreement and to charge user charges therefor.**

**7. Management Agreement. - An agreement whereby the Regional Development Authority, the State Government or a Government agency entrusts the operation and management of a project to a person for the period specified in the agreement on payment of specified consideration. In such agreement the Regional Development Authority, the State Government or, as the case may be, the Government agency may charge user charges and collect the same either itself or entrust the collection for consideration to any person who shall after collecting the user charges pay the same to the Regional Development Authority, the State Government or, as the case may be, the Government agency.**

**8. Rehabilitate Operate and Transfer Agreement. - An agreement whereby an existing project is vested in a person to renovate, operate and maintain for the period specified in the agreement after the expiry of which the project is required to be transferred to the Regional Development Authority, the State Government or, as the case may be, a Government agency. During the period of operation of the project by the developer, he may be permitted to charge user charges as specified in the agreement.**



**9. Rehabilitate Own and Maintain Agreement. - An agreement whereby an existing project is vested in a person to renovate, operate and maintain. The developer shall be permitted to charge user charges as specified in the agreement.**

**10. Service Contract Agreement. - An agreement whereby a person undertakes to provide service to the Regional Development Authority, the State Government or a Government agency for a specified period. The Regional Development Authority, the State Government or, as the case may be, a Government agency shall pay him an amount according to the agreed schedule.**

**11. Supply Operate and Transfer Agreement. - An agreement whereby a person supplies to the Regional Development Authority, the State Government or a Government agency the equipments and machinery for a project and undertakes to operate for a period and consideration specified in the agreement. During the operation of the project, he shall undertake to train employees of the Regional Development Authority, the State Government or, as the case may be, the Government agency to operate the project.**

**12. Joint Venture Agreement. - An agreement whereby the Regional Development Authority, the State Government or a Government agency enters into an agreement with a developer to jointly finance, construct, operate and maintain a project for a period specified in the agreement after the expiry of which the project is required to be transferred to the Regional Development Authority, the State Government or, as the case may be, a Government agency.**