The Arunachal Pradesh Airport Area Development Authority Act, 2026

Act No. 14 of 2026

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GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF LAW, LEGISLATIVE AND JUSTICE
CIVIL SECRETARIAT
ITANAGAR

NOTIFICATION

The 26th October, 2026

No. LAW/LEGN-17/2026.—The following Act of the Arunachal Pradesh Legislative Assembly which was passed in the Seventh Session of the Eighth Legislative Assembly and received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 15th October, 2026)

THE ARUNACHAL PRADESH
AIRPORT AREA DEVELOPMENT AUTHORITY ACT, 2026

(Act No. 14 of 2026)

An

Act

to provide for the declaration of the Arunachal Pradesh Airport Area Development Authority for the purposes of planning, coordination, execution, supervision, financing, funding and for promoting and securing the planned development of the new township development at airport, undertaking the construction of new township at Hollongi Airport Area for managing and supervising urban services and for setting up of infrastructural facilities, developmental work and upgradation of existing infrastructural facilities in the Airports of the State and matters connected therewith and incidental thereto.

Whereas, the State Government is committed for providing of better commutation facilities to the residents of Arunachal Pradesh and tourists visiting Arunachal Pradesh in the Airports.;

And whereas, establishment of a State-of-the-art Airport with world class urban infrastructure facilities in Hollongi Doni Polo Airport is utmost importance;

And whereas, to secure the welfare of the Villagers in adjoining areas of the airports in the State, for their orderly development is also imperative;

And whereas, a benefit of Airport to adjoining Villagers for securing the orderly establishment of the Airports in the State is urgently felt;

And whereas, it has been felt necessary to make a law to provide for the overall development and setting up an authority for the purpose;

Now, therefore, be it enacted by the Legislative Assembly of Arunachal Pradesh in the Seventy-seventh Year of the Republic of India, as follows: -

Chapter - 1

Preliminary

1. **Short title, extent and commencement :**

(1) This Act may be called the Arunachal Pradesh Airport Area Development Authority Act, 2026.

(2) It shall extend to the Airport Areas in the Schedule hereto and to such other areas, with effect from the date of its publication in the Official Gazette.

(3) It shall come into force on such date as the State Government may, by notification in the Arunachal Pradesh Gazette, appoint.

2. **Definition :**

In this Act, unless the context otherwise requires,

(a) 'Agriculture' includes horticulture, farming, raising of crops, fruits, vegetables, grass, fodder, trees and keeping of kind of cultivation, breeding and keeping of live-stock, including horses, donkeys, mules, pigs, fish poultry and bees; and the use of land for any purpose which is ancillary to the framing of land or any other agricultural purposes, but does not include the use of any land attached to a building and the expression agricultural shall be construed accordingly;

(b) 'Airport area' means the Airport Areas specified in the schedule appended in this Act or any other Airport Area as may be appended thereto or the area notified by the Government of Arunachal Pradesh as the Airport Planning Area under section 3(1) of this Act.

(c) 'Airport Planning area' means the area notified for the purpose of development by the Government of Arunachal Pradesh as the Airport Planning Area and for the State Arunachal Pradesh under Section 3 (1) of this Act, and includes the Airport Area;

(d) 'amenity' means roads, streets, open spaces, parks, landscaping, playgrounds, recreational grounds, tourist spots, water and electric supply, street lighting, sewerage, drainage, public works, communication network and other utility services and conveniences as the Government may specify by notification to be an amenity for the purposes of this Act;

(e) 'Authority' means the Arunachal Pradesh Airport Area Development Authority constituted under Section 4 (1) of this Act appointed by Government to discharge certain functions under this Act or rules or standing orders made thereunder;

(f) 'Building' includes any structure or erection or part of a structure or erection which is intended to be used for residential industrial, commercial or any other purposes whether in actual use or not;

(g) 'Building operation', include: -

(i) erection or re-erection of a building or any part thereof;

(ii) roofing or re-roofing of a building or any part of a building or any open space; and

(iii) any material alteration of a building or such alteration as is likely to affect the alteration of its drainage or sanitary arrangements or materially affect its security, or the construction of a door or opening on any street or land not belonging to the owner;

(h) 'Chief Executive Officer' means the Chief Executive Officer' of the Airport Area Planning and Development Authority appointed by the Government of Arunachal Pradesh;

(i) 'Clearances' means no objection certificates, consents, approvals, permissions, registrations, enrollments, licenses and the like, required under the relevant law in connection with setting up of the infrastructural facilities, developmental work and upgradation of existing infrastructural facilities connected with or related to Airport;

(j) 'company' means a body corporate registered under the Companies Act, 2013 (Act 30 of 2013) and includes a firm or association of individuals;

(k) 'Competent Authority' means any Department or agency of the Government, authorized agency, statutory or body, Village Panchayat, Municipality or Municipal Corporation or other local body or any other authority or committee which is entrusted with the powers and responsibilities to grant or issue clearances;

(l) 'comprehensive development plan' means a comprehensive plan for the development or redevelopment or improvement of a planning area within the jurisdiction of the Authority covering the whole or part thereof, conceived within the framework of the perspective plan providing medium-term policies providing for land use, infrastructure and transportation plan, indicating the location of residential, commercial, transportation, green/open, mixed use, utilities, social infrastructure, industrial, agricultural areas and ecologically fragile areas, prepared for the whole of the Airport Planning Area and or part thereof and could be at the concept level for a twenty year period reviewed every five years having a low level of detail or at a detailed level for up to ten year period.

(m) 'developer entity' includes an individual, company or association or body of individuals whether incorporated or not, a cooperative society, a corporate body, or an agency national or international to whom a license is given to undertake development works within the framework of a plan or development scheme duly approved under this Act;

(n) 'development' with its grammatical variation means the carrying out of building, engineering, mining or other operations in, on, over, or under and or the making of any material change, in any building or land or both, or in the use of any building or land or any material or structural change in any heritage building or its precinct, and includes demolition of any existing building, structure or erection and redevelopment, reclamation of land, conservation of environment, for mining of layouts and sub-division or any land into plots, and development of amenities; and 'to develop' shall be construed accordingly;

(o) 'development fund' means a fund created under Section 25 of this Act;

(p) 'development project or project' means plan conceived, within the framework of approved development plan, containing detailed working layouts with al supporting infrastructure and documents including cost of development, source of finance and recovery instruments for their execution;

(q) 'development scheme' means the method of securing land required for a development plan by means of land acquisition or land pooling or Town Planning or any other means and the details of implementation of the plan in the secured land. All these details shall be incorporated in a document conferring rights on land by specifying how this land may be used and developed, and outlines the processes to be followed before development occurs;

(r) 'floor space index or floor area ratio' means the quotient or the ratio of the total covered area of all floors to the total area of the plot, multiplied by hundred;

(s) 'Government' means the Government of Arunachal Pradesh;

(t) 'heritage building' means and includes any building comprising of one or more premises or any part thereof or structure or artifact which requires conservation or preservation for historical or architectural or artistic or artisanry or aesthetic or cultural or environmental or ecological purposes and includes such portion of land joining such building or part thereof as may be required for fencing or covering or in any manner preserving the historical or architectural or aesthetic or cultural or environmental value of such a building;

(u) 'Infrastructure plan' means a plan showing existing and proposed major infrastructure facilities like circulations network including ring/radial/grid road connecting all the settlements, transport power, water supply natural drainage sewerage system, solid waste disposal and network and related facilities like power plants, roads, highways, railways, metro ways, Airports and the like;

(v) 'land' means land and includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(w) 'land pooling scheme' means assembly of small land parcels under different ownerships voluntarily into a large land parcel, provide it with infrastructure in a planned manner and return the reconstituted land to the owners, after deducting the land required for public open spaces such as parks and play grounds, social housing for economically weaker sections, social amenities such as school, dispensary and other civic amenities, road network and other infrastructure as specified under the act as well as such extent of land in lieu of the cost of development towards the provision of infrastructure and amenities and other costs and expenses to be incurred for the scheme and external trunk infrastructure;

(x) 'land use' means the principal use of land for which a plot of land or building thereon is used or intended to be used. For the purpose of classification of a plot according to the land uses, a land use shall be deemed to include subsidiary land uses which are contingent upon it;

(y) 'Local Area' means a specific zone requiring detailed planning, focusing on upgrading built environments, infrastructure and public spaces within the planning area complementing broader Master Plans of neighboring areas by addressing site-specific needs and promoting compact, efficient urban development with norms adaptable to local conditions.

(z) 'local area development plan' means a five-year plan of socio-economic and spatial development for a local area within the Airport Planning Area and providing all details of residential, commercial, transportation, green/open, mixed use, utilities, social infrastructure, industrial areas and soon conceived within the framework of its approved perspective plan and Comprehensive Development Plan;

(aa) 'local body' means a Municipal Corporation constituted under the Arunachal Pradesh Municipal Corporation Act, 2019 or a Municipality or a Nagar Panchayat constituted under the Arunachal Pradesh Municipal Act, 2007 (Act No.4 of 2008); or a Gram Panchayat constituted under the Arunachal Pradesh Panchayat Raj Act, 1997 (Act No.5 of 2001) or any other body constituted under the relevant Act to govern the Municipal services;

(bb) 'master plan' means a land use, infrastructure and transportation plan, indicating the location of residential, commercial, transportation, green/open, mixed use, utilities, social infrastructure, industrial, agricultural areas and ecologically fragile areas, prepared for any Area and or part thereof;

(cc) 'notification' means a notification published in the following manner and the word 'notified' shall be construed accordingly;

(a) in the Gazette Arunachal Pradesh;

(b) uploaded on the website of the Authority; or

(c) in any other manner as specifically be decided by the Authority and the date of notification shall be construed as the date on which it is notified in the Gazette;

(dd) 'occupier' includes:-

(a) a tenant,

(b) an owner in occupation of, or otherwise using his land,

(c) a rent-free tenant of any land,

(d) a licensee in occupation, any land, and

(e) any person who is liable to pay to the owner charges for the use and occupation of any land;

(ee) 'Operational construction' means any construction whether temporary or permanent, which is necessary for the operation, maintenance, development, or execution of any of the services such as railways; National highways, State highways, other important roads; waterways; ports; airways and aerodromes; postal, telecom services of electricity, defence; Oil and Natural Gas supply; works undertaken by the Authority or any local body; or any other service which the Government may, if it is of the opinion that the operation, maintenance, development or execution of such service is essential to the life of the community, by notification, declare to be service for the purposes of this clause.

Explanation : - For the removal of doubts, it is hereby declared that the construction of, -

(i) new residential buildings (other than gate lodges, quarters for limited essential operational staff and the like), roads and drains in railway colonies, hotels, clubs, institutes and schools, in the case of railways and

(ii) a new building, new structure or new installation or any extension thereof, in the case of any other service, shall not be deemed to be construction within the meaning of this clause;

(ff) 'original plot' in the context of development scheme means the parcel of land extent vesting with the land owner as per revenue records or in possession as on the day of notification of declaration of intention of the development scheme, whichever is less and while undertaking the preparation and sanction of the development scheme, the tenure and encumbrances on the plot remain unaffected;

(gg) 'owner' in relation to any property includes any person who is, for the time being receiving or entitled to receive, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as an agent, trustee, guardian, manager or receiver for any other person or for any religious or charitable institution, the rents or profits of the property; and also includes a mortgagee in possession thereof; and also includes a person, company, trust, institute, registered body, state or central Government and its attached subordinate departments, undertakings and the like, in whose name the property right are vested;

(hh) 'periphery area' means area adjoining the boundary of the Airport Planning Area and declared as such under Section 126 of this Act;

(ii) 'perspective plan' means a long-term strategic plan providing the goals, policies, strategies and general programmes of spatio-economic development of the Arunachal Pradesh Airport Area Planning and Development in line with the policies of Government and includes plan for land use, infrastructure, transportation and socio-economic development prepared for the whole of the Airport Planning Area and that guide development and is revised every ten years. The plan shall indicated land use zones such as agricultural zone, industrial zone, green zone, capital city zone along with other infrastructure proposals like expressways, highways, rail and metro corridors water, power generation and distribution centres, sewerage plan, ecologically fragile and forest zones and so on;

(jj) 'plan' means the statement of proposals, policies and development briefs for securing, promoting and regulating development in a planning area and includes a map or maps or sets of documents or all of them; and includes a perspective plan, a development plan of the Airport Planning Area, as the case may be, prepared under this Act;

(kk) 'prescribed' means prescribed by rules made under this Act;

(ll) 'reconstituted plot' means a final plot or land which is in any way altered by a development scheme;

(mm) 'regulation' means regulations that made from time to time by the Authority to carry out the objects of this Act;

(nn) 'residence' includes the use of any land or building or part thereof for human habitation, and the expression 'residential use' shall be construed accordingly.

(oo) ‘rule' means a rule made under this Act by Government;

(pp) 'schedule' means Schedule(s) appended to this Act.

(qq 'secretary' in the context of Secretary to the Government of Arunachal Pradesh means, Secretary, Commissioner, Principal Secretary, Additional Chief Secretary of the Department.

(rr) ‘sector' means a part of capital city area taken up for detailed planning and implementation;

(ss) 'standing order' means a standing order made under this Act and includes zoning regulations and other regulations made as part of the plan prepared under this Act;

(tt) 'transferable development right' means a development right to transfer the potential of a plot designated for a public purpose in a plan, expressed in terms of total permissible built space calculated on the basis of floor space index or floor area ratio allowable for that plot, for utilization by the owner himself or by way of transfer by him to someone else from the present location to a specified area in the plan, as additional built space over and above the permissible limit in lieu of compensation for the surrender of the concerned plot free form all encumbrances to the Authority; and

(uu) 'zone' means a part of Airport Area Planning and or capital city area identified with a specific dominant land use or urban function for the purpose of securing, promoting and regulating development and for providing the urban services under this Act, and the expression 'zoning regulation' shall be construed accordingly.

Chapter - II

Declaration of Arunachal Pradesh Airport Area Planning and Development Area and constitution of Airport Area Planning and Development Authority

3. **Declaration of Airport Area :**

(1) As soon as, after commencement of this Act, the State Government may, by notification in the Gazette of Arunachal Pradesh declare the 'Airport Area' specified in the Schedule hereto and to such other areas as 'Airport Planning Area' consisting of such urban or rural areas for the purposes of this Act with effect from such date as may be specified therein.

(2) The notification shall define the limits of the 'Airport Area' and 'Airport Planning Area' to which it relates and further as may be required in this behalf may exclude or include any area from such notification issued as may be necessary.

Explanation: - The 'Airport Planning Area' shall include the 'Airport Area'.

(3) The existing Gram Panchayats within the Airport Planning Area shall remain functional within their respective jurisdictions for the purpose of implementation of schemes of the Government to the extent not inconsistent with the provisions of this Act;

(4) The Chief Executive Officer may coordinate with all the line departments of Government within the jurisdiction area such as revenue, police, electricity, transport, housing, industries, education, fire, medical and health, welfare, civil supplies, environment, roads and buildings, registration and stamps, excise, tourism and culture, youth affairs, sports, etc. for provision of the services in the Authority Area.

(5) The Government may by notification transfer any function performed by any department of Government to the Authority for achieving the objectives under Section 10 of the Act.

4. **Constitution of Arunachal Pradesh Airport Area Development Authority :**

(1) In accordance with the provisions of this Act, the State Government shall constitute a body to be called the 'Arunachal Pradesh Airport Area Development Authority', for the Airport Planning Area notified under Section 3, which shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and by the said name sue and be sued.

(2) The Authority shall consist of

(i)	Chief Secretary	—	Chairperson
(ii)	Secretary (Urban Affairs)	—	Vice Chairperson
(iii)	Divisional Commissioner (West)	—	Member
(iv)	Secretary/Commissioner (Finance)	—	Member
(v)	Secretary/Commissioner (Planning and Investment)	—	Member
(vi)	Secretary (Civil Aviation)	—	Member
(vii)	Principal Chief Conservator of Forests	—	Member
(viii)	Deputy Commissioner of the concerned district.	—	Member
(ix)	Chief Executive Officer of the concerned Authority Area	—	Member
(x)	MLA of the concerned Assembly Constituency	—	Member
(xi)	Zila Parishad Chairperson of concerned district	—	Member
(xii)	Director Town Planning	—	Member
(xiii)	Two persons, having knowledge, expertise and experience in Urban Planning / Administration / Finance / public representatives as may be nominated by the Government.	—	Members
(xiv)	Secretary of the Authority	—	Member Secretary

5. **Composition and reconstitution of Authority :**

(1) The composition and reconstitution of Authority resulting due to vacancies/ absence of its members and its proceedings shall be as per First Schedule of this Act.

(2) The Government may, by notification may amend the provisions of the First Schedule, retrospectively or prospectively.

(3) Notwithstanding anything contained in sub-section (2) no act or proceedings of the Authority shall be questioned on account of retrospective amendment of the First Schedule.

6. **Executive Committee :**

(1) There shall be an executive committee of the Authority consisting of -

(i)	Secretary, (Urban Affairs)	— Chairperson
(ii)	Divisional Commissioner (West Zone)	— Vice-Chair
(iii)	Chief Engineer (PHE&WS) (Administrative Jurisdiction)	— Member
(iv)	Chief Engineer (Power) (Administrative Jurisdiction)	— Member
(v)	Chief Conservator of Forests (Administrative Jurisdiction)	— Member
(vi)	Deputy Commissioner of the District	— Member
(vii)	Director Civil Aviation	— Member
(viii)	Director Town Planning	— Member
(ix)	Chief Executive Officer concerned.	— Member.
(x)	Chief Engineer (Urban Development)	— Member
(xi)	Secretary of the Authority	— Convenor and Secretary

(2) The executive committee may invite any heads of departments of Government of experts as special invitees.

(3) The Authority shall make regulations to achieve the object of this Act and standing orders to regulate the procedure to be followed by the executive committee and in particular, the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes and the custody, production and inspection of such minutes.

7. **Delegation of power to Executive Committee by the Chief Executive Officer :**

(1) Subject to the general superintendence and control of the Authority, such Financial and Executive powers as are specified in the Second Schedule, shall vest in the Executive committee.

(2) Subject to the directions, general superintendence and control of the Authority, the Chief Executive Officer or such other officers of the Authority may exercise such power or do any act or thing which may be exercised or done by the Authority, as specified in the Second Schedule or as may be delegated or empowered to them by the Authority.

(3) The Government may, by notification may amend the provisions of the Second Schedule, retrospectively or prospectively.

(4) The Chief Executive Officer shall have the power to accord administrative sanction of works and investment plan including tender approvals as may be prescribed by the Authority.

8. **Appointment of other committees :**

(1) The Authority may from time to time appoint committees consisting of such member as it considers fit and associate with such committee in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire and refer to such committees for inquiry and report any subject relating to the purposes of this Act.

(2) Every committee appointed under sub-section (1) shall conform to the instructions that may, from time to time, be given to it by the Authority and the Authority may at any time alter the constitution of any committee so appointed or rescind any such appointment. The Authority shall nominate one of the members as the Chairman of every such committee.

(3) The procedure to be followed by the committees and all other matters relating to the committees shall be such as may be prescribed in the standing orders.

9. **Common seal and execution of documents :**

(1) The Authority shall have a common seal and such seal may from time to time be changed and altered as the Authority considers fit.

(2) All deeds, documents and other instruments requiring the seal of the Authority shall be affixed with the common seal of the Authority and every instrument to which the common seal is affixed shall be signed by an officer of the Authority and shall be countersigned by a member of the Authority or by some other person duly authorized by the Authority for that purpose, and such signing shall be sufficient evidence that such seal was duly and properly affixed.

(3) The Authority may by resolution or otherwise in writing appoint an officer of the Authority either in general or in a particular case to execute or sign on behalf of the Authority an agreement or other instrument in relation to any matter concerned to the Authority.

Chapter - III

Functions and Power of the Authority

10. **Functions of the authority :**

Subject to the provisions of this Act, rules and regulations made thereunder the functions of the Authority shall be the following, -

(A) Planning :

(i) to prepare and revise perspective plan, comprehensive development plan and local area development plan inclusive of infrastructure plan in the Airport Planning Area more specifically Airport Planning area by carrying out needed surveys for achieving spatio-economic development and social justice;

(ii) to formulate zoning regulations, building and energy codes and any other development control norms for the Airport Planning Area, specifically suited for capital city so as to ensure compact, transit-oriented and environmentally sustainable development;

(iii) to review, revise and approve development control norms and rules or standing order and all other related and similar norms governing the building and development in the Airport Planning Area;

(B) Development :

(i) to formulate development schemes for implementing the plan approved by the Authority using funds of the Authority either in whole or part;

(ii) to implement development schemes and to cause implementation of such works under the development schemes or development projects or plan either by itself or jointly with a developer entity or through any agency or any local body;

(iii) to approve, co-ordinate and execute all transportation related interventions in the Airport Planning Area so as to promote planned development of traffic and transportation system and transit-oriented development;

(iv) to formulate and implement economic development plan for the overall economic growth of the Airport Planning Area to create new livelihood opportunities;

(v) to prepare or execute or prepare and execute proposals, plan and projects for, the clearance, development and redevelopment of such land as the Authority may think fit for the purpose of resettling persons displaced by operations of the Authority and other resettlement projects or for any other purpose; the erection, conversion, improvement and extension of any building for sale, lease, rental or other purpose; and the provision and improvement of services and facilities for the promotion of public safety, recreation and welfare and parking places;

(vi) to raise finance for any development project or scheme and to extend assistance to the local bodies for the execution of such project or scheme;

(vii) to entrust to any department or local body the work of execution of any development plan or scheme.

(C) Regulation :

(i) to regulate development activities in accordance with the development plan and regulations and to bring aesthetics, efficiency and economy in the process of development;

(ii) to approve plan and manage and control the development of land in the Airport Planning and Area;

(iii) to regulate the development of the periphery area;

(**D) Development of Airport Planning Area:**

(i) to permit or associate with developer entities to undertake development schemes or projects and monitor project execution and approve financial resources of such schemes and projects;

(ii) to undertake the creation of city-wide common infrastructure, construction and maintenance of buildings for the Airport Planning area and for other public purposes;

(iii) to undertake and manage the urban amenities in the Airport Planning area to make it an environment friendly smart city either directly or through outsourced entities by delegating powers to collect user charges;

(iv) to formulate and implement policies for making sustainable arrangements for providing and maintaining highest standards in urban civic and utility services in the Airport Planning Area particularly for cleanliness, aesthetics, health and hygiene;

(v) to provide affordable and efficient urban services using technology.

(E) Transport :

(i) to ensure for effective implementation of the transportation plan, proposals, projects and policies that seek to enforce the Transportation Plan of the Airport Planning Area.

(ii) to oversee implementation of various traffic and transportation measures undertaken by various agencies in the Airport Planning Area;

(iii) to ensure that effective public transport systems are in place for the Airport Planning Area and;

(iv) to ensure effective co-ordination and implementation of the various traffic and transportation measures undertaken by various departments;

(v) to promote and monitor key or major traffic and transportation projects;

(vi) to recommend effective transportation strategies for the Airport Planning Area and;

(vii) to integrate and consolidate all the action plan of various departments and agencies and ensure implementation of the coordinated and integrated traffic and transportation plan for the Airport Planning Area and;

(viii) to coordinate with different agencies involved in the implementation of traffic and transportation policies and measures, including shifting of utilities and services or amenities;

(ix) integrating various routes of public transport and issues of combined ticketing, feeder services, etc;

(x) to regulate pedestrian movement, non-motorized and motor vehicles, traffic management, parking, in the Airport Planning Area including collection of fines and penalties relating to these provisions, in coordination with the Department of Transport.

(xi) to enforce and implement Motor Vehicle Act within the Airport Planning Area, relating to matters of traffic management, road safety and parking.

(xii) to seek the appropriation or subvention of funds from various departments and agencies of the Government for ensuring implementation of the traffic and transportation plan and measures in the Airport Planning Area.

(F) Taxation: To levy and collect taxes within the Airport Planning Area, specifically -

(i) Land-based Taxes, namely- Property Tax, Duty on Transfers of Property in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899

(ii) Taxes/Service Charges on Government Properties - as levied under orders of the Union Ministry of Finance

(iii) Taxes related to Services or Performance of Statutory/Regulatory Roles, namely- Water tax; Sewerage Tax or Sanitary Tax; Latrine Tax; Drainage Tax, Conservancy Tax (or Scavenging Tax); Lighting Tax; Building Permit Tax/Fee; Education Tax; Fire Tax;

(iv) Taxes on Businesses, Professions and Entertainments, namely - Advertisement Tax; Tax on Professions, Trades, Callings and Employments; Theatre Tax or Taxes on Cinemas, Circuses, Carnivals, performances.

(v) Taxes on Entry or Exit of Passengers, Goods and Services, namely - Octroi/ Entry Tax; Tax on tourists

(vi) Taxes on animals

(G) General :

(i) to promote eco-friendly investments in the Airport Planning Area and;

(ii) to conduct, promote and encourage research in matters connected with one or more of the Authority's purposes and functions;

(iii) to promote creativity and awareness among the residents of the Airport Planning Area and;

(iv) to regulate advertisement and secure and promote publicity in any form in Airport Planning Area and or elsewhere of the functions and activities of the Authority;

(v) to collect, compile and analyse information of a statistical nature relating to land, building, construction, land use, recreation or such other subject-matter necessary for the performance of the functions imposed upon the Authority by or under this Act or any other written law, and to publish and disseminate the results of any such compilation and analysis or abstracts of those results;

(vi) to provide advisory and information services including on matters relating to land planning and the development of land in the Airport Planning Area to Government;

(vii) to do such other acts and things as may be entrusted by the Government or as may be necessary for, or incidental or conducive to, and matters which are necessary for furtherance of the objects for which the Authority is constituted;

(viii) to fast track and address issues such as project delays, issues related to development fund and inter- departmental coordination;

(ix) to make recommendations or submit proposals to the Government or any person or statutory body for the preservation and protection of any monument and land of historic, traditional, archaeological, architectural or aesthetic interest;

(x) to provide information and advice to and act as agent and consultant for such Government department, person, company and corporation carrying on or intending to carry on a building project or scheme or urban redevelopment in Airport Planning Area and or elsewhere as the Authority may think fit;

(xi) to co-ordinate and give directions to the Corporations/ Institutions and Bodies/ Departments of the Government to facilitate infrastructure development in the Airport Planning Area and;

(xii) to acquire, sell, transfer, lease or grant licences or in any way alienate to use or occupy such land belonging to the Authority for the purposes of the development and redevelopment of the land as the Authority may think fit;

(xiii) to acquire, sell, transfer, lease or grant licenses to use or occupy land or other property as agent for the Government or any statutory authority when appointed to do so, for the purposes of the development and redevelopment of the land or property or for such other purpose as the Government or statutory authority may specify;

(xiv) and to own and manage such lands, buildings or other property as the Authority may think fit;

11. **Powers of the authority :**

(1) Subject to the provisions of this Act the Authority may carry on such activities as appear to the Authority to be advantageous, necessary or convenient for it to carry on for or in connection with the discharge of its functions under this Act and, in particular, the Authority may exercise one or more of the powers specified in the Second Schedule.

(2) The Authority may, in addition to the powers vested in it by sub- section (1), exercise such other powers as the Government may authorise by notification.

(3) The Authority shall, when it is exercising powers authorised by the Government under sub-section (2), be deemed to be exercising powers vested in it by sub-section (1).

(4) This section shall not be construed as limiting any power of the Authority conferred by or under any other law.

12. **Providing and regulating municipal services by the authority:**

(1) For the purposes of attaining the objectives this Act, the Authority shall exercise all such powers and perform all such functions as are provided in Chapters XII, XIII, XIV, XV, XVI, XVII, XVIII, XVIX, XX and XXI (Sections 181 to 407) of the Arunachal Pradesh Municipal Corporation Act, 2019 (No 8 of 2019) and these provisions shall mutatis-mutandis apply to the Authority as if it were a Municipal Corporation.

(2) Any offenses and penalties specified in the said Act shall also mutatis-mutandis apply to the Airport Planning Area and the Authority shall exercise the powers of the Corporation to prosecute or penalize the offenders.

(3) The Rules made under the Arunachal Pradesh Municipal Corporation Act, 2019 (No 8 of 2019) for the purpose of governing the Chapters XII, XIII, XIV, XV, XVI, XVII, XVIII, XVIX, XX and XXI (Sections 181 to 407) shall also mutatis-mutandis apply to the Authority as if it were a Municipal Corporation.

13. **Power to form or participate in company of Special Purpose Vehicle :**

(1) The Authority may, with the approval of the Government, form or participate in the formation of a company or create Special Purpose Vehicles (SPVs) with powers to raise money through equity, for various purposes, including but not limited to, design and construction of buildings related to capital city area, large infrastructure projects, provision of utility services, provision of urban services, design and execution of social infrastructure projects, and land acquisition and augmentation of financial resources. The Authority could participate in such Special Purpose Vehicles as an equity or debt holder and also have specified members of the Authority as members of the Board of such Special Purpose Vehicles.

(2) The Authority shall have the power to constitute area level offices as it deems fit and assign responsibilities and functions to such offices.

14. **Gift :**

The Authority may accept grant in aids gifts, legacies or donations and apply them for one or more of its functions.

15. **Ex-gratia payments:**

The Authority may, make an ex-gratia payment to a person sustaining damage by reason of the exercise of one or more of the powers vested in the Authority or its employees under and by virtue of this Act and maintain records in such manner as may be prescribed.

16. **Power of the Government in relation to authority:**

(1) The Government may, give to the Authority such directions, not inconsistent with the provisions of this Act, as it considers fit, as to the exercise of the functions of the Authority under this Act, and the Authority shall give effect to all such directions.

(2) The Authority shall furnish the Government with such information or facilities for obtaining information with respect to its property and the exercise of its functions in such manner and at such times as the Government may reasonably require.

17. **Delegation of powers :**

(1) Subject to the provision of sub-section (2), the Authority may by resolution direct that any power exercisable by it under the Act or rules or standing orders made thereunder may also be exercised by the Executive Committee or the Chief Executive Officer or Local body or officer of the Government, in such cases and subject to such conditions, if any, as may be specified therein.

(2) The Government may by notification, direct that any power exercisable by the Authority under the Act, except the power to make rules or standing orders, may be exercised by the Executive Committee or the Chief Executive Officer or any officer of the Government, in such cases and subject to such conditions, if any, as may be specified therein.

18. **Power to make rules :**

(1) The State Government may by notification and by specifying such conditions make rules to carry out the functions of the Authority to carry out the purposes of the Act:

Provided that consultation with the Authority shall not be necessary on the first occasion of the making of rules under this section:

Provided further that the Government shall take into consideration of any suggestions which the Authority may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely, -

(i) the control and management of lands and buildings acquired by, vested in or belonging to, the Authority;

(ii) the use and enjoyment and disposal of those lands, buildings and other property;

(iii) the prevention of trespass upon or on any of those lands and buildings and the removal of trespassers or other persons causing annoyance or inconvenience upon or in those lands and buildings;

(iv) the procedure to be followed in connection with the preparation, publication, submission and approval of the plan prepared under the Act, and the manner of the publication of the notice inviting objections and suggestions relating to any such plan;

(v) the form, manner and procedure for modifications to the plan prepared under the Act, the payment of fees and rates of conversion charges for such modifications;

(vi) the procedure for permitting or undertaking Land Pooling Scheme, Town Planning Scheme, Layout developments and their requirements and development specifications and conditions;

(vii) the form and manner of transferable development rights, the Authority may take up with owners;

(viii) the procedure for assessment, levy and collection of impact fee, cess, development charges, urban infrastructure fee and calculation and assessment for the land and buildings;

(ix) the terms of office of members and staff, their allowances and other conditions of service, summoning and holding of meetings, the conduct of business, powers and functions of the Chairman, Vice-Chairman and Chief Executive Officer;

(x) the functioning and conduct of meetings and any other matters relating to the powers and functions of the Authority and Executive Committee; and

(xi) any other matter which has to be or may be made by rules.

(3) The Government may, in making any rules under this section, provide that a contravention of or failure to comply with the rules shall be an offence and penalize with a fine not exceeding the sum of rupees two lakhs or imprisonment for a term not exceeding three months or both and in the case of a continuing offence, a further fine not exceeding rupees five thousand for every day or part thereof during which such offence continues after conviction in the court of Judicial First Class Magistrate.

(4) Every rule made under the Act shall immediately after it is made, be laid before the State Legislature while it is in session or in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislature agree in making any modifications in the rule or annulment of the rule, the rule shall, with effect from the date of notification in the Arunachal Pradesh Gazette of such modification or annulment shall have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

19. **Power to make regulations and orders :**

(1) The Authority may, by notification, make regulations and also issue standing orders consistent with this Act to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the power conferred in sub section (1) such regulations, with the approval of Government, may provide for all or any of the following:

(a) the procedure to be followed for mobilizing resources such as borrowing, loans, debentures and bonds and their repayment; and

(b) any other matter which is required to be provided by regulations.

(3) Further, in particular and without prejudice to the generality of the power conferred in sub-section (1) such standing orders may provide for all or any of the following: -

(a) the plan programs of the Authority, stages of implementation of the comprehensive development plan;

(b) form and manner for taking over lands by the Authority under negotiated settlement;

(c) the form, manner and procedure for the application for development permission, the payment of fees, rates of user charges, form of ownership clearance and fees payable and conditions to be complied with by the applicant and the Competent Authority while considering the building permissions based on the development permission given by the Authority;

(d) the form and manner of sanctioning of the building permissions by the Competent Authority and conditions to be adhered to and responsibilities of competent authority there to;

(e) the form and manner of conditionality of undertaking road development schemes by the Authority or Competent Body or State Government agency concerned; the method of entering into contracts by or on behalf of the Authority;

(f) the delegation of powers to officers of the Authority;

(g) the opening, keeping, closing and internal audit of accounts of the Authority;

(h) loans and allowances to officers of the Authority;

(i) housing accommodation for officers of the Authority;

(j) the professional and technical training of officers of the Authority;

(k) the job charts, duties and responsibilities of various positions in the Authority along with skills, experience and qualifications required to hold them;

(l) the method of entering into contract while hiring staff from the market or deputing staff from any Government or any Government organizations,

(m) terms of entry, conditions of service salaries and allowances, termination, powers and functions of the members, officers and staff;

(n) the form and conditions of licensing the developer entity, builder, architect, surveyor, town planner, structural engineer, engineer and other technical personnel;

(o) the form and content of mortgage deed and other conditions of surety to be complied by licensed developer and licensed technical personnel;

(p) the form and manner of preparation of Annual Plan and Budget and Annual reports of the Authority; and

(q) any other matter which is required to be provided by standing orders.

20. **Power to entry and power to demarcate survey:**

The Chief Executive Officer may authorize any person to enter into or upon any land or building with or without the assistance of workmen for the purpose of; -

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

(ii) examining works under construction and ascertaining the course of public utilities and drains or any aspect of public safety;

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

(iv) setting out boundaries and demarcation of intended alignment of roads, public utilities and other works;

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

(vi) ascertaining whether any land or property is being affected in any development plan or development scheme or road or public utility alignment;

(vii) grounding of new alignment of roads or road widening or alignment of existing or new communication network / electric lines;

(viii) ascertaining whether any land or property is being or has been developed in accordance with the development permission or in contravention of the provisions of the Act, or conditions subject to which the development permission has been issued are being or have been complied with or not;

(ix) doing any other thing necessary for the implementation of any development plan or development scheme or other provisions for the efficient implementation of the Act:

Provided that,

(a) no such entry shall be made between the hours of 6.00 A.M. and 6.00 P.M.;

(b) the development rights of the owner of the land would not be affected by such actions or by grounding of the said network;

(c) due regard shall always be had so far as may be possible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building or property entered or surveyed or demarcated;

(d) sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from such land or building or property.

Chapter - IV

Provisions relating to staff

21. **Chief Executive of the Authority:**

(1) The Government shall appoint a Chief Executive Officer as the Chief Executive of the Authority who shall be from an Indian Administrative Service, or Arunachal Pradesh Civil Services and possesses qualifications and eligibility to be posted as Deputy Commissioner, in the State.

(2) The Chief Executive Officer shall be responsible to the Authority for the proper administration and management of the functions and affairs of the Authority in accordance with the policy laid down by the Authority.

22. **Appointment of staff :**

(1) Subject to the categories and number of posts sanctioned by the Government, the Authority may,

(a) sanction and appoint heads for the departments such as Planning, Transportation and Engineering, Finance and Accounts, Housing and Environment, Economic Development and Investment Promotion, Administration and Human Resources, Vigilance, Revenue, Public Health, Town Planning or such other heads known by whatever name called to work under the overall control and direction of the Chief Executive Officer. The Chief Executive Officer and heads shall be entitled to receive from the funds of the Authority such remuneration and shall be governed by such conditions of service, as may be determined by standing orders made in this behalf.

(b) sanction and recruit such number of personnel on such terms as to remuneration or otherwise as the Authority may determine; and

(c) engage and remunerate for their services such persons or agents as the Authority considers necessary for carrying out its functions.

Explanation: - For the removal of doubts, it is hereby declared that the Authority, -

(i) may engage such heads or other officers and employees including the professional service providers and team of experts as may be necessary for the efficient performance of its functions and guide the Authority in implementation of the Act and may determine their designations, grades, scales of pay and allowances;

(ii) may utilize the services of the employees in the Government Services for various cadres in the Authority;

(iii) shall have the power to engage officials of various cadres on deputation from the State and Central Government departments or Public Sector units;

(iv) may engage external consultants, advisors and experts as considered necessary, at such rates and with such works to be assigned and determined by the Authority;

(v) shall have the power to hire the services of private agencies and engage people with expertise so as to meet any deficiencies in professional expertise required for the execution of its responsibilities;

(vi) may identify, engage, surrender, remove, re-appoint and appraise the performance of heads of departments, officers and other employees as provided by standing orders.

(d) The appointment, promotion, termination of appointment, dismissal and disciplinary control of the persons employed by the Authority shall be vested in the Chairman for group 'A' Officers, Chief Executive Officer for Group 'B' and 'C' officers and such officer as may be authorized by the Authority for Group 'D' staff. The standing orders in this regard along with terms and conditions of service shall be made by the Authority.

(e) The recruitment to the direct recruitment Group 'A' posts of the Authority shall be made by Arunachal Pradesh Public Service Commission and for the direct recruitment group 'B' or 'C' or 'D' post shall be made by the Arunachal Pradesh Staff Selection Board.

23. **Bar of certain suits:**

No suit, prosecution or other proceedings shall lie against the State Government, the members of the Authority, the tribunal, the Executive officer or an officer or servant of the State Government, the Authority, the tribunal, the Executive officer for anything which is in good done or intended to be done under this Act.

24. **Member, officers and the servants of the authority and tribunal to be a public servant:**

All members of the Authority, officers and servants of the Authority, the Tribunal and all other persons entrusted with the execution of any function under the Act, shall be deemed when acting or purporting to act in pursuance of any of the provisions of the Act or the rules or standing orders made thereunder, to be public servants within the meaning of Section 2 (28) of the Bharatiya Nyaya Sanhita, 2023.

Chapter - V

Financial Provisions

25. **Development fund and revolving fund:**

(1) For the purpose of enabling the Authority to carry out its objects within the Airport Planning Area and to defray expenditure, including defraying initial expenses, and for the provision of working capital, a fund by the name 'development fund' with such seed capital as deemed fit by the Government shall be created for the purpose of administering the Act.

(2) A separate City Infrastructure Development Fund shall be created within the Development Fund to enable implementation under Section 44 of this Act.

(3) The Authority shall have the power to maintain and manage the Development Fund and allocate finances based on the plan and programmes of the functional departments or line agencies for undertaking development of amenities and infrastructure facilities and to monitor and exercise financial control over the budgetary allocations concerning development works made through it to the various public agencies, line agencies and other agencies;

(4) The Authority shall manage and operate the development fund to which shall be credited:

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

(b) all moneys borrowed by the Authority by way of loans or debentures;

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

(d) sum of money received from projects implemented under development schemes;

(e) all moneys earned from remunerative projects and schemes by way of rent or otherwise and disposal of its assets;

(f) sum of money received by way of user charges;

(g) all development charges or other charges, fees received under the Act or rules or standing orders made thereunder;

(h) all monies received from financial institution or other agencies in the form of equity; and

(i) any other sum of money received by the Authority from any other sources, including constituent local bodies, for performing its functions.

(5) All the funds mentioned under sub-section (3) pertaining to implement under Section 44 of this Act, shall be accounted for under City Infrastructure Development fund and shall be managed and operated by the Authority;

(6) All properties, funds and dues which are vested in or realizable by the Authority pertaining to Airport Planning Area (for the purpose of this Act) and for the purposes of the Act shall vest in or be realizable by the State Government and by the Authority on behalf of State Government;

(7) All liabilities which are enforceable against Airport Area Planning and Development Authority in the Airport Planning Area and shall be enforceable against the State Government and against the Authority representing the State Government.

(8) The Authority may accept grants, subventions, donations and gifts from the Central or State Government or local body or any individual or body whether incorporated or not, for all or any of the purposes of the Act on such terms and conditions as mutually agreed upon.

(9) The Development Fund shall be applied towards meeting,-

(a) the expenditure incurred in the administration of the Act;

(b) the cost of acquisition of land for the purposes of the Act;

(c) expenditure for any development of land for ensuring planned development in the Airport Area Planning and;

(d) any expenses incurred by the Authority in connection with preparation of perspective plan, comprehensive development plan, local area development plan, and infrastructure plan or any other plan, undertaking surveys, studies and execution of projects and schemes;

(e) the maintenance of sinking fund and other separate accounts required under the Act;

(f) the construction of buildings, development of infrastructure and provision of amenities and such other public purposes as required for the capital city area development.

(10) The development fund shall be ring-fenced to ensure that it can only be used for the purposes specified under the Act and also for the purposes of infrastructure in the Airport Planning Area and utilization of funds for any other purposes other than the specified under the Act shall be exercised only after placing the proposals before the Authority by the Chief Executive Officer and after approval by the Authority.

(11) The development fund shall be governed by the following principles, namely, -

(a) Head of Finance of the Authority shall be responsible for administering the development fund and should be responsible for its administration, management and monitoring;

(b) The development fund shall be audited annually by reputed professional audit firms;

(c) The development fund shall be managed using professional fund management practices including treasury, cash management and investment portfolio management;

(d) All returns generated via investments made using development fund shall accrue back to the development fund;

(e) The Head of Finance shall prepare and submit annual investment plan (along with the budget) outlining investment and funding strategy for the year.

26. **Power to dispose developed land:**

The Authority may, dispose any developed land or part thereof in such manner as may be prescribed.

27. **Mobilization of Financial resources:**

(1) The Authority may, from time to time, for the purposes of this Act, raise loans from the Government or, mobilise resources from any other source, either by creation and issue of debentures, bonds, or otherwise.

(2) The Authority shall pay interest on such loans at such rates and at such times and shall make such provision for the mode and time or times of repayment of principal.

(3) The Authority may, from time to time borrow by way of a temporary loan or overdraft from a bank or otherwise, any sum which it may temporarily require;

(a) for the purpose of defraying expenses pending the receipt of revenues receivable by it in respect of the period of account in which those expenses are chargeable; or

(b) for the purpose of defraying, pending the receipt of money due in respect of a loan authorised to be raised under sub-section (1), expenses intended to be defrayed by such loan.

(4) Loans, debentures and bonds issued under this section may be guaranteed by the Government as to the repayment of the principal and the payment of interest at such rate as may be agreed upon.

Explanation: - For removal of doubts, it is hereby declared that the Authority may raise finance for any project or scheme for the development of the Airport Planning Area for the execution of such project or scheme;

(5) All loans raised by the Authority under this section, together with all interest and other sums payable in respect thereof, shall be charged indifferently upon all the revenues of the Authority and shall rank equally with one another, with priority over any other charge on the revenues of the Authority.

(6) The Authority shall maintain a sinking fund for the repayment of loans and moneys borrowed and shall pay every year into the sinking fund such sum as may be required under the borrowing contract and sufficient for repayment within the period fixed for all moneys so borrowed.

28. **Issues of securities etc.;**

As a consequence of the vesting of any property, rights or liabilities of the Government in the Authority under this Act, or of any capital injection or other investment by the Government in the Authority in accordance with any written law, the Authority may issue such securities or other securities to the Government as mutually agreed.

29. **Annual estimates:**

(1) The Authority shall every year cause to be prepared and shall adopt annual estimates of income and expenditure of the Authority for the ensuing year.

(2) Supplementary estimates may be adopted by the Authority at any of its meetings.

(3) A copy of all annual and supplementary estimates shall, upon their adoption by the Authority, be sent forthwith to the Government.

(4) The Authority may transfer all moneys or part thereof assigned to one item of expenditure to another under the same head of expenditure in supplementary estimates.

(5) A summary of the annual estimates and supplementary estimates adopted by the Authority shall be published in the Official Gazette.

30. **Annual plan report:**

(1) The Authority shall prepare for every year, an annual plan and further shall as soon as practicable after the end of each financial year but not later than 30th September in each year furnish to the Government a report of its functions during the preceding year.

(2) The Government shall cause a copy of every such report to be laid in the State Legislature.

31. **Power of investment:**

The Authority may invest its funds in accordance with the standard investment power of statutory bodies as defined under rules made in this regard.

32. **Application of revenue authority:**

The Government may, after consultation with the Authority, give directions to the Authority as to the manner in which its revenues shall be applied.

33. **Pension of members, officers and employees**:

(1) The Authority shall apply such contributory provident fund and pension scheme, for the benefit of its whole-time paid members, officers and other employees in such manner and subject to such conditions, as may be prescribed.

(2) Where any such contributory provident fund or pension scheme is to be applied, the Government may by notification declare applicability of the provisions of the CCS (Implementation of National Pension System) Rules 2021, in respect of the officers, employees and staff of the authority.

34. **Other financial provision:** .

(1) The financial provisions set out in the Third Schedule shall have effect with respect to the Authority.

(2) The Government may, by notification may amend the provisions of the Third Schedule, retrospectively or prospectively.

Provided that such provisions made thereunder may retrospectively be amended.

(3) Notwithstanding anything contained in sub-section (2) no act or proceedings of the Authority shall be questioned on account of retrospective amendment of the Third Schedule.

Chapter - VI

Planning Process

35. **Preparation of comprehensive development plan for Airport area:**

Subject to the provisions of the Act, the Authority shall, -

(1) Within one year of its constitution or within such time as the Authority may extend, prepare a perspective plan for the Airport Planning Area incorporating the infrastructure plan in the manner prescribed by standing orders.

(2) Within two years of its constitution or within such time as the Authority may extend, prepare a comprehensive development plan for the Airport Planning Area and such other areas as are deemed necessary along with the infrastructure plan in the manner prescribed by standing orders. In particular, the plan shall provide proposals and policies, so far as may be necessary, for all or any of the following matters, namely;

(a) for designating the use of the land for residential, industrial, commercial, agricultural and recreational purposes;

(b) for the reservation of land for public purpose, such as schools, colleges and other educational institutions, medical and public health institutions, markets, social welfare and cultural institutions, theatres and places for public entertainment, public assembly, museums, art galleries, religious buildings, play-grounds, stadium, open spaces, dairies and for such other purposes as may, from time to time, be specified by the Authority;

(c) for designation of areas for zoological gardens, green belts, natural reserves and sanctuaries;

(d) for transport and communications, showing ring/radial/grid roads connecting all settlements, metro/mono rail, bus rapid, transit routes, highways, parkways, railways, waterways, canals and airport, including their extension and development, traffic and transportation, transit-oriented development, and mass transportation facilities;

(e) for water supply, storm water drainage, sewage disposal, other public utility amenities and services including supply or electricity and gas;

(f) for reservation of land for community facilities and services;

(g) for designation of sites for service industries, industrial estates and any other industrial development on an extensive scale;

(h) for preservation, conservation and development of areas of natural scenery and landscape enhancing greenery, urban landscape implementation in Airport Planning Area and individual plots, riverfront development and/or lake or water front development;

(i) for water conservation, watershed management, water harvesting, recharge of ground water, flood control and prevention of air, water and river pollution;

(j) for preservation of features, structures or places of historical, natural, architectural or scientific interest and of educational value;

(k) proposals and policies for promoting housing and community facilities for all sections of society;

(l) for promoting urban design and built form with aesthetics and architectural control for overall development and individual plots;

(m) for the reservation of land for the purpose of Union, any State, local body or any other authority or body established by or under any law for the time being in force;

(n) for the filling up or reclamation of low lying, swampy or unhealthy areas or leveling up of land;

(o) provision for controlling and regulating the use and development of land within the development area, including imposition of conditions and restrictions in regard to the open space to be maintained for buildings, the percentage of building area for a plot, maximum floor space index, the locations, number, size, height, number of stories and character of buildings and density of built up area allowed in specified area, the use and purposes to which a building or specified areas of land may or may not be appropriated, the sub-divisions of plots, the discontinuance of objectionable uses of land in any area in any specified periods, parking spaces, loading and unloading space for any building and the sizes of projections and advertisement signs and hoardings and other matters as may be considered necessary for carrying out the objects of this Act;

(p) provisions for preventing or removing pollution of water or air caused by the discharge of waste or other means as a result of the use of land;

(q) such other proposals for public or other purposes as may from time to time be approved by the Authority or as may be directed by the State Government in this behalf.

(3) Undertake detailed local area development plan for the Airport Area as well as for the rest of the Airport Planning Area and covering all the matters at sub-section (2) and enforce development regulations in those areas for the purpose of securing planned development.

(4) Undertake surveys and studies in the Airport Planning Area, create and maintain the data base and information system required for collection and/or use of such information and prepare reports, projects, plan and maps; and associate advisors, consultants as may be necessary for such purposes.

(5) Review and revise the perspective plan, the Comprehensive Development Plan, local area development plan, or any other plan.

(6) After the coming into operation of a comprehensive development plan, the approved perspective plan of the same area shall stand modified or altered to the extent the proposals in the comprehensive development plan are at variance with the perspective plan.

36. **Process of approval and modification of plan:**

(1) The process for approval or modification of perspective plan and the Comprehensive development Plan shall be as per the Seventh Schedule.

(2) The Government, by notification may add, delete, modify or otherwise amend the provisions of Seventh Schedule, prospectively or retrospectively:

Provided that any retrospective amendment in the Seventh Schedule shall not affect validity of action or process undertaken by any authority prior to such amendment, or questioned in any petition before any court or tribunals.

37. **Power to under preparation of local area development plan:**

(1) Subject to overall conformity with the perspective plan, comprehensive development plan and infrastructure plan, the Chief Executive Officer on order of the Authority may undertake the preparation of local area development plan for a local area for any of the provisions as stated at sub-section (2) of Section 35 with a time span of five to ten years.

(2) The Chief Executive Officer shall submit the said local area development plan prepared for its jurisdiction, after calling for objections, suggestions and representations, to the Authority for approval.

(3) As soon as may be, after submission of the Local Area Development Plan, but not later than the time prescribed by the rules, the Authority, may either approve the Local Area Development Plan or may approve it, with such modifications, as it may consider necessary, or may return the Local Area Development Plan to the Chief Executive Officer to modify the plan or prepare a fresh plan in accordance with such directions as the Authority may issue in this behalf.

(4) The approval accorded by the Authority shall be notified in the Official Gazette and the plan shall come into force from the date of publication.

38. **Enforcement of sanctioned plan:**

(1) The plan sanctioned under Sections 36 and 37, shall be binding on all the local bodies, all organizations and the residents in the Airport Planning Area

(2) The guidelines, polices, specifications and targets regarding affordable housing as proposed in the said sanctioned plan shall be enforced by the Authority within the Airport Planning Area.

(3) The Authority shall be responsible for the implementation of the sanctioned plan in the Airport Planning Area under the overall control of the Chief Executive Officer.

39. **Suspension of plan in emergency by State Government:**

If the State Government is satisfied that a grave emergency exists which necessitates the suspension of any Comprehensive Development Plan or part of any Comprehensive Development Plan, it may, by a notification in the Official Gazette, suspend any Comprehensive Development Plan in whole or in part.

Chapter - VII

Development Schemes

40. **Development Scheme:**

(1) Subject to the provisions of this Act or any other law for the time being in force, the Authority may, within its jurisdiction, or any part thereof, for the purpose of achieving planned development and for providing better infrastructural facilities by implementing the proposals as envisaged in the plan sanctioned under Sections 36 and 37 on its own or authorize any other body or any developer entity to prepare and implement one or more development schemes in conformity with such plan:

Provided that the scheme is contiguous and approachable by a public road.

(2) Land uses earmarked in the plan sanctioned under Sections 36 and 37 as peri-urban use, conservation use, agricultural use, or any other non- conflicting uses as may be decided by the Authority shall automatically stand converted to uses proposed under the development scheme:

Provided that land uses earmarked as bio-conservation use, water bodies, buffer zone, forest use and all other such prohibited uses as may be decided by the Authority including roads and utilities sanctioned in plan under Section 35 are prohibited from automatic change of land use or modification:

Provided further that, the marginal realignment of road network proposed in the sanctioned plan under Section 35 may be considered by the Authority, if the said realignment is within the scheme area and is essential in the overall interest of the development of the area and does not in any manner contradict the comprehensive development plan.

(3) The Authority as and when required, may by notification invite applications from any developer entity to undertake a development scheme independently or jointly with the Authority as specified in accordance with the provisions of this Act, as per the terms and conditions specified in the notification and as per the conditions stipulated by the Authority while according sanction for the development scheme.

(4) The types of development schemes shall be, -

(a) Land Pooling Scheme;

(b) Town Planning Scheme; and

(c) Any other special development scheme as prescribed.

(5) Notwithstanding anything contained under this Act, the Government may, after making such inquiry as it deems necessary, by notification, require the Authority to make development scheme in respect of any area within the Airport Planning Area which conforms to the provisions of this Act.

(6) For the purposes of the provisions of the Act, the requisition made by the Government through a notification shall be deemed to be the declaration of intention to make a scheme.

41. **Provisions of development schemes:**

The development scheme may make provisions for any of the following matters, namely;

(i) the laying out or relaying out of land, either vacant or already built upon;

(ii) lands likely to be used for construction of buildings for residential or commercial or industrial or for other purposes;

(iii) layout of new streets or roads, construction, diversion, extension, alternation, improvement of streets and communication network;

(iv) the allotment of land for roads, spaces for public purposes like open spaces, gardens, recreation grounds, schools, markets, green belt, transport facilities, utilities and amenities of all kinds;

(v) drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal;

(vi) lighting;

(vii) water supply;

(viii) trunk and other infrastructure required to service the infrastructure within the development area;

(ix) preservation, conservation and protection of all heritage related objects and also water bodies;

(x) The preservation of objects of historical or national interest or natural beauty; and

(xi) Such other provisions as prescribed by the Authority.

42. **Content of development schemes:**

The development scheme shall contain the following particulars, namely;

(a) A geo-spatial survey of all parcels of the land covered under the development scheme;

(b) details of ownership claim of all parcels of land;

(c) preparation of the scheme incorporating details such as roads, amenity areas, land use and such other items in accordance with the sanctioned plan under Sections 36 and 37;

(d) the land use break-up of the scheme;

(e) the re-constituted plots which would be re- allotted to the land owners;

(f) method of re-allotment or registration;

(g) original location of the land and location of the developed land;

(h) the plots / lands to be allotted to the Authority or developer entity in lieu of the cost of development towards the preparation, sanction, provision of infrastructure and amenities and implementation of the scheme;

(i) the plots / land to be allotted to the Authority in lieu of the cost of development towards provision of infrastructure and amenities and other costs and expenses to be incurred for the scheme and external trunk infrastructure;

(j) type of the development entitled for each of the plot / land based on the use of the development including the sectors of capital city area in accordance with;

(k) line estimates for development of the scheme (level and cost of infrastructure shall be as per the prescribed standards);

(l) the area proposed for various purposes as prescribed;

(m) any other particulars as may be prescribed.

43. **Infrastructure and amenities to be provided:**

(1) The Authority or the developer entity whoever undertakes the development scheme shall provide the following infrastructure and amenities in the area of development scheme;

(a) road development;

(b) electric lines and street lighting located in exclusive strips of land;

(c) water supply;

(d) sewerage works - distribution network and sewerage treatment facility;

(e) storm water drainage network;

(f) rain water harvesting;

(g) telecommunication lines located in exclusive strips of land over ground or in ducts under the surface; and

(h) development of open spaces for parks, play grounds and avenue plantation without obstructing pedestrian ways or roads;

(2) The responsibility of providing infrastructure within the reconstituted plots shall lie with the owner.

44. **Cost of Scheme:**

The following shall constitute the cost of the schemes: -

(i) all sums spent or estimated to be spent to undertake the scheme including proportionate external and full internal infrastructure cost or betterment charges;

(a) in the making of the scheme;

(b) in the execution of the scheme;

(c) in the execution of such part of the peripheral and bulk services as may be considered necessary.

(ii) all sums payable to any other agency or Government under the provisions of any other relevant Acts;

(iii) administrative and legal expenses including risk reserves based on the future litigations;

(iv) the cost of publication charges in the newspapers pertaining to the scheme;

(v) registration charges, if any.

45. **Reconstitution of plots:**

(1) The title of the land owners covered under the development scheme shall be verified with reference to the land possession certificates, land allotment documents and other relevant records of ownership of land by the Deputy Commissioner, or his nominee, not below the rank of Additional Deputy Commissioner and an order issued under his seal and signature confirming the acceptance or otherwise of the land for the development scheme.

(2) In the development scheme, the size and shape of every plot shall be determined, so far as may be, to render it suitable for development and complying with the provisions of the scheme.

(3) The development scheme may be prepared in sectors with details of the name, number of the plots, roads and the reconstituted plots with numbering which shall be allotted in the area of the development scheme to the owners in accordance with the eligibility as may be prescribed.

(4) The Authority may earmark the land allotted to it in a single separate sector or in a group of sectors for specific purposes, and the reconstituted plot / land may be allotted to the land owners in a single separate sector or group of sectors for the purposes specified in the development scheme.

(5) The development scheme may contain proposals;

(a) to form reconstituted plot/land by the reconstitution of the original lands by the alteration of its boundaries and by the transfer of any adjoining lands if necessary;

(b) for location of the reconstituted plot/land anywhere in the identified area of the development scheme;

(c) for allotment of reconstituted plot/land by draw of lots;

(d) to provide with the consent of the owners the allotment of reconstituted plot/land jointly as common reconstituted plot; and

(e) for allotment of a reconstituted plot/land to any owner dispossessed of land in furtherance of the scheme.

(6) The proportion and extent of eligibility for each land owner shall be determined before publishing the draft development scheme.

46. **Restriction on the use and development of land after publication of draft development scheme:**

(1) On or after the date on which a draft development scheme is published, no person shall, within the area included in the scheme, carry out any development unless such person has applied for and obtained the necessary permission for doing so from the Chief Executive Officer in prescribed form and on payment of such scrutiny fees and charges as may be prescribed by regulations.

(2) Where an application for permission is received by the Chief Executive Officer, he shall, send to the applicant a written acknowledgement of its receipt and after making such inquiry as he deems fit, may either grant or refuse such permission or grant it subject to such conditions as he may think fit to impose.

(3) If any person contravenes the above provisions or of any condition imposed, the Chief Executive Officer may direct such person by notice in writing to stop any development in progress and after making an inquiry in the prescribed manner remove, pull down, or alter any building or other development or restore the land or building in respect of which such contravention is made to its original condition.

47. **Disputed ownership:**

(1) Where there is a disputed claim to the ownership of any piece of land included in the area under the development scheme in respect of which a declaration of intention has been made and any entry in the record of rights or mutation relevant to such disputed claim is inaccurate or inconclusive, the Deputy Commissioner shall make a reference in a similar manner as per Section 77(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to the same Authority who is competent to consider a reference under Section 64 of the Act.

(2) The enquiry for a reference under sub-section (1) may be held by Competent Authority in case of any development scheme at any time before the final allotment of the reconstituted plot/land for the purposes of deciding as to who shall be deemed to be the owner for the purposes of this Act and pass orders under his seal and signature.

(3) The Reconstituted plot/ land / Rights over the land that would have been allotted to the owner shall be kept reserve by the Authority for determination under sub-section (2) for a period of one year of the reference.

(4) Upon the expiry of one year of the reference, the Authority may, after informing the Competent Authority, dispose the reconstituted plot / land / rights over the land by a tender or auction process, and deposit the proceeds, after deducting such administrative charges as may be prescribed, to the Competent Authority.

Provided that the Competent Authority may, even before expiry of one year of the reference, by order, direct the Authority to dispose the said plot / land / rights over land by a tender or auction process, and deposit the proceeds, after deducting such administrative charges as may be prescribed, to the Competent Authority.

48. **Registration not required:**

(1) Nothing in the Registration Act, 1908 shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a development scheme implemented by the Authority which has come into force.

(2) All such documents, plan and maps shall, for the purposes of Sections 48 and 49 of the Registration Act, 1908 be deemed to have been registered in accordance with the provisions of that Act:

Provided that the documents, plan and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

Chapter - VIII

Land Pooling Scheme

49. **Land pooling Scheme:**

(1) The land pooling scheme is intended for group of land owners, owning contiguous piece of land, volunteering to reconstitute their land in accordance with the Comprehensive Development Plan and develop the land in collaboration with the Authority.

(2) Minimum threshold of land the group of land owners should own within the boundaries of the Airport Planning Area for them to qualify for availing the land pooling scheme shall be 10 hectares, or such other threshold, as may be notified by the Government.

(3) The area of the Land pooling Scheme should have an access from minimum 50m wide road.

50. **Reservation and allotment:**

(1) The reservation and allotment of land for various purposes in the land pooling scheme may be as specified below;

(a) ten percent of total area of the scheme for parks, playgrounds, gardens, greens and recreational use and open spaces;

(b) twenty-five percent of total area of the scheme for roads and utility services, including affordable housing or shelter for poor;

(c) five percent of total area of the scheme for social amenities such as school, dispensary and other community facilities;

(d) at least five percent of total area in the form of developed plots to be surrendered to the Authority in lieu of the cost of development towards provision of external infrastructure and amenities and other costs and expenses to be incurred for the scheme and external trunk infrastructure:

Provided that the Authority shall have the first right to select the plots that need to be surrendered to it from amongst the re-constituted plots in the land pooling scheme.

Explanation- Authority shall be deemed to have full title over these plots and may dispose this land for development of the city or for residential or commercial or public or semi-public or any other purposes as may be approved by the Authority for generating funds for providing the external trunk infrastructure and services.

Provided that the percentage of the allotment of land as specified in clauses from (b) to (d) may be altered by the Authority while preparing the land pooling scheme depending upon the nature of existing and proposed development as per sanctioned comprehensive development plan under Sections 36 and 37 and for the reasons to be recorded in writing.

(2) Authority may, by general of special orders fix land-use framework, specifying minimum and maximum percentage for various land-uses that need to be adopted by the developer entity in preparing the land pooling scheme.

(3) The area of the land pooling scheme shall be as notified by the Competent Authority for land pooling under section 52 of this Act.

51. **Role of developer entity:**

The developer entity intending to undertake a land pooling scheme shall obtain a license from the Chief Executive Officer to formulate and implement a land pooling scheme containing such particulars and details as may be prescribed:

Provided that, -

(i) the developer entity shall submit the application to formulate and implement a land pooling scheme only after a notification is issued by the Authority as stated at sub-section (3) of Section 40 under the Act;

(ii) the requirements of the Scheme as prescribed under this Act shall be complied with;

(iii) the costs for development of the development scheme shall factored into the project before the developer undertakes the development work;

(iv) the developer entity shall obtain all necessary permissions from the Chief Executive Officer as required under the Act duly paying the prescribed fees and charges to undertake the scheme;

(v) The developer entity shall mortgage a part of the scheme area as may be prescribed, in favour of the Authority in order to comply with the conditions of the development scheme and the same shall be re-conveyed by the Chief Executive Officer while issuing the completion certificate of the scheme.

52. **Process for approval, implementation and completion of land pooling scheme:**

(1) The Competent Authority for land pooling shall be the Chief Executive Officer and includes such other officers along with staff, appointed by Government for the purpose.

(2) The process for declaration, sanction, approval, implementation and completion of land pooling scheme shall be as specified in the Eighth Schedule.

(3) The Government, by notification may add, delete, modify or otherwise amend the provisions of Eighth Schedule, prospectively or retrospectively:

Provided that any retrospective amendment in the Eighth Schedule shall not affect validity of action or process undertaken by any authority prior to such amendment, or questioned in any petition before any court or tribunals.

53. **Power of the State Government to sanction land pooling scheme:**

After receiving the proposed land pooling scheme, from the Authority, the Government may, within such period as may be prescribed, by notification, sanction such scheme with or without modifications or subject to such conditions as it may think fit to impose or refuse to sanction it.

54. **Effect of final notification of land pooling scheme:**

(1) The land or plots earmarked for the purposes in clauses (iii), (iv), (v), (vi), (vii) and (viii) and (ix) of Section 41 and reserved in accordance with the clauses (a), (b), (c) and (d) of sub-section (1) of Section 50 in the notified area under the final land pooling scheme shall vest absolutely with the State Government. These lands shall be managed by the Authority for the purposes of this Act on behalf of the State Government.

(2) After notification of the final land pooling scheme, the same shall deemed to be incorporated in the notified plan under Section 35 as the case may be.

(3) All lands reserved for the parks, play grounds and open spaces and all lands allotted for roads and social amenities shall be deemed to be handed over to the Authority upon notification of the final land pooling scheme.

(4) All lands allotted for the Authority or the developer entity, as the case may be, shall also be deemed to be handed over to the Authority or the developer entity, as the case may be.

(5) The notified final land pooling scheme shall be a deemed layout development permission by the Authority.

55. **Implementation of final land pooling scheme:**

(1) The physical demarcation of roads and plots of the final land pooling scheme shall be commenced immediately on final sanction and shall be completed within the prescribed time period.

(2) The internal infrastructure within the Scheme Area shall be developed by the developer entity in a phased manner in a period as may be prescribed.

(3)\ For removal of doubts, infrastructure works, as illustrated in the Sixth Schedule shall be developed and provided by the developer entity.

Provided that the Authority may, by notification add, delete or otherwise amend the Sixth Schedule prospectively or retrospectively.

(4) The Authority shall develop and provide for other common services such as HT power, HT electricity sub-stations, Fire stations, Water Supply, Waste Disposal, Schools, Health institutions, Aanganwadi and day care centers and such other facilities that may be decided by the Authority.

(5) Where the developer entity fails to develop the area under land-pooling scheme as per the comprehensive development plan within the maximum period prescribed, the said developer entity shall be liable to pay a penalty of one crore rupees to the Authority.

(6) The owner of the reconstituted plot will be responsible for the following, namely;

(a) for providing all the required infrastructure within the reconstituted plot and for obtaining development permissions shall be as per applicable regulations;

(b) to obtain all permissions and requisite 'No Objection Certificates' required for the development of the reconstituted plot; and to pay necessary fees and charges shall be as per the rules for the sanction of development permission before commencing any construction activity on reconstituted plots.

56. **Effect of notification of completion of final land pooling scheme:**

Upon the notification of completion of final land pooling scheme, -

(a) the reconstituted plots shall vest in the persons and entities as notified in the final scheme;

(b) the Developer Entity shall hand over formal possession of the reconstituted plots to the land owners within such period as may be prescribed; and

(c) The Competent Authority for Land Pooling shall issue Land title Certificate to the owners of the re-constituted plots and such certificate shall be the conclusive evidence of the title of the property in respect of the reconstituted plot/land and shall be eligible for transfer of rights of the property in accordance with the provisions of the Registration Act, 1908. (Central Act XVI of 1908).

57. **Infrastructure maintenance:**

(1) The reconstituted plot/land owners shall have to pay for the usage, consumption and maintenance charges levied by the Authority or agencies responsible for the common infrastructure and respective services including roads, street lighting, solid waste management, sewerage treatment facility, water supply, parks and play grounds and other amenities.

(2) The Authority may maintain the common infrastructure and facilities either on its own or authorize a Local body or an elected resident welfare association duly collecting the necessary charges for such maintenance.

Chapter - IX

Town Planning Schemes

58. **Town planning scheme:**

(1) Subject to the provision of this Act or any other law for the time being in force, the Authority may make one or more town planning schemes for the Airport Planning Area or any part thereof, regard being had to the proposals in the sanctioned comprehensive development plan under 35, if any.

(2) Town planning scheme may be in accordance with the provisions of this Act in respect of any land which is:-

(a) in the course of development;

(b) likely to be used for residential or commercial or industrial or for building purposes; or

(c) already built upon.

Explanation:

For the purpose of this sub-section, the expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds parking spaces or for the purpose of executing any work upon or under the land incidental to a Town planning scheme, whether in the nature of a building work or not.

(3) The reservation and allotment of land for various purposes in the town planning scheme shall be in accordance with sanctioned comprehensive development plan and as specified in sub-section (1) of Section 50.

(4) In addition to the reservation specified in sub-section(1) of Section 50, an additional five percent of total area in form of the developed plots to be surrendered to the Authority in lieu of cost of development towards provision of internal infrastructure and amenities and other costs and expenses required to execute the scheme.

59. **Procedure for making declaration of town planning scheme:**

(1) The Competent Authority for town planning scheme shall be the Chief Executive Officer and includes such other officers along with staff, appointed by Government for the purpose.

(2) The process for declaration, sanction, approval, implementation and completion of town planning scheme shall be as specified in the Ninth Schedule.

(3) The Government, by notification may add, delete, modify or otherwise amend the provisions of Ninth Schedule, prospectively or retrospectively:

Provided that any retrospective amendment in the Ninth Schedule shall not affect validity of action or process undertaken by any authority prior to such amendment, or questioned in any petition before any court or tribunals.

(4) The town planning scheme shall be mandatory and all the land owners shall invariably participate in such town planning scheme on declaration of intention to make the scheme by the Authority.

60. **Power of the Government to sanction draft town planning scheme:**

After receiving the proposed town planning scheme from the Authority, the Government may, within such period as may be prescribed, by notification, sanction such scheme with or without modifications or subject to such conditions as it may think fit to impose or refuse to sanction it.

61. **Vesting of land in the authority:**

(1) Where a town planning scheme has been notified by the Government under Section 60, all lands required by the Authority for the purposes in clauses (iii), (iv), (v), (vi), (vii) and (viii) and (ix) of Section 41 and reserved in accordance with the clauses (a), (b), (c) and (d) of sub-section(1) of Section 50 and sub-section(4) of Section 58 shall vest absolutely in the State Government free from all encumbrances. These lands shall be managed by the Authority for the purposes of this Act on behalf of the State Government.

(2) Nothing in sub-section (1) shall affect any right of the owner of the land vesting in the Authority under that sub-section. However, no such owner shall undertake any development, construction or modification of construction on such land that has been vested in Government by virtue of sub-section (1).

(3) The provisions of Sections 68 and 69 shall mutatis-mutandis apply to the 'sanctioned scheme' as if the 'sanctioned scheme' was a preliminary scheme.

62. **Appointment of town planning officer:**

(1) The Authority shall appoint a Town Planning Officer possessing such qualification within such time from the date on which the sanctioned scheme is notified, as may be prescribed, for the purpose of such scheme and provide him with such number of officers and staff as may be considered necessary and his duties shall be as hereinafter provided:

Provided that the Government may, on the request made by the Authority, appoint a town planning officer within thirty days from the date of the publication of the draft town planning scheme under Section 60.

(2) The Government may, if it considers fit, at any time, remove, on the ground of incompetence or misconduct or any other good and sufficient reasons, a town planning officer appointed under this section and shall forth with appoint another person in his place and any proceeding pending before town planning officer immediately before the date of his removal shall be continued and disposed of by the new Town Planning Officer appointed in his place:

Provided that no town planning officer shall be removed under this sub-section expect after an inquiry in which he has been informed of the charges against him and a reasonable opportunity of being heard in respect of those charges has been given to him.

(3) Subject to the provisions of sub-section (2), a Town Planning Officer appointed under sub-section (1) for the purpose of any scheme shall cease to hold office with effect from the date on which the final town planning scheme is notified under para 10 of the Ninth Schedule.

63. **Implementation of sanctioned scheme:**

The sanctioned scheme shall be implemented as per the provisions of para 10 of Ninth Schedule by notifying the preliminary and final notification in accordance with the provisions of Ninth Schedule.

64. **Composition of Board of appeal:**

(1) The Government shall, from time to time by notification, constitute a Board of Appeal for hearing and deciding appeals for matters related to para 7 of the Ninth Schedule.

(2) The constitution, procedure and powers of Board of Appeal shall be as specified in the Seventh Schedule

(3) The Government, by notification may add, delete, modify or otherwise amend the provisions of Ninth Schedule, prospectively or retrospectively:

Provided that any retrospective amendment in the Ninth Schedule shall not affect validity of action or process undertaken by any authority prior to such amendment, or questioned in any petition before any court or tribunals.

65. **Decision of town planning officer to be final in certain matters and variation of scheme in view of decision in appeal:**

(1) Where no appeal has been presented under para 8 of the Ninth Schedule, the decision of the town planning officer shall be final and binding on all the parties.

(2) The Board of Appeal shall send a copy of its decision in appeal to the Town Planning Officer who shall, if necessary, make any variation in the scheme in accordance with such decision and shall forward the final Scheme together with a copy of his decision under para 6 of the Ninth Schedule and a copy of the decision of the Board of Appeal in appeal to the Government for the sanction of the Final Scheme.

66. **Power to split up sanctioned scheme into separate section:**

(1) After a town planning officer has been appointed under Section 62, the Authority may apply to him to split up the 'sanctioned scheme' into different sections and to deal with each section separately as if such action were a separate sanctioned scheme.

(2) On receipt of an application under sub-section (1), the town planning officer may, after making such inquiry as he considers fit, split up the 'sanctioned scheme' into sections.

(3) The provisions of the Act and the rules made thereunder shall, so far as may be, apply to each of such sections as if, it were a separate 'sanctioned scheme'.

67. **Effect of preliminary scheme:**

On the day on which the Preliminary Scheme comes into force;

(1) all lands required by the Authority shall unless it is otherwise determined in Town Planning Scheme/ any Special Development Scheme, vest absolutely in the State Government and Authority acting on behalf of the Government free from all encumbrances.

(2) all rights in the original plots which have been re-constituted into re-constituted plots/land shall be determined and the re-constituted plots/land shall become subject to the rights settled by the Town Planning Officer.

68. **Power of the authority to evict summarily:**

On and after the date on which a Preliminary Scheme comes into force, any person continuing to occupy any land which he is not entitled to occupy under the Preliminary Scheme shall, in accordance with the prescribed procedure, be summarily evicted by the Authority.

69. **Power to enforce the scheme:**

(1) On and after the date on which Preliminary Scheme comes into force, the Authority shall, after giving the prescribed notice and in accordance with the provisions of the scheme, -

(a) remove, pull down, or alter any buildings or other work in the area included in the scheme which contravenes the scheme or in the erection or carrying out of which any provision of the scheme has not been complied with;

(b) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the Authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(c) Any person who obstructs or molests or hinders an officer or agent of the Authority acting in the discharge of his duty under this Act of any regulations made thereunder shall be guilty of an offence and shall be liable on conviction to imprisonment and fine as prescribed in Section 113.

(2) Any expenses incurred by the Authority under this section shall be recovered as arrear of land revenue from the person in default or from the owner of the plot.

(3) If any question arises as to whether any building or work contravenes a town planning scheme or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, it shall be referred to the Government and the decision of the Government shall be final and binding on all persons.

(4) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from all action taken by the Authority under the provisions of this section expect in respect of the building or work begun before the date referred to in sub-section (1) and only in so far as such building or work has proceeded until that date:

Provided that any claim to compensation, which is not barred by this sub-section shall be subject to the condition of any agreement entered into between the claimant and the Authority.

(5) The provisions of this section shall not apply to any operational construction undertaken by the Central Government or the State Government.

70. **Amendment of regulations:**

(1) If the Authority is of the opinion that the regulations relating to a town planning scheme is required to be amended after the regulation is framed and the final town planning scheme is notified, the Authority may publish the requisite draft amendment in the prescribed manner and invite suggestions or objections thereto from any person to submit within such period as may be prescribed from the date of publication of the draft amendment;

(2) If any suggestions or objections relating to such amendment are received, the Authority shall consider such suggestions or objections and may, at any time before submitting the draft, amendment to the Government, modify such amendment as it considers fit;

(3) The Authority shall within such period as may be prescribed, from the date of its publication, submit the draft amendment along with the suggestions or objections to the Government and shall at the same time apply for its sanction;

(4) After receiving such application and after making such inquiry as it may think fit, the Government may sanction the amendment submitted with or without modifications as it deems necessary or refuse to sanction the amendment;

(5) If the amendment is sanctioned by the Government, the final town planning scheme shall be deemed to have been varied in accordance with the amendment.

71. **Right to appear by authorised agent**:

Every party to any proceedings before the town planning officer or before the Board of Appeal shall be entitled to appear either in person or by his authorised agent.

72. **Powers of civil court in respect of certain matters:**

For the purpose of the Act, the authority under sub-section (1) of Section 47 or the Town Planning Officer or the Board of Appeal shall have the same powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Act No.XVI of 1908) in respect of the following matters, namely, -

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witness or documents.

73. **Costs of town planning scheme:**

(1) In addition to the requirements as stated in Section 44 of the Act, the costs of a town planning scheme shall include the following, namely, -

(a) all sums payable as compensation for land reserved or designated for any public purpose or for the purposes of the Authority which is solely beneficial to the owners of land or residents within the area of the scheme;

(b) such portion of the sums payable as compensation for land reserved or designated for any public purpose or for the purpose of the Authority which is beneficial partly to the owners of land or residents within the area of the scheme and partly to the general public, as is attributable to the benefit accruing to the owners of land or residents within the area of the scheme from such reservation or designation;

(c) any amount by which the total amount of the values of the original plots exceeds the total amount of the values of the plots included in the final scheme, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme, with all the buildings and works thereon at the said date and without reference to improvements contemplated in the scheme other than improvements due to alteration of its boundaries.

(d) twenty percent of the amount of the cost of infrastructure provided in the area adjacent to the area of the scheme as is necessary for the purpose of and incidental to the scheme.

(2) If in any case the total amount of the values of the plots included in the final scheme exceeds the total amount of the values of the original plots, each of such plots being estimated in the manner provided in clause (c) of sub-section (1), then the amount of such excess shall be deducted in arriving at the costs of the scheme as defined in sub-section (1).

74. **Calculation of increment:**

For the purpose of the Act, the increments shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of the plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme:

Provided that in estimating such value, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

75. **Cost of scheme and financing of the scheme:**

(1) The Cost of the Scheme, its components means of financing, rights of persons over the land covered in the town planning scheme shall be governed by the provisions specified in the Eleventh Schedule.

(2) The Government, by notification may add, delete, modify or otherwise amend the provisions of Eleventh Schedule, prospectively or retrospectively:

Provided that any retrospective amendment in the Eleventh Schedule shall not affect validity of action or process undertaken by any authority prior to such amendment, or questioned in any petition before any court or tribunals.

76. **Payment of adjustment of account:**

All payments due to be made to any person by the Authority under the Act shall, as far as possible, be made by adjustment in such account with the Authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment, shall be paid in cash or in such other manner as may be agreed upon by the parties.

77. **Payment of net amount due to the authority:**

(1) The net amount payable under the provisions of the Act by the owner of a plot included in the final scheme may at the option of the contributor be paid in lump-sum or in annual installments not exceeding ten.

(2) If the owner elects to pay the amount by installments, he shall pay interest at such rate as may be prescribed.

(3) If the owner of a plot fails to exercise the option on or before the date specified in a notice issued to him in that behalf by the Authority, he shall be deemed to have exercised the option of paying contribution in installments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to exercise the option.

(4) Where two or more plots included in the final scheme are of the same owner the net amount payable by such owner under the provisions of the Act shall be distributed over his several plots in proportion to the increments which is estimated to accrue in respect of each plot unless the owner and the authority agree to a different method of distribution.

78. **Power of authority to make agreement:**

(1) The Authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a town planning scheme, subject to the power of the Government to modify or disallow such agreement and unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the town planning scheme comes into force.

(2) Such agreement shall not in any way affect the duties of the town planning officer as described under Section 65 or the rights of third parties but it shall be binding on the parties to the agreement notwithstanding any decision that may be passed by the Town Planning Officer:

Provided that if the agreement is modified by the Government, either party shall have the option of avoiding it, if it so elects.

Chapter - X

Promotion of development and use of lands

79. **Development permission mandatory:**

(1) After the commencement of the Act, and subject to the provisions of the Act, no development of any land for layout or sub-division of plot or construction or building or institution of use or change of use of any land or building shall be undertaken or carried out in the development area without, -

(a) obtaining a Development permission order from the Chief Executive Officer, which shall be subject to the development conditions that are applicable and required to be complied with;

(b) payment of the development charges and other fees and charges to the Authority to be levied under the Act.

(3) No Local body or Government department or agency shall grant any permission for any development work or sanction any development of land or building or any institution of change of use land or building or change of use of any land or building unless the Chief Executive Officer has granted the permission for the same.

(4) No such permission shall be necessary for the following activities but the concerned person shall intimate in writing and file the necessary detailed plan, site plan, layout plan and building plan for information and record of the Authority, -

(a) for carrying out such works for the maintenance of a building or land that do not materially alter or affect the building or land;

(b) for agriculture purpose and for the excavation (including wells, bore wells) made in the ordinary course of agricultural operations and for the construction of un-metalled roads intended to give access to land solely for agricultural purpose;

(c) In case of any operational construction.

80. **Regulation and penalization of buildings constructed unauthorisedly or in deviation of sanction plan:**

Notwithstanding anything contained in this Act, in the case of Gram Panchayats falling in the 'Airport Planning Area' except those included in the 'Airport Area', the Chief Executive Officer may regulate and penalize buildings constructed by the owner, or by an individual as the case may be, unauthorisedly or in deviation of the sanctioned plan as on the date of commencement of this Act, as a onetime measure as per the procedure and by levying such penal amount as may be prescribed

(i) upon payment of such penal amount as may be specified by the Chief Executive Officer, all pending or contemplated proceedings and action of enforcement shall be deemed to have been withdrawn and the competent authority shall issue necessary occupancy Certificate to the owner or the individual as the case may be.

(ii) Nothing in this section shall be construed as a right or entitlement of any person to regularize their unauthorised buildings.

(iii) If any unauthorised building or construction obstructs the planned development of the Airport Planning Area, it shall be liable for demolition at any time.

81. **Use and development of land and buildings to be in conformity with plan of the authority:**

After the coming into operation of the perspective plan or Comprehensive development Plan or infrastructure plan or land pooling scheme or town planning scheme or any area development plan in an area formulated under the provisions of the Act, no person or body shall use or shall be permitted to use any land or carry out any development in that area unless the development is in conformity with such plan prepared by the authority.

82. **Application for development permission:**

(1) Any person or body intending to carry out any development of land for the purpose of layout or for sub-division into plots or for construction, reconstruction, addition or alteration of any building shall apply in writing to the Chief Executive Officer for development permission in such form and containing such particulars and accompanied by such plan, documents, ownership documents for the land or plot and on payment of fees and charges as may be prescribed by the rules and regulations made under this Act in addition to statutory provisions made under the Arunachal Pradesh Municipal Corporation Act, 2019 (Act No.8 of 2019) and Arunachal Pradesh Municipal Act,2007 (Act.No.4 of 2008).

(2) On receipt of the application for development permission under sub-section (1), the Chief Executive Officer, after making such enquiry as consider it necessary in relation to any matter concerning the infrastructure plan, comprehensive development plan and regulations, local area development plan, notified development scheme, layout regulations, development promotion regulations, aesthetics, architectural and urban design control briefs, landscaping stipulations or in relation to any other matter, may issue a development permission order either,-

(a) granting permission unconditionally, or

(b) granting permission subject to such conditions and as it may consider necessary, or

(c) refuse permission citing the grounds of such refusal which shall be recorded in writing in the order.

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

(4) If within sixty days after the receipt of such application made under this section for development permission for layout or such similar land development scheme or construction of building or of any information or further information required, the Chief Executive Officer has neither granted or refused permission, such permission shall be deemed to have been granted and the applicant after intimating the Chief Executive Officer in writing, may proceed to carry out the development but not so as to contravene any of the provisions of the Act or plan or schemes or any rules or regulations made under this Act.

(5) If any person carries on any development work or retains the use of any building or work or continues the use of land in contravention of the provisions under the Act, or of any development permission granted under the Act, the Chief Executive Officer may direct such person, by notice in writing, to stop further progress of such work or to discontinue any use and may, after making an inquiry in the prescribed manner, remove or pull down any building or work carried out and restore the land to its original condition or as the case may be, take any measure to stop such use.

(6) Any expenses incurred by the Chief Executive Officer under sub-section (5) shall be a sum due to the Authority under the Act from the person in default.

(7) The development permission order may among other conditions contain the implementation of Comprehensive Development Plan and infrastructure plan and regulations, local area development plan, notified development scheme, layout regulations, development promotion regulations layout regulations, development promotion regulations, road network and other communication network system and the area of land affected and to be surrendered free of cost to the Authority for development in accordance with such sanctioned plan or regulations.

(8) In such layouts and such other similar site development, -

(a) such development permission shall be considered only if the same is undertaken through a licensed developer;

(b) the licensed developer shall be required to mortgage fifteen percent of the plotted saleable land to the Authority as surety for carrying out the developments and complying with other conditions as per specifications and in the given time period, in the failure of which, the Chief Executive Officer shall be empowered to sell away the mortgaged plots and utilize the amount so realized for completion of the development works.

83. **Lapse of development permission:**

(1) Every development permission granted under the Act shall remain valid for three years during which time the development works or layout works or construction and civil works shall be completed, and if not completed, such permission shall be got revalidated for another two years only on submitting an application and on payment of an additional fees and charges as may be prescribed.

(2) After obtaining the development permission under the Act, if the works are not commenced within one year from the date of such sanction, the development permission stands lapsed:

Provided that such lapse shall not bar any subsequent application for fresh development permission under the Act, however, such application shall be subject to the rules / regulations and payment of fees and charges which are in force as on that date of fresh application.

84. **Deviation during development:**

If during the execution of any development works or layout works or construction and civil works, any deviation is made from the development permission granted and the same are in accordance with the provisions of the Act or plan or schemes or any rules or regulations made under the Act, the revised development permission shall be obtained under the Act.

85. **Revoking of development permission:**

The Chief Executive Officer or the Authority or the Government, may revoke any development permission issued under this Act, whenever it is found that there has been any false statement or wrong permission is issued or any misinterpretation of any material fact or rule on which the permission was granted, after giving the person concerned an opportunity of being heard against such revocation.

86. **Penalty for unauthorised development or for use otherwise than in conformity with sanctioned plan:**

(1) Any person who, whether at his own instance or at the instance of any other person or anybody including a department of Government commences, undertakes or carries out development of any land or building or institutes or changes the use of any land or building in contravention of the comprehensive development plan or infrastructure plan or local area development plan or notified development scheme or any plan sanctioned under the Act, -

(a) without permission as required under the Act; or

(b) which is not in accordance with any permission granted or in-contravention of any condition subject to which such permission has been granted; or

(c) after the permission for development has been duly revoked; or

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

shall be punishable with imprisonment for term which may extend to three years or with a fine equivalent to twenty percent of the value of the land as fixed by the Registration Department at the time of undertaking the development of the land or building or both, and in the case of a continuing offence with a further daily fine which may extend equivalent to one percent of the value of the land as fixed by the Registration Department for everyday during which such offence continues after conviction for the first commission of the offence.

(2) Any person who deals with the development of land or building by way of sale or otherwise in contravention or without compliance of the provisions of the Act or rules or regulations made thereunder shall be punishable with imprisonment for a term which may extend to three years or with a fine equivalent to twenty five percent of the value of the land in question as fixed by the Registration Department at the time of undertaking development of any land or both and in the case of continuing the offence with a further daily fine which may extend to fine equivalent to two percent of the value of land in question as fixed by the Registration Department at the time of undertaking development of any land for every day during which such offence continues after conviction for the first commission of the offence;

(3) Any person who continues to use or allows the use of any land or building in-contravention of the provisions of the comprehensive development plan or any such plan sanctioned under the Act without being allowed to do so under the provisions of the Act, or where the continuance of such use has been allowed under the Act continues such use after the period for which the use has been allowed or without complying with the terms and conditions under which the continuance of such use is allowed, shall be punished with a fine equivalent to ten percent of the value of the land as fixed by the Registration Department at the time of undertaking the development of the land or building; and in the case of a continuing offence, with a further daily fine which may extend equivalent to two percent of the value of the land as fixed by the Registration Department for every day during which such offence continues after conviction for the first commission of the offence.

(4) Any person, who obstructs the entry of a person authorised under the provisions of the Act, to enter into or upon any land or building or molests such persons after such entry, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to fifty thousand rupees or with both.

87. **Power to require removal of unauthorised development:**

(1) Where any development of land or construction of building has been commenced or is being carried on or has been completed as indicated in sub-section (1) of Section 86, the Chief Executive Officer may, subject to the provisions of this section, serve on the owner a provisional order requiring the person to demolish such unauthorized construction or re-construction or work or development within a period specified to bring such construction or re-construction of the building or work in conformity with the provisions of the Act or as per sanctioned development permission or rules or bye-laws made thereunder and may also direct that until the said order is complied with, the concerned person shall refrain from proceeding with such development or construction or re-construction of the building or work:

Provided that, where the order requires the discontinuance of any use of land, the Chief Executive Officer shall serve the order on the occupier also.

(2) The Chief Executive Officer shall serve copy of the provisional order made under sub-section (1) on such person mentioned in sub-section (1) with an order requiring him to show cause within a reasonable time to be specified in such order as to why the order should not be confirmed.

(3) If the person mentioned in sub-section (1) fails to show cause to the satisfaction of the Chief Executive Officer, the Chief Executive Officer may confirm the order with such modification as he considers fit and serve the confirmation order on such person and such order shall be binding on such person; and such person shall be liable for carrying out the orders of the Chief Executive Officer within the period specified in such confirmation order.

(4) If within the period specified in such confirmation order, the orders contained therein are not carried out by such person, the Chief Executive Officer may demolish such unauthorised construction or reconstruction or work and the expenses thereof shall be recoverable from the said person.

(5) No compensation shall be claimed by any person for any damage which he may sustain in consequence of the removal of any development or the discontinuance of the development.

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

(7) Any person aggrieved by an order of the Chief Executive Officer made under sub-section (3) may, within fifteen days from the date of receipt of the order, prefer an appeal against the order to the Divisional Commissioner concerned.

(8) Where an appeal is preferred under sub-section (7) against an order made under sub-section (3), the Divisional Commissioner may stay the enforcement of the order on such terms and for such period, as it may think fit;

Provided that where the construction or re-construction of the building or the execution of the work has not been completed at the time of the order made under sub-section (3), no order staying the enforcement of the order made under that sub-section shall be made by the Divisional Commissioner unless a surety, sufficient in the opinion of Divisional Commissioner, has been given by the appellant for not proceeding with such construction or re-construction or work pending the disposal of the appeal.

(9) Save as provided in this section, no court shall entertain any suit, appeal, application or other proceeding for injunction or other relief against the Chief Executive Officer to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(10) Every order made by the Divisional Commissioner on appeal and, subject to such order, the order made by the Chief Executive Officer under sub-section (3) shall be final and conclusive.

(11) Where no appeal has been preferred against an order made by the Chief Executive Officer under sub-section (3) or where an order under that sub- section has been confirmed on appeal, whether with or without modification, the person against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any, fixed by Divisional Commissioner on appeal and on the failure of such person to comply with the order within such period, the Chief Executive Officer may himself cause the building or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of property tax under the Act.

88. **Power to stop unauthorised development:**

(1) Where any development of land or construction of building as stated in sub-section (1) of Section 86 is being carried out but has not been completed, the Chief Executive Officer may serve on the owner and the person carrying out the development, an order requiring the development of land to be discontinued from the time of the service of the order; and thereupon, the provisions of sub-sections (1) to (4) of section 86 shall so far as may be applicable apply in relation to such order, as they apply in relation to the order under Section 86.

(2) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, after such order has been served shall, be punished with a fine equivalent to twenty percent of the value of the land as fixed by the Deputy Commissioner at the time of undertaking the development of the land or building and in the case of a continuing offence with a further daily fine which may extend to fine equivalent to one percent of the value of the land as fixed by the Deputy Commissioner for every day after the date of the service of the order during which the non-compliance has continued or continues.

(3) Where such developments are not discontinued in pursuance of the order under sub-section (1), the Chief Executive Officer or the officer of the authority or the competent authority as the case may require any police officer to remove the person by whom the development has been commenced and all his assistants and workmen from the place of development within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(4) It shall be lawful for the Authority or the Chief Executive Officer, as the case may be, at any time, before or after making an order for the removal or discontinuance of any unauthorized development or construction under the provisions of the Act, to make an order directing the sealing of such development or property or taking the assistance of the police, for the purpose of carrying out the provisions of this Act.

(5) Where any development or property has been sealed, the Authority or the Chief Executive Officer, as the case may be, may, for the purpose of removing or discontinuing such development or property, order such seal to be removed.

(6) Any person aggrieved by an order an order of the Chief Executive Officer made under sub-section (4) may, within seven days from the date of the order, prefer an appeal against the order to the Divisional Commissioner concerned and the provisions of sub-sections (8) to (10) of Section 87 shall mutatis mutandis apply to such appeals.

(7) Where an appeal is preferred under sub-section (6) against an order made under sub-section (4), Divisional Commissioner concerned may stay the enforcement of the order on such terms, and for such period, as it may think fit.

(8) Save as provided in this section, no court shall entertain any suit, appeal, application or other proceeding for injunction or other relief against the Chief Executive Officer to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(9) Every order made by Divisional Commissioner on appeal and, subject to such order, the order made by the Chief Executive Officer under sub-section (4) shall be final and conclusive.

(10) Where no appeal has been preferred against an order made by the Chief Executive Officer under sub-section (4) or where an order under that sub- section has been confirmed on appeal, whether with or without modification, the Chief Executive Officer shall take action to implement the order made under sub- section (4).

(11) No person shall remove such seal except under an order made by the Authority or the Chief Executive Officer.

89. **Power to seal unauthorised development:**

(1) It shall be lawful for the Chief Executive Officer, at any time, before or after making an order for the removal or discontinuance of any development under section 87 or Section 88, to make an order directing the sealing of such development in the manner prescribed by rules, for the purpose of carrying out the provisions of this Act, or for preventing any dispute as to the nature and extent of such development.

(2) Where any development has been sealed, the Chief Executive Officer may, for the purpose of removing or discontinuing such development order the seal to be removed.

(3) No person shall remove such seal except-

(a) under an order made by the authority or the competent authority under sub-section (2); or

(b) under an order of the Appellate Authority.

90. **Recovery of expenses incurred:** .

Any expenses incurred by the Chief Executive Officer under Sections 87 and 88 of the Act shall be a sum due to the Authority under the Act from the person in default or the owner of the plot.

Chapter - XI

Provisions relating to Levy, Assessment and Recovery of taxes, fee and Charges

91. **Authority to have powers of municipal corporation:**

(1) The Authority shall be deem to be a Municipal Corporation under the Arunachal Pradesh Municipal Corporation Act, 2019 (No 8 of 2019) for the purpose of levy and collection of Taxes and fees under Chapter VIII of the said Act, and the provisions of Sections 111 to 158 of the said Act shall mutatis-mutandis apply as if the same were applicable to the Authority.

(2) The Rules made under the Arunachal Pradesh Municipal Corporation Act, 2019 (No 8 of 2019) for the purpose of levy and collection of taxes and fee shall also mutatis-mutandis apply to the Authority.

92. **Levy of development charges:**

(1) Subject to the provisions of the Act and rules made thereunder, the Authority shall levy a charge, hereinafter called development charge on, -

(a) the change of use of land or building or both;

(b) the carrying out of development of any land or building or both;

(2) The rates of development charges, their manner of assessment and recovery shall be such as may be prescribed.

Notwithstanding anything contained in sub-section (1) no development charges shall be levied, in case of operational construction undertaken by the Central Government Departments and the State Government Departments.

93. **Assessment and recovery of development charges:**

(1) Any person who intends to carry out any development or institution of any use or change of use of any land or building for which permission is required under the Act, whether he has applied for such permission or not and any person who commenced or carrying out such development or instituted or changed any such use shall apply to the Chief Executive Officer, within such time and in such manner as may be prescribed, for the assessment of development charges payable in respect thereof.

(2) The Chief Executive Officer shall after receipt of any application for Development permission or if no such application is made, serve a notice on the person liable to such payment, intimate in writing the development charges to be levied and fix a date by which such payment shall be made.

(3) The development charges payable in respect of any land and / or building by any person shall be a first charge on such land or building, subject to the condition that there is no change in use or activity or additions or extensions in which case fresh development charges are applicable.

(4) The Chief Executive Officer may allow the development charges to be remitted in phase-wise manner in case of phase-wise development, subject to the payment of the development charges as per the prevailing rates as on the date of release of phase-wise permission.

(5) The development charges including the penal interest for the delayed payment upto the date of realization shall be collected from such person or his successor-in-interest in such land or building as arrears of land revenue. For calculating the panel interest, such interest rates as may be prescribed shall be adopted.

94. **Levy of user charges:**

In order to recover fully or partly, the capital and operational and maintenance expenditures incurred or likely to be incurred for the provision of utilizes, amenities, services or facilities, including external trunk and other infrastructure provided by the Authority, the Authority may levy and collect a charge from the users, hereinafter called the user charges.

95. **Levy of specific cess for capital infrastructure project:**

The Authority may levy specific cess for the implementation of specific capital infrastructure projects and upon such terms and conditions as may be prescribed.

96. **Levy of betterment charges or impact fee etc. to capture value:**

(1) The Authority may levy a betterment charge or impact fee or urban infrastructure as may be prescribed to capture some share of the increase in valuation that is likely to accrue to land owners due to a new development proposed or implemented by the Authority or Government or a third party.

(2) The Authority may also levy the special impact fee in addition to the other fee and charges on the developments within the vicinity areas of the Land Pooling Scheme or Town Planning Scheme or new road formation or any other development proposed or implemented.

97. **Recovery dues:**

(1) The Government may, by notification appoint an officer of the Authority or of Government as collector for the purpose of recovery of dues under this section, who shall have the jurisdiction to conduct recovery proceedings in such district or such area of the authority within the district as may be specified in the notification.

(2) Where any sum is recoverable or payable by a person under this Act or rules made thereunder, Authority may send to the collector of the concerned district a recovery certificate stating -

(a) the name of the defaulter and such other particulars as may be necessary for his identification; and

(b) the amount payable by him and the account on which it is due.

(3) The certificate shall be signed by the officer authorized by the authority by the Authority making it and shall be conclusive proof of the matters therein stated.

(4) The collector shall on receiving the certificate proceed to recover the amount stated therein in accordance with sub-section (5).

(5) Any sum recoverable under this Act of rules made thereunder may be recovered by any one or more of the following processes, namely: -

(a) by service of a writ of demand on the defaulter;

(b) by attachment of his bank account and deposits;

(c) attachment of his salary or remuneration due to him from any source.

(d) by distress and sale of his movable property and uncut or ungathered crops;

(e) by transfer of the holding in respect of which the arrear is due;

(f) by attachment of the estate or holding in respect of which the arrear is due;

(g) by annulment of assessment of that estate or holding;

(h) by sale of that estate or holding;

(i) by proceeding against other immovable property of the defaulter.

(j) by civil arrest and detention of his person;

(6) The procedure for conduct of each of the recovery process specified in sub-section (5) shall be such as may be prescribed.

98. **Civil arrest and detention of defaulter:**

(1) At any time after any sum becomes recoverable, the collector may issue a warrant directing any public servant to arrest the defaulter and bring him before the collector.

(2) When the defaulter is brought before the collector, the collector may order that he be confined to civil jail or if no civil jail exists in his jurisdiction in the local Judicial lockup, for a period not exceeding six days and then if the arrear is still unpaid, cause him to be taken before collector.

(3) When the defaulter is brought before the collector, the collector may issue an order to the officer incharge of the civil jail of the district directing him to confine the defaulter in the civil jail for such period, not exceeding one month from the date of the order, as the collector considers fit. The collector shall without delay report his order under this sub-section to the divisional commissioner for his information.

(4) If a public servant keeps under detention, for a period exceeding 24 hours, a defaulter arrested under sub-section (1), be shall without delay report this action for the information of the collector and the Collector may take such action on the report as he considers fit.

(5) The process of arrest and detention shall not be executed against a defaulter who is a female, a minor, a lunatic or having mental disability.

(6) Every Police Officer shall help and afford assistance to the collector or the public servant so directed in the exercise of his lawful authority.

99. **Remedies open to person denying his liability for an arrear:**

(1) When proceedings are taken under this Act for the recovery of an arrear, the person against whom the proceedings are taken may, if he denies his liability for the arrear or any part thereof and pays the same under protest made in writing at the time of payment and signed by him or his agent, institute a suit in a Civil court for the recovery of the amount so paid.

(2) A suit under sub-section (1) shall be instituted in a Court having jurisdiction in the place where the office of the collector of the district in which the arrear or some part thereof accrued is situated.

100. **Property liable to sale for carrying out recoveries under this Act:**

(1) When the collector receives a recovery certificate under this Act, he may issue a proclamation prohibiting the transfer or charging of any immovable property belonging to the defaulter in the district.

(2) The collector may at any time, by order in writing, withdraw the proclamation and it shall be deemed to be withdrawn when either the amount state in the certificate has been recovered or the property has been sold for the recovery of that amount.

(3) Any private alienation of the property or of any interest of the defaulter therein, whether by sale, gift, mortgage or otherwise, made after the issue of the proclamation and before the withdrawal thereof, shall be void as against the Government and any person who may purchase the property at a sale held for the recovery of the amount stated in the certificate.

(4) Subject to the foregoing provisions of this section, when proceedings are taken against any immovable property under this Act for the recovery of an amount stated in a certificate, the interest of the defaulter alone therein shall be no proceeded against and no encumbrances created, grants made or contracts entered into by him in good faith shall be rendered invalid by reason only of proceedings being taken against those interests.

(5) A proclamation under this section shall be made by publication in local newspaper and by the posting of a copy thereof on a conspicuous place in or near the property to which it relates.

Chapter - XII

Land and property related provisions

101. **Acquisition of property by the authority:**

The Authority may acquire any movable or immovable property by purchase, exchange, gift, lease, mortgage, negotiated settlement, or by any other means permissible under any law.

102. **Acquisition of land by negotiated settlement:**

The Authority may acquire land by mutual agreement by paying such amount and also on such other terms and conditions as may be agreed upon through negotiated settlement in such manner as may be prescribed.

103. **Power to acquire land under Act No. 30 of 2023:**

Any land required, reserved or designated in any comprehensive development plan shall be deemed to be the land needed for public purpose within the meaning of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No. 30 of 2013) and may be acquired by the Government on the request by the Authority or other authority or functional unit.

104. **Creation and management of land development bank**:

The Authority shall create and maintain Airport Area Planning and Development Land Development Bank in which all lands acquired, allotted, purchased or obtained through any mode shall be maintained, protected and used for the furtherance of the objectives of the Act.

105. **Transfer of Government land to authority:**

(1) The Authority shall have the first right of alienation of Government lands within the Airport Planning Area and such land which may be required by the Authority shall be transferred to the Airport Planning Area and Development Land Development Bank.

(2) The Government by specific order and on such terms and conditions as may be agreed upon between the Government and the Authority, place at the disposal of the Authority any developed and undeveloped Government lands situated within the Airport Planning Area for the purpose of development.

(3) Any lands assigned by Government may be taken over by the Authority as per prescribed procedure for undertaking development schemes or for development of public utilities, amenities and facilities upon payment of compensation decided by the Deputy Commissioner.

106. **Acquisition of land by transferable development rights:**

The Authority may, with the consent of the owner, acquire land for public purposes, for providing infrastructure, amenities and facilities by way of according transferable development rights through issue of development right certificate in lieu of payment towards cost of land in such of manner as may be prescribed.

Provided that the transferable development rights may be arrived at on the basis of relative land values and equivalent amount of both export and import areas as per the registration department records. Such transferable development right may be utilized as additional built space by the owner who can use this either by himself or transfer it to any other person in full or in part for use in a less developed area as may be prescribed, or offset the money against the fees and charges payable for development permission as per all other rules and standing orders governed for construction of buildings.

107. **Disposal of land and other property by the authority:**

Any land acquired by the Government and transferred to the Authority or any Government land alienated to the Authority, with or without development thereon, or any other immovable property belonging to the Authority, may be disposed of by the Authority in accordance with standing orders made for the purpose in this behalf.

Chapter - XIII

Miscellaneous

108. **Authority's symbol :**

(1) The Authority shall have the exclusive right to the use of such symbol or representation as it may select or devise (referred to in this section as the Authority's symbol) and thereafter display or exhibit in connection with its activities or affairs.

(2) Any person who without the permission of the Authority uses a symbol or representation identical with that of the Authority's symbol, or which resembles the Authority's symbol as to or be likely to deceive or cause confusion shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding six months or to both.

109. **Furnishing information :**

(1) The Authority or any employees authorized by the Authority in that behalf may, for the purpose of obtaining statistical information, by notice, in the manner given in Section 114, require any person to furnish to the Authority or the employee so authorized, within such period as specified in the notice, all such particulars or information relating to all such matters as may be required by the Authority and as are within knowledge of that person or in his custody or under his control shall furnish the informations.

(2) Any person who on being required by notice under this section to furnish may furnish particulars or information, -

(a) willfully refuses or without lawful excuse (the proof of which lies on him) neglects to furnish the particulars or information within the time specified in the notice; or

(b) willfully furnishes or causes to be furnished any false particulars or information in respect of any matter specified in the notice requiring particulars or information to be furnished, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand rupees.

(3) Noting in this section authorizes the Authority, or any employee authorized by the Authority in that behalf, to require any Government Department to furnish to the Authority or the employee so authorized any particulars or information in the possession of the department obtained in the performance of any of its functions.

110. **Effect of other laws :**

(1) The provisions of this Act and the rules and regulations made thereunder shall have effect, notwithstanding anything inconsistent therewith contained in any other law.

(2) Development permission, No Objection Certificate or other clearances given under the Act shall be construed to be for the purpose of planned development and shall in no way either confer ownership rights under the relevant laws or affect ownership under the land revenue laws. The Authority shall stand absolved of any ownership disputes or discrepancies.

(3) Once development permission is given, the right to develop the land in that way can be exercised by anyone acquiring and occupying the land and is not restricted to the person making the application unless a specific condition is incorporated in the grant of the development permission.

(4) Notwithstanding anything contained in any other law;

(a) When permission for development in respect of any land (for layout or sub-division of plot or construction) or building or institution or change of use any land Act, such development shall not be deemed to be unlawfully undertaking or carried out by reasons only of the fact that permission, approval or sanction required under such other law for such development has not been obtained.

(b) When permission for development in respect of any land (for layout or sub-division of plot or construction) or building or institution or change of use of any land or building has not been obtained under the Act, such development shall not be deemed to be lawfully undertaken or carried out by reasons only of the fact that permission approval or sanction required under such other law for such development has been obtained.

111. **Public notice how to be made known :**

Every public notice given under the Act or rules or standing orders made thereunder shall be in writing and shall be widely made known in the locality to be affected by publishing it in the official web portal of the Authority and by advertisement in one or more local newspapers.

112. **Notices etc. to fix reasonable time :**

Where any notice, order or other document issued or made under this Act or any rule or order made thereunder does not specify fixed time for doing specific thing and the thing to be done requires specific time, the notice, order or other document shall specify a reasonable time for doing the same.

113. **Obstructing officers of authority :**

Any person who obstructs or molests or hinders an officer or agent of the Authority acting in the discharge of his duty under this Act or any regulations made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding rupees fifty thousand or to an imprisonment for a term not exceeding three months or to both.

114. **Service of notice :**

(1) Subject to sub-section (3), a notice may be served in the following manner;

(a) in the case of an individual;

(i) by delivering it to the individual personally;

(ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business of the partnership.

(iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid registered post to, the usual or last known address of the place of business of the individual;

(iv) by affixing a copy of the notice in the conspicuous place at the usual or last known address of the place of residence or place of business of the individual; or

(v) by electronic communication, by sending an electronic communication of the notice to the last email address given to the Authority by the individual as the email address for the service of documents on the individual;

(b) in the case of a partnership other than a limited liability partnership;

(i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;

(ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business or the partnership;

(iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership;

(iv) by electronic communication, by sending an electronic communication of the notice to the last email address given to the Authority by the partnership as the email address for the service of documents on the partnership; and

(c) in the case of any limited liability partnership or any other body corporate, -

(i) by delivering it to the secretary or other like office of the body corporate or, in the case of a limited liability partnership, the manner thereof, or to any person having, on behalf of the limited liability partnership or other body corporate, powers of control or management over the business, occupation, work or matter or which the notice relates;

(ii) by leaving it at, or by sending it by pre-paid registered post to, the registered office or principal place of business of the limited liability partnership or other body corporate in India;

(iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal place of business of the limited liability partnership or other body corporate in India or elsewhere; or

(iv) by electric communication, by sending an electronic communication of the notice to the last email address given to the Authority by the limited liability partnership or other body corporate as the email address for the service of documents on the limited liability partnership or body corporate.

(2) If the person on whom service is to be effected has an agent within the State, the notice may be delivered to the agent.

(3) Any notice which is to be served on the occupier of any premises;

(a) may be served by delivering it to an adult person on the premises or, if there is no such person on the premises to whom it can with reasonable diligence by delivered, by affixing the notice to the conspicuous part of the premises; and

(b) shall be deemed to be property address if addressed by the description of the occupier of the premises without further name or description.

(4) Where any notice is required to be served on any person is;

(a) sent by registered post to any person, it shall be deemed to be duly served on the person at the time when it would, in the ordinary course of post, be delivered, whether or not it is returned undelivered and in proving service of the notice, it shall be sufficient to prove that the envelope containing the same was property addressed, stamped and posted by registered post;

(b) sent by ordinary post to any person, it shall be deemed to be duly served on the person to whom it is addressed on the day succeeding the day on which it would, in the ordinary course of post, be delivered;

(c) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal place of business, it shall be deemed to be duly served on the person to whom it is address on the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal place of business, as the case may be; and

(d) sent by electronic communication to an email address, it shall be deemed to be duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address.

(e) Service of any notice under this section on a person by electronic communication may be affected only if the person gives part of his or its address for service an email address.

115. **Power and duties of police officer :**

(1) The Commissioners of Police or Superintendents of Police in the Airport Planning Area and shall provide necessary aid to the Chief Executive Officer for carrying into effect and enforcing the provisions of this Act and for the maintenance of good public order.

(2) On receipt of complaint from the Authority any police officer, may arrest any person who commits in his view any offence against this Act or against any rule, regulation or order made thereunder, in accordance with arrest procedure as contained in the Bharatiya Nagarik Suraksha Sanhita, 2023.

(3) No person so arrested shall be detained in custody without the order of the nearest Magistrate for a period longer than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such Magistrate.

(4) It shall be the duty of all police officers, to give immediate information to the Chief Executive Officer of the commission of, or the attempt to commit any offence against the Act or any rule, regulation or order made thereunder and to assist all employees of the Authority in the exercise of their lawful authority.

116. **Prosecution Magistrate's power etc. :**

(1) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Chief Executive Officer.

Provided that, in case of the offences where the prescribed penalties contain imprisonment for a period of three years or more, no prosecution shall be initiated except with the prior sanction of the Chairman of the Authority.

(2) No Court inferior to that of a Magistrate of the First Class shall try an offence punishable under this Act. Any proceedings in respect of an offence under this Act or any regulations made thereunder shall be tried summarily.

(3) Notwithstanding anything contained in Section 26 of Bharatiya Nagarik Suraksha Sanhita, 2023 it shall be lawful for any court of a Magistrate of the First Class to pass any sentence authorized by this Act.

117. **Cognizance of offence :**

(1) No magistrate other than a magistrate of first class shall have the power to take cognizance and try an offence punishable under this Act.

(2) No Court shall take cognizance of any offence relating to property belonging to, or vested by or under this Act in the Authority, punishable under this Act, except on the complaint of, or upon information received from, the Chief Executive Officer or some person authorized by the Authority by general or special order in this behalf.

118. **Compounding of offences :**

(1) Any offence made punishable by or under this Act, except the offence under sub-section (1) of Section 116 may, either before or after the institution of proceedings, be compounded by the Authority, or any person authorized by the Authority by general or special order in this behalf, for such amount as may be prescribed in the regulations.

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

(3) The Authority may, in its discretion, compound any offence under this Act or any regulations made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the maximum monetary fine prescribed for the offence.

(4) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(5) The Authority may, with the approval of the Government, make regulations to prescribe the offences which may be compounded.

(6) All sums collected under this section shall be paid to the Authority.

119. **Exclusion of liability for errors or omissions in information supplied :**

Where the Authority provides a service to the public whereby information is supplied to the public on payment of a prescribed fee, neither the Authority nor any of its employees involved in the supply of such information shall be liable for any loss or damage suffered by members of the public by reason of any error or omission of whatever nature appearing therein or however caused if made in good faith and in the ordinary course of the discharge of the duties of such employees.

120. **Fines to be paid to authority :**

All fines imposed for an offence under this Act or any regulations made thereunder shall be paid into the development fund of the Authority.

121. **Exemption :**

(1) Notwithstanding anything contain in the provisions of this Act, the Government may by notification exempt any person or class of persons from all or any of the provisions of this Act.

(2) Any notification issued under this section shall be presented to State Legislature as soon as possible after publication in the Official Gazette.

122. **Interpretation of the Act :**

When any difference of opinion arises in regard to any interpretation of the provisions of the Act or the rules or orders made thereunder or any other law for the time being in force and the interpretation and the decision of the Government thereon shall be final.

123. **Bar of legal proceeding :**

No suit, prosecution or other proceeding shall lie against the Government or Authority or Chief Executive Officer or officer or employee of authority for any act done or purporting to be done under or in pursuance of the Act or the rules or orders made thereunder.

124. **Offences by companies :**

(1) Whenever an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, or 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 under this Act if he proves that the offence was committed without his knowledge and 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 of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and 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.

125. **Boundary to be out of jurisdiction and cessation of powers of local bodies in the Airport planning area :**

On the constitution of the Authority administration to the extent relating to the provisions made in the Act shall cease to be under the control and jurisdiction of a local body.

126. **Periphery area of the Airport planning area :**

(1) The Government may, by notification, declare such of the outer area adjacent to the Airport Planning Area, consisting of such villages or at a distance specified along the boundary of the Airport Planning Area, to be the periphery area of the Authority as may be prescribed by rules.

(2) On declaration of an area under sub-section (1) as a periphery area;

(a) The Airport Area Planning and Development Authority constituted under the Act shall also be Authority for the periphery area; and

(b) The powers and functions of the Authority, the Executive Committee and the Chief Executive Officer shall extend to the periphery area.

127. **Dissolution of the authority by the Government :**

(1) Where the Government is satisfied that the purpose for which an Authority was constituted under the Act, has been substantially achieved so as to render that the continued existence of the Authority in the opinion of the Government is unnecessary, the Government may by notification, declare that the said Authority shall from the date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly.

(2) From the said date, -

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

(b) all Government vacant lands placed at the disposal of the Authority shall revert to the Government;

(c) all liabilities which are enforceable against the Authority shall be enforceable against the Government; and

(d) for the purposes of carrying out any development which has not been fully carried out by the Authority and for the purposes of realizing properties, funds and dues referred to in clause(a) the functions of the Authority shall be discharged by the Government.

128. **Confidentiality and intellectual property rights :**

The confidentiality in respect of designs for execution of the project is confidential and the Authority under this Act shall have exclusive Intellectual Property Rights thereon.

129. **Delegation of powers by Government :**

The Government may, by notification delegate one or more of its functions and powers specified in Chapter-IX at sections starting from Sections 58 to Section 78 to the Authority.

130. **Repeal, saving and transitional provisions :**

(1) The Arunachal Pradesh Airport Area Planning and Development Act, 2023, (Act. No. 8 of 2023) is hereby repealed.

Notwithstanding such repeal, any action taken, order issued under the Arunachal Pradesh Airport Area Planning and Development Act, 2023, (Act. No. 8 of 2023), shall be deemed to have been validly taken or issued under the corresponding provisions of this Act.

(2) The provisions set out in the Fourth Schedule with respect to the transfer of assets, liabilities, functions and employees of the former Authority and transitional and savings provisions in the Fifth Schedule shall have the effect.

(3) The Government may by notification add, delete or other-wise modify the provisions of the Fourth or Fifth Schedule prospectively or retrospectively provided that any retrospective amendment in the Fourth or Fifth Schedule shall not affect the validity of action or process undertaken by any Authority prior to such amendment, or questioned in any petition before any court or tribunal.

First Schedule
(See Section 5)
Proceedings of the Authority

1. **Temporary Chairman or vice chairman :**

The Government may appoint Chairman to be temporary Chairman or any member to be temporary Vice-Chairman during the temporary incapacity from illness of the Chairman or Vice Chairman or otherwise, or during the temporary absence from State of the Chairman or the Vice-Chairman, as the case may be.

2. **Vacation of office of member :**

The office of a member shall be vacated if the member becomes in any manner disqualified for membership of the Authority.

3. **Disqualification from membership :**

No person shall be appointed or shall continue to hold office as a member if he;

(a) is mentally disordered and incapable of managing himself or his affairs; or

(b) is an undischarged bankrupt or has made any arrangement or composition with his creditors; or

(c) is convicted of an offence.

(d) fails to disclose interest in terms of paragraph 4.

4. **Member's interest to be made known :**

(1) A member who is in any way, directly or indirectly, interest in transaction or project of the Authority shall disclose the nature of his interest at the first meeting of the Authority at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under sub-para (1) shall be recorded in the minutes of the meeting or the Authority and, after the disclosure, that member, -

(a) shall not take part in any deliberation or decision of the Authority with respect to that transaction or project; and

(b) shall be disregarded for the purpose of constituting a quorum of the Authority for such deliberation or decision.

(3) No act or proceedings of the Authority shall be questioned on the ground that a member has contravened this provision.

5. **Meetings of authority :**

(1) The Chairman shall summon meetings as often as may be required but not less than once in three months at such place within the jurisdiction of the Authority and at such time as the Chairman may decide.

(2) The quorum at every meeting of the Authority shall be one-third of the total number of members or three members, whichever is the higher.

(3) Decisions at meetings of the Authority shall be adopted by a simple majority of the votes of the members present and voting; and in the case of equality of votes, the Chairman or in his absence the Vice-Chairman shall have a casting vote.

(4) The Chairman or in his absence the Vice-Chairman shall preside at meetings of the Authority.

(5) The Authority may act notwithstanding any vacancy in its membership.

(6) Subject to the provisions of this Act, the Authority may make orders to regulate its own procedure and, in particular, the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

6. **Validity of acts of members :**

The acts of a member shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualifications.

Second Schedule
(See Section 11 and 17)
Powers of the Authority

1. **Powers of the authority :**

(a) To carry out or assist in carrying out any project in connection with development of Airport Area and urban development in Airport Planning Area.

(b) To grant loans or advances to a company or corporation carrying on or intending to carry on urban development in Airport Planning Area or having one or more of its objects connected with or related to one or more of the functions imposed on the Authority under this Act.

(c) To manage, control or supervise such company or corporation by nominating directors or advisers or otherwise collaborating with them or entering into partnerships or any other arrangement for jointly working with them.

(d) To approve plan.

(e) To enter into any joint venture or arrangement with the Government for the sharing of revenues or otherwise for the purposes of this Act.

(f) To subscribe to stocks, shares bonds or debentures of a company or corporation in accordance with Section 31.

(g) To acquire, hire, procure, construct, erect, manufacture, provide, operate, maintain or repair anything, whether movable or immovable, required by the Authority for the purposes of this Act.

(h) To enter into contracts, covenants, bonds, deeds or agreements or prepare documents of every kind for the purposes of this Act.

(i) Subject to rule which may be made by the Government under this Act, to impose such charges or fees as the Authority may determine for the provision of accommodation, services or works, or the use of buildings, recreational grounds, equipment, amenities or facilities provided, maintained, controlled or operated by the Authority.

(j) To do anything for the purpose of advancing the skill of persons employed by the Authority, or of the efficiency of the equipment of the Authority, or of the manner in which that equipment is operated, including the provision by the Authority and the assistance of the provision by orders or facilities for training, education and research.

(k) To provide house, hostels and other like accommodation, including convalescent or holiday house, club houses and playing fields, for persons employed by the Authority.

(l) To make or guarantee loans to any person employed by the Authority for the purpose of purchasing a vehicle, building a house, purchasing a plot of land on which to build a house or purchasing a house for the use of that person or for the residential use of his family.

(m) To award scholarships or to give loans to any employee of the Authority or any member of his family for purposes specifically approved by the Authority.

(n) To approve the schedule of taxes of various categories by whatsoever name known as well as the annual budget for Airport Planning Area.

(o) Any other decision or acts which are in consonance with the purposes of this Act.

2. **Power of the executive committee :**

(a) to vet the Schedule of taxes of various categories by whatsoever name called and the annual budget.

(b) to study and approve all matters relating to development fund, resource mobilization proposals, financial structures, investment plan and such other matters before being placed before the Authority.

(c) to associate with experts or organizations, public or private, for assurance or advice on payment of less as decided.

(d) to review performance of companies, SPVs or such other joint venture entities formed under this Act.

(e) to scrutinize plan, development schemes, land acquisition proposals and development regulations before approval.

3. **Powers of the Chief Executive Officer :**

(a) to execute all projects approved by Authority or Executive Committee and take all day-to-day decisions necessary for execution of projects;

(b) to prepare the agenda for the meetings of Executive Committee and Authority;

(c) to setup Chief Executive Officer's office with appropriate number of employees;

(d) to prepare and scrutinize projects and investment plan for any value and submit them for approval in accordance with the provisions of this Act;

(e) to engage professional service providers and experts in accordance with the provisions of this Act to help implement the activities of the Authority;

(f) to review the operational progress of various departments against project deliverables and initiatives taken periodically.

(g) to arrange for delegation of the powers of the Authority vested under this Act to the respective local bodies and the staff working in the Authority duly obtaining the approval of the Authority or Executive Committee;

(h) to prepare annual budget for the Authority and Schedule of taxes of various categories by whatsoever name known.

(i) to prepare the plan, land acquisition proposals or development schemes and implement them after approval.

(j) to conceptualize and prepare plan, procure contractors, manage contracts and raise financial resources for the development projects of the capital city area;

(k) to ensure compliance of approved plan, schemes and projects by the local bodies

(l) to issue directions to a body or department or functional agency or person or special purpose vehicle with regard to the implementation of any development project or scheme financed under this Act, or development regulations, or undertaking survey, demarcation and development of roads, right-of-way for facilities, protection of open spaces or amenities as deemed fit, and any such Authority or person shall be bound to comply with such directions;

(m) notwithstanding anything contained in any other law for the time being in force, every such direction shall be complied with by the body or department or functional agency or person to whom it is issued.

Provided if such person falls to carry out his directions, it shall be competent for the Chief Executive Officer to take necessary action to carry out the directions issued under sub-para(2) and recover expenses, if any incurred from the person/body concerned;

(n) to supervise and manage the urban civic and utility services in the Airport Planning Area.

(o) to administer development fund in accordance with the provisions of the Act, and

(p) to undertake any other activity incidental or necessary to further the interests of the authority, duly recording the reasons thereto.

Third Schedule

(See Section 34)

Financial provisions

1. The financial year of the Authority shall begin on 1st April of each year and end on 31st March of the succeeding year, except that the first financial year of the Authority shall begin following the date of constitution of the Authority and shall end on 31st March 2026.

2. The Authority shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Authority and over the expenditure incurred by the Authority.

3. (i) The accounts of the Authority shall be audited by the Accountant- General or such other auditor as may be appointed annually by the Government in consultation with the Accountant-General.

   (ii) A person shall not be qualified for appointment as an auditor under sub-paragraph (i) unless he is an approved company auditor under the Companies Act, 2013 (Act No. 30 of 2013).

4. The remuneration of the auditor shall be paid out of the funds of the Authority.

5. The Authority shall, as soon as practicable but not later than 31st July in every year, prepare and submit the financial statements in respect of the preceding financial year to the auditor who shall audit and report on them.

6. (1) The auditor shall in his report state,-

   (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Authority;

   (b) whether proper accounting and other records have been kept, including records of all assets of the Authority whether purchased, donated or otherwise;

   (c) whether the financial statements are prepared on a basis similar to that adopted for the preceding year;

   (d) whether the financial statements are in agreement with the accounting and other records;

   (e) whether the receipts, expenditure, investment of moneys and the acquisition and disposal of assets by the Authority during the financial year have been in accordance with this Act; and

   (f) such other matters arising from the audit as he considers should be reported.

   (2) The auditor shall send an annual report of his audit to the Authority not later than 30th September in each year.

7. The auditor may at any other time report to the Government through the Authority upon any matter arising out of the performance of his audit.

8. The Accountant-General or any person as may be appointed by him in connection with the audit of accounts of the Authority shall have the same rights, privileges and authority in connection with such audit as the Accountant-General has in connection with the State Government accounts and in particular shall have the right to, at all reasonable times, full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Authority.

9. The auditor or a person authorised by him may make copies of or extracts from any such accounting and other records.

10. The auditor may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

11. Any person who fails without any reasonable cause to comply with any requirement of the auditor under paragraph 10 or who otherwise hinders, obstructs or delays the auditor in the performance of his functions under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty five thousand rupees and, in the case of a continuing offence, to a further fine not exceeding two thousand five hundred rupees for every day during which the offence continues after conviction.

12. As soon as the accounts of the Authority and the financial statements have been audited in accordance with the provisions of this Act but not later than 30th September in each year, a copy of the audited financial statements signed by the Chief Executive Officer and certified by the auditor, together with a copy of any report made by the auditor, shall be placed before the Authority and after the approval of the Authority submitted to the Government.

13. Where the Accountant-General is not the auditor of the Authority, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Accountant-General at the same time they are submitted to the Authority.

14. The Government shall as soon as practicable cause a copy of the audited financial statements and of the report of the auditor to be presented to State Legislature.

Fourth Schedule

(See Section 130)

Transfer of Assets, Liabilities, Functions and Employees

1. **Dissolution of former authority :**

On and from the date of commencement of this Act, the former Authority shall cease to exist.

2. **Transfer of assets and liabilities :**

On and from the date of commencement of this Act, all the lands, buildings and other property movable and immovable, vested in the former Authority immediately before that date and all assets, rights and interests vested in and all outstanding debts, liabilities and obligations incurred by, the former Authority in connection therewith, shall be transferred to and shall vest in the Authority.

3. **Existing agreements etc. :**

All deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the date of enactment of the Act, affecting any of the property, rights, interests, liabilities and obligations transferred to or vested in the Authority under this Act shall continue in force on and after that date and shall be enforceable by or against the Authority as if, instead of the former Authority or a person acting on behalf of the former Authority, the Authority had been named therein or had been a party thereto.

4. **Pending legal proceedings :**

Any proceedings or cause of action pending or existing immediately before the date of commencement of the Act by or against the former Authority or any person acting on its behalf, may be continued and shall be enforced by or against the Authority.

5. **Transfer of employees :**

(1) On and from date of commencement of this Act, every person who immediately before that date is employed by the former Authority, may be transferred to the Authority subject to the satisfaction of the Authority of such persons possessing the required skills and experience.

(2) Notwithstanding anything contained in sub-para (1), the Government shall have the right to redeploy persons under the employment of the former Authority to other similar Authorities or to other local bodies in the State or to any other Government department or agency.

6. **Conditions of service :**

(1) Until such time the terms and conditions of services are drawn up by the Authority, the schemes and terms and conditions of service of the former Authority shall continue to apply to every person transferred to the service of the Authority under this Act as if he were still in the service of the former Authority.

(2) The terms and conditions to be drawn up by the Authority shall take into account the salaries and terms and conditions of service, including any accrued rights to leave, enjoyed by the persons transferred to the service of the Authority under this Act while in the employment of the former Authority and any such terms or condition relating to the length of service with the Authority shall provide for the recognition of service under the former Authority by the person so transferred to be service by them under the Authority.

7. **Pension benefits :**

(1) Nothing in the terms and conditions to be drawn up by the Authority shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Authority as regards to pension, gratuity or allowance payable to them.

(2) Where any person in the service of the Authority whose case does not come within the scope and effect of any pension or other schemes referred to under this sub-para(1), retires or dies in the service of the Authority or is discharged from such service, the Authority may grant to him or to such other person or persons wholly or partly dependent on him, as the Authority may think fit, such allowance or gratuity as the Authority may determine as per admissibility.

8. **Continuation and completion of disciplinary proceedings :**

(1) Where on the date of commencement of this Act any disciplinary proceedings were pending against any employee of the former Authority who has been transferred to the service of the Authority under this Act, the proceedings shall be carried on and completed by the Authority under and inconformity with this Act as far as practicable; but where on that date any matter was in the course of being heard or investigated or had been heard or investigated by the former Authority and no order or decision had been rendered thereon, the former Authority shall be deemed to exist and continue, notwithstanding this Act, for the purpose of completing the hearing or investigation and the making of an order or rendering a decision, as the case may be.

(2) For the purposes of completing a hearing or investigation before it, or making an order or rendering a decision on a matter heard or- investigated before the date of commencement of this Act, the former Authority shall complete the hearing or investigation in accordance with the authority vested in the former Authority or committee immediately before that date and make such order or direction as the former Authority could have made under the authority vested it immediately before that date.

(3) Any order, rule or direction made or given by the former Authority pursuant to this Schedule shall be treated as an order or direction of the Authority and have the same force and effect as if it had been made or given by the Authority pursuant to the authority vested in the Authority under this Act.

9. **Misconduct or neglect of duty by employee before transfer :**

The Authority may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, whilst he was in the employment of the former Authority, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner by the former Authority or any other person acting under its authority or direction or otherwise, as if this Act had not been enacted.

Fifth Schedule

(See Section 130)

Transitional and Savings Provisions

1. **First Chief executive :**

The first Chief Executive of the Authority shall be the person who, immediately before the date of commencement of this Act, is appointed to perform the duties of the Chief Executive Officer of the former Authority.

2. **Projects of former authority :**

Every proposal, plan and project submitted by the former Authority before the date of commencement of this Act and which have neither been approved nor rejected by the Government under the relevant Act shall be deemed to have been lapsed.

3. **Annual Report :**

(1) Notwithstanding anything contained in the provisions of this Act, the former Authority shall, for the purposes of preparing and furnishing to the Government a report of its functions under the relevant Act (referred to in this paragraph as the annual report), shall be deemed continued and in existence until it has furnished that report.

(2) The former Authority shall, as soon as practicable after the date of commencement of the Act, prepare and furnish to the Government an annual report for the period commencing on 1st April of that financial year and ending on the date of the commencement of this Act.

(3) The Government shall cause a copy of the annual report to be laid in the State Legislature as soon as practicable after receipt of the annual report.

(4) The Authority shall provide the former Authority with such clerical and other assistance as is reasonably required for the preparation of the annual report.

4. **Contracts, documents etc.:**

(1) Any scheme, contract, document, license, consent or resolution prepared, made, granted, approved or issued by or on behalf of the former Authority under any provision of the relevant Act, shall, except as otherwise expressly provided in this Act or any other written law for the time being in force, shall continue and be deemed to have been prepared, made, granted or approved by the Authority.

(2) Where anything has been commenced by or on behalf of the former Authority, before the date of commencement of this Act, such thing may be carried on and completed by or under the authority of the Authority.

(3) In any written law and in any document, unless the context otherwise requires, any reference to the former Authority shall be construed as a reference to the Authority.

5. **Certain plan prepared and sanctioned shall be deemed to have been prepared and sanctioned under this Act :**

(1) Any general town planning scheme prepared under the Arunachal Pradesh Urban and Country Planning Act, 2007 or any other Statutory Comprehensive Development Plan prepared and sanctioned by the Government before commencement of the Act, shall continue to be in force unless prepared afresh and superseded or revised under this Act.

(2) Any detailed town planning scheme prepared under the Arunachal Pradesh Urban and Country Planning Act, 2007 or any other Statutory Area Comprehensive Development Plan or Zonal Development Plan prepared for the total or part of the Airport Planning Area and published by the Competent Authority and sanctioned by the Government before commencement of the Act, shall continue to be in force unless prepared afresh and superseded or revised under the Act.

Sixth Schedule
(See Section 55(3))

Infrastructure and amenities to be developed and provided by the Developer Entity

For a planned township, developer(s) entities shall be responsible for providing end-to-end physical, social, and institutional infrastructure so that the area functions as a self-sufficient urban system.

The Following is the list of Infrastructure and amenities that need to be developed by the developer entity in the land pooling area.

1. **Land Development and Site Infrastructure :**
   - (i) Master planning and zoning (residential, commercial, institutional, recreational)
   - (ii) Land grading, cutting and filling
   - (iii) Soil stabilization and erosion control
   - (iv) Boundary demarcation and fencing
   - (v) Internal plot demarcation and access
2. **Transportation and Mobility Infrastructure :**
   - (i) Internal Road Network
   - (ii) Arterial, sub-arterial, collector and local roads
   - (iii) Footpaths and cycle tracks
   - (iv) Road signage, markings and traffic calming
   - (v) Street furniture (benches, bollards, bus bays)
3. **External Connectivity :**
   - (i) Access roads to state highways / city roads
   - (ii) Public transport terminals (bus bays, depots)
   - (iii) Provision for future metro / BRT / rail linkage (where applicable)
4. **Parking Infrastructure :**
   - (i) On-street parking
   - (ii) Off-street / multilevel parking
   - (iii) EV charging stations
5. **Water Supply System :**
   - (i) Raw water source development (river, reservoir, borewell, bulk supply)
   - (ii) Underground and overhead reservoirs (UGR/OHT)
   - (iii) Distribution network (including pressure zoning)
   - (iv) Household connections with metering
   - (v) Firefighting water network and hydrants
6. **Sewerage and Wastewater Management :**
   - (i) Underground sewer network
   - (ii) Sewage Treatment Plant (STP) with tertiary treatment
   - (iii) Treated water reuse network (for flushing, landscaping)
   - (iv) Manholes, pumping stations
   - (v) Septic tanks (temporary / backup, if permitted)

7. **Storm Water Drainage :**
   (i) Surface and underground storm drains
   (ii) Rainwater harvesting structures
   (iii) Detention/retention ponds
   (iv) Flood mitigation channels
   (v) Integration with natural water bodies and nallahs
8. **Power Supply and Electrical Infrastructure :**
   (i) Power sub-stations (33/11 kV or higher as required)
   (ii) Underground / overhead power distribution
   (iii) Street lighting (LED / solar)
   (iv) Smart meters and feeder monitoring
   (v) Backup power for essential services
   (vi) Rooftop / ground-mounted solar plants (where mandated)
9. **Solid Waste Management :**
   (i) Door-to-door collection system
   (ii) Segregation at source (wet/dry/hazardous)
   (iii) Waste transfer stations
   (iv) Composting / bio-methanation plant
   (v) Material Recovery Facility (MRF)
   (vi) Integration with municipal disposal facilities
10. **Gas and Fuel Infrastructure (Where Applicable) :**
   (i) Piped Natural Gas (PNG) network
   (ii) LPG storage and distribution (backup)
   (iii) Safety monitoring systems
11. **Digital and Communication Infrastructure :**
   (i) Underground OFC network
   (ii) Telecom towers / IBS systems
   (iii) Broadband and Wi-Fi zones
   (iv) Command and control center (smart township)
   (v) CCTV surveillance systems
12. **Recreational and Green Infrastructure :**
   (i) Parks and neighborhood greens
   (ii) Playgrounds and sports complexes
   (iii) Green buffers and urban forests
   (iv) Lakefronts / water body rejuvenation
   (v) Landscaping along roads and public spaces

Seventh Schedule
(See Section 36)

Process for approval of Plan

1. **Process of approval plan :**
   (1) After preparing a draft comprehensive development plan under Section 35, the Authority shall notify the same in such form and manner as may be prescribed along with a notice in the prescribed manner, inviting objections or suggestions from any person or body in prescribed manner giving such time period of as may be prescribed.
   (2) A draft comprehensive development plan shall show in distinguishing prescribed colours the area or sites and the uses to which they are proposed to be put, and cover the following details, namely, -
      (a) a statement indicating broadly the uses to which lands in the area covered by the plan are proposed to be put and any survey carried out for the preparation of the draft comprehensive development plan;
      (b) maps, charts and statements explaining the provisions of the draft comprehensive development plan;
      (c) the draft regulations for enforcing the provisions of the draft comprehensive development plan;

(d) procedure explaining the manner in which permission for developing any land may be obtained from the Authority; and

(e) a statement of the stage of development by which it is proposed to meet any obligation imposed on the Authority by the draft comprehensive development plan:

Provided that any of the aforementioned items may be modified by the Authority.

(3) After considering all objections, suggestions and representations that may have been received, the Authority may make modifications or revision to the draft comprehensive development plan in such manner as it considers fit and approve with draft policies, development promotion regulations and reports.

(4) When the modifications in the draft comprehensive development plan are of an extensive or of a substantial nature, the said Authority shall publish the modifications in the Official Gazette along with a notice in the prescribed manner inviting suggestions or objections from any person with respect to the proposed modifications in prescribed manner within such time as may be prescribed and thereupon, the provisions of sub-para (1) shall apply in relation to such suggestions or objections.

(5) The Authority shall within such period as may be prescribed, approve the said comprehensive development plan with or without modifications and refer the comprehensive development plan to State Urban and Country Planning Board.

(6) As soon as may be, after submission of the Comprehensive Development Plan, but not later than the time prescribed by the rules, the State Urban and Country Planning Board, may either approve the Comprehensive Development Plan or may approve it, with such modifications, as it may consider necessary, or may return the Comprehensive Development Plan to the Authority to modify the plan or prepare a fresh plan in accordance with such directions as the State Urban and Country Planning Board may issue in this behalf.

(7) Immediately after the Comprehensive Development Plan has been approved by the State Urban and Country Planning Board, the Authority shall notify the Comprehensive Development Plan in the manner prescribed.

(8) From the date of notification in the Official Gazette, the Comprehensive Development Plan shall come into operation.

2. **Modification to the sanctioned development plan :**

(1) The State Urban and Country Planning Board may, on a reference from the Authority, make such modifications to the sanctioned perspective plan, comprehensive development plan and infrastructure plan, as it considers fit and which in its opinion are necessary.

(2) The Chief Executive Officer of the Authority shall prepare a report together with the plan and full particulars of any such modification.

(3) Before making any reference for modifications to the comprehensive development plan, the Authority, shall publish a notice inviting objections or suggestions from the public giving such time period as may be prescribed.

(4) After due consideration of the objections and suggestions received, the final modification made by the State Urban and Country Planning Board and under the provisions of this paragraph shall be published in the Gazette and the final modifications shall come into operation from the date of publication of such notification.

(5) The Authority may levy such fees and charges including development charges and conversion charges as applicable and as may be prescribed in any such modification effected to the sanctioned comprehensive development plan from the land owners at whose instance the modifications are affected or who will have the advantage due to such modifications. These charges shall take into account the benefits that would accrue to the land owners from the change and shall seek to capture some share of the increased land value.

Eighth Schedule

(See Section 52)

Process for Approval, Implementation and Completion of Land Pooling Schemes

1. **Declaration of intention :**

(1) The area for the land pooling scheme may be identified by the Competent Authority for Land Pooling either on his own or based on the applications received from the land owners or developer entity.

(2) The Competent Authority for Land Pooling shall obtain the approval of the Authority and initiate land pooling scheme for the identified area:

Provided that no such approval shall be necessary in case of any area notified by the Government under sub-sections (5) and (6) of Section 40.

(3) The Competent Authority for Land Pooling shall issue notification declaring its intention (hereinafter referred to as the 'declaration of intention') to make the land pooling scheme in respect of such an area in the prescribed manner within prescribed time period, calling for objections or suggestions as well as consent, from owners or interested parties whose lands are included in the land pooling scheme within such period as may be prescribed from the date of publication of such notification.

(4) The Competent Authority for Land Pooling shall consider all such objections and suggestions, and do consultations with the stakeholders within prescribed time period and finalize the area with or without modifications within prescribed time period.

(5) The Competent Authority for Land Pooling, shall within prescribed time period notify the finalized area of the proposed land pooling scheme and direct the developer Entity to submit a proposed land pooling scheme, that is compliant to Sections 42, 43 and 50 and other general and special orders of the Authority.

(6) Verification of the title and extent of consenting land owners shall be done under sub-section (1) of Section 45.

(7) Disputed ownership shall be resolved under Section 47.

2. **State Government to sanction land pooling scheme :**

(1) After considering the proposed scheme submitted by the developer entity, the Competent Authority for land pooling shall within the prescribed period, make a draft land pooling scheme of the area in accordance with sanctioned comprehensive development plan in consultation with land owners, developer entity and other stakeholders.

(2) The Authority shall, within such period in such manner as may be prescribed, submit the draft land pooling scheme with any modifications that may have been made therein under para 1 together with the objections which may have been communicated to it, to the Government for sanction.

(3) If the Government sanctions and notifies a land pooling scheme, it shall, in such notification, state at what place and time the sanctioned scheme be open for the inspection of the public.

(4) The Competent Authority for land pooling shall publish the notification of draft land pooling scheme within prescribed time period along with the conditions if any for carrying out the provisions of the scheme, calling for objections or suggestions from the land owners whose lands are included in the land pooling scheme giving them such time period as may be prescribed, for filing the objections and suggestions.

3. **Final notification of land pooling scheme :**

(1) If any person affected by such draft scheme communicates in writing to the Competent Authority for Land Pooling, any objections relating to such scheme within the time period prescribed, the said Competent Authority shall consider such objections and may at any time before approving the final land pooling scheme modify such scheme as it considers fit.

(2) If final land pooling scheme is not notified within two years of the notification of the draft land pooling scheme, the declaration issued under para 1 and draft land pooling scheme notified under para 2 shall deemed to be lapsed.

4. **Implementation of land pooling scheme :**

(1) The permission for the final land pooling scheme shall remain valid for such period as may be prescribed.

(2) If the infrastructure works are not completed by the developer entity within the prescribed period, the final sanction and permission may be revalidated by the Authority for such maximum period as may be prescribed:

Provided that if the developer entity fails to develop and provide for the infrastructure works within said maximum period prescribed, the Authority may develop that said infrastructure, on payment of the development charges of the said development by the owners of the reconstituted plots.

(3) After publication of the final land pooling scheme the Competent Authority for Land Pooling shall issue a provisional land pooling certificate to such intended owners of the reconstituted plots within the prescribed time period, which would enable them to get permissions and carryout works required of him.

(4) The provisional land pooling ownership certificate shall contain details of the land owner's original land and that of the reconstituted plot/land, including its original ownership details, along with a sketch of reconstituted plots

(5) The owners of reconstituted plots would not be entitled for occupancy certificate, electricity and water connection, or occupation of the building, until the notification for completion of Land-pooling scheme under para 3 has been issued.

5. **Completion of final land pooling scheme :**

(1) The Competent Authority for Land Pooling shall, upon duly furnishing the details of completion of the works along with the necessary infrastructure plan, publish a notice of completion of the final land pooling scheme within the period as may be prescribed.

(2) The Competent Authority for Land Pooling shall also publish the details of re-allotment of reconstituted plots / lands along with land mutation records and land pooling ownership certificates.

(3) On verification of the details in sub-para (1) and sub-para (2), the Chief Executive Officer shall issue the Completion Certificate along with layout of final land pooling scheme.

Ninth Schedule

(See Section 59 and 63)

Process for Approval, Implementation and Completion of Town Planning Schemes

1. **Declaration of intention to make scheme :**

(1) Before making any town planning scheme under the provisions of this Act in respect of any area, the Authority may, by resolution, declare its intention to make such a scheme in respect of such area.

(2) The Competent Authority for Town Planning shall, within such period from the date of declaration and in such manner as may be prescribed, publish the declaration (hereinafter referred to as the declaration of intention to make a scheme) for information of the public.

(3) A copy of the plan shall be kept open at the office of the Authority during the office hours for the inspection of the public.

2. **Objections to draft town planning scheme to be considered :**

If any person affected by such scheme communicates in writing, within stipulated time, to the Competent Authority for Town Planning, any objections relating to such scheme, the Competent Authority for Town Planning shall consider such objections and may at any time before submitting the proposed town planning scheme to the Government as hereinafter provided, modify such scheme as it considers fit.

3. **Power of the Government to sanction draft town planning scheme :**

(1) The Authority shall, within such period in such manner as may be prescribed, submit : the draft town planning scheme with any modifications that may have been made therein under para-2 together with the objections which may have been communicated to it, to the Government for sanction.

(2) If the Government sanctions and notifies a town planning scheme, it shall, in such notification, state at what place and time the sanctioned scheme be open for the inspection of the public.

4. **Drafting of preliminary and final scheme** :

(1) After the draft town planning scheme has been sanctioned, the town planning officer shall, divide the 'sanctioned scheme' into a preliminary scheme and a final scheme within a period of six months from the date of his appointment,

Provided that the Government may, from time to time, by order in writing, extend the said period by such further period or periods as may be specified in the order and any such order extending the period may be made so as to have retrospective effect.

(2) The town planning officer shall draw in the prescribed form, the preliminary and the final scheme in accordance with the draft scheme:

Provided that the town planning officer may make variation from the 'sanctioned scheme', but no such variation, if it is of a substantial nature, shall be made except with the previous sanction of the Government and except after hearing the Authority and any owners who may raise objections.

Explanation : -

(i) For the purpose of this provision "variation of a substantial nature" means a variation which is estimated by the town planning officer to involve an increase of ten percent in the costs of the scheme as stated in Section 73, on account of the provisions of new works or the allotment of additional sites for public purposes included in the preliminary scheme drawn up by the town planning officer.

(ii) If there is any difference of opinion between the town planning officer and the Authority as to whether a variation made by the town planning officer is of substantial nature or not, the matter shall be referred by the Authority to the Government whose decision shall be final.

5. **Contents of preliminary and final scheme :**

(1) In a preliminary scheme, the town planning officer shall, -

(a) after giving notice in the prescribed manner and in the prescribed form to the persons affected by the scheme, define and demarcate the areas allotted to, or reserved for, any public purpose, or for the purpose of the Authority and the reconstituted plot/land;

(b) after giving notice as aforesaid, determine in a case in which a reconstituted plot/land is to be allotted to persons in ownership in common, the shares of such persons;

(c) provide for the total or partial transfer of any right in an original plot to a reconstituted plot or provide for the transfer of any right in an Original Plot in accordance with the provisions of the Act;

(d) determine the period within which the works provided in the scheme shall be completed by the Authority.

(2) The town planning officer shall submit the preliminary scheme so prepared to the Government for sanction and after the approval of preliminary scheme by the Government, prepare and submit to the Government the final scheme in accordance with the provisions of para 9.

(3) In the final scheme, the town planning officer shall, -

(a) fix the difference between the total of the values of the original plots and the total of the values of the plots included in the scheme in accordance with the provisions of clause (c) of sub-section (1) of Section 73;

(b) determine whether the areas used, allotted or reserved for a public purpose or purposes of the Authority are beneficial wholly or partly to the owners or residents within the area of the scheme;

(c) estimate the portion of the sums payable as compensation on each plot used, allotted or reserved for a public purpose or for the purpose of the Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, which shall be included in the costs of the scheme;

(d) calculate the contribution to be levied under sub-section (1) of Section 73, on each plot used, allotted or reserved for a public purpose or for the purpose of the Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public ;

(e) estimate the increment to accrue in respect of each plot included in the scheme in accordance with the provisions of Section 74;

(f) calculate the proportion of the contribution to be levied on each plot in the final scheme to the increment estimated to accrue in respect of such plot under sub-para (1) of para 1 of Eleventh Schedule.

(g) calculate the contribution to be levied on each plot included in the final scheme;

(h) determine the amount to be deducted from, or added to, as the case may be, the contribution to be levied from a person in accordance with the provisions of para 1 of Eleventh Schedule.

(i) estimate with reference to claims made before him after notice has been given by him in the prescribed manner and in the prescribed form, the compensation to be paid to the owner of any property or right injuriously affected by the making of the Town Planning Scheme in accordance with the provisions of para 4 of Eleventh Schedule;

6. **Certain decisions of town planning officer to be final :**

Except in matters arising out of clauses (c), (d), (e), (f), (g) and (i) of sub-para (3) of para 5, every decision of the town planning officer shall be final and binding on all persons.

7. **Appeal :**

Any decision of the Town Planning Officer under clauses (c), (d), (e), (f), (g) and (i) of sub-para (3) of para 5 shall forthwith be communicated to the party concerned in the prescribed form and any person aggrieved by such decision may within such time period as may be prescribed, from the date of communication of decision, present an appeal to the Board of Appeal constituted under Section 64.

8. **Submission of final scheme to the Government :**

After the time period for filing appeal under para 7 has expired, the town planning officer shall submit to the Government for sanction, the final scheme with such modifications as may be necessary, together with copy of his decision under sub-para (3) para 6 along with details of matters in which appeals have been preferred under para 7.

9. **Power of the State Government to sanction or refuse to sanction the scheme and effect of sanction :**

(1) On receipt of the preliminary scheme or as the case may be, the final scheme, the Government may within such period as may be prescribed from the date of its receipt, -

(a) by notification, sanction the preliminary scheme or the final scheme; or

(b) refuse to give sanction; or

(c) return the preliminary or the final scheme to the town planning officer for reconsideration of such matters as may be ordered by the Government:

Provided that in sanctioning any such scheme, the Government may make such modifications as may, in its opinion, be necessary for the purpose of correcting an error, irregularity or informality.

(2) Where the Government sanctions the preliminary scheme or the final scheme, it shall state in the notification;

(a) the place at which the scheme shall be kept open for inspection by the public, and

(b) a date on which all the liabilities created by the scheme shall come into force:

Provided that the Government may, from time to time, extend such date by notification, by such period, not exceeding thirty days at a time, as it considers fit.

(3) On and after the date fixed in such notification, the final scheme shall have effect as if it were enacted in this Act.

10. **Withdrawal of scheme :**

(1) If at any time before the preliminary scheme is forwarded by the town planning officer to the Government, a representation shall be made to the town planning officer by the Authority and if the owners of the majority of the land extent in the scheme area represent that the scheme should be withdrawn, the town planning officer shall, after inviting objections from all persons interested in the scheme to such representation, forward such representation together with the objections, if any, to the Government.

Explanation :-

No such representation shall be entertained if it is filed after forwarding of preliminary scheme by the town planning officer.

(2) The Government after making such inquiry as it may deem fit, may, if it is of the opinion that it is necessary or expedient so to do, by notification, direct that the scheme shall be withdrawn and upon such withdrawal no further proceedings shall be taken in regard to such scheme.

11. **Power to vary scheme on the ground of error, irregularity or informality :**

(1) If after coming into force of the preliminary scheme or the final scheme, the Authority considers that the scheme is defective on account of an error, irregularity or informality, the Authority may apply in writing to the Government for the variation of the scheme.

(2) If on receiving such application or otherwise, the Government is satisfied that the variation required is substantial, the Government shall publish a draft of such variation in the prescribed manner so that any person affected thereby may communicate in writing his objections to such variation to the Government through the Authority within such period as may be prescribed from the date of publication of the draft variation.

(3) The draft variation published under sub-para (2) shall state every variation proposed to be made in the scheme and if any such variation relates to a manner specified in any of the sub-sections (1) to (8) of Section 41, the draft variation shall also contain such other particulars as may be prescribed.

(4) The draft variation shall be open to the inspection of the public at such officers as published under sub-para (2).

(5) After receiving the objections, the Government may, after consulting the Authority and after making such inquiry as it may think fit, by notification-

(a) appoint a town planning officer and thereupon the provisions of this Schedule shall so far as may be, apply to such draft variation as if it were a draft scheme sanctioned by the Government, or

(b) make the variation with or without modification, or

(c) refuse to make the variation.

(6) From the date of the notification making the variation, with or without modification, such variation shall take effect as if it were incorporated in the scheme.

12. **Variation of town planning scheme for land allotted for public purpose :**

If at any time after the final town planning scheme comes into force, the Authority is of the opinion that the purpose for which any land is allotted in such scheme under any of the clause (a) and (c) of Section 58 requires to be changed to any other purpose specified in any of the said clauses, the Authority may make such change after following the procedure relating to amendment of regulations, specified in Section 70 as if such change were an amendment of regulations.

13. **Variation of town planning scheme by another scheme :**

Notwithstanding anything contained in para 12, a town planning scheme at any time be varied by a subsequent scheme made, published and sanctioned in accordance with the provisions of the Act.

14. **Compensation when scheme is varied :**

If at any time after the date on which the scheme has come into force, such scheme is varied, and any person who has incurred any expenditure for the purpose of complying with such scheme shall be entitled to be compensated by the Authority for the expenditure, if such expenditure is rendered abortive by reason of the variation of such scheme.

15. **Apportionment of costs of scheme withdrawn not sanctioned :**

In the event of a town planning scheme being withdrawn, the Government may direct that the costs of the scheme shall be borne by the Authority or be paid to the Authority by the owners concerned in such proportion as the Government may in each case determine.

Tenth Schedule
(See Section 64)
Constitution, procedure and Powers of Board of Appeal

1. **Constitution of board of appeal :**

(1) The Board of Appeal shall consist of three members, one of whom shall be its Chairperson and two persons, possessing such qualifications and experience as may be prescribed, as assessors.

(2) The terms of appointment of the Chairperson of the Board of appeal and conditions of service shall be such as may be prescribed.

(3) The Board of appeal constituted under sub-para (1) shall stand dissolved as soon as a copy of its decision in appeal is sent to the town planning officer under sub-section (2) of Section 65.

(4) The Government may, if it considers fit, remove for incompetence or misconduct or for any other good or sufficient reason any assessor appointed under sub-para (1).

(5) If any assessor is removed or dies or refuses or neglects to act or becomes incapable of the acting, the authority who appointed such assessor shall appoint forthwith a fit person in his place.

2. **Town planning officer to assist board in advisory capacity :**

(1) The town planning officer or his nominee shall be present at the proceedings before the board of appeal.

(2) The town planning officer shall not be required to give evidence in such proceedings but the Chairperson may require him to assist the Board in an advisory capacity.

3. **Place where the board may sit :**

The board of appeal may sit either at the headquarters of the Chairperson or at any other place within the local limits of his jurisdiction which he may deem convenient for the consideration and decision of any matter before such board.

4. **Decision on questions of law and other questions :**

All questions of law and procedure shall be decided by the Chairperson and all other questions shall be decided by the Chairperson and the two assessors or by a majority of them.

5. **Power of the board to decide matter finally :**

(1) After making such inquiry as it may think fit, the board of appeal may either direct the town planning officer to reconsider its proposals, or accept, modify, vary or reject the proposals of the town planning officer.

(2) The board of appeal shall decide the matters referred to it within three months of filing of appeal.

(3) Every decision of the board of appeal shall be final and binding on all persons.

6. **Board not be a court :**

Nothing contained in this Act shall be deemed to constitute the board of appeal to be a court.

7. **Remuneration of assessors and payment of incidental expenses of board to be added to costs scheme:**

(1) The assessors shall, save where they are salaried Government officers, be entitled to such remuneration either by way of monthly salary or by way of fees or partly by way of salary and partly by way of fees, as the Government may, from time to time, determine.

(2) The salary of the Chairperson or an Assessor who is not a salaried Government officer and any remuneration payable under sub-para (1) and all expenses incidental to the working of the board of appeal shall, unless the Government otherwise determines, be defrayed out of the funds of the Authority and shall be added to the costs of the scheme.

Eleventh Schedule
(See Section 75)

Cost of Scheme, its components, means of Financing the Scheme and Rights of persons over the land covered under the Town Planning Scheme

1. **Contribution towards costs of scheme :**

(1) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the Authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the town planning officer.

(2) where the cost of the scheme-

(a) does not exceed half of the increment, the cost shall be met wholly by a contribution; and

(b) exceeds half of the increment, to the extent of half of the increment it shall be met by a contribution and the excess shall be borne by the Authority;

(3) where a plot is subject to a mortgage with possession or to a lease, the town planning officer shall determine in what proportion the mortgage or lessee on the one hand and the mortgagor or lessor on the other hand shall pay such contribution;

(4) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or for the purpose of the Authority which is solely beneficial to the owners of land or residents within the area of the scheme; and

(5) the contribution levied on a plot used, allotted or reserved for a public purpose or for the purpose of the Authority which is beneficial partly to the owners of land or residents within the area of the scheme and partly to the general public shall be calculated in proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.

(6) The owner of each plot included in the final scheme shall be primarily liable for the payment of the contribution to be levied in respect of such plot.

2. **Certain amounts to be added to, or deducted from, contribution to be levied from person:**

The amount by which the total value of the plots included in the final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall be deducted from, or, as the case may be, added to, the contribution to be levied from such person, each of such plots being estimated at its market value at the date of declaration of intention to make a scheme or the date of the notification issued by the Government under sub-section (5) of Section 40 and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

3. **Transfer of right from original to reconstituted plot or extinction of such right :**

Any right in an original plot which in the opinion of the town planning officer is capable of being transferred wholly or in part, without prejudice to the making of a town planning scheme, to a reconstituted plot shall be so transferred and any right in an original plot which in the opinion of the town planning officer is not capable of being so transferred shall be extinguished :

Provided that an agricultural lease shall not be transferred from an original plot to a reconstituted plot without the consent of all the parties to such lease.

4. **Compensation in respect of property or right injuriously affected by scheme :**

The owner of any property or right which is injuriously affected by the making of a town planning scheme shall, if he makes a claim before the town planning officer within the prescribed time, be entitled to be compensated in respect thereof by the Authority or by any person benefited or partly by the Authority and partly by such person as the town planning officer may in each case determine:

Provided that the value of such property or rights shall be deemed to be its market value at the date of the declaration of intention to make a scheme or the date of the notification issued by the Government under sub-section (5) of Section 40 without reference to improvements contemplated in the scheme, as the case may be.

5. **Exclusion of compensation in certain cases :**

(1) No compensation shall be payable in respect of any property or private right which is alleged to be injuriously affected by reason of any provision contained in the town planning scheme, if under any other law for the time being in force applicable to the area for which such scheme is made no compensation is payable for such injurious affection.

(2) Any property or private right shall not be deemed to be injuriously affected by reason of any provision inserted in a town planning scheme which imposes any conditions and restrictions in regard to any of the matters related to the construction of buildings such as development control or promotion regulations or zoning regulations or building rules or building bye- laws.

6. **Provision for cases in which amount payable to owners exceeds amount due from him:**

If the owner of an original plot is not provided with a plot in the preliminary scheme or if the contribution to be levied from him under para1 is less than the total amount to be deducted therefrom under any of the provisions of this Act, the net amount of his loss shall be payable to him by the Authority in cash or in such other manner as may be agreed upon by the parties.

7. **Provision for case in which value of developed plots is less than amount payable by owners :**

(1) If from any cause the total amount which would be due to the Authority under the provisions of this Act from the owner of a plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the town planning officer shall at the request of the Authority direct the owner of such plot to make payment to the Authority of the amount of such excess.

(2) If such owner fails to make such payment within the prescribed period, the town planning officer shall, if the Authority so requests, acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the Authority of the value of such plot estimated at its market value at the date of the declaration of intention to make a scheme or the date of a notification under sub-section (5) of Section 40 and without reference to improvements contemplated in the scheme; and thereupon the plot included in the final scheme shall vest absolutely in the Authority free from all encumbrances but subject to the provisions of the Act:

Provided that the payment made by the Authority on account of the value of the original plot shall not be included in the costs of the scheme.

Pige Ligu, IAS
Secretary to the
Government of Arunachal Pradesh,
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