

পত্ৰীকৃত নম্বৰ ক-১২

Registered No. A—12.

অসম



ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃদ্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT LEGISLATIVE BRANCH
DISPUR

NOTIFICATION

The 14th February, 1991

No. LGL. 142/89/112: The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. I OF 1991

(Received the assent of the Governor of Assam on 8th February, 1991.)

ASSAM INDUSTRIAL INFRASTRUCTURE
DEVELOPMENT CORPORATION ACT 1990

An
Act

to provide for the establishment of a Corporation for the development of industrial infrastructure in the State of Assam.

Preamble

WHEREAS it is expedient to make special provision for securing the orderly establishment of industries in industrial areas, industrial estates, growth centres and in establishment of commercial estates for the growth of industries in the State of Assam and to assist generally in the organisation thereof, and for that purpose to establish an Industrial Infrastructure Development Corporation, and for purposes connected with the matters aforesaid.

It is hereby enacted in the Fortieth Year of the Republic of India as follows :—

CHAPTER—1
PRELIMINARY

Short title,
extent and
commence-
ment

1. (1) This Act may be called the Assam Industrial Infrastructure Development Corporation Act, 1990.

(2) It extends to the whole of the State of Assam.

(3) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise required :—

(a) "amenity" includes road, supply of water or electricity, street lighting, drainage, sewerages conservancy and such other convenience as the State Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Act.

(b) "building" means any structure or erection, or part of a structure or erection, which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;

(c) "Collector" means the Collector of a district, and includes any officer specially appointed by the State Government to perform the functions of a Collector under this Act;

(d) "Corporation" means the Assam Industrial Infrastructure Development Corporation established under Section 3;

(e) "Commercial estate" means any site selected by the State Government where the Corporation constructs buildings and makes them available for the purpose of carrying out industrial and commercial activities;

(f) "Court" means a principal Civil Court of original jurisdiction, and includes a court of any Additional District Judge or Assistant District Judge whom the State Government may appoint, by name or by virtue of his offices, to perform, concurrently with any such principal civil court all or any of the functions of the court under this Act within any specified local limit;

(g) "development" with its grammatical variations means the carrying out of building, engineering, quarrying or other operations in, on over or under land, or the making of any material changes in any building or land, and includes reclamation and re-development, but does not include mining operations and "to develop" shall be construed accordingly;

(h) "engineering operations" include the formation or laying out of means of access to a road or the laying out of means of water supply, gas supply and electricity supply;

(i) "growth centre" means any site declared to be a growth centre by the State Government by notification published in the Official Gazette, which is to be developed for industries;

(j) "industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, services, employment, handicraft or industrial occupation or avocation of workmen and the word "industrial" shall be construed accordingly;

(k) "industrial area" means any area declared to be an industrial area by the State Government by notification published in the Official Gazette, which is to be developed and where industries and related services are to be accommodated;

(l) "industrial estate" means any site selected by the State Government, where the Corporation builds factories and other buildings and makes them available for any industries or class of industries;

(m) the expression "land" and expression "person interested" shall have the meanings respectively assigned to them in Section 3 of the Land Acquisition Act, 1894;

(n) "means of access" includes a road or any means of access, whether private or public, for vehicles or for pedestrians or for rail or for water, power or communication system;

(o) "notification" means notification published in the Official Gazette;

(p) "premises" means any land or building or part of a building and includes:—

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(q) the "Lease Deed" means the Agreement executed between the Corporation and lessees of plots of land, building and amenities of the Corporation containing the terms and conditions of the lease;

(r) "prescribed" means prescribed by rules made under this Act;

(s) "State Government" means the State Government of Assam.

CHAPTER—II.

ESTABLISHMENT AND CONSTITUTION OF THE CORPORATION.

Establishment and in corporation

3. (1) There shall be established by the State Government by notification, a Corporation by the name of the Assam Industrial Infrastructure Development Corporation for the purpose of securing and assisting in the rapid and orderly establishment and organisation of industries in industrial areas, industrial estate, growth centres, and in establishment of commercial estates for growth of industries in the State of Assam.

(2) The Corporation shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire hold and dispose of property both movable and immovable and to contract and do all things necessary for the purposes of this Act.

(3) The Corporation shall establish its Head Office at such place in the State as the State Government may specify.

Constitution

4. (1) The Corporation shall consist of the following members:—

(a) the Commissioner and Special Secretary to the Government of Assam, Industries Department;

(b) the Secretary, Finance Department, Government of Assam;

(c) the Secretary, Revenue Department, Government of Assam;

- (d) the Chief Engineer, Assam State Electricity Board ;
- (e) the Managing Director, Assam Industrial Development Corporation Limited ;
- (f) the Managing Director, Assam Small Industries Development Corporation Limited ;
- (g) the Director of Industries, Government of Assam ;
- (h) the Director, Public Enterprises, Government of Assam ;
- (i) the Managing Director, Assam Industrial Infrastructure Development Corporation ;
- (j) two non-official Directors nominated by the State Government who are, in the opinion of the State Government, qualified as having the experience and capacity in, industry or trade or finance or who in the opinion of the State Government are capable of representing the interest of persons engaged or employed therein ;
- (k) two Directors nominated by Financial Institutions/Banks pursuant to agreement with the corporation.

5. The Commissioner and Special Secretary to the Government of Assam, Industries Department shall be the Chairman of the Corporation ;

Disqualifica-
tion for
Directorship

6. A person shall be disqualified for being nominated as a Director of the Corporation, if he—

- (a) is an employee of the corporation, not being the Chief Executive Officer, or
- (b) is of unsound mind, and stands so declared by a competent court, or

(c) is an undischarged insolvent, or

(d) has been convicted by court on a charge of crime involving moral turpitude.

Term of Offices and conditions of services of Directors

7. (1) (a) Every Director of the Corporation nominated under Clause (j) of Section 4 shall hold offices for a period of three years from the date of his nomination, unless his term of office is terminated earlier by the State Government.

(b) Where a vacancy of any such Director occurs due to completion of the term of office or due to termination of his term of office earlier, the vacancy shall be filled in accordance with the provisions of Section 10.

(c) Any person nominated as Director of one or more occasions shall unless disqualified, be eligible for renomination;

(d) Where a person is nominated to be or become a Director of the Corporation by virtue of holding any office, he shall, notwithstanding anything contained in this Act, cease to be a Director of the Corporation as soon as he ceases to hold that office.

Meetings of Corporation

8. The Corporation shall meet at such times and shall observe such rules of procedures in regard to the transaction of its business as may be provided by regulations made under this Act.

Cessation on Directorship

9. (1) If a Director —

(a) becomes subject to any of the disqualifications mentioned in section 6, or

(b) tenders his resignation in writing to and such resignation is accepted by the State Government, or

(c) is absent without the Corporation's permission from three consecutive meetings of the Corporation, or

(d) is convicted of an offence involving moral turpitude,

he shall cease to be a member of the Corporation.

Vacancies
how to be
filled

10. Any vacancy of a Director of the Corporation shall be filled as early as practicable, in like manner as if the appointment were being made originally:

Provided that during any such vacancy the continuing Directors may act as if no vacancy had occurred.

Temporary
absence of
Chairman.

11. If the Chairman of the Corporation is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties, or is granted leave of absence by the State Government or is otherwise unable to attend to his duties in circumstances not involving the cessation of his Directorship, the State Government may appoint any other Director to act as the Chairman of the Corporation and he shall carry out his duties and functions by or under this Act until the Chairman resumes his duties.

Proceeding
resumed
to good and
valid.

12. No disqualification of or defect in the appointment of any person acting as the Chairman or a Director of the Corporation shall vitiate any act or proceedings of the Corporation, if such act or proceeding is otherwise in accordance with the provisions of this Act.

Officers and
employee of
the Corpora-
tion.

13. (1) The State Government shall appoint a Managing Director who shall be the Chief Executive Officer of the Corporation.

(2) The Corporation may appoint such other officers and employees subordinate to the Managing Director as it considers necessary for the efficient performance of its duties and functions.

(3) The conditions of appointment and service of the officers and employees and their scales of pay shall—

(a) as regards the Managing Director, be such as may be prescribed; and

(b) as regards the other officers and employees, be such as may be determined by regulations made under this Act.

(4) If the Managing Director of the Corporation is temporarily absent, or rendered incapable of performing his duties for any reason whatsoever, not involving the vacation of his office, the State Government may appoint another person to act in his place during his absence. Such person shall vacate office on the date the Managing Director resumes his duties.

Corporation
to absorb
certain staff
and to a
some obli-
gation of State
Govt, in res-
pect of mat-
ters to
which this
Act applies

14. (1) The Corporation shall take over and employ such of the existing staff serving for the Infrastructure development purposes with the Assam Industrial Development Corporation Limited, the Assam Small Industries Development Corporation Ltd. the Directorate of Industries as the State Government may direct and every person so taken over and employed shall be subject to the provisions of this Act and the rules and regulation made thereunder :

Provided that the conditions of service of the members of the staff who are taken by the Corporation shall in no way be less advantageous than those which were applicable to them immediately prior to their absorption.

(2) All permanent employees taken over and employed by the Corporation under sub-section (1) above shall have a lien, on their respective posts

in the service of the State Government and the respective Corporation and the period of their services under the Corporation shall on their reservation to the service of the State Government and the parent Corporation be counted for their increments, pension and other matters relating to their service.

(3) All obligations incurred, all contracts entered into and all matters and things engaged to be done before the first constitution of the Corporation by, with or for the State Government or Assam Industrial Development Corporation Ltd., Assam Small Industries Development Corporation Ltd. and Directorate of Industries for any of the purposes of this Act in respect of any schemes for the development of industrial areas or industrial estates, commercial estates or growth centres entrusted to the Corporation shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Corporation; and accordingly all suits or other legal proceedings instituted or which might have been instituted by or against the State Government or the Assam Industrial Development Corporation Limited, the Assam Small Industries Development Corporation Limited and the Directorate of Industries, as the case may be, may be continued or instituted by or against the Corporation.

(4) All expenditure which the State Government or the Assam Industrial Development Corporation Ltd. the Assam Small Industries Development Corporation Ltd., and the Directorate of Industries may have incurred before the date of the coming into force of this Act in connection with any of the purposes of this Act shall be deemed to be a grant to the Corporation under section 22 of this Act on that date, and assets acquired by such expenditure shall vest in the Corporation.

CHAPTER III

FUNCTIONS AND POWERS OF THE CORPORATION.

15. The functions of the Corporation shall be—

- (i) generally to promote and assist in the rapid and orderly establishment, growth and development of industries, trade and commerce, in the State of Assam; and
- (ii) in particular and without prejudice to the generality of clause (i)—
 - (a) to establish and manage industrial and Commercial estates at places selected by the State Government;
 - (b) to develop industrial areas and growth centres selected by the State Government for the purpose and make them available for undertakings to establish themselves;
 - (c) to undertake schemes or works, either jointly with other corporate bodies or institutions, or with local authorities, or on an agency basis, in furtherance of the purposes for which the Corporation is established and all matters connected therewith;
 - (d) to provide or cause to be provided amenities and common facilities in industrial estates, commercial estates and industrial areas and growth centres and construct and maintain or cause to be maintained works and buildings therefor;
 - (e) to make available plots of land buildings, and amenities on lease/licence/hire or

sale to industrialists or persons intending to start industrial undertakings;

(f) to construct buildings for the housing of the employees of such industries and employees of the Corporation; and

(g) to diversify its activities with prior approval of the Govt. if such diversification is deemed necessary for proper functioning of the Corporation.

General powers of the Corporation

16. Subject to the other provisions of this Act, the Corporation shall have power-

(a) to acquire and hold such property, both movable and immovable, as the Corporation may deem necessary for the performance of any of its activities, and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be deemed proper by the Corporation:

(b) to purchase by agreement or to take on lease or under any form of tenancy any land, to erect such buildings and to execute such other works as may be necessary for the purpose of carrying out its duties and functions;

(c) to allot plots, factory sheds or buildings or parts of buildings, including residential tenements and amenities to suitable persons in the industrial and commercial estates growth centres, and industrial areas established or developed by the Corporation and to execute lease deed or any other agreement wherever necessary;

(d) to modify or rescind such allotments, including the right and power to evict the allottees concerned on breach of any of

the terms and conditions of the lease deed or any other agreement;

(e) to constitute advisory committees to advise the Corporation;

(f) to engage suitable consultants or persons having special knowledge or skill to assist the Corporation in the performance of its functions;

(g) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of its functions; and

(h) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions and for carrying into effect the purposes of this Act.

Authentica-
tion of orders
and docu-
ments of
Corporation

17. All permissions, orders, decisions, notices other documents of the Corporation shall be authenticated by the signature of the Managing Director of the Corporation or any other officer authorised by the Corporation in this behalf.

Power to
levy service
charge.

18. Notwithstanding anything contained in any contract or in any law for the time being in force, it shall be lawful for the Corporation to levy development cost, fees or service charges to cover its expenses on construction and maintenance of roads, drainage, water-supply and such other services and amenities as may be provided by it including provision of street lighting, at such rates as may be prescribed from time to time and such cost, fees or charges may be levied on the plot holders or other persons receiving benefit of the services or amenities.

Directions
by the State
Government

19. The State Government may issue to the Corporation such general or special directions as to policy as it may think necessary or expedient for carrying out the purposes of this Act, and the Corporation shall be bound to follow and act upon such directions.

CHAPTER—IV
FINANCE, ACCOUNTS AND AUDIT

Application
of Corpora-
tions assets.

20. All property, fund and other assets vesting in the Corporation shall be held and applied by it, subject to the provisions, and for the purposes of this Act.

Corporation
fund.

21. The Corporation shall have and maintain its own fund to which shall be credited—

(a) all moneys received by the Corporation from the State Government by way of grants, equity contribution, subventions, loans, advances or otherwise;

(b) all fees, costs and charges received by the Corporation under this Act;

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

(d) all moneys received by the Corporation by way of rents and profits or in any other manner or from any other sources;

(e) all moneys received by the Corporation from Government undertakings, Companies, Financial Institutions, Commercial Banks or from any other sources.

Grants,
subscriptions
loans and
advances
to the Cor-
poration.

22. The State Government may after due appropriation made by the State Legislature by law in this behalf make such equity capital, grants, subscriptions, loans and advances to the Corporation as it may deem necessary for the performance of the functions of the Corporation under this Act, and all grants, subvention, loans and advances made shall be on such terms and conditions, as the State Government may after consulting the Corporation, determines.

Power of
Corporation
to borrow
and guaran-
tee of loans.

23. (1) The Corporation may, from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as may be prescribed in this behalf, borrow any sum from open market or from Bank or financial institution required for the purposes of this Act.

(2) Rules made by the State Government for the purposes of this section may empower the Corporation to borrow by the issue of bonds or stock or otherwise.

(3) The maximum amount which the Corporation may at any time have on loan under subsection (1) shall be rupees fifty crores unless the State Government with the approval of the State Legislative Assembly, fixes higher maximum amount.

(4) The State Government may guarantee in such manner as it thinks fit the payment of the principal and interest of any loan proposed to be raised by the Corporation or of either the principal or the interest:

Provided that the State Government shall, as long as any such guarantees are in force, lay before the State Legislative Assembly in every year during the first session of the State Legislative Assembly, a statement of the guarantees, if any, given during the current financial year and an up-to-date account of the total sum, if any, which have been paid out of or into the State

Revenues by reason of any such guarantees or paid in to the State Revenues towards repayment of any money so paid out.

Deposite.

24. The Corporation may accept deposits on such terms and conditions as it deems fit from persons, authorities, or institutions, to whom allotment or sale of land, building or shed is made or is likely to be made in furtherance of the objects of this Act.

Reserved and other funds.

25.(1) The Corporation shall make provisions for such reserve and other specially denominated funds as the State Government may, from time to time, direct.

(2) The management of the funds referred to in sub-section (1), the sums to be transferred from time to time to the credit therein and the application of money comprised therein shall be determined by the Corporation.

(3) The funds referred to in sub-section (1) shall not be utilised for any purpose other than that for which it was constituted without the previous approval of the State Government.

Expenditure from funds.

26. (1) The Corporation shall have the authority to spend such sums as it thinks fit for the purposes authorised under this Act from out of the general fund of the Corporation referred to in Section 22 or from the reserve and other funds referred to in Section 26, as the case may be

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Corporation may contribute sums, as it thinks fit, towards expenditure incurred or to be incurred by any local authority or statutory public undertaking in the performance in relation to any of its industrial and commercial estates or industrial areas, and growth centres, of any of the statutory functions of such authority or undertaking, including expenditure incurred in the acquisition of land,

(3) The Corporation shall have authority to advance loans, with or without security or interest, to its employees on such terms as it deems fit.

Budget and programme of work.

27. (1) The Corporation shall, by such date in each year as may be prescribed, prepare and submit to the State Government for approval an annual financial statement and the programme of work for the succeeding financial year.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.

(3) The Corporation shall be competent to make variations in the programme of work in the course of the year; provided that all such variations and reappropriations out of the sanctioned budget, are brought to the notice of the State Government.

Accounts and Audit.

28. (1) The Corporation shall maintain books of accounts and other books in relation to its business and transaction in such form, and in such manner, as may be prescribed.

(2) The accounts of the Corporation shall be audited by an auditor appointed by the State Government in consultation with the Controller and Auditor-General of India.

(3) As soon as the accounts of the Corporation are audited the Corporation shall send a copy thereof together with the copy of the report of the auditor thereon to the State Government.

(4) The State Government shall cause to be forwarded the accounts of the Corporation together with the audit report thereon to it under sub-section (3) to be laid annually before the State Legislative Assembly.

Concurrent
and special
audit of
accounts.

29.(1) Notwithstanding anything contained in the last preceding section, the State Government may, by order, direct that there shall be concurrent audit by such person as it thinks fit of the accounts of the Corporation relating to any particular transaction or class or series of transactions or to a particular period.

(2) When an order is made under sub-section (1), the Corporation shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1), such information as the said person may require for the purpose of audit.

CHAPTER-V APPLICABILITY OF CERTAIN LAWS

Application
of Assam
public pre-
mises (Evi-
tion of un-
authorised
Occupants)
Act, 1971.

30.(1) The State Government may, ^{Assam Act XX of 1976.} by notification, provide that from such date as is stated therein, the Assam Public Premises (Eviction of Unauthorised Occupants) Act, 1971, shall, subject to the provisions of sub-section (2), apply to the premises belonging to vesting in or leased by the Corporation.

(2) On a notification being issued under sub-section (1), the aforesaid Act and the rules made thereunder shall apply to premises of the Corporation with the following modification, namely :—

- (a) the State Government shall appoint an officer of the Corporation who is holding or has held office whether under the Government or the Corporation, which in the opinion of the State Government is not lower in rank than that of a Deputy Collector or an Executive Engineer, to be the Estate Officer for the purposes

of the aforesaid Act and one or more officers may be appointed as Estate Officers for different areas or for the same area ;

- (b) reference to "public premises" in that Act and those rules shall be deemed to be reference to premises of the Corporation and references to the "State Government" in sections 6, 13 and 15 A thereof shall be deemed to be references to the Corporation.

Non-appli-
cability of
certain Acts

31. (1) The Assam Urban Areas Rent Control Act, 1972 shall not apply -

Assam Act
XVII of
1972.

- (a) to any premises belonging to or vesting in or leased by the Corporation under or for the purposes of this Act;

- (b) as against the Corporation to any tenancies or like relationship created by the Corporation in respect of any premises; but shall apply to any premises let to the corporation.

(2) The State Government may, by notification published in the official Gazette, declare that such of the provisions of the Assam Town and Country Planning Act, 1959 shall not apply to the premises belonging to or vested in the Corporation or to any industrial area, industrial estate, growth centre or commercial estate for a period of ten years from the date of commencement of this Act.

Assam Act
II of 1960.

(3) The State Government may, by notification exempt any such premises or estate as aforesaid from any of the provisions of the Assam Municipal Act, 1956 or such period, not exceeding ten years, as may be specified in the notification. ^{Assam Act XV of 1957}

CHAPTER - VI.

ACQUISITION AND DISPOSAL OF LAND.

Acquisition of land.

32. Whenever any land is required by the Corporation for any purpose in furtherance of the objects of this Act, but the Corporation is unable to acquire it by agreement, the State Government may upon an application of the Corporation in that behalf, order proceedings to be taken under the Land Acquisition Act, 1894 for acquiring the same on behalf of the Corporation as if such land were needed for a public purpose within the meaning of that Act and upon compliance of the provisions of that Act, the land so acquired shall vest in the Corporation.

Transfer of Government Land to the Corporation.

33. For furtherance of the objects of this Act, the State Government may, upon such conditions as may be agreed upon between the State Government and the Corporation, place at the disposal of the Corporation any land vested in the State Government.

Disposal of Land by the Corporation.

34. Subject to any direction given by the State Government the Corporation may dispose of any such land vested in the Corporation under Section 32 or placed at its disposal under Section 33 or acquired by it by agreement to such person in such manner and subject to such terms and conditions as it considers expedient for serving the purposes of this Act.