

**THE NAGALAND TOWN AND COUNTRY
PLANNING (AMENDMENT) ACT, 1981
NAGALAND ACT NO. 1 OF 1982**

(Received the assent of the President on 22nd January, 1982)

An

Act

to amend the Nagaland Town and Country Planning Act, 1966.

1. Short title, extent and commencement.

It is hereby enacted in the thirty second year of the Republic of India, as follows:

(1) This Act may be called the Nagaland Town and Country Planning (Amendment) Act, 1981.

(2) It extends to the whole of Nagaland.

(3) It shall be deemed to have come into force on and with effect from the date of commencement of the Nagaland Town and Country Planning Act, 1966.

2. The Preamble of the Nagaland Town and Country Planning Act, 1966, hereinafter called the "Principal Act" shall be substituted as follows

"Preamble : Whereas it is expedient to provide for the development of Town and Country sides in the State of Nagaland and other matters."

3. Definition.

Sub-section (l) of Section 2 of the "Principal Act" shall be substituted as follows

(1) Authority shall mean Development Authority, Nagaland Constituted by the State Government for the purpose of administering the Act."

4. Insertion of Chapter IIA.

After section 8 of the Principal Act, the following chapter shall be inserted

Chapter II A

8A. Constitution of Development Authority The State Government may by notification in the official Gazette constitute the Development Authority, Nagaland consisting of Chairman, Vice-Chairman and such number of Members, for such term and on such conditions as may be prescribed.

8B. Functions of Development Authority The functions of the Development Authority shall be as follows

(1) Implementation of Master Plans for various urban areas in the State.

(2) Implementation of Social Housing Schedules including land development and disposal.

(3) Construction of Hotels, Cinema Halls, Market Complex, other urban infra-structure and may other projects as directed by the Government.

(4) To promote and enforce building bye-laws for selected towns in the State.

(5) To execute construction works on behalf of the Government entrusted to the Authority by the Government

(6) To perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which

may be prescribed.

Additional Powers.

SC. Notwithstanding anything contained in this Act the Development Authority shall have also powers to

- (a) Acquire and hold properties outside the State Nagaland:
- (b) Undertake construction of the buildings of any description on land owned by the Authority or the Government of Nagaland outside the State at the request of the State Govern-men t.
- (c) Raise loan from financial institution owned or controlled by the State or Central Government for the implementation of the schemes or project on land owned by the Authority or the Government of Nagaland outside the State:
- (d) Create mortgage of its properties owned by outside the State of Nagaland.”

5. Marginal note of Section 12 under Chapter III “Master Plan” of the Principal Act shall be substituted as follows:

“Implementation of the Plan.”

6. After section 21 of the Principal Act the following new Section “21A” shall be inserted

“21A, The State Government shall have power of superintendence and coon a! of the Authority and to give direction to the Authority in any ratter in which he State Government considers it propriate to do so.’

7. In Chapter IX the following Sub-section (2) shall he added in 49 The existing Sec ic.1 49 shall be numbered as Sub-Section “(1)”: “(2) The Authority notwithstanding anything contained in the preceding sub-section shall have power to borrow and raise loans from any financial institution owned or controlled by the Stat.; or Cent al Government for the implementation of the schemes or projects authorised under this Act.

8. After Section 49 a new Section 49A shall he added "49A. Security for *loan*

- (1) Notwithstanding anything contained in the preceding Section or any other law for the time being in force the Authority shall have power with the approval of the State Government to create mortgage of its properties in favour of an’ financial institution as a security for the loan raised from it.
- (2) The- Authority hall have powers to raise loans from the financial institutions owned or controlled by the State or the Central Government on the strength of guarantee given by the State Government.”

9. (1) Sub-Sections C., and (2) of the Section 73 shall be substituted as follows

“(1) The State Government after previous publication in the Official Gazette, shall have powers to make Rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers, such Rules may. in particular. prescribe.

(i) The manner or publication of the Notification regarding schemes. their modifications. variations, revocations, submission and sanction by the State Government.

- (ii) Powers that may be delegated to any Authority established under this Act, or to any officer.
- (iii) Procedure to be adopted for securing co-operation of various Government Departments, the owners or other persons or bodies interested in schemes.
- (iv) All matters pertaining to land acquisition including procedure and making of awards, compensation and the possession of land by Authority in ordinary and emergent cases.
- (v) Calculation, assessment and payment of compensation in respect of property which is injuriously affected within the meaning assigned to it Section 37 of this Act.
- (vi) Calculation, assessment and collection of betterment contribution.
- (vii) Procedure of filing, hearing and deciding objection and appeals under the Act and all matters connected therewith.
- (viii) The delegation of powers to and duties shall be discharged by the Director and the matters on which and the manner in which he shall be consulted.
- (ix) Matters other than those referred to in foregoing clauses which are expressly or by implication required or allowed by this Act to be prescribed by rules.
- (x) Creation and administration of fund for the purpose of implementing the provisions of this Act.
- (xi) All matters relating to the proper functioning of the Development Authority constituted under the Act.”

(2)After Sub-Section (3) of Section 73, the following Sub Section shall be inserted as Sub-Section (4)
“(4) All Rules so far made shall be deemed to have been made in exercise of powers conferred by the substituted Sub-section (1) of Section 73 of the Act.”