



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Regn. No. NE-313(MZ)2006-2008

Rs. 2/- per issue

VOL - XXXVII Aizawl, Monday 28.4.2008 Vaisakha 8, S.E. 1930, Issue No. 131

NOTIFICATION

No. H. 12018/135/04 - LJD/4, the 23rd April, 2008. The following Act of the Mizoram Legislative Assembly which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Industrial Area (Management, Regulation and Control) Act, 2008

(Act No. 5 of 2008)

[Received the assent of the Governor of Mizoram on 31st March, 2008]

AN

ACT

to provide for the proper management, regulation and control of industrial areas and for that purpose to make provision for declaration of industrial areas, allotment of industrial plots or sheds and to deal with matters connected therewith.

It is enacted by the Mizoram Legislative Assembly in the Fifty Ninth Year of Republic of India as follows :

CHAPTER - I

PRELIMINARY

1. Short title, extend and commencement :

- 1) This Act may be called the Mizoram Industrial Area (Management, Regulation and Control) Act, 2008.
- 2) It extends to the whole of Mizoram State excluding the 3 (three) Autonomous District Councils Viz. Chakma, Mara, Lai constituted under the Sixth Schedule to the Constitution of India.
- 3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. **Definitions:**

In this Act, unless the context otherwise requires:

- (a) "Advisory Committee" means the Industrial Area Advisory Committee constituted by the Government under Section 3(1) of this Act.
- (b) "Allotment fee & house rent" means amount paid for using industrial plot or shed inside the Industrial Area.
- (c) "Appropriate Authority" means the Director of Industries, Government of Mizoram or his authorized representative not below the rank of General Manager of District Industries Centre, who looks after any one or more such Industrial areas.
- (d) "Department" means any Department of the Government of Mizoram.
- (e) "Existing industrial Unit" means an industrial unit registered by the Director of Industries prior to the commencement of this Act.
- (f) "Government" means the State Government of Mizoram.]
- (g) "Industrial Area" means Industrial Estate, Industrial Growth Centre, Integrated Infrastructure Development Centre, Export Promotion Industrial park, food parks and any other industrial areas declared and notified as such by the Government of Mizoram for industry and related activities.
- (h) "Industrial plot" means small area of particular ground within Industrial Estate specified for setting up of industrial units.
- (i) "Industrial Policy" means relevant Industrial policy adopted by Government from time to time.
- (j) "Industrial Shed" means structure of house or storing house constructed within Industrial Area.

- (k) "Industrial Unit" means an industrial unit registered under the Director of Industries, Government of Mizoram.
- (l) "Management Committee" means the Industrial Area Management Committee constituted by the Government under Section 4 of this Act.
- (m) "New Industrial Unit" means new industrial unit registered by the Director of Industries after the commencement of this Act.
- (n) "Official Gazette" means the Mizoram Gazette issued by the Government from time to time.
- (o) "Provisional permission" means temporary permission given to industrial unit by the Director of Industries to set up industry inside the industrial area.
- (p) "Registration" means Registration of industrial unit under the Director of Industries.

CHAPTER – II
INDUSTRIAL AREA ADVISORY COMMITTEE AND
MANAGEMENT COMMITTEE

3. Establishment and Constitution of Industrial Area Advisory Committee and its functions:-

- 1) For the purpose of advising it on matters concerning the declaration of industrial area, its management, regulation and control, the Government may, by notification, establish a committee to be called the Industrial Area Advisory Committee.
- 2) The said Advisory Committee shall consists of a chairman and such other members, all of whom shall be appointed by the Government from amongst persons who are in its opinion capable of representing the interest of :-
 - (a) The nodal department for establishment of such Industrial areas.
 - (b) Stake holder Departments.
 - (c) Industrial Association or Associations, owners of Industrial units established inside Industrial areas.
 - (d) Such other class of persons, as in the opinion of the Government, ought to be represented in the said Advisory Committee.
- 3) The term of office of the said Advisory Committee, the procedure to be followed in the discharge of their functions and the manner of filling casual vacancies among members of the Advisory Committee, shall be such as may be prescribed by the Government.
- 4) The Government may consult the Advisory Committee in regard to:-
 - (a) The making of any rules, subject to the provisions of Section II.
 - (b) Any matter connected in carrying out the objective of this Act in respect of which the Government may consider, if necessary, to obtain the advice of the Advisory Committee.

4. **Establishment and Constitution of Industrial Area Management Committee and their functions:-**

- 1) The Government may, by notification, establish for any particular area or groups of areas, a Committee of persons to be called Industrial Area Management Committee which shall consist of a chairman and other members, who, in the opinion of the Government, ought to be included to discharge such functions as may be prescribed.
- 2) The member and terms of office of, and the procedure to be followed in the discharge of their functions by, and the manner of filling casual vacancies among members of such Management Committee shall be such as may be prescribed.
- 3) The Management Committee shall perform such functions as may be prescribed by the Government and in regards to:-
 - (a) Selection and recommendation of Industrial units for allotment of industrial plot or industrial shed constructed in the Industrial area.
 - (b) formation of guidelines for proper management of Industrial areas.
 - (c) Recommendation of allotment fee and lease rent to be collected from Industrial Units for occupying Industrial Shed or plot inside particular Industrial area.
 - (d) any other functions as may be prescribed by the Government from time to time.

CHAPTER – III

SELECTION AND DECLARATION OF INDUSTRIAL AREAS

5. Declaration of Industrial Areas:

1) The Government may, by notification, declare certain area of land inside the State as Industrial area.

2) The Government may, while making such declaration, consult the Industrial Area Advisory Committee as constituted under Section 3 of this Act.

Provided that, if in the opinion of the Government, it is necessary and expedient so to constitute a separate committee for selection and declaration of Industrial area, such committee may be constituted.

3) With regards to Industrial areas already existed prior to the commencement of this Act, the Government may issue fresh notification declaring such areas as industrial areas under this Act.

4) The Government while notifying Industrial area may appoint an appropriate authority who will look after the management of such particular Industrial area.

5) If in the interest of the public, it is necessary and expedient so to withdraw the declaration of such industrial area, the government may, by giving prior notice, withdraw the declaration of such industrial area.

Provided that if, there exists, inside a particular industrial area, any industrial unit set up in conformity of this Act or Rules made under this Act, the Government shall consider the resettlement of such industrial units prior to withdrawal of such industrial area.

CHAPTER – IV

REGULATION OF ALLOTMENT IN INDUSTRIAL AREAS

6. Allotment of Plot in Industrial Areas:

- 1) Subject to availability of plots in Industrial area, and fulfillment of the terms and conditions laid down by the Government by virtue of this Act, the Appropriate Authority may allot industrial plots to Industrial units on the recommendation of the Management Committee of that particular Industrial Area.
- 2) Industrial Unit seeking allotment of plot inside such Industrial Area shall submit application to the Appropriate Authority by using form as may be prescribed.
- 3) The Appropriate Authority, after due scrutiny of such applications for allotment of plots, shall refer it to the Management Committee for recommendations or otherwise

Provided that the Appropriate Authority may conduct spot verification or cause such verification conducted while scrutinizing such applications.

- 4) In accordance with the relevant Industrial Policy announcement and the priority of trade announced therein, the Appropriate Authority, on the recommendation of Management Committee may formulate such criteria and priority trade for allotment of plot inside the Industrial Areas.
- 5) Industrial shed constructed by the department or its agency inside Industrial Areas may be allotted to Industrial Units in the same manner and procedure as that of Industrial Plots.
- 6) All the provisional allotment of Industrial plots made by the Director of Industries or any other authority before the commencement of this Act shall be subject to review by such Management Committee and on whose recommendation; the Appropriate Authority shall regularize or cancel such provisional allotment.

7. Cancellation of Allotment of Industrial plots or shed :

- 1) Without prejudice to any other provision of this Act, if, from documentary or other evidence in its possession, the Appropriate Authority is satisfied that :
 - (a) the industrial plot or shed allotted to Industrial unit is not utilized for the purpose for which it is allotted; or
 - (b) the allotted Industrial unit violates the terms and conditions of allotment, or
 - (c) the allotted Industrial unit fails to remit such lease fee prescribed by the Government; or
 - (d) the activity of such allotted Industrial unit contravene the purpose of such allotment,

it may cancel such allotment with the recommendation of the Management Committee.

- 2) In any case, if the Management Committee could not meet in time and if, in the opinion of the Appropriate Authority, it is so expedient to cancel such allotment made in favour of any industrial unit, it may cancel such allotment before seeking the recommendation of the Management Committee.

Provided that, if any allotment of Industrial plot or shed is cancelled as per sub section (2) above, the approval of the Management Committee shall be obtained in the first meeting of the Management Committee after such cancellation.

- 3) The Government may, at anytime, prescribe or formulate the procedure to be followed while canceling the allotment of plot to Industrial Units.

8. Payment of allotment fee and lease rent

- 1) Any Industrial Unit, having allotted Industrial plot or shed inside any Industrial area, shall pay allotment fee and lease rent as may be prescribed by the Appropriate Authority of that Industrial area.
- 2) The amount of allotment fee and lease rent and the procedure of payment for a particular Industrial area shall be prescribed by the Government from time to time.
- 3) Notwithstanding anything contained in sub section (1) and (2) above, the Government may by notification exempt or relax payment of such lease fee or lease rent to certain class of Industrial Unit stating the reason of doing so.

CHAPTER – V
MISCELLANEOUS

9. Restriction of unauthorized occupation:

- 1) No person shall take up any activities inside any Industrial area unless he is so authorised by the Appropriate Authority.
- 2) The Appropriate Authority or any person acting in his behalf shall have the right to evict such person who contravenes any of the provisions of this Act or any rules made under this Act.

Provided that the Appropriate Authority or any person acting in his behalf shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 Of 1860).

- 3) While exercising such powers, the Appropriate Authority shall have the powers of a Civil Court as defined in the Code of Civil Procedure, 1908 (5 of 1908)

10. Power of Inspection :

- 1) For the purpose of ascertaining the position or working of any Industrial Unit or for any other purpose mentioned in this Act or the rules made thereunder, the Appropriate Authority or any other person acting on his behalf shall have the right :
 - (a) to enter and inspect any premises;
 - (b) to order production of any document, book, register or record in the possession or power of any person having control of, or employed in connection with, any Industrial Unit ; and
 - (c) to examine any person having the control of, or employed in connection with, any Industrial Unit.
 - (d) to call for records and returns of any Industrial Unit.

11. Power to make rules :

- 1) The Government may make such rules as may be necessary for carrying out the purposes of this Act.
- 2) In particular, and without prejudice to the generality of the foregoing paras, such rules may provide for all or any of the following matters, namely :
 - (a) the constitution of the Advisory Committee and Management Committee, the term of office and other conditions of service of, the procedure to be followed by, and the manner of filling casual vacancies among members of the Advisory Committee and Management Committee;
 - (b) the form of application for allotment of Industrial plots or shed.
 - (c) the allotment fee and lease rent to be levied on allotment of Industrial plots or shed and the procedure to be followed for such payment.
 - (d) the manner in which Industrial plot or shed may be allotted to Industrial Unit.
 - (e) any other matter which is to be or may be prescribed under this Act.

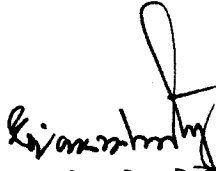
- 3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Mizoram Legislative Assembly while it is in session for a period not less than seven days and if before the expiry of the session, the Mizoram Legislative Assembly agree in making any modification in the rule or the Legislative Assembly agree that rule should not be made, the rule shall thereafter have effect only in such notified form or be of no effect 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.

12. Application of the other laws not barred:

The provisions of this Act shall be in addition to and not, save as otherwise, expressly provided in this Act, in derogation of any other Act for the time being in force, relating to control and management of Industrial area.

13. Repeal and Savings:

The Mizoram Industrial Estate Rules, 2002 is hereby repealed from the date of commencement of this Act. Any action taken under those Rules prior to commencement of this Act and such actions which are not inconsistent with this Act shall be deemed to have been taken under this Act.


(P. CHAKRABORTY)
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