

GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY ACT, 1985

-157 No. 157 Registered No. The Assam Gazette EXTRAORDINARY wrf« TUDL18HED BY AUTHORITY fü+LQ, 14 .1987, 23 •fr, 1909 e.) Digpu, Satarday, 14th November, 1987, 23rd Kartik* 1909 (s. E.) GOVERNMENT OF. ASSAM BY mvnm«oR LEGISLATIVE DEPARTMENT LEGISLATIVE BRANCH The 19th NeSeer 1987 No. LGL. 1071851291.—The following of the Assam LégiSlative Assembly which receivea the assent of the President; is hereby published for general information, 886 TEE ASSAM GAZETTE, EXTRAORDINARY, NOV, 14, 1987 Assam Act No. XX of 1987. CRe_ceived the assent of the President on 20th October, 1987) THE GU YAHATI ,METROPOLITAN DEVELOPMENT AUTHORITY ACT, 1985. Act to provide for the establishment of an Authority for the planned development of the Guwahati Metropolitan Area, and for matters connected therewith or incidental thereto : Preamble. Whereas it is expedient to provide for the establishhnt of an Authority for the enforcæ ment and execution of the Master Plan and for the formulation and execution of schemes for the planned development of Güwahati Metropoliti- tan Area, for the. co-ordination and supervision of the execution of such •plans and schemes with —the obiéct• of securing pr.oper living and sanitary conditions, to conserve and promote the public health, safety and general welfare of the people living therein and for matters connected there- with or incidental thereto, It is hereby enacted in •the Thirty-sixth Year of the Republic of •Indiæas follows :— Shor' title, extent and commence- mento (2) (3) OHAPTER 1 Preliminary This Act may be called the • Guwahati Metropolitan Development Authority Act, 1985. It . shall extend to the whole of Guwahati Metropolitan Area excluding any area to which the provisions of the Cantonments Act, 1924 apply, It shall come into force on such date as the State Government may, bv notification in the Official Gazette. appoint. THE ASSAM GAZETTE, EXTRA-ORDWxlARY, *NOV, 14, 1987 Definidons, 2. In this Act, unless there is anything repug- nant in the subject or context : (1) u Agriculture" includes far- ming, growing of crops, fruits, vegetables. flowers, grass; fodder and trees, or anv kind of cultivation of soil, breeding and keeping of live-stock including cattle, horses, donkeys, mules, pigs and poultry, and the use of land which is ancillary to the farming of land or any other agricui- tural purposes, but shall not include the use of any land attached to a buildingq for the purpose of a garden to be used along with such building; and the expression shall be construed uagricultural" dingly ; (2) RRameniti*" includes roads and streets, open spaces. parks, recreational grounds, playgrounds, water and electric supply, street lighting, sewerage, drainage, ublic services and works and other utilities, conveniences and such other convenience as the State Government may, by lioti— fication in the official Gazette, specify to be an amenity for the purposes of this Act. (3) uAuthority" means the Guwahati Metro- politan Development Authority constitu- ted und2V' Section 4 of this Act. (4) u Betterment Fee" means the fee prescribed in respect of an increase in the value of land resulting from the execution of a Development Scheme. (5) teBuilding" means anv construction for whatsoever purpose and of whatsoever materials constructed and every part thereof, whether used as human habitation or not and includes plinth walls, chimney, drainage works, fixed platforms, veran- dah. balcony, cornice or. pro_jection, or pppt of a building on anything affixed thereto- 888 THE ASSAM GAZETTE EXTRA-ORDINARY, NOV. 14 1987 or anv walls. earth bank, fence or other construction enclosing or delimiting or intended to enclose or delimit any land or, space. (6) t CBufling operations" includes— (a) erection or re-erection of a building or anv part of it, (b) roofing or re-roofing a building or any part of a building or an open space, (7) e Commerce" means the carrying on of any •trade, business or profession, sale or exchange of goods of any type whatsoever, and includes the running of, with a view to making profit, hospitals, nursing home* infirmaries, educational institutions and also hotels, restaurants. boarding• houses not attached to any educational institu- tion, and sarais; and the expression "com- mercial" shall be construed accordingly ; (8) ttDevel0pment" with its grammatical varia- tionS means the carrying out of building, engineering, mining or other operations, in. on, over, or under land or the making of any material change in • any' building or land or in the use of any building or land and includes division of any land ; (9) CFactory'. ' means a place to which the provisions of the Indian Factories Act of 1934, or any amendment thereof • shall apply. (10) e Guwahati Metropolitan Development Authority" means the Authority constitu- ted under Section 4 of this Act. (11) ctIndustry" includes the Carrying om of any manufacturing process as defined in the Factories Act, 1948, and the expression shall be construed accor—

"industrial" dingly : THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 889 (12) e Land" shall have the same meaning as in the Land Acquisition Act, 1894 (1 of 1894) and shall include land covered b_y water. (13) QLocal authority" means the Guwahati Municipal Corporation or Board or a Com- mittee or any other authority legally entitled to, or entrusted by the State Gov-, ernment with the control or management of Municipal or local fund or which is permitted by the State Government to exercise the powers of a local authority and includes a Mahkuma Parishad and Gaon Panch_yat constituted under the Assam Panchayati Raj Act, 1972 and as amended. (14) t Local Newspaper"? in relation to Guwahati Metropolitan Area means anv newspaper published or circulated within the Guwa- hati Metropolitan Area. '(15) "Master Plan" means the plan as defined under Section 16 of this Act. (16) "Notification" means a notification pub— lished in the Official Gazette. (17) "Occupier" includes any person paving or liable to pay rene or any portion of the rent off the land or building in respect of which the work is due or compensa- tion or premium on account of the occupa- tion of such land and building and also a rent free tenant. (18) "Open space" means any land whether enclosed or not on which not more than one-twentieth part- is covered with buil- ding and the remainder has been laid out as a public garden or used for purpose of recreation or lies waste and unoccupied. 890 THE ASSAM GAZETTE, EXTRA- ORDINARY, NOV. 14,1987 (19) ' 'Operational construct; ory- means any construction, whethor or per- manent, which is necessary for the opera- tion, •maintenance, development OT extcu- tion of any of the lb} lowing services: (i) Railways, (ii) National Highways, (iii) National Waterways (iv) Maior Ports, (v) Airways and Aerodrames,, (vi) Posts and Telegraphs, Telephones, Wireles* Eroadeasting and other like forms of •cornmunication, (vij.) Regional grid foe .electricity, (viii) Any other service which the -State Government may, -Af it is of opinion that the operatiofi, • maintenance, deve- lopment or execution of such other service is essential to the life of the community, bv notification, declare to be a 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 not connected with operations like gate, lodges, hos- schools, rail-- pitals, clubs, institutions, way colony, roads, drains, etc., in the case of railways, and (ii) a new building, new stfucture, 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 ; (20) "owner" includes a mortgage in posses- Sion, a .person who for the time being is receiving or is entitled to receive, or has • received, the rent or premium for any land whether on his own account or on account of, or on behalf of, or for THE ASSAM GAZETTED EXTRA-ORDINARY, NOV. -14, 1987 891 the benefit of, any other person or as an agent@ trustee, guardian or receiver for any other person or for any religious , or charitable institution or who would so receive the rent or premium or be entitled to receive the rent or Premium if the land were let to a tenant ; and also includes the Head of a Department .or an Undertaking of the Central or a State Government, the General Manager of a Railway, the Secretary, or other princi- pal officer of a Local authority, statutory authority OP company in respect of pro- perties under •their respective control (21) XkPrescribed" means prescribed by miles made under thig Ad (22) t!Public place" any place or ding which is open to the use or enjoy— ment of the public whether it is actually used or enjoyed by the, public or not and whether the entry is regulated by any charge or not (23) (RReconstituted' plot" means a plot yvwhich is in any way altered- by the making of a Development Scheme (24) QResidence" means the use for human habitation, of any land or building or part thereof. including gardens o•rounds, gara- ges, stables and out-houses, if any ap- pertaining to such buildings, and the expression eresidential" shall be con- strued accordingly. (25) ukoad" rmeans and includes any highway, street, lane, pathway, alley, passageway, carriage way, footway, square, bridge, whether private or public, whether thoroughfare or not, w}lether existing or proposed in any scau€iüa•e and includes all bunds, channels,. drains culverts, side walks and traffic islands 892 THE ASSAM GAZETTE? EXTRA-ORDINARY, NOV.14,1987 (26) CCScheme" means a developments scheme Declaration of Guwa- hati Metro- politan Area, Constitution of the Guwa— hati Metro. colitan Dev- elopment Authority. and includes a plan or plans together with the descriptive matter if any relat- ing to such a scheme as defined in Section 36 of this Act

CHAPTER 11 Declaration of Guwahati Metropolitan Area and constitution of Guwahati Metropolitan.Devel0pment Authority. (I) Thé State Government may, by noti- 3. fication in the Official Gazette, declare the area covered by the Guwahati Municipal Corporation Area and any other areas contiguous to the Guwa- hati Municipal Corporation Area, to be the Guwahati Metropolitan Area for the purposes of this Act. (2) The State Government may, if it thinks fit, by notification -in the Official Gazette,

enlarge, curtail or modify the Guwahati Metropolitan Area or any part thereof. (3) Every such notification shall define the limits of the area to which it relates. 4. (1) As soon as may be, after the commencement of this Act, the State Government shall by notification in the official Gazette, constitute for the purposes of this Act, an Authority to be called "The Guwahati Metropolitan Development Authority" (hereinafter referred to as the Authority) with jurisdiction over the Guwahati Metropolitan Area. THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 893 (2) The Authority shall be a body corporate having perpetual succession and a common seal with power, subject to the provision of this Act, to acquire, hold and dispose of properties both—moveable and immovable and to enter into any agreement or contract, and shall by the said name sue and be sued Composition of the Guwahati Metropolitan Development Authority. (b) The Guwahati Metropolitan Development Authority shall consist of the following members, namely : The Chief Minister of the State of Assam shall be the Chairman ; The Minister in charge of Town and Country Planning Department and the Minister in charge of Municipal Administration Department of the State of Assam shall be the Deputy Chairmen Provided that when there is no Council of Ministers in the State of Assam, the State Government shall nominate such persons, as it may think fit, to be the three members as the Chairman and Deputy Chairman respectively of the Guwahati Metropolitan Development Authority ; (c) One member to be appointed by the State Government as Vice-Chairman : Provided that the State Government may, appoint the Secretary to the Municipal Administration Department of the State Government as Ex-Officio Vice-Chairman of the Guwahati Metropolitan Development Authority to run the administration of the Authority ; 894 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 (d) the Chief Executive Officer of the Guwahati Metropolitan Development Authority to be appointed by the State Government, ex-officio ; (e) the Town Planner of the Authority (not below the rank of Associate Planner of the State Government) to be appointed by the State Government ; (f) the Chief Engineer of the Authority (not below the rank of Superintending Engineer of the Public Works Department of the State Government) to be appointed by the State Government ; (g) the Financial Adviser and Chief Accounts Officer of the Authority (in the rank of Financial Adviser of the State Government) to be appointed by the State Government ; (h) the Director of Town and Country Planning, Government of Assam ; (i) the Deputy Commissioner, Kamrup District ; (j) the Deputy Commissioner, Pragjyotishpur District ; (k) the Chief Engineer, Public Works Department (Roads) ; (l) the Chief Engineer, Flood Control Department ; (m) the Chief Engineer, Public Health Engineering Department ; (n) the Director, Municipal Administration Department ; (o) the Chief Executive Officer and Commissioner, Assam State Housing Board ; (p) the Commissioner, Guwahati Municipal Corporation ; (q) the Chairman, North Guwahati Town Committee ; THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 895 (r) one Councilor from the Guwahati Municipal Corporation to be nominated by the Guwahati Municipal Corporation ; (s) one member from the Commerce and Industry (Private Sector) to be nominated by the State Government ; (t) one member from the Railways to be nominated by the State Government ; (u) three other members to be nominated by the State Government, of whom one shall be from the Planning and Development Department, one from the Finance Department and one person with experience of Town Planning or Architecture. (2) The appointment of the vice-chairman may be either whole-time or part-time as the State Government may think fit, but the appointment of the Chief Executive Officer, the Town Planner of the Authority, the Chief Engineer of the Authority, and the Financial Adviser and Chief Accounts Officer of the Authority referred to in clause (d), clause (e), clause (f), and clause (g) shall be whole-time. (3) The Vice-chairman shall be entrusted with the general administration of the Guwahati Metropolitan Development Authority as per provisions of this Act subject to the overall control and supervision of the Chairman or Deputy Chairman, as the case may be, and shall discharge such functions and exercise such powers as may be delegated to him by the Chairman or Deputy Chairman. as the case may be and shall during the absence of the Chairman or Deputy Chairman, perform the functions and exercise the powers of the Chairman or the Deputy Chairman. as the case may be. 896 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14 1987 if he is a whole-time (4) The Vice-Chairman, time member and other members specified in clause (d), clause (e), clause (f) and clause (g) shall be entitled to receive from the funds of the Authority such salaries and such allowances as may be determined by the State Government in this behalf. (5) The Vice-Chairman, if he is a part-time member, may be paid from the funds of Authority such allowances as may be fixed by the State Government in this behalf. (6) The Vice-Chairman, the Chief Executive Officer, the

Town Planner; the Chief Engineer, and the Financial Adviser and Chief Accounts Officer referred to in clause (c), clause (d), clause (e), clause (f) and clause (g) shall hold office during the pleasure of the State Government. (7) The members referred to in clauses (r) and (s) of sub-section (1) shall hold office for a term of three years from the date of their nomination by the State Government and shall/ receive such allowances for attending meeting of the Guwahati Metropolitan Development Authority or any committee thereof as may be prescribed: provided that the member clause (r) of sub-section (1), on ceasing to be a Councillor of the Guwahati Municipal Corporation, shall cease to hold office as such member notwithstanding that the said term of three years has not expired and the vacancy shall be filled by the State Government by making a fresh nomination. (3) The State Government may, if it thinks fit, terminate the appointment of any nominated member before the expiry of his term of office. THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 897 (9) A nominated member of the Authority may resign his membership by giving notice in writing to the State Government. He shall cease to be a member on acceptance of such resignation. (10) Any vacancy caused by resignation, death or otherwise of a nominated member shall be filled by fresh nomination by the State Government. (11) No act or proceeding of the Guwahati Metropolitan Development Authority shall be deemed to be invalid merely by reason of any—vacancy in, or defect, initial or subsequent, in the constitution of that Authority. Function and 6. (1) Subject to the provisions of this Act and powers of the rules made thereunder and any direction which the State Government may give from time to time, the functions of the Guwahati Metropolitan Development Authority shall be to promote and secure the development of the Guwahati Metropolitan Area according to the Master plan. (2) Without prejudice to the generality of the functions specified in sub-section (1), the Guwahati Metropolitan Development Authority shall have the following powers and functions: (a) to carry out or cause to be carried out surveys of the area and to prepare reports or reports of such survey; (b) to prepare Master Plan for the Guwahati Metropolitan Area; (c) to enforce and execute the Master Plan for Guwahati Metropolitan Area; (d) to prepare and execute development schemes; 898 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 (e) to co-ordinate development activities of all departments and agencies of the State Government or local authorities operating within the Guwahati Metropolitan Area; (f) to carry out or cause to be carried out of such works as are contemplated in the Master Plan; (g) to acquire, hold and manage such property both movable and immovable, as the Guwahati Metropolitan Development Authority may deem necessary for purposes of any of its activities and to lease, sell or otherwise transfer any property held by it; (h) to purchase by agreement or to take on lease or under any form of tenancy, any land and to erect thereon such buildings or structure and to carry out such operations as may be necessary for the purpose of carrying on its undertakings; (i) to enter into or perform such contracts as may be necessary for the performance of its duties and for exercise of its powers under this Act; (j) to perform any other function supplementary to, or consequent to, any of the functions specified in sub-section (1) which may be prescribed. Meeting of 7. (1) The Guwahati Metropolitan Development Authority shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed. The Guwahati Metropolitan Development Authority shall have the power to elect a Vice-Chairman or, if for any reason the Chairman is unable to attend any meeting, the Vice-Chairman or if for any reason he is also unable to attend the meeting, any other member elected by the members present shall, preside at the meeting. The State Government may appoint a suitable person as the Secretary of the Authority who shall exercise such powers and perform such duties as may be prescribed by regulations or delegated to him by the Authority or the Chairman. Subject to such control and restrictions as may be prescribed by rules, the Authority may appoint such number of other officers and employees (including experts for technical works) as may be necessary for the efficient performance of its functions and may determine their designations and grades. The Secretary, and other officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and such allowances, if any, and shall be governed by such conditions of service as may be determined by regulations made in this behalf. The Guwahati Metropolitan Development Authority may, by order in writing and subject to such conditions as it may think fit to impose, delegate any of its powers, duties and functions under this Act or any other Act or any rule or regulation made thereunder to the Chairman,

Deputy Chairman, Vice-Chairman, Chief Executive Officer, Town Planner, Chief Engineer, Financial Adviser and Chief Accounts Officer or any other Officer appointed under this Act. 900 THE POW: h' of the Authority to co-opt members par-ticular puc- POS, 2. Advisory Cou ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 10. (1) The Guwahati Metropolitan Development Authority may associate with itself, any person as a co-opted member for a period of three years whose assistance or advice it may consider necessary in carrying out its duties and functions as may be decided by the Authority in its meeting by passing a resolution for such co-option. (2) The person so associated shall not be deemed to be a member of the Authority and shall have no right to vote at any meeting thereof, but he may take part in the discussions of the Authority relating to the purpose or purposes for which he was associated with the Authority. (1) The Guwahati Metropolitan Development Authority shall, as soon as may be, constitute an Advisory Council, for the purpose of advising the Authority on the preparation of Master Plan and on such other matters relating to the planning of development or arising out of, or in connection with the administration of this Act as may be referred to it by the Authority. (2) The Advisory Council shall consist of the following members, namely :— (a) the Chairman of the Authority, ex-officio, who shall be the President ; (b) the Deputy Chairmen of the Authority, ex-officio ; (c) the Vice-Chairman of the Authority, ex-officio ; (d) two persons with knowledge of Town Planning or Architecture to be nominated by the State Government ; (e) two representatives of the Guwahati Municipal Corporation to be elected by the councillors from among themselves; (f) one representative of the North-Guwahati Town Committee THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 (g) one representative of the Health Department to be nominated by the State Government ; (h) one representative from the Assam State Electricity Board to be nominated by the State Government ; (i) three persons to be nominated by the State Government of whom one shall represent the interests of commerce and industry in Guwahati Metropolitan Area ; (j) four persons from the technical departments of the State Government to be nominated by the State Government ; (k) one representative of the Indian Railways to be nominated by the State Government ; (l) three members of the Assam Legislative Assembly to be nominated by the Speaker of that Assembly. (3) If for any reason the Chairman of the Guwahati Metropolitan Development Authority is unable to attend any meeting of the Advisory Council, such meeting shall be presided over by any of the Deputy Chairmen ; (4) The Advisory Council shall meet as and when necessary and shall regulate its own procedure. (5) The members of the Advisory Council shall hold office for such term, as may be prescribed. 12. (1) The Guwahati Metropolitan Development Authority may, from time to time, with a view to give effect to the purposes of this Act and (other Rules made under this Act 902 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 constitute as many committees consisting of such persons of following classes as it may think fit, namely :— (i) Members of the Authority. (ii) Persons associated with the Authority. (iii) Other persons whose assistance or advice the Authority may desire as members of such committees. Provided that no Committee shall consist of less than three and more than seven persons. (2) The Authority may— (a) refer to such Committee, for inquiry and report, any matter relating to any of the purposes of this Act and rules under this Act ; (b) delegate to such Committee by specific resolution and subject to rules made in this behalf, any of the powers or duties of the Authority relating to the subject matter for which the Committee has been constituted. (3) The Guwahati Metropolitan Development Authority may, at any time, for reasons to be recorded in writing, dissolve or, subject to the provision of sub-section (1) alter the constitution of any such Committee. (4) Every Committee shall carry out any instruction given to it by the Authority and every final decision of such Committee shall, subject to any rule to the contrary, be laid before the Authority for confirmation. THE Supply of documents and information to the State Government Power of the Guwahati Metropolitan Development Authority directions. ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 903 (5) A Committee constituted under this section shall meet at such place and at such time, and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be determined by rules made in this behalf. (6) The members of a Committee, other than the members of the Guwahati Metropolitan Development Authority, shall be paid such fees and allowances for attending its meetings and for attending to any other work of the Guwahati Metropolitan Development Authority, as may be determined by rules made in this behalf. 13. (1) The Guwahati Metropolitan Development Authority shall forward to the State Government, copies of the minutes of the proceedings of each meeting of the Authority, within

ten days from the date on which the minutes are signed. (2) The Authority shall, if so directed by the State Government, forward to it a copy of all papers which were laid before the Authority for consideration in any meeting. (3) The State Government may require the Guwahati Metropolitan Development Authority to furnish it with— (a) any return, Statement, estimate, statistics or other informations regarding any matter under the control of the Authority, or (b) a report on any such matter, or (c) a copy of any document in the charge of the Authority. 14. (J) Notwithstanding anything contained in other law for the time being in force, the Guwahati Metropolitan Development Authority may give such directions with regard to the implementation of any development project, as it may think fit, to an authority to which payment of any money from its fund has been made under this Act. 904 THE Power of the Guwahati Metropolitan Development Authority to execute any plan. ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 (2) The Guwahati Metropolitan Development Authority shall so exercise the powers of supervision referred to under this Act as may be necessary to ensure that each development project is executed in the interest of the overall development of the Guwahati Metropolitan Area and in accordance with the approved Master Plan. 15. (I) Where the Guwahati Metropolitan Development Authority is satisfied that any direction given by it under sub-section (I) of Section 14 with regard to any development project has not been carried out by such authority referred to therein or that any such authority is unable to fully implement any scheme undertaken by it for the development of any part of the Guwahati Metropolitan Area, Development Authority may itself undertake the works and incur any expenditure for the execution of such development projects or implementation of such schemes, as the case may be. (2) The Guwahati Metropolitan Development Authority may also undertake any works or schemes in the Guwahati Metropolitan Area or as may be directed by the State Government and may incur such expenditure as may be necessary for the execution of such work or scheme. CHAPTER IV Master Plan 16. A Master Plan for the Guwahati Metropolitan Area. "Preparation of Master Plan" in this Act shall mean the preparation of the Master Plan for the Guwahati Metropolitan Area within the Metropolitan Area which the State Government may, by order, direct to be drawn up by the Authority in consultation with the Director of Town and Country Planning or such other officer as may be directed by the Authority. THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 905 Provided further, the Authority may adopt the existing Master Plan for Greater Guwahati prepared by the Director of the Town and Country Planning Department, with such alterations, modifications, changes and adjustments as it deems necessary. Survey and 17. (I) The Authority shall, as soon as may be, carry out necessary surveys of, and prepare a Master Plan for Guwahati Metropolitan Area or for any area within the Guwahati Metropolitan Area, as it may deem necessary. 16. (2) The Master Plan shall— (a) define the various zones into which Guwahati Metropolitan Area may be divided for the purposes of development and indicate the manner in which the land in each zone is proposed to be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out; and (b) serve as a basic pattern or framework within which detailed development schemes of the various zones may be prepared. 18. (I) The Master Plan to be prepared as defined in Section 16, may include : Plan. (a) a general land use plan for residential, commercial, industrial, recreational and public and semi-public purposes; (b) Zoning plan and Zoning Regulations; (c) Transportation plan including roads, railways, canals, etc (d) Public utilities; (e) any other matter which is necessary for the proper development of Guwahati Metropolitan Area; (f) necessary report giving relevant data and information in respect of the proposals in the Plan and any other thing as it deems necessary. 906 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 (2) The Zoning Plan and Zoning Regulations may— (a) contain a site-plan and use-plan for the development of the zone; (b) specify the standards of population density and building density; (c) show every area in the zone which may, in the opinion of the Authority, be required or declared for development or re-development; and (d) in particular, contain provisions regarding all or any of the following matters, namely :— (i) the division of any site into plots for the erection of buildings; (ii) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes; (iii) (iv) (v) (vi) (vii) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out; the erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and height and character of buildings; the alignment of building on any site; the architectural features of the elevation or frontage of any building

to be erected on any site ; the number Of residential buildings which may be erected on any plot or site ; (viii) the amenities to be provided in relation to any site or buildings on such site THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 907 whether before or after the erection of buildings and the person or authority by whom or at whose expense such amenities are to be provided ; (ix) the prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or buildings or a specified architectural feature or buildings designed for particular purposes in the locality ; (x) the maintenance Of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained ; (xi) the restrictions regarding the use of any site for purposes other than erection of buildings ; and (xii) any other matter which is necessary for the proper development of the zone or any area thereof according to Plan and for preventing buildings being erected haphazardly in such zone or area. 190 Every Plan shall, as soon as may be Submission Of Plans to after its preparation, be submitted by the Authority to the State Government for approval and for approval that Government may either approve the plan without modifications or with such modifications as it may consider necessary or reject the Plan with direction to the Authority to prepare a fresh plan according to such directions. 20. (1) Before preparing any Plan finally and Procedure to be followed submitting it to the State Government for approval in the preparation of the plan, the Authority shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice. 908 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 (2) The Authority shall also give reasonable opportunities to every local authority within whose local limits any land touched by the plan is situated, to make any representation with respect to the plan. (3) After considering all objections, suggestions and representations that may have been received by the Authority, the Authority shall finally prepare the plan and submit it to the State Government for its approval. (4) Provisions may be made by rules made in this behalf with respect to the form and content of a plan and with respect to the procedure to be followed and any other matter, in connection with the preparation, submission and approval of such plan. (5) Subject to the foregoing provisions of this section, the State Government may direct the Authority to furnish such information as the State Government may require for the purpose of approving any plan submitted to it under this section. Date of (1) Immediately after the plan and Zoning 21. operation of Plans and Regulations have been approved by the State Government, the Authority shall publish in such manner as may be prescribed by regulations, a notice stating that a plan has been approved and naming a place where a copy of the plan may be inspected at all reasonable hours and upon the date of the first publication of the aforesaid notice, the plan shall come into operation. (2) After the coming into operation of the Master Plan and Zoning Regulation, it shall be the duty of the Guwahati Municipal Corporation or any other local authority, within whose jurisdiction such area or zone is situated to enforce such regulatory measures in supersession of the rules and regulations, if any, applicable to such area or zone. THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 Modification 22. (1) The Authority may make any modifications to the Master Plan and Zoning Regulations if it thinks fit, being modifications which, in its opinion, do not effect important alterations in the character of the plan and which do not relate to the extent of land uses or the standards of population density. (2) The State Government may make any modifications to the Master Plan and Zoning Regulation whether such modifications are of the nature specified in sub-section (1) or otherwise. (3) Before making any modifications to the Plan, the Authority or, as the case may be, the State Government shall publish a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the proposed modifications before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Authority or the State Government. (4) Every modification made under the provisions of this section shall be published in such manner as the Authority or the State Government, as the case may be, may specify and the modifications shall come into operation either on the date of the publication or on such other date as the Authority or the State Government may fix. (5) When the Authority makes any modifications to the Plan under sub-section (1), it shall report to the State Government the full particulars of such modifications within thirty days of the date on which such modifications come into operation. (6) If any question arises whether the modifications proposed to be

made by the Authority are modifications which effect important alterations in the character of the plan or whether they relate to the extent of land—uses or the standards of population density, it shall be referred to the State Government whose decision thereon shall be final. 910 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 23. After the coming into operation of any Restriction of use of and Master Plan in any area under sub—section (1) of Section 21, no person or body (including a depart, thereon af• mo— of State or Central Government or the local tion of the authority) shall use or permit to be used any land, Master Plan. sub-divide any land by transfer, by way of gift; sale, partition or any other manner the whole or any part of the land, or setup any new structure on any land covered by the Plan or change the existing structure or any building or use of any building or land within the area covered by the Plan except with permission of the Guwahati Metropolitan Development Authority on a written application submitted for the 24. After the coming into force of this Act, Prohibition of development with. no development, institution or change of use of any out land shall be undertaken or carried out within the •sion. Guwahati' Metropolitan Area without obtaining the permission in writing from the Authority as provided for here-in-after : Provided that no such permission shall be necessary— (i) for the carrying out such works for the maintenance, improvement or other alteration of any building which effect only the interior of the building or which do not materially effect the structural and external appearance of the building; (ii) for the carrying out by the Central or the State Government or any local authority of any works required for the maintenance or improvement of a highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street; (iii) for the carrying out by the Central or the State Government or any local authority of any works for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose; THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 911 (iv) for the excavation (including wells) made in the ordinary course of agricultural operations ; (v) for the construction of unmetalled road intended to give access to land solely for agricultural purposes. Permission 25. (1) Any person or body (including a department of the Central or the State Government or any local authority) intending to carry out any development on any land shall make an application in writing to the Guwahati Metropolitan Development Authority for permission in such form and containing such particulars and accompanied by such documents as may be prescribed. (2) Each such application shall be accompanied by a plan drawn to scale showing the actual dimension of the parcel of the land and the building to be built upon it, the site and the position of the building to be erected and in case of alteration in the use or structure of the building or land the nature and extent of such alteration. (3) The Authority may also call for such other information as it may deem necessary to examine the application. (4) The Authority shall not refuse the permission except on the ground of contravention of proposals contained in the plan or the Zoning Regulations and unless the permission has been refused within a period of one month from the receipt of the application or such other information as may be called for by the Authority under sub-section (3), it shall be presumed that the permission has been given. (5) and on as may be by the (a) (i) On such application having been duly made, payment of the development permission fees be assessed as prescribed by laws this behalf— Authority in the Authority may pass an order— granting permission unconditionally ; framed or 912 THE ASSAM (ii) (iii) GAZETTE, EXTRA-ORDINARY, granting permission subject to such conditions as it may think fit; or refusing permission, (b) Without prejudice to the generality of clause (a) of this subsection, the Authority may impose conditions— (i) to the effect that the permission granted is only for a limited period, and, that after the expiry of that period, the land shall be restored to its previous conditions or the use of the land permitted shall be discontinued. (ii) for regulating the development or use of any other land under the control of the applicant or for the carrying out of works on any such land as may appear to the Authority expedient for the purpose of the permitted development Provided no such fee shall be necessary in the case of an application made by a department of the Central or the State Government or any local authority. (6) When permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal shall be recorded in the order and the order shall be communicated to the applicant. (7) When permission is refused under this section, the applicant or any person claiming through him, shall not be entitled to get refund of the fee paid on the application for permission but the Authority may, or an application for refund being made within three months of the communication of the, grounds of the refusal under sub-section (6), direct refund of such portion of the

fec 'aq it noay seem proper in the circumstances Of the case e THE ASSAM GAZETTE EXTRA-ORDINARY NOV. 14, 1987 913 (8) In the casc of a department of the- tral or the State Government or any local autho- rity intending to carry out any development other than operational constructions, on any land where the Authority raises any objection in respect of the conformity of the proposed development either to any Master Plan or scheme under preparation, or to any of the building by laws in (orce, or to the Zon- ing Regulations, or due to any other material con- sideration under sub-section (9), the department or the authority, as the case may be, shall; (a) either make necessary modificatibns in proposals for development to meet the objections, or (b) submit the proposals for development toge- they with toe objections raised by the Authority to the State Governmentfor decision. When propo- sals and objections have been submitted, no deve- lopment shall be undertaken until the State Govern- ment has finally decided on the matter. (9) The State Government on receipt of the proposals for development together with the objecv ions of the Authority, shall eith'er approve the proposals with or without@ modification or direct the concerned authority to ma? e such modifications in the proposals as it considers necessary in the cire cumstances

26. Any applicant aggrieved by an order passed Appeal aga- i nft grant of permission under Section 25, or if no Order is passed under subject to that section, may appeal within one month of the conditions or refusal of communication of that order to him or after the pennission• expiry of the period of three months from the date Of subinitting the application, as the case may be, in the manner and accompanied by such fees as may be prescri bed, to the Appellate Authority ap- pointed by the State Government in this behalf.

27. (1) Every permission for any development Lapse of granted under this Act shall remain in force for a periodJof one year from the date of such permis- Sion. 914 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV.14,1987 (2) The Authority may, on application made in. this behalf before the expiry of the aforesaid period, extend the same fbr such times as it may think proper, but the total period shall in no case exgeed three years. (3) If any permission lapses under sub-section (1) Or (2), such lapse shall not baf any subsequent application for fresh permission under this Act.

28. (1) Every person who intends to sub-divide Sub-division of priv a t e any plot of land within the Guwahati Metropo- land. litan Area shall give notice im writing to the Authority of his said intention and such notice shall be accompanied • the plans and statements together with a developmnet per- mission fee as prescribed. (2) All plans for sub-division of land shall be in accordance with the standards prescribed by the State Government

29. A layout plan drawn to a suitable scale Plans nyng notice.and containing the following information shall accom- pany the- notice given under Section 28,— (a). the location of the land, (b) the boundaries of the proposed land shown on the map, and sufficient desc- ription to define the same, (c) name and address of the owner of the land, (d) location, name and present widths of the adjacent roads and lanes, (c) the major physical characteristics Of the land proposed to be sub-divided, incl uding topography, the approximate location and width of any water course and location of any arca.s subject to inundation or flood, THE ASSAM GAZETTE EXTRA-ORDINARY NOV. 14, 1987 915 (f) The complete . layout of the• proposed sub-division showing the location and widths of all the proposed street dimensions and uses of all the plots, (g) The locations of all drain; sewers and other utilities, (h) Building lines permissible, (i) Scale and north line, (j) Key plan. **30. (1) The Authority may either grant or refuse Sanction with or the approval to the plans or may • approve them without modification with such modifications as it may degn fit and or refusal. , thereupon shall, communicate its decision to the person giving the notice within three months from the date of the notice. (2) No person shall be allowed to construct a buildin"g on any plot of land, the sub-divi- Sion of Bhich has not been previously approved by the Authority**

31. Should be Authority determine at any stage Layout not according to that the layout or the construction is not procee- plan.ding according to the . sanctioned plan or is in violation of • any provision of this Act, it shall n serve a notice on the. applicant requiring him to stay further execution until correction has been effected in accordance 'Gth the approved plan

32. W herec any (Iced or document required to be Prohibition of registra- registered under the Indian Registration Act, 1908 (Act tion in No.XVI of 1908), purports to sub-divide any laud or certain cases. transfer of any land the Guwahati Metropolitan Area, nÕ officer shall register apY' such document unless the party presenting the deed or document for registration produccs a No-Objection Certificate from

the Authority to the effect that the Authority has No-Objection to the registration of such deed or document. 916 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 33. (1) If it appears to the Authority that, it is expedient, having regard to the Master Plan or nation of development scheme prepared or under preparation permission to develop. or to be prepared and to any other material consideration, that any permission to develop land granted under this Act. or any other law, should be revoked or modified, the Authority may, by order, revoke or modify the permission to such extent as appears to it to be necessary provided that,— (a) Where the permission relate to the carrying out of building or other operations; no such order shall,— (i) affect such of the operations as have been previously carried out (ii) be passed after these operations have been completed (b) Where permission related to a change of use of land, no such order shall be at any time after the change has taken place. (2) When permission is revoked or modified by an order made under sub-section (1), if the owner claims from that Authority within thirty days from the date of revocation or modification, an amount for the expenditure incurred in carrying out the works after the grant of permission and in accordance with such permission, which has been rendered abortive by the revocation or modification, the Authority shall, after giving the owner a reasonable opportunity of hearing by the Authority, assess and offer such amount to the owner as it thinks fit. (3) If the owner aggrieved by the assessments and offer of such amount made by the Authority, the aggrieved owner may appeal to the Appellate Authority against the assessment and such amount, within thirty days from the date of offer and the decision of the Appellate Authority shall be final and binding on the owner and the Authority. THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 917 Penalty for 34. The Authority shall have power to impose violation, fine not exceeding five hundred rupees on any person, firm or Corporation who violates, disobeys, refuses to comply with, or who resist the enforcement of any of the provisions of this Act. Continuation of the violation shall constitute a separate offence for which a fine of fifty rupees per day may be imposed for the days after the first conviction. An appeal shall lie to the Appellate Authority constituted under this Act

CHAPTER VI Development Of lands and Development schemes. 35. (1) As soon as may be after the commencement of this Act, the Authority may for the purpose of identifying areas and preparing implementing the proposals contained in the Master plan, by notification in the Official Gazette, declare any area in the Guwahati Metropolitan Area to be a development area for the purposes of this Act and shall thereafter prepare one or more development schemes for the development area. (2) Notwithstanding anything contained in sub-section (1), the State Government may after making such enquiry as they may deem necessary, by notification in the Official Gazette, declare any area in the Guwahati Metropolitan Area to be a development area and shall thereafter, direct the Authority, or any Officer of the State Government or any local authority to prepare and submit for their sanction before an appointed date, a scheme under this section for an area specified in such notification: Provided that, while preparing the scheme as directed by the State Government, the Officer of the State Government or the local authority, as the case may be, shall prepare such scheme, in consultation with the Guwahati Metropolitan Development Authority. 918 THE ASSAM GAZETTE EXTRA-ORDINARY, NOV. 14, 1987 Provided further that the State Government or the Authority may, prepare a scheme in consultation with such other experts of consultancy if the State Government or the Authority, as the case may be, deem it necessary. (3) While preparing the scheme, the Authority, any officer of the State Government or the local authority, as the case may be, shall issue a notice inviting the names of all the claimants of any interest on any land or building within the area under the scheme, to be submitted within a period of not more than two months. (4) Save as provided in this Act, the Authority, the officer of the State Government or the local authority shall, not undertake or carry out any development of land in any area which is not a development area. Scope of the 36 (1) A scheme may be made 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 building and other purposes, or (c) already built upon. Explanation.—The expression 'land likely to be used for building and other purposes' shall include any land likely to be used as, or for the purpose of providing open spaces, pleasure or recreational grounds, parking spaces, or for the purpose of executing any work upon or under the land incidental to a scheme whether in the nature of a building work or not. (2) Such schemes may make provisions for all or any of the following matters: (a) The laying out or relaying out of land, either vacant or already built upon ; THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 (b) the filling up or reclamation of low

lying swamp or land or unhealthy areas or levelling up of land ; (c) the laying out of new streets or roads, construction, diversion, extension, alteration, improvement and stopping up of streets, roads and communications ; (d) the reconstitution of plots ; (e) the construction, alteration or removal of buildings, bridges or other structures ; (f) the allotment or reservation of land for roads, open space, garden, recreation grounds, schools, markets, industrial and commercial activities, green belts and dairies, transport facilities and public purposes of all kinds ; (g) the undertaking of housing schemes for different income, groups, commercial areas, industrial estates, provision of community facilities like schools, hospitals and similar types of developments; (h) drainage inclusive of sewerage, surface or subsoil drainage and sewage disposal ; (i) lighting ; (j) water supply ; (k) the preservation and protection of objects of historical importance of natural beauty and of building actually used for religious purpose; (l) the imposition of condition and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot the number, height and character of buildings allowed in specified areas, the purposes for which buildings or specified areas may or may now be appropriate, the sub division of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, parking space and loading and unloading space for any building and the size of projections and advertisement signs ; 919 920 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 (m) the suspension, to the extent necessary for the proper carrying out of the scheme, of any rule, bye-law, regulations, notification or order made or issued under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend ; (n) acquisition by purchase, exchange or otherwise of any property necessary for or effected by the execution of the scheme ; and (o) such other matters not inconsistent with the objects of this Act, as may be directed by the State Government. Contents of 37. The Scheme shall contain, so far as may be necessary the following particulars (a) the area, ownership and tenure of all existing plots covered by the scheme; (b) the land allotted or reserved under clause (i) of sub-section (2) of Section 36 with a general indication of the uses to which such land is to be put and the terms and conditions subject to which such land is to be put to such uses; (c) a full description of all the details of the scheme under clause (f) of sub-section (2) of Section 36 as may be necessary; (d) the laying out or relaying out of the land either vacant or already built upon; (e) the filling up or reclamation of low-lying swamp or land; (f) the extent to which it is proposed to alter the existing plots in accordance therewith; (g) an estimate of the total cost of the scheme and the cost to be borne by the Authority; and (h) any other particulars which may be provided. THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 921 38. (1) In a scheme reconstituting the plots, Reconstitution of plot scheme. the size and shape of every reconstituted plots, shall be determined, so far as may be to, render it suitable for building purposes, and where a plot is already built upon to ensure the buildings, as far as possible, comply with the provisions of the scheme as regards open spaces. (2) For the purpose of sub-section (1), the scheme may contain proposals— (a) to form a final plot by reconstitution of an existing plot by alteration of the boundaries of the plot, if necessary; (b) to form a reconstituted plot from an existing plot by the transfer wholly or partly of the adjoining lands; (c) to provide, with the consent of the owners, that two or more existing plots each of which is held in joint ownership or in severalty shall thereafter with or without alteration of boundaries, be held in ownership in common as a reconstituted plot; (d) to allot a reconstituted plot to any persons if dispossessed of land in furtherance of the scheme, and (e) to transfer the ownership of an existing plot from one person to another. Publication 39. (1) As soon as may be, after the scheme of the Development under Section 35 has been prepared, the Guwahati Metropolitan Development Authority, the officer of the Government or the local authority, as the case may be, shall publish the scheme in the Official Gazette and in one or more local news paper specifying the place or places where copies of the same may be inspected, and inviting objections in writing from any persons or claimants as referred to in sub-section (3) of Section 35, with respect to the scheme within such period as may be specified in the notice, which shall not be less than two, months from the date of publication of the notice, in the Official Gazette: 922 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 Provided that where it is expedient to do so, for the proper carrying out of the scheme, as referred to in clause (m) of sub-section (2) of Section 36, the Guwahati Metropolitan Development Authority, the officer of the State Government or the local authority as the case may be, simultaneously with the publication of the scheme, shall submit copies of the notice and of the scheme to the State Government drawing particular attention to the provision in the scheme referring to

clause (m)' of sub-section (2) of Section 36 : Provided further that no such notice shall be required where land covered by the scheme has already been acquired and the execution of the scheme does not affect the interest of any person. (2) After the expiry of the aforesaid period, the Authority, the officer of the State Government or the Local Authority, as the case may be, shall examine the scheme in the light of such objection, giving sufficient opportunity for hearing to all such interested persons who have filed objections and demanded a hearing in the manner prescribed, and shall approve or refuse to approve or approve with such modifications as it may deem necessary, for the implementation of the scheme and for imposing for that purpose reasonable restrictions in the use of land and building within the area. (3) After the Authority, the officer of the State Government or the local authority, has it shall be forwarded to adopted the scheme, the State Government for its approval and sanction, if so required under any rule prescribed, otherwise the scheme will come into force from the date the scheme is adopted. 40. On and after the day on which a scheme comes into force : (a) all lands required by the scheme, unless it is otherwise determined in such scheme, vest absolutely in the Authority all encumbrances, THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 923 (b) all rights in the existing plots which have been reconstituted shall determine, and the re-constituted plots shall become subject to the rights settled by the Authority ; (c) the Authority shall handover possession of the reconstituted plots to the owner to whom these are allotted in the scheme. 41. (1) The scheme shall come into force from the date of implementation of the scheme as may be fixed by the State Government Development schemes. In sanctioning the scheme or from the date of adoption of the scheme as provided in sub-section (3) of Section 39, as the case may be and shall be implemented by the Authority itself or by such other authority as may be authorised by the State Government in that behalf. (2) Any person or body (including a department of Government and any local authority), shall within any area where a scheme has come into force erect or proceed with any building or work or remove and alter or make additions or make any substantial repair to a building or a part of it, a compound wall or any drainage work or may remove any earth or change the use of any land or building except on permission of the Authority on application submitted for the purpose. Unless the permission has been refused within one month from the date of receipt of the application it shall be presumed that the permission has been given. 42. (1) If after the final scheme has come into force, the Authority, the Officer of the State Government or the local authority, as the case may be, considers that the scheme is defective on account of some error or irregularity or for any other reason, it shall refer to the State Government, to modify or withdraw the scheme and to publish the modified or withdrawn scheme in the manner prescribed in this Act. (2) The modification of the scheme shall state every amendment proposed to be made in the scheme and if any such amendment relates to matter specified in sub-section (2) of Section 36 the modification shall also contain such other particulars as may be found necessary. (3) Variation shall be to the scheme by the Authority, the Officer of the State Government or the local authority, as the case may be, after making such enquiry as it may think fit, approve the proposed modification with or without any further modification thereof. (4) Such modification shall take effect as if it were incorporated in the scheme from the date of its modification. (5) The Authority, the Officer of the State Government, or the local authority, as the case may be, shall thereafter submit the modified scheme to the State Government for sanction. The modified scheme shall be published after sanction in the manner as prescribed for the original scheme. 43. (1) Notwithstanding anything contained in this Act, a scheme may at any time be modified or revoked by a subsequent scheme made, published and sanctioned in accordance with this Act. (2) The State Government, at its own initiative or on the application of the Authority may at any time, by a notification in the Official Gazette, revoke a scheme, if it is satisfied that under the special circumstances of the case, the scheme shall be so revoked. THE ASSAM GAZETTE, NOV. 14, 1987 Provided that where revocation or modification is ordered by the State Government after partially or wholly implemented a scheme, compensation should be necessary for alteration in the manner paid for the prescribed

44. For the purpose of the Master Plan, the of the Authority to 925 res- t act tons.mxession of land in advance of Develop— •.nent sehe- me. Land use and zoning Regulation and the scheme, the Authority Inay impose reasonable restrictions on the use of the land and building including the regulating of the open space to be maintained around the building or buildings, the percentage of the plot area to be covered by building or buildings, the number of building or buildings on each plot, height and character of building or buil- dings allowed in specified areas, the purpose for which building or buildings of the specified areas Inay or may not be used the sub-division of plots, parking space and loading and unloading space for any building and the size or projections and such other matters not inconsistent with the objects of this Act. 45. (1) Where the Authority thinks that in the interest of public it is necessary to undertake forth- with any of the works included in a scheme for a public purpose, the Authority shall Inake an appli- cation to the State Government that the land requi- red for the scheme shall vest in the Authority• (2) The State Government Inay, if satisfied that it is urgently necessary iti the public interest to em- power the Authority to enter on such land for the purpose executing any of such work, direct the Authority by notification 'io lake possession of the land. then give a notice in (3) The Authority shall lbe prescribed Inanner to (he person interested in be taken the land, •the possession of N&hich is to requiring hilli to give possession of the land to the AutIR rity or any person authorised by ii in this behalf within a period of one month from the date of service Q-f lbe notice. and if -no possession is delivered 'Bithin {hc period specified in the notice, the Authority shall take possession of the land. 926 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14,1987 agistrate o enforce delivery to possession of land. Such land shall thereupon, notwithstanding anything contained in this Act, vest absolutely in the Autho- rity free from all encumbrances. 46' .(1) Ifthe Authority is opposed or obstructed in taking possession of the land under Section 45, it shall apply to the District Magistrate of the dis- trict, with whose jurisdiction the land is situated, to enforce the delivery of the possession of the land to the Authority, the District Magistrate, shall take or cause to be taken such steps and use or cause to be used such forde as may be reasonably nece- ssat•y for securing the delivery of possession of the land to the Authority. (2) For the avoidance of doubt, it is hereby declared that the power to take steps under sub- section (1) includes the power to enter upon any land or other property whatsoever. 47.(1) SubjN2t to Che provisions sub-section Compensation wherever possession of the land is taken by rest. the Authority under Section 45 or section 46 there shall be paid compensation the amount Of which shall bc determined by the Collector. In determi- ning the amount to compensation, the Collector shall take .intO consideration the market value of the land a pet iod of five years preceding tho date of issue of the notice under sub-sectiona of Section 45, and the amount of compensation payable shall be on the basis of the average mar- ket value so arrived at . Provided that the compensation for any buil- ding standing on such land. shall be payable at the market value of the building on the date of issue of the notice under sub- section (3) of Section 45. (2) In the cage of land With respect to •which any settletnent has been made for special cultivation if such land is or which is included in anv 2t•ant, faliow or uncultivated or is not utilised for tilt' purpose ibr which the grant or gettlement was made or för the purposes incidental thereto, than the tion pavabl,' acquisi tion 01' such land together {lees if any, on it shall, 1987 927 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. be an amount equal to ten times the annual land revenue which, on the date of issue of notice refer- red to in sub-section (3) Of Section 45, is or would have 'ncen payable if such land is or had been assessable to revenue at full rates : was origi- Provided that where. any amount T',ally paid to Government by the reartee as price or premium for -the lard, an additional amount equal to the amount originally paid b} the grantee shall also be payable. ENFIanation:— "Special cvltivation" 1: .eans cul- tivation which invo.vcs, either owing to the nature of the crop cr owing to •ihe proces: or cuittvatiOn, a much larger expenditure of capital per acre than is incurred by most of tke cultivators the State and includes cultivation of tea. (3) When the compensation has been ned under sub-section (1) or sub-qection {2 h the Collector shall make an award in accordance with the principles set out in Section 11 of the land Acqui- sition Act, 1894 (Act I of 1894), but no amount referred to in sub-section (2) of S:ction 23 of that Act shall be included in the award. (4) Where any person aggrieved by an a\ward made under sub-section (2) makes an application requiring the matter to be referred to the Court, the Cellcctor sl:all refer the matter to the ciccision of the COUrt. is takt 11 by (5) M/here possession of th+ land the k Authority under Section •15 or Section •16, the person interested in such land shall be entitled to interest at the rate of 12 perceltt per an: unl en -zrnount o, cor.'per.s•aticytl the to uncer this , section in respect of the till clate date, on which s tch possession is ta ken is paid to amount or on which the the Authority him by

4.2 : --- • 'per- as in the l.an bave the • son teVestecy Acquisit IS9.! 1 this Act ;netuded Cor ef (ii) tae pu and trees, sta tulirg crops and casement. 928 THE ASSAM GAZETTE? EXTRA-ORDINARY, NOV.14?1987 48. (1) On and after the day on which a Power of the Autho-• rity to evict scheme mcs into rco, any perscn cntinuuing to occupy any land which he is nct entitled to occupy under the scheme may, in accordance . with the prescribed precedure, be summarily evicted by the Authcrity cr by any cf its offccrs authoriscå m that behalf. (2) If the Authority is orressed cr obstructed in evicting such persons or, taking • possession of land frcm such persons, the District Magistrate, within whose jurisdiction the land is situated, shall on the application .cf •the Authority, enforce the eviction (Jf such perscns or scure delivery of possession cf• the land to the Authority. (1) On and after the day on which the cqr. to rrcrce notice cf a scheme has been published under Section teLeme. 39, the Authority may, after giving the prescribed notrce,— (a) remove, pulldown, or alter any building or other work in the area included in the scheme which contravenes the scheme or in the erectic;n oi wihch or carrying out of which, any provision of the scheme has not been compli(d with ; (b) execute any work which it is the duty of any person to excute under the scheme, .ifi any case where it appears to the Authority that delay in the execution of the work would prejudice the emcient operation of the schem c. (2) Any oxpenses incurred by the Authc rity under this section may be- rrecvered from the owner of the existi-'F ; lot in thc; provided for rnan ner the recovery of s-c.ms citie to the Authority under the prc,vision of this •Act. (3) If any action pretrosed to be taken under sub-section (1) ot' this section, by the Authority is questioned, the matter shall bc referred to the State Gecvrnment cr any officer authe risc.d by til(State Government in this behalf ; and the dcision Gf the State Government or cf 'the, cmcer, as the case may be, shall be final and •binding on ail persons. THE ASSAM GAZETTE, Ex "-ORDINARY, NOV. 14, 1977 929 Power OF 50. Where any area has bern developed by the Authority to require local Authority, the Authority may require the local authority to authority within whose local limits the area so assume res- developed is situated, to assume responsibility for for amenitiesthe maintenance of the amenities which have been in cerrain provided in the area by the Authority and for the cases. provision of the amenities which have not been provided by the Authority but which in its opinion sho- uld be provided in the arca, on terms and conditions agreed upon between the Authority and that local authority ; and where such termns• and conditions cannot be agreed upon, on terms and conditions settled by the State Government in consultation with the local authority on a reference of the matter to that Government by the Authority, CHAPITJR V Road and Streets 51. (1) The Authority shall.from time to time with the Width o? public streets, sanction of the State Government specify the minimum width for different classes of public streets according to the nature of the traffic likely to be carried there, the localities in which they are situated, the heights up tn which building abutting thereon may be crected and other similar considerations. (2) The width of a new public street shall not be less than that prescribed in sub-section (1), or that shown on the Master Plan for the class to which it belorys in areas for which Master Plan has been prepared

52. The Authority may prescribe a line on Power to street line.one or both sides of any public street, provided a public notice _ of the proposal has been issued by- the Authority in the prescribed manner. No person shall construct or reconstruct any portion of any building on land withi!». the prescribed new street linen 930 THE ASSAM GAZETTE, Se tting back 53. (1) If any ouilding to the prescri- ding abutting -on bed line of the street, EXTRA-ORDINARY, NOV. 14, 987 building or any part of a bull- a public street is within such the Authority may require such building to be set back to the prescri bed line, whenever it is proposed ; (a) to rc-build such building or to take down such building : (b) to remove, reconstruct or make any addi- tiOn to or structural alteration in any portion of such building which is within the regular line of the street. (2) When any building or any part thereof within the prescribed line of the Street falls down or is burnt down or is taken down, under the provisions of this Act or otherwise, the Authority may at ouce take possession of the portion of land with n the prescribed line of the street previously occupied by the said building and T necessarv, clear the same. (3) Land acquired under 'the foregoing sub— sections shall, henceforward be deemed to be a part of the public street

54. If any private land whether open or en—• acquisition ot land closed lies, within the prescribed line of a public wishin the street and is not occupied by a building or if a platförm, verandah, steps, compound wall, hedge or fence or other structure, is within the line of such street, the Authority may, after giving the owrlcr of the land or building a notice of the in- tc.nton to do so, take vossession or the said land with its enclosing wall, hedge or fence: if any, or of the said platform: verandah, steps or such other structure as

aforesaid or of the portion of the said plot, verandah, steps or other such structure as aforesaid which is within the prescribed line of the street. Acquisition 55. If a building or land is partly within the of the remaining part of prescribed line of a public street and if the Authority is satisfied that the land remaining after building and land after their the exclusion of the portion within the said line portions will not be suitable or fit for construction of independent building, the Authority shall acquire the of remaining portion of the land if so desired by the owner. THE ASSAM GAZETTE 33) CHAVIAER v 1 Acquisition land rower Of 56. Where on r (T X (f the State Government to rity it appears to the State Government that in .quire land. order to enable it to execute the scheme it is necessary that land within, adjoining or surrounded by any such area should be acquired, the State Government may acquire the land by publishing in the Official Gazette, a notice to the effect that the State Government has decided to acquire the land in pursuance of this section. 57. (1) The provision of the Land Acquisition Proceeding for acquisition of land. Act, 1894 (Central Act No. I of 1894 as amended) shall be applicable for acquisition of land under this Act and the compensation shall be computed under the provisions of the same Act. (2) In computing compensation for land acquired, the value will be market value as prevailed on the date of coming into force of this Act. (3) The owner Of the lands will also be entitled to the reasonable cost of development, if any made during the period. (4) Twenty five per cent increase in value on the date of acquisition of the land. (5) Where any such land has been acquired by the State Government it may, after it has taken possession of the land, transfer the land to the Authority for the purpose for which the land has been acquired on payment by the Authority of the compensation awarded under that Act and of the charges incurred by the State Government in connection with the acquisition

58. Subject to the rules made under this Act, Disposing of land. exchange or other- the Authority may retain, lease, wise, transfer any land acquired by it under this Act : 932 THE ASSAM GAZETTE EXTRA-ORDINARY NOV.14,1987 Provided that in case of lease or transfer the owner will get first priority if due to acquisition he becomes landless. 59, (1) The Authority may, in the first instance Provisions of private negotiations make reasonable efforts to purchase any land by compulsory private negotiation. acquisition. (2) In case of failure to purchase the land by private negotiation within a specified time, the said land shall be compulsorily acquired. (3) Nothing in this section shall, however debar the State Government or the Authority from compulsorily acquiring any land without prior private negotiation

60. All Ejectment to be made to any person Payment to owner by by title Authority' under this .Act, shall so far as possible, be made by an adjustment in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment payment shall be agreed upon by the parties. 61. (1) The State Government may by notification in the Official Gazette and upon such terms and as may be agreed upon between the State Government and the Authority, place at the disposal of the Authority all or any developed and undeveloped lands in Guwahati Metropolitan area vested in the Government of Assam (klu,wn and here-in-After referred to as " Sarkari the purpose development in accordance with the provisions of this Act. (2) No development of any Sarkari land shall be undertaken or carried out except by, or under the control and supervision of, the Authority after such land has been placed at the disposal of the under sub-section (1). THE ASSAM GAZETTE, EXTRA-ORDINARY, 14, (3) After any such Sarkari land has been developed by, or under the control and supervision of the Authority, it shall be dealt with by Authority in accordance with rules made and directions given by the State Government in this behalf. (4) If any Sarkari land placed at the disposal of the Authority under sub-section (1) is required at any time thereafter by the State Government, the Authority shall, by notification in the official Gazette, replace it at the disposal of the State Government upon such terms and conditions as may be agreed upon between the State Government and the Authority. •Power of the 62. Notwithstanding anything contained in sub- Authority to develop section (4) of Section 35, the Authority may, if land in non- it is of opinion that it is expedient to do so, undeveloped area. Right to Compensation. No right to Compensation. undertake or carry out any development of any which has been transferred to it or placed at its disposal under Section 57 or Section 61 even if such land is situated in any area which is not a development area

CHAPTER VII Compensation and Levy, Betterment and Development Charge

63. Any person whose property is injuriously affected in value by the making of a Scheme shall, if he makes a claim for the purpose within a period of three months after the date of publication of a notification sanctioning the scheme under Section 39, be entitled to obtain compensation in respect thereof from the Authority

64. A person shall not be entitled to obtain compensation under the foregoing section on account of any building erected on a plot of land made or other thing done by the owner of any land within the area included in a scheme after the date of the notification in which the scheme is contained under Section 35. 34 THE POWER OF ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 Provided that this provision shall not apply to any building erected, constructed or other thing done in accordance with the permission granted under Sections 23 and 41 of this Act.

65. (1) No compensation shall be payable in Government in respect of any property which may be injuriously affected by the putting into operation of any provision in certain of the scheme in the following cases:

(a) (c) (e) (2) refusal to use prescribes the space about buildings or limits the number of buildings; or regulates the size, height, design or external appearance of buildings; or prohibits or restricts building operations permanently or temporarily on the ground that erection of building thereon will be likely to be injurious to the health of the occupants or the neighbours or likely to cause excessive expenditure of public money for roads, sewers, in making provisions water supply or other public services; or Prohibits or restricts the use of land or a building for a purpose which may involve danger or injury to public hygiene or the health of the occupants or their neighbours or for a purpose which, is against the public policy or public interest; or in the interest of safety, regulates the height and position of proposed walls, and building fences or Yeages near the Corners or bends of roads; or (in the case of the erection of any building intended to be used for purposes of business in a dry, requires the provision of parking for vehicles. (1) to a building which is not in accordance with specified in the plan in the scheme or THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1937 935 Right of owner to require Authority to acquire or purchase land. Levy of betterment fee.

66. (1) The owner of any land which is to be acquired for purposes of a scheme may, at any time after the sanction of the scheme by the Government, by a written notice to the Authority in the prescribed manner, call upon it to acquire or purchase the land in so far as the land is to be acquired by the State Government or the Authority (2) If within six months of the service of the notice under sub-section (1), the land is not purchased or acquisition proceedings are not started, the scheme in so far as that land is concerned, shall be deemed to have been withdrawn and all notices and orders in that connection shall lapse.

67. (1) If any property which has increased in value due to its inclusion within an area under a scheme or due to the execution of such scheme shall be charged with a betterment fee: Provided that no such fee shall be levied in respect of the lands owned by Government and such public building as are used for charitable, religious and educational purposes or for places of public entertainment or recreation. Provided further that when any land belonging to Government has been let out by Government to a landlord and built in or on the site of any person (hereinafter called a licensee) under this section, the licensee shall be entitled to a sum equal to twenty percent of the value of the original residential premises and equal to ten percent of the value of the non-residential areas and will be included in the instalments. equal EXPLANATION (1) In the case of the licensee in purpose of this section shall prices in which the bet ween Clause 936TH E ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 a notification under sub section (1) of Section 35 Appeal. has been issued and the date on which the execution of the scheme has been substantially completed.

68. (1) Any person aggrieved by the decision of the Authority with respect to matters of compensation and betterment fee, may appeal to the Appellate Authority within thirty days of the award. (2) If the owner of any property objects to the amount of betterment fee determined by the Authority on any ground, he shall also state the amount which he contends would be correct and may within thirty days of the date on which the determination of his objection or appeal becomes final by written notice, require the Authority to acquire the property together with any building or other works that may exist thereon. (3) The Authority shall thereupon acquire the property. Levy of

69. (1) In accordance with the provisions of this development Act, and the rules made thereunder and with Charge the previous sanction of the State Government, the Authority shall, by notification published in the Official Gazette, levy charge (hereinafter called the, development fees) on the carriage out of any development land (or change of use of) for which permission or the Authority is required. The rate prescribed in the rule at the be leviable on (2) The fees shall any person who undertakes or carries out such development or

changes and such use. (3) Notwithstanding anything contained in (1) and (2), no development fees shall be levied on development or change of use of land under the control or possession of land vested in or title State the Central Government. authority or any local THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 (4) The State Government may, by rules, provide for the exemption from the levy or development fees on any development or change of any use of any land specified in the rules. (5) (i) For the purpose of providing and maintaining any amenity, the Authority may also levy such as it may consider necessary which shall be in addition to any fee for "the time being leviable under this Act or any other law in force, in respect of any land (or building) on the transferee or occupier. (ii) Where any transferee or occupier makes any default in the payment of any fee provided under clause (1) of sub-section (5), the Authority may direct that in addition to the amount of the arrears, a sum (not exceeding that amount) shall be recovered from the transferee or occupier, as the case may be, by way of penalty. (iii) In case of any default in payment of an amount payable under this Act, the transferee or occupier shall be liable to be paid by way of penalty under clause (ii) sub-section (5) may be recovered from the transferee or occupier, as the case may be, in the same manner as arrears of land revenue. Case of Off C.O: it or in account of transfer of any land or building specified and such or in case, any other conditions of such transfer, in respect of the Authority may if it thinks fit, Act, the and providing further transfer may forfeit the amount of any interest of the THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 CHAPTER Appeals; and the Appellate Authority Appoint- (1) Save as otherwise provided, the State Government shall appoint an Appellate Authority to hear all appeals arising out of the provisions of this Act. The decision of Appellate Authority shall be final. : 21 The person or persons; appointed by the State Government as Appellate Authority shall have the qualification of a District Judge or of becoming a member of the Assam Board of Revenue constituted under the Assam Boards of Revenue Act, 1962. (Assam Act-xxv of 1962). The appointment shall be on such terms and conditions as the State Government may decide. 22 (1) The duties and powers of the Appellate Authority shall be as follows: (a) to hear and decide appeals against the orders of the Authority (b) to decide and hear appeals in respect of such other matters and exercise such other powers as may be entrusted to and conferred upon it by the State Government in accordance with the provisions of this Act. All appeals to the Appellate Authority shall be filed within a month from the date of the order appealed against. The time required for taking out copies of the order shall be excluded. The Appellate Authority may, however, delay in filing in its discretion condone such appeal for sufficient reasons. / Y.. (1) The Appellate Authority shall conduct its proceedings in the prescribed manner after giving the opposite party or any one interested in the order appealed against and give opportunity or being heard. THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 (2) The Appellate Authority may, at any time, call for any extract from any proceeding of the State Government or Authority and call for any return or statement or report concerning or connected with any matter with which the Authority has been authorised to deal. (3) The Appellate Authority shall have all the powers of a Civil Court for the purposes of taking evidence on oath or enforcing the attendance of witnesses including the parties interested or any of them and compelling the production of documents and material objection if considered necessary. (4) The Appellate Authority in its discretion may make any orders regarding the cost to be paid by any of the parties to the proceeding and the Appellate Authority shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and the Authority shall be bound to execute the orders of the Appellate Authority in accordance with the directions, if any, contained in the order and such costs or amounts awarded by the Appellate Authority shall be realised as arrears of land revenue. Place where Appellate Authority may sit. Right to appear by recognised agent, Protection of action taken under this Act

74. The Appellate Authority may sit either at the Head Quarter of the Guwahati Metropolitan Development Authority 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 the Appellate Authority

75. Every party to any proceeding before the Appellate Authority constituted under this Act, shall be entitled to appear either in person or by his agent authorised in writing in this behalf. 76. (1) NO suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder. (2) Save as otherwise expressly provided in this Act, no suit or other legal proceeding shall lie against the State

Government for any damage 940 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any order made thereunder

CHAPTER IX Finance, Accounts and Audits. 77. (1) The Guwahati Metropolitan Development Fund of the Guwahati Metropolitan Development Authority shall have and maintain its own fund to which shall be credited--- Authority. Grants, and advances loans by State Government, Powers borrow (a) all money received by the Authority from the State Government by way of grants, loans, advances or otherwise (b) all development charges or other fees received by the Authority under this Act or rules or regulations made thereunder, and (c) all money received by the Authority from any other sources. (2) The Authority may keep in current account in any nationalised Bank approved by the State Government in this behalf, such portions of each fund as may be prescribed and any balance in excess of the said sum shall be invested in such manner or may be approved by the State Government. 78. The State Government may advance and loans to the Authority as it may deem necessary for the performance of the functions under this Act and all such grants, advances and loans made shall be on such terms and conditions as may be determined by the State Government. 79. (1) The Authority constituted under this Act shall be deemed to be a local authority as defined in the Local Authorities Loans Act, 1914 (Central Act No. 14 of 1914) for the purpose of the provisions of that Act, and the making and execution and enforcement shall be deemed to be a work which such authority is locally authorised to carry out. (2) The Authority may, from time to time, borrow money by way of loans or debenture such sources issue debenture at such rate of interest and for such period and upon terms, as the State Government may require for carrying out the purposes of this Act or service obtained by it. 80. The receipt of the Authority under this Act shall form a separate development fund and all expenditure under this Act or any development scheme hereunder shall be defrayed out of such fund. No portion of the fund shall, except with the sanction of the State Government, be expended for purposes not provided by this Act. 81. (1) The Authority shall maintain a sinking fund for the repayment of money borrowed or floated or issuing debenture by it. (2) The amount paid into the sinking fund shall be invested in such manner and in such securities as may be prescribed. (3) The sinking fund or any part thereof shall be applied in or towards, the discharge of the loan or fund is created and until part thereof for which such loan or part thereof money standing to the credit of the fund shall be applied for no other purpose. 82. The Authority shall prepare every year in the form of a budget of the Authority in respect of the estimated revenue and expenditure under revenue head and capital account - the State Government separately, and submit the same to the State Government not later than fifteenth of February each year or such date as may be directed by the State Government for approval. 83. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of account including the balance sheet in such form as may be approved by the State Government. The accounts of the Authority shall be subject to audit annually by the Accountant General. 941 942 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 Annual Reports, Assam. The accounts of the Authority along with the Audit Report shall be placed before the State Legislature. 84. As soon as may be after the close of a year, the Authority shall prepare a report on its activities during the preceding year and submit it to the State Government in such form and on or before such date as may be prescribed. Legal proceedings

CHAPTER X Legal proceedings Penalty for 85. (1) Any person who, whether at his own instance or at the instance of any other persons or for any purpose, commences, undertakes or carries out development, or otherwise in contravention of any land or building, conformity with the Master Plan, and (a) (b) (d) in contravention of the provisions of the Master Plan and Zoning Regulation and of any development schemes, as required under this Act in contravention of any condition subject to which such permission has been granted : after the permission for development has been revoked under Section 33 : or the permission which (in contravention of the provisions of Section 33 b,; punish under this section. THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 943 (2) In case of any such breach or default, the Authority shall send to any such person a notice calling on him to discontinue the breach or cause it to be discontinued or to comply with such provision of the Master Plan or the scheme within a time to be specified in the notice. (3) If after such time any such person under subsection (1) continues to neglect or cause a breach of any specified provision, such persons shall be

prosecuted and no conviction by a Magistrate be punishable by any or all of the following . (i) with fine which may extend to five thousand rupees with or without simple imprisonment not exceeding a period of six months. (ii) if the breach , neglect or failure continues after such conviction with fine which may extend to two hundred and fifty rupees for every day during which the breach, neglect or failure continues after the first convictions

86. If a notice has been given under this Act to a Power to execute on person requiring him to execute a work .in respect of works to any property, moveable or immovable or to provide failure comply with or do or refrain from doing anything with in a notice. time specified in the notice and if such person fails then the Authority to comply with such notice, may caused such work to be executed or such thing to be provided or, done, and may recover all expenses incurred by it on such account from the said person as an arrear of land revenue. 87. (1) Where any development in any areas has Power to stop development - been commenced in contravention of the Master Plan or Development Scheme or without the permission, approval or sanction referred to in Section 25 and Section 30 or in contravention of any conditions subject to which such permission, approval or sanction has been granted, the Authority may, in addition 944 THE ASSAM GAZETTE EXTRA-ORDINARY NOV. 14 1987 to any prosecution that may be instituted under this Act make an order requiring the development to be discontinued on and from the date of the service of the order and such order shall be complied accordingly. (2) Where such development 'is not discontinued in compliance With the order under sub-section (1) the Authority may require any Police Officer not below the rank of Sub-Inspector of Police to remove the person by whom the development has -been commenced including all his assistants and workmen from the place of such time as may be specified in the requisition and such Police Officer shall comply with the requisition accordingly. (3) After the requisition under sub-section (2) has been complied the Authority depute. by written order a Police Officer or an Officer or an employee of the Authority to keep a watch on the place to ensure. that the development is not continued. (4) The provision of this section shall be in addition to and not in derogation of, any other provision relating to stoppage of building operations contained in any other law for the time being in force. Power of de- 88. (i) any building commenced or is being carried on or has been commenced in contravention of the Master Plan or Development Scheme or without the permission approval or sanction referred to in Section 25 and Section 30 of the Act or in contravention of any conditions subject to which such permission, approval or sanction has been granted the Authority may in addition to any prosecution that may be instituted under the Act make an order directing that such development shall be removed by demolition, filling or otherwise by the owner, occupier, manager or by any person at whose instance the development has been commenced or is being carried-out or has been completed within such period not being less than five days and more than thirty days from the date on which a copy 5 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 Of the order of removal with brief statement of the reasons thereof has been delivered to the owner, occupier and manager or the person at whose instance the development has been commenced or is being carried out or has been completed as may be specified in the order and on his failure to comply with the order, the Authority may remove cause to be removed the development and the expenses of such removal shall be recovered from the occupier, manager or any person at whose instance the development was commenced was being carried out 'OF was considered as arrears of land revenue provided that no such order shall be made unless the owner, concerned has been given a reasonable opportunity to cause why the order shall not be made. (2) The provisions of this Section. shall be in addition to and not in derogation of, any other provision relating to demolition of buildings contained in any other law for the time being in force. (3) No compensation shall be claimed by any person for any damage which he may sustain in consequence of the of any development under this Section or the discontinuance of the development under Section 87 of this Act

89. When default is made by a person in the execution of any requirement under this Act to be executed by him or by any person occupying or building on; or, in the absence of the prior approval of the Authority cause such works to be in the absence of the expenses thereof shall be executed. to the extent be paid to the owner. or the amount may be deducted from the rent becoming due to the owner of the land on which such owner. a receipt in writing from the owner of the land to take of the building or the in compliance with the provisions of the Act in respect of 945 946 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 notice Issued under this act. The occupier to comply

Ruch owner to take action, the owner, •rnay '-lpllv to the District Nd'H2istrate. (2) The District Magistrate upon proof of vefu l, nvriting requiring n-ray lnak•e an orde•• in occupier to allow the owner to such execute G works,. ith respect to such heilding or land, be necessary for compliance the nouce, and also, if he thinks fit occupier to pay the owner the costs pelalir:2 vee such application cr ordel . (3) If arter tne expiry c ight day'S from date of the Magistrate's order, the occupier nues to refuse allow the owner to execune work, the occupier shall liable, upon conviction to a fine which may extend to rupees two hitndred iifty for every day during which he has so coütinued to refuse. (4) Every owner, during the continuance of such refusal shall be discharged frop) iti.y liability on acco- unt of such breach or default. of 91. When the occupiCl' Of a building o r land in cost of work a notice issued under this Act compliance with -by thr occu- executed a work for which the owner or such pier- ding or land is reasonable, either in pursuance of the contract of tenancy or by law. i}} the u hsence - of any contract Io the be entitled Io rc- ceiver frop) the owner by deduction from the rent payable by hini or @ ot hervsüse the. reasonable cost such work. 92. (a) If any person Pen ally for obstr or u lts obstructi 5 'ontraq or or : eceiving work. person with - ivhom the Authority has entered into a conl ract Tor the pe mance or execuion by such person duty or of anything which povxerced or required (o d(vunder th: or (b) rernoves any jnark set up Por the pug-reue indicating any level 01' u i rect ion ssary (o the execution or works autho- rised under thiY -Nct, shall be punish,,hte, THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 19 fine which mav extend to five hun- dred rupee) or with or without simple imprisonment for a term which may ex- tend two months

93. Oilcel' ,and servants of the Authority and and every other Officer employed by .the State be Public Government for the purpose of this Act, shall be deemed to a Dublic servant v. ithin the meaning of Section 21 of the Indian Penal Code ((Central Act No. 45 of 1860)

94. Any officer or servant of the Authority or of malici- the Government who wi Iful'y cr neglig:ntly abuses ab'-sr of any pov,er conferred {On him by or under this Act, shall be punishable with imprisonment which may extend six illcnths er with fine which Illay extend to five hundred rupees or swith both: Provided that no vroscution shall be instituted this section- under (a) the previot's sanction of the Autho- or the slate Governnynt as the case rmay be has been obtained : (b) until the expiry of two months notice in writing has been given to lbe person con- cerned clearly stating the cause of action and the nature or relcier sought, etc.95. (l) suit, prosecution or 0/-hep proceeding proser u. " k ryainsl Authority or •any officer or ger- lie in cec- Shall vant thereof or any person acting 1171der their direct ion or _any Governnnent Oilicer servant employed for the purpose of this Act for anything which i.s in good Caith done in pursuance of this Act, or any rules made thereu .nder. cther proceedings (2) No y ()flicer or set vant orthe Autho- shall lie aoaias;t rity nr any :rrunent Oflicel• or servant employed anything done under for the purr;' of this Act for (he Autho- l) unless tne iMeVlIOUS vs•ancuo•, as the case .State (rily of htas been ; and 947 94B THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV.14,1987 (b) until the expiry of two months after notice' in writing has been given to the person to be sued, clearly stating the cause of action, and the nature of relief sought, etc. Restriction 96. No Oficer or employee of the Authority shall on the Sum-• moning of In any legal proceedings to which the Authority is omcers and not a party be required to produce any register of employees Ofdocument the' contents of which can be proved under Guwa- Section 108 by a certified copy, or to appear as wit- hati. ness to prove the matters and transactionS recorded therein, unless by order of the Court made for special cause

97. The Authority or any person authorised in Power or Authority to this behalf shall', subject to rules framed under this institute pro- ceding etc.Act have powers to— and to take legal advice. (a) (b) (c) (d) (2) institute, defend or withdraw from legal proceedings under this Act ; compound any offence against this Act before the matter is referred to the court ; admit, comprom{se ; or withdraw any claim made under this Act, and obtam such legal advice and assistance as it may from time to time think necessary or expedient to obtain for any of the pur- poses—referred to in the forgoing clauses of this section for securing the lawful exercise or decharge of any power or duty vested in or imposed upon the Authority or any officer or servant of the Authority. The composition of an offence under sub— section (l) shall have the effect of an order of acquital

98. For the purpose of this Act, the Authority Power to compel atten- or an officer appointed under the provisions of dance of wit- this Act to discharge the function or the Autho- etc.rity or the appellate Authority may summon and enforce the attendance of witnesses including the TYE ASSAM GAZETTE,

EXTRA-ORDINARY, NOV. 14, 1987 949 parties interested or any of them and compel them to give evidence and compel the production of documents by the same means and as far as possible in the same manner as is provided in the case of Civil Court by the Code of Civil procedure, 1908. Power and duties of police in respect of offences and assistance to Authority. 99. Every Police Officer, Mauzadar or of the local authority shall give immediate information to the Authority of an offence to his knowledge which has been committed under this Act and shall be bound to assist all members, Officers and servants of the Authority in the exercise of their lawful authority. Offences by JOG. (1) if the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to, the company for the conduct of its business as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent its commission. (2) Notwithstanding anything contained in sub-section (1) if it is proved that any offence under this Act has been committed by a company and 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 the offence and shall be liable to be proceeded against and punished accordingly. Explanation For the purpose and in relation to a firm or other association of individuals, the expression "director" in relation to a firm means a partner in the firm. Order under 101. No order made in exercise of any power that is not to be conferred by or under this Act shall be called in question in any court except as provided in this Act. Court. 102. (1) No act done or proceeding taken under Validation of acts and this Act shall be questioned on the ground merely that it is void. (a) the existence of any vacancy, initial or subsequent, in or any defect in the constitution of the Guwahati Metropolitan Development Authority; (b) any person having ceased to be a member; (c) the failure to serve a notice on any person, where no substantial injustice has resulted from such failure; or (d) any omission, defect or irregularity not affecting the merit of the case. (2). Every meeting of the Authority shall be presumed to have been duly convened and to be free from all defects and irregularities.

103. Any money due to the Authority on Mode of recovery of moneys due account of fees or charges, or from the disposal to Authority. of lands, buildings or other properties, moveable or immovable, or by way of rents and profits may, if the recovery thereof is not expressly provided for it: any other provision of this Act, be recovered by the Authority as arrears of land revenue. Power to 104. Any land required, reserved or designated acquire land under the in a Master Plan or a Development Scheme under Land Acquisition Act, this Act shall be deemed to be land needed for 1894 (of a public purpose within the meaning of the land 1894) Acquisition Act, 1894 and may be acquired under the said Act. THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 105. (1) Notwithstanding anything contained in any law for the time being in force, no rule, a local authority regulation or bye-law shall be made or amended make rules, regulations by a local authority in respect of matters specified Or bye-laws in sub-section (2) unless the Authority, upon consideration of such rule, regulation or bye-law, certifies that it does not contravene any of the provisions of the Master Plan or development Scheme. (2) The matters referred to in sub-section, (1) are the following, namely (a) water supply, drainage and sewerage disposal ; (b) erection and re-erection of buildings including grant of building permissions, licence and imposition of restriction on use and subdivision of buildings ; (c) Sub-division Of land into building sites, recreational site for roads and lanes, community facilities; and (d) development of land, development Schemes, and housing and re-housing Schemes

CHAPTER XI Supplementary and Miscellaneous Provisions. Power of 106. (1) For the purpose of making or entry. any officer any Scheme, execution of this behalf the Authority authorised in the State Government, persons appointed by their subordinates may enter into or upon any land or building with or without assistance or workmen for the purpose of (a) making any enquiry, inspection, measurement or survey or taking levels of such land or building , ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 953 (3) Any person who obstructs the entry of a person empowered or authorised under this Section to enter into or upon any land or building or molests such person after such entry shall, be punishable with

imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both. *rvice of 107. All documents including bills, notices and NoticeS. orders required by this or any rule or regula- tion made thereunder to be served upon or issued or presented to any person shall, save as otherwise provided in this Act or rule or regulation, be . effected. (a) by giving or tendering the said document to such person; orb (b) if such person is not found, bj leaving such document at his last known place of above or by giving or tendering the same to some adult member or servant of his family; or (c) if his address else where is known, by for- warding such documents to him, by registered post under a cover bearing the same address; or (d) if none of the means as aforesaid is available, by causing a copy of such document to be affxed on some conspicuous part of the land or building, if any, to which the document relates

108. Every public notice given under this Public notice how be bill or rules or regulations made thereunder shall made known.

be in writing over the signature of such officer who may be authorised in this behalf by the Authority and shall be widely made known in the locality to be afTecfe(l thereby, by affixing copies thereof in conspicuous public places within tho said locaiit.y, or by preprocJaiming the same by beat of (l rum or by in a local news- paper and by such of hor means which the Autho- rit.y thinks fit. 954 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV.14?1987 .uthen tica- 109. All permissions, orders decisions, notices tion of orders and docu- and other documents of the authority shall be Of the authenticated, by the signature of such officer of Guw ah a ti Metropolitan the Authority as may be authorised by the Autho- Developmen t rity in this behalf. Authority. Mode of 110. A copy of any receipt, application, proof of Re- cords of the plan, notice, order, entry in a register, or other Guw a h a ti document in the possession of the Authority, if Metropolitan Development duly authenticated by the person authorised by Au thority. the Authority, shall be received and admitted as evidence of the matters and transactions therein recorded to the same extent, as the original entry or document would, if produced, have been admis- Sible to prove such matters. Registratio n 111. (1) Nothing in the Indian Registration Act, of documenu, or 1908 (Central Act No.XVI of 1908) shall be deemed pl ans map in con- nection withto require the registration of any documents, scheme. plans •or map prepared, made or sanctioned in con- nection with a scheme which has come into force. (2) All such documents, plans and maps relating to the sanctioned scheme shall, ' for the purposes of Sections 48 and 49 of the Indian Registration Act, 1908 (Central Act XVI of 1908), be deemed to have been and to be registered in accordance with the provisions of that Act. Formal de- 112. No assessment list or other list, notice or fects in asse- andother such document specifying, or purporting to demands. specify with reference •to any charge, or fee. any person's property thing or circumstances shall be invalid only by reason of a clerical or technical mistake in the name, residence, place of business or occupation of the person 01' in the description of property, thing or circumstances and it shall be sufficient if the person, property, thing or circums- tances is described sufficiently for the purpose of identification, and it shall not be necessarv fo name the owner or occupier of any property liabPe in respect of the charge. THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, Iqe7 955 113. The Authority shall be competent to Power of Au- thority to make agree-make any agreement with any person in respect of any matters, which is to be provided for in a ments. scheme and, unless it is otherwise expressly pro- vided -therein, such agreement shall take effect pn and after the day on which the scheme comes into force. Fine when 114. All fines realised in connection with pro- realised to paid to thesecution under this Act shall be paid to the Guwa- Guw aha t i hati Metropolitan Development Authority Metropolitan Development Authority

115. Should a dispute arise between the Decision of disputes be- tween Au-Authority and any other local authority on any ynatter in which they are jointly interested, such thoritiesS.

dispute shall be referred to the State Government whose decision shall be final. Cov trol by (1) The Authority shall carry out such 116. the State GOVERNment•directions as may be issued from time to time by the State Government for the efficient adminis- triation of this Act. (2) If in, or in connection with, the exercise of its powers and discharge of its functions by the Authority, any dispute arises between the Autho- rit.y. the local Authorityv and the State Govern- ment, the decision of the State Governnt on such dispute shall be final. Returns and 117. The Authority shall furnish to the State Information. Penalty orders. Government such reports, returns and other in- formation as the Government may from time to time Idequire. of 118. Save as otherwise expressly provided in this Act, every order passed or direction issued by the Authority. shall be final and shall not be quest ionecl in any suit or ot her legal proceeding. Power to 1 19. The

Authority Ina.v. by resolution. direct delegate. that any power exercisable by it under this Act or rules or regulations made thereunder (except to make rules or regulations) may also be exercised 956 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14,1987 by any local authority or any officers of the State Government with previous consent of the State Government or any officer of the Authority as may be mentioned therein in such cases and subject to such conditions, if any, as may be specified therein. of Effect 120. Any order made under this Act shall order incon- have effect notwithstanding anything inconsistent other enact- therewith contained in any enactment other than ments. this Act or any instrument having effect by virtue of any enactment other than this Act. Overri d i n g effect. 121. (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) Notwithstanding anything contained in any other law— (a) When permission for development jn res2 pect of any land has been obtained under this Act such development shall not be deemed to be unlawfully undertaken or carried out by reason of only of the fact that permission, approval of sanction required under any other law for such development has. not been obtained. (b) When permission for such development has not been obtained under this Act such development shall not be deemed lawfully undertaken to be or carried out by reason only of then fact that permission, approval or sanction required under such other law for such development has been obtained. 122. (1) The State Government may, after pre- Power of the StateGovern- vious publication in the official Gazette make rules mc nt to make rules. for carrying out the purposes of this Act. (2) In particulars and without prejudice to the generality of the foregoing powers, the THE ASSAM GAZETTE, EXTRA-ORDINAIRY, NOV. 1 a . 1987 State Government shall have power to make rules in respect of the following matters— (i) The functions and powers that may be (iii) (iii) (iv) (v) delegated to the Authority or to any officer of the Authority. The qualifications and disqualificatiops for being chosen or and for being, mem- ber of the Authority. The terms of office and conditions of ser- vice of the members of the Authority. The matters in which and the purpose for which the Authority may associate with itself any person under the provi- sions of this Act. The control and restriction in relation to the appointment of officers and other employees of the Authority. (vi) The procedure to be adopted for securing co-operation of various Government Departments, the owners or other per- sons or bodies interested in schemes. (vii) All matters pertaining to land acquisition including proceduré and making of awards, compensation and the possession of land by the Authority in ordinary and emergent cases. (viii) Calculation, assessment and payment of compensation in respect of property which is injuriously affected Äwithin the meaning assigned to it in Section 63 of this Act. (ix) Creation and administration of Fund of the Authority for the purpose imple= Inenting the proéisions of this Act. (x) The form of the budget of the Authorit,v. the manner of preparing it and the date 958 THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV.14,1987 on or before which it •shall be prepared and to be submitted, to the State Govern- mente (xi) The procedure for the levy of develop- ment charges and exemption from it on any developinent or change of any use of any land. (xii) The calculation assessment and collection 01 betterment contribution. (xiii) The procedure of filing, hearing and deciciing and appeals •under this Act and all matters connected there- with. (xiv) The rnanner o} publication of the notifica- tion regarding! schemen their modifica- revccation submission tions. vari ations, and sanction by the State Government. (xv) Any other rnatter which has to be or may be prescribed by rules. (3) All rules made under this section shall be laid for not less than fifteen days before tho Assam Legislative at) soo," a.s they are made and Sha. fication as the Legic ad Æve rnay during the session in whiCh they are so laid or tho session immediately following. 123. (1) The Authority shall have power to Authority to make bye-laws in respoct, of the mat-ter enumera- make byc- ted under this section and not inconsistent with laws. tho rules marle by the St.afe Government. layout of public (i) Land Subcli+ision and st root. (ii) Width for different. Ola.ssoos of public according! to the natu ro of to be ca rried l,laereon. THE ASSAM GAZETTE, EXTRA-ORDINARY, NOV. 14, 1987 959 (iii) (iv) (v) (vi) (vii) (viii) Street lines and setting back of building from the regular line of the street. Zoning Regulations prescribing the type or description of building which may or may not be erected in any prescribed area or areas. Regulations and display of advertisement in the interest of amenity, aesthetic or public safety. Regulations in any manner or specifically provided for in this Act, the erection of any enclosure, wall, fence, tent or other structure or any land within the limits of the Authority. Time and place and transaction of busi- ness of the meetings of the Authority and committees constituted under this Act. The power and duties of the officers and employees of the Authority. (ix) The salaries, allowances and conditions of

services of its officers and employees. (x) Any other matter which has to be or may be prescribed by rules.

(2) The power to make bye-laws under this Act shall be subject to the conditions of previous publication.

(3) The State Government may cancel their confirmation on any such bye-laws and thereupon the bye-law shall cease to have effect.

124. As soon as may be after the commencement of this Act the State Government shall, by Authority notified in the official Gazette, declare that the Guwahati Development Authority constituted under the provisions of the Assam Town and Country Planning Act, 1959 and as amended having jurisdiction over the Greater Guwahati Metropolitan Area shall be dissolved with effect from such date as may be specified in the notification, and the Guwahati Development Authority shall stand dissolved accordingly.

125. (1) With effect from the date of dissolution of the Guwahati Development Authority specified in Section 124, (a) all the members including the Chairman, or other person constituting committee or committees of the Guwahati Development Authority shall vacate their respective offices (b) all properties, funds and dues which are realisable by the Guwahati Development Authority shall vest in and be realisable by the Guwahati Metropolitan Development Authority; all contracts and liabilities which are enforceable by or against the Guwahati Development Authority shall be enforceable by or against the Guwahati Metropolitan Development Authority; all legal proceedings instituted by or the Guwahati Development Authority may be continued or enforced by or against the Guwahati Metropolitan Development Authority; (c) all officers and other employees of the Guwahati Development Authority continuing in office immediately before the date of the order shall be deemed to be employed by the Guwahati Metropolitan Development Authority on such terms and conditions not being less advantageous than what they were entitled to immediately before the said date; (f) all the powers and duties which may, under the provision of this Act or any other Act or any rule, regulation, law, order or notification made thereunder, be exercised or performed by the Guwahati Development Authority shall be performed by the Guwahati Metropolitan Development Authority.

(2) The State Government shall before the dissolution of the Guwahati Development Authority, constitute the Guwahati Metropolitan Development Authority in accordance with the provisions of this Act.

126. (1) The State Government may make such saving, incidental or consequential orders as may appear to it to be necessary for giving effect to the order made under sub-section (2) of this Section.

(2) The relevant Sections of the Guwahati Municipal Corporation Act, 1969 (Assam Act I of 1973) and along with the amendments up-to-date inconsistent with the provisions of this Act shall stand repealed with effect from the date on which the Guwahati Metropolitan Development Authority as referred to in Section 4 of this Act is constituted.

(3) The relevant sections of the Assam Town and Country Planning Act, 1959 (Assam Act 11 of 1960) and the Assam Municipal Act, 1956 (Assam Act IV of 1957) Assam Act, 1972 and along with their amendments up-to-date and the rules and regulations made thereunder, inconsistent with the provision of this Act shall cease to operate within the territorial limits of the Guwahati Metropolitan Area as referred to in Section 3 of this Act with effect from the date on which the Guwahati Metropolitan Development Authority, as referred to in Section 4 of this Act is constituted.

(4) Notwithstanding any repeal and inoperative of the relevant sections referred to in sub-section (1) and sub-section (2) anything done or any thing purported to be done or any action taken under the provisions of the said Acts or rules or regulations made thereunder, shall be deemed to have been done or taken under the provisions of this Act and all such rules or regulations shall, if not inconsistent with the provisions of this Act, continue in force till rules or regulations are made under this Act.

Secretary to the Government of Assam, Legislative Department.