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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT, LEGISLATIVE BRANCH

NOTIFICATION

The 10th No'v'eer 1987

No. LGL. 107/85/291.—The following Act of the Assam Legislative Assembly which received the assent of the President, is hereby published for general information,

Assam Act No. XX of 1987.

(Received the assent of the President on 20th October, 1987)

THE GUWAHATI METROPOLITAN DEVELOPMENT
AUTHORITY ACT, 1985.An
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 establishment of an Authority for the enforcement and execution of the Master Plan and for the formulation and execution of schemes for the planned development of Guwahati Metropolitan Area, for the co-ordination and supervision of the execution of such plans and schemes with the object of securing proper living and sanitary conditions, to conserve and promote the public health, safety and general welfare of the people living therein and for matters connected therewith or incidental thereto.

It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Guwahati Metropolitan Development Authority Act, 1985.
- (2) It shall extend to the whole of Guwahati Metropolitan Area excluding any area to which the provisions of the Cantonments Act, 1924 apply.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context :—

- (1) "Agriculture" includes horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, fodder and trees, or any 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 agricultural purposes, but shall not include the use of any land attached to a building for the purpose of a garden to be used along with such building; and the expression "agricultural" shall be construed accordingly;
- (2) "Amenities" includes roads and streets, open spaces, parks, recreational grounds, playgrounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences and such other convenience as the State Government may, by notification in the official Gazette, specify to be an amenity for the purposes of this Act.
- (3) "Authority" means the Guwahati Metropolitan Development Authority constituted under Section 4 of this Act.
- (4) "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) "Building" means any 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, verandah, balcony, cornice or projection, or part of a building on anything affixed thereto.

or any walls, earth bank, fence or other construction enclosing or delimiting or intended to enclose or delimit any land or space.

(6) "Building operations" includes—

(a) erection or re-erection of a building or any part of it,

(b) roofing or re-roofing a building or any part of a building or an open space,

(7) "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 homes, infirmaries, educational institutions and also hotels, restaurants, boarding houses not attached to any educational institution, and sarais; and the expression "commercial" shall be construed accordingly;

(8) "Development" with its grammatical variations 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) "Factory" means a place to which the provisions of the Indian Factories Act of 1934, or any amendment thereof shall apply.

(10) "Guwahati Metropolitan Development Authority" means the Authority constituted under Section 4 of this Act.

(11) "Industry" includes the carrying on of any manufacturing process as defined in the Factories Act, 1948, and the expression "industrial" shall be construed accordingly:

- (12) "Land" shall have the same meaning as in the Land Acquisition Act, 1894 (1 of 1894) and shall include land covered by water.
- (13) "Local authority" means the Guwahati Municipal Corporation or Board or a Committee or any other authority legally entitled to, or entrusted by the State Government 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 Panchyat constituted under the Assam Panchayati Raj Act, 1972 and as amended.
- (14) "Local Newspaper" in relation to Guwahati Metropolitan Area means any newspaper published or circulated within the Guwahati Metropolitan Area.
- (15) "Master Plan" means the plan as defined under Section 16 of this Act.
- (16) "Notification" means a notification published in the Official Gazette.
- (17) "Occupier" includes any person paying or liable to pay rent or any portion of the rent of the land or building in respect of which the work is due or compensation or premium on account of the occupation 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 building and the remainder has been laid out as a public garden or used for purpose of recreation or lies waste and unoccupied.

(19) "Operational construction" means any construction, whether temporary or permanent, which is necessary for the operation, maintenance, development or execution of any of the following services:—

- (i) Railways,
- (ii) National Highways,
- (iii) National Waterways
- (iv) Major Ports,
- (v) Airways and Aerodromes,
- (vi) Posts and Telegraphs, Telephones, Wireless, Broadcasting and other like forms of communication,
- (vii) Regional grid for electricity,
- (viii) Any other service which the State Government may, if it is of opinion that the operation, maintenance, development or execution of such other service is essential to the life of the community, by 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, hospitals, clubs, institutions, schools, railway colony, roads, drains, etc., in the case of railways, and
- (ii) a new building, new structure, 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 possession, 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 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 principal officer of a local authority, statutory authority or company in respect of properties under their respective control;

- (21) "Prescribed" means prescribed by rules made under this Act.
- (22) "Public place" means any place or building which is open to the use or enjoyment 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) "Reconstituted plot" means a plot which is in any way altered by the making of a Development Scheme.
- (24) "Residence" means the use for human habitation of any land or building or part thereof including gardens, grounds, garages, stables and out-houses, if any appertaining to such buildings, and the expression "residential" shall be construed accordingly.
- (25) "Road" means and includes any highway, street, lane, pathway, alley, passageway, carriage way, footway, square, bridge, whether private or public, whether thoroughfare or not, whether existing or proposed in any scheme and includes all bunds, channels, ditches, drains culverts, side walks and traffic islands.

- (26) "Scheme" means a developments scheme and includes a plan or plans together with the descriptive matter if any relating to such a scheme as defined in Section 36 of this Act.

CHAPTER II

Declaration of Guwahati Metropolitan Area and constitution of Guwahati Metropolitan Development Authority.

Declaration
of Guwa-
hati Metro-
politan Area.

3. (1) The State Government may, by notification in the Official Gazette, declare the area covered by the Guwahati Municipal Corporation Area and any other areas contiguous to the Guwahati 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.

Constitution
of the Guwa-
hati Metro-
politan Dev-
elopment
Authority.

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.

- (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 immoveable and to enter into any agreement or contract, and shall by the said name sue and be sued.

Composition
of the Guwa-
hati Metro-
politan Dev-
elopment
Authority.

5. (1) The Guwahati Metropolitan Development Authority shall consist of the following members, namely :—

- (a) The Chief Minister of the State of Assam shall be the Chairman ;
- (b) 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 ;

- (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 ;

- (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 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.

- (4) The Vice-Chairman, if he is a whole-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 referred to in 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.

- (8) The State Government may, if it thinks fit, terminate the appointment of any nominated member before the expiry of his term of office.

- (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
powers of
the Authority.
iv.

6. (1) Subject to the provisions of this Act and 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 report 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 ;

- (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 the 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 which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

Meeting of
the Guwa-
hati Metro-
politan Dev-
elopment
Authority.

7. (1) The Guwahati Metropolitan Development Authority shall observe such rules of procedure in regard to the transaction of business at its meeting (including the quorum at its meeting) as may be prescribed.

- (2) The Chairman of the Guwahati Metropolitan Development Authority or, if for any reason he is unable to attend any

meeting, the Deputy Chairman or, if for any reason the Chairman and the Deputy Chairman are 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.

Power to
appoint offi-
cers and
Secretary
and other
staff.

8. (1) 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.

(2) 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.

(3) 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.

Delegation

9. 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.

Power of
the Authority to co-
opt. mem-
bers for par-
ticular pur-
pose.

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.

Advisory
Council.

11. (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 ;

- (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.

Constitutions
of Commit-
tees.

- 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

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.

(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.

Supply of documents and information to the State Government.

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.

Power of the Guwahati Metropolitan Development Authority to give directions.

14. (1) 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.

(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 over-all development of the Guwahati Metropolitan Area and in accordance with the approved Master Plan.

Power of the Guwahati Metropolitan Development Authority to execute any plan.

15. (1) Where the Guwahati Metropolitan Development Authority is satisfied that any direction given by it under sub-section (1) 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, the Guwahati Metropolitan 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 III

Master Plan

Preparation of Master Plan.

16. A Master Plan hereinafter referred to as "Plan" in this Act for the development of Guwahati Metropolitan Area or for any area within the Guwahati Metropolitan Area which the State Government may, consider necessary, shall be drawn up by the Authority in consultation with the Director of Town and Country Planning or such other experts of consultancy as the Guwahati Metropolitan Development Authority consider it necessary: