



The Assam Town and Country Planning Act, 1959

Act 2 of 1960

Keyword(s):

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(As modified upto 30th June 1969)

ASSAM ACT II OF 1960

THE ASSAM TOWN AND COUNTRY PLANNING ACT, 1959

(As passed by the Assembly)

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**THE ASSAM TOWN AND COUNTRY PLANNING
ACT, 1959**

An

Act

**to provide for the development of the towns and country sides
of the State of Assam.**

Preamble-

Whereas it is expedient to provide for the development of the towns and the country sides of the State of Assam on sound planning principles with the object of securing proper sanitary conditions, to conserve and promote the public health, safety and general welfare of the people living therein;

It is hereby enacted in the Tenth Year of the Republic of India as follows: -

CHAPTER I

Preliminary

1. Short title, extent and commencement-

- (1) This Act may be called the Assam Town and Country Planning Act, 1959.
- (2) It shall extend to whole of Assam excluding the Autonomous Districts:

Provided that if any District Council desires that all or any of the provisions of this Act should apply to the Autonomous District concerned, a notification may be issued to that effect and this Act shall then extent to that Autonomous District subject to such exceptions or modifications as may be specified in the notification.

2. Definitions- I

In this Act, unless there is anything repugnant in the subject or context :-

- (1) **“Authority”** shall mean the Local or Regional Authority appointed by the State Government for the purpose of administering the Act. Unless otherwise

appointed by the State Government, the Authority in the case of Municipal Areas shall be taken to mean the Municipal Board for the area constituted under the Assam Municipal Act, 1956 (Assam Act XV of 1957).

- (2) **“Advisory Council”** means the Town and Country Planning Advisory Council constituted under section 3 of this Act.
- (3) **“Betterment Fee”** means the fee prescribed in respect of an increase in the value of land resulting from the execution of a Development Scheme.
- (4) **“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 walls, earth bank, fence or other construction enclosing or delimiting or intended to enclose or delimit any and or space.
- (5) **“Building Industrial”** means a building which is wholly or predominantly used as a warehouse, factory, distillery iron foundry and all other buildings put to or be put to any use permitted in the zone by an authorised scheme applicable thereto.

- (6) **“Director”** means Director of Town and Country Planning or any other officer appointed by the State Government.
- (7) **“Development”** means the carrying out of buildings, engineering, mining or other operations in on or over the land, or making of any material change in the use of any buildings or of land:

Provided that the following operations or uses of land shall not be deemed for the purposes of this Act to mean development of the land, that is to say -

- (a) the carrying out of works for the maintenance, improvement or other alteration of any buildings being works which affect only the interior of the building or which do not materially affect the use and the external appearance of the building;
- (b) the carrying out by a local authority of any works required for the maintenance or improvement of road being works carried out on land within the boundaries of the road;
- (c) the carrying out by any local authority any works for the purposes of inspecting, repairing or renewing any sewers, main pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

- (d) the use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.
- (8) **“Factory”** means a place to which the provisions of the Indian Factories Act of 1934 or any amendment thereof shall apply.
- (9) **“Industrial Concern”** means a commercial body e.g. a factory, workshop and a mill or any concern of similar nature where materials are manufactured repaired altered or processed.
- (10) **“Master Plan”** means a plan as defined under section 9 and shall comprise of items (a) to (e) of section 11.
- (11) **“Occupier”** includes any person paying or liable to pay the 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.
- (12) **“Open space”** means any land whether enclosed or not on which not more than one-twentieth part is covered with buildings and whole of the remainder has

been laid out as a public garden or used for purposes of recreation or lies waste and unoccupied.

- (13) **“Prescribed”** means prescribed by rules made under this Act.
- (14) **“Reconstituted plot”** means a plot which is in any way altered by the making of a Development Scheme.
- (15) **“Road”** means and includes any highway, street, lane, pathway, alley, passageway, carriageway, 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.
- (16) **“Scheme”** means a development scheme and includes a plan or plans together with the descriptive matter if any relating to such a scheme.

CHAPTER II

Constitution of the Advisory Council

3. Constitution of the Town and Country Planning Advisory Council-

(1) The State Government may constitute, by a notification in the Official Gazette, the Council consisting of the following members to advise the Government on matters referred to it: -

- (i) Minister-in-charge of Town and ... Chairman
Country Planning.
- (ii) Director of the Town and Country ... Secretary
Planning Department.
- (iii) Secretary, Town and Country ... Member
Planning Department.
- (iv) Chief Engineer, Public Works ... Member
Department. (R. and B.) or his
nominee.
- (v) Chief Engineer, Public Works ... Member
Department. (Flood Control) or
his nominee

- (vi) Public Health Engineer or his ... Member nominee.
 - (vii) Secretary, Local Self-Government ... Member or his nominee.
 - (viii) Secretary, Finance Department or ... Member his nominee.
 - (ix) Secretary, Revenue Department ... Member or his nominee.
 - (x) Six other non-official members ... Member half of whom shall be elected by the Assembly and the rest shall be nominated by the State Government.
 - (xi) Such member of representatives of Local Authorities falling within the area as may Be covered by the Master Plan not exceeding two as may be co-opted by the Council by notification, Published in the official Gazette.
- (2) Five of the members attending any meeting of the Council shall forms the quorum for the purpose of transacting the business of that meeting of the Council.

- (3) All members of the Council including the co-opted members shall have one vote each and the Chairman shall have a casting vote in case of equality of division, in addition to his own vote.
- (4) Nothing done by the Council in its meeting shall be held to be invalid because of any vacancy in the seats of the nominated or elected members or the absence of any of the members for any reason whatsoever.
- (5) The Chairman shall preside over the meetings of the Advisory Council and in his absence the members present shall elect one among themselves to be the president for that particular meeting.

4. Registration of non-official members-

Any non-official member may at any time resign his office, provided that his resignation shall not take effect until accepted by the State Government.

5. Term of office -

The term of office of any non-official member shall ordinarily be three years:

Provided that in case of the members representing the Legislature or Local Authorities, their terms of office shall

terminate as soon as they cease to be member of such Legislature or Local Authority as the case may be.

6. Commencement of the term of office of non-official members -

- (1) The term of office of non-official members shall commence on such date as may be notified in this behalf by the State Government.
- (2) A person ceasing to be member by reason of the expiry of his term of office as described in section 5, shall be eligible for re-nomination or re-election.

7. Removal of non-official members -

The State Government may remove from the Council any member who: -

- (a) refuses to act, or becomes incapable of acting or absents himself from three consecutive meetings of the Council and is unable to explain such absence to the satisfaction of the Council; or
- (b) has to flagrantly abused in any manner his position as a member of the Council as to render his continuance detrimental to the public interest:

Provided that when the State Government proposes to take action under the foregoing provisions of this section, an opportunity of explanation shall be given to the member concerned and when such action is taken, the reason thereof shall be placed on record.

(8) Filling of casual vacancies -

- (1) When the place of a member nominated by the State Government becomes vacant by his resignation, removal or death, the State Government shall appoint a person to fill the vacancy.
- (2) When the place of a member elected or co-opted becomes vacant, he shall be elected or co-opted by the Legislature or the Council as the case may be.
- (3) The term of office of a member nominated or elected or co-opted, as the case may be, under sub-section (1) and (2) shall be the remainder of the term of office of the member in whose place he has been nominated or elected or co-opted.

CHAPTER IIA

Constitution of the Development Authority

8A. Constitution of the Authority -

- (1) The State Government may, by notification in the Official Gazette, constitute for the purpose of this Act, an Authority to be called “The as the Authority” with jurisdiction over such area as may be specified in the said notification.
- (2) The Authority shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of properties both moveable and immoveable and to enter into any agreement and shall by the said name sue and be sued.

8B. Composition of the Authority -

- (1) The Authority shall consist of the following members, namely :-
 - (a) A Chairman to be appointed by the State Government;
 - (b) Engineer- in- chief of the Authority to be appointed by the State Government;

- (c) Town Planning Officer of the Authority to be appointed by the State Government;
- (d) Finance Officer to be appointed by the State Government;
- (e) Deputy Commissioner of the Sub divisional Officer, as the case may be;
- (f) Chairman or Chairmen of the local Authority or authorities covered by the Master Plan;
- (g) One member representing Commerce and Industry (Private Sector) to be nominated by the State Government;
- (h) One member representing the Railways, to be nominated by the State Government;
- (i) One member representing Industry (Public Sector) to be nominated by the State Government;
- (j) One person each from the local authorities covered by the Master Plan to be elected by the members at a meeting from amongst them.

(2) Notification of members-

The name of the members elected and appointed shall be published in the Official Gazette.

(3) Disqualification for election or appointment as member -

A person shall be disqualified for appointment, nomination or election as a member, if he -

- (a) has been convicted of any offence involving moral turpitude;
- (b) is an applicant to be adjudicated as a bankrupt or insolvent or is an uncertificated bankrupt or undischarged insolvent;
- (c) holds any office of profit under the Authority except those mentioned in clause (a),(b),(c) and (d) of sub-section (1);
- (d) has directly or indirectly, by himself or by any partner, any share or interest, in any contract or employment with by, or on behalf of, the Authority; or
- (e) is a Director, or a Secretary, Manager or other salaried Officer of any incorporated company

which has any share or interest in any contract or employment, with, by, or on behalf of the Authority.

(4) Removal of members -

The State Government may remove from the Authority any member including the Chairman who -

- (a) refuses to act or becomes incapable of acting or absents himself from three consecutive meetings of the Authority and is unable to explain such absence to the satisfaction of the Authority;
- (b) has so flagrantly abused in any manner his position as a member of the Authority as to render his continuance detrimental to the public interest;

Provided that when the State Government proposes to take any action under any of the above provisions, an opportunity shall be given to the member concerned to show cause why action as proposed should not be taken against him;

- (c) ceases to be a member of the local authority from which he was elected;

- (5) A member removed under clauses (a) and (b) of subsection (4) all not be eligible for re-appointment or re-election, as the case may be.

8C. Term of office and conditions of service of the Chairman and members of the Authority-

- (1) The term of office and conditions of service of the Chairman and members of the Authority shall be such as may be prescribed and they shall be entitled to receive such salaries and allowances as may be fixed by the State Government.
- (2) The Chairman or any member may resign his membership of the Authority by giving notice in writing to the State Government and on the resignation being accepted by the State Government, he shall cease to be a member of the Authority.
- (3) Any vacancy created by resignation or removal shall be filled by fresh appointment or nomination by the State Government, or by election, as the case may be.

8D. Functions and powers of the Authority –

Subject to the provisions of this Act, rules and directions of the State Government, the function of the Authority shall be to promote and secure the development of the area according to the Master Plan and for that purpose it may carry out or

cause to be carried out surveys of the area and to prepare report or reports of such surveys, and to perform any other function which is supplemental incidental or consequential to any of the functions aforesaid or which may be prescribed.

8E. Meeting of the Authority-

- (1) Each Authority shall meet once in a month at such time and place and shall subject to the provisions of sub-sections (2) and (3) observe such procedure in regard to the transaction of business at its meetings, as may be prescribed by bye-laws to be framed under section 74 of this Act.
- (2) The Chairman or in his absence any member chosen by the members from amongst themselves, shall preside at a particular meeting of the Authority.
- (3) All questions of the meeting of the Authority shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the person presiding shall have a second or casting vote.
- (4) Nothing done by the Authority in its meeting shall be held to be invalid because of any vacancy in the seats of the appointed, nominated or elected members or the

absence of any of the members for any reason whatsoever.

- (5) Minutes shall be kept of the names of the members present and of the proceedings at each meeting in a book to be kept for this purpose, which shall be signed at the next ensuing meeting by the person presiding at such meeting and shall be open to inspection by any member during office hours.

8EE. Power of Chairman -

The Chairman shall, for the transaction of the business connected with this Act, or for the purpose of making any order authorised thereby, exercise all the powers vested by this Act in the Authority:

Provided that the Chairman shall not act in opposition to, or in contravention of any order of the authority at a meeting, or exercise any power, which is directed to be exercised by the authority at a meeting.

8F. Temporary association of persons with the Authority for particular purposes-

- (1) The Authority may associate with itself in such manner and for such purposes as may be prescribed by rules any person whose assistance or advice it may

desire in performing any of its functions under this Act.

- (2) Any person associated with it by the Authority under sub-section (1) for any purpose shall have a right to take part in the discussions of the Authority relevant to that purpose but shall not have a right to vote at a meeting and shall not be a member for any other purpose.

8G. Staff of the Authority-

- (1) Subject to such control and restrictions as may be prescribed by rules, the Authority may appoint such number of officers and employees as may be necessary for the efficient performance of its functions and may determine their designations and grades.
- (2) The officers and employees of the Authority shall be entitled to receive such salaries and allowances, if any, as may be fixed by the Authority and shall be governed by such terms and conditions of service as may be determined by rules and regulations made in this behalf.

CHAPTER III

Master Plan

9. Preparation of Master Plan -

A Master Plan hereinafter referred to as “Plan” in this Act for the development of any area within the State which the State Government may consider necessary, shall be drawn up by the Director in consultation with the local authority/authorities concerned and submitted to the State Government for examination and approval.

10. Publication of the Master Plan -

- (1) On receiving the Plan and the Zoning Regulation from the Director, the State Government shall have them, as soon as may be, published in the Official Gazette, in some local newspaper and in the locality in the manner prescribed and deemed to be required for wide and sufficient publicity in the locality inviting public opinion and objection, if any, to be submitted within a period not more than two months.
- (2) After considering all objections, suggestions and representations that may have been received, and after getting the advice of the Council, the State

Government shall have the plan finally prepared by the Director and adopt the same.

11. Contents of Master Plan and Zoning Regulations -

The Master Plan to be prepared as defined under Section 9, may include :-

- (a) A general land-use plan for residential, commercial, industrial, recreational and public and semi-public purposes;
- (b) Zoning plan;
- (c) Transportation plan including roads, railways, canals etc.;
- (d) Public utilities plan;
- (e) A report giving relevant data and information in respect of the proposals in the Plan and any other things which the State Government may deem necessary.

12. Implementation of the Plan -

After adoption of the plan and zoning Regulation they shall be sent by the State Government for implementation to the Authority constituted under section 8A.]

13. Restrictions of use of land and buildings thereon after publication -

- (1) The plan as adopted by the State Government shall be published as prescribed in Section 10, and after such publication no person shall use any land, sub-divide any land or set up any new structure on any land covered by the Plan or change the existing structure of any building or use of any building or land within the area except with the permission of the Authority on a written application submitted for that purpose.
- (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 proposal contained in the Plan or the Regulations and unless the permission has been refused within a period one month from 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.

13A. Prohibitions of registration in certain cases:-

Where any deed or document required to be registered under the Indian Registration Act, 1908(Act No. XVI of 1908), purports to subdivide any land covered by the Plan, no registering officer shall register any such document unless the party presenting the deed or document for registration produces a No Objection Certificate from the Authority to the effect that the Authority has no objection to the registration of such deed or document.

14. Power of the State Government to modify the Plan and the Zoning Regulation:-

The State Government may review the Plan and the Zoning Regulations, from time to time, in such manner and in such procedure as followed for the preparation and approval of the original plan and the Regulations.

CHAPTER IV

Development Scheme

15. Preparation of development Scheme:-

- (1) After the Commencement of this Act, the Authority may, by notification in the Official Gazette, declare any area to be a scheme area and shall thereafter prepare a scheme. Where no Authority has been constituted, the State Government may, by notification in the Official Gazette, declare any area to be a scheme area and the Director shall thereafter prepare a scheme.
- (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, direct any local authority to prepare, publish and submit for their sanction before an appointed date a scheme under this section for an area specified in such notification.
- (3) While preparing the scheme, the Authority, the Director 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 not more than one month.

- (4) Save as provided in this Act, the Authority, Director or local authority shall not undertake or carry out any development of land in any area which is not a scheme area.
- (5) After the commencement of this Act, no development of land shall be undertaken or carried out in the scheme area by any person or body of persons except in the manner prescribed under section 13 of this Act.

16. Publication of the Development Scheme:-

- (1) The Authority, the Director or the local authority, as the case may be, shall have the scheme and the report and the names of all the claimants published in the manner prescribed under sub-section(1) of section 10 and have a copy of them served on all persons who preferred claims under sub-section (3) of section 15, inviting objections to be filed within a period not more than two months.
- (2) After the expiry of the aforesaid period, the Authority, the Director 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 Director or the local authority, as the case may be, has adopted the scheme, it shall be forwarded to 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.

17. Implementation of the Development Scheme:-

No person shall within any area where a scheme has come into force erect or proceed with any building or work or remove or 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 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.

18. Scope of the Development Scheme -

- (1) A scheme may be made in accordance with the provisions of the Act in respect of any land which is :-
- (a) in the course of development,
 - (b) likely to be used for building purposes, or
 - (c) already built upon

Explanation :-

The expression “Land likely to be used for building purposes” shall include any land likely to be used as, or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreational ground, 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 scheme may make provisions for any of the following matters:-
- (a) the laying out or re-laying out of land either vacant or already built upon;
 - (b) the filling up or reclamation of low-lying swamp or unhealthy areas or levelling up of land;

- (c) lay out of new streets or roads, construction, diversion, extension, alteration, improvement and stopping up of streets, road and communications;
- (d) the construction alteration and removal of buildings , bridges and other structure;
- (e) the allotment of reservation of land for roads, open spaces, garlans, recreation, grounds, schools, markets, industrial and commercial activities, green belts and dairies transport facilities and public purposes of 11 kinds;
- (f) drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal;
- (g) lighting;
- (h) water supply;
- (i) the preservation of objects of historical importance or natural beauty and of buildings actually used for religious purpose;
- (j) the imposition of conditions 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 to which buildings or specified areas may be or may not be appropriate, the subdivision of plots, the discontinuance of objectionable uses of land in any area of reasonable periods, parking space and loading and unloading space for any building and the sizes of projections and advertisement signs;

(k) the suspension, so far as may be necessary for the proper carrying out of the scheme, of any rule, bye-law, regulation, 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;

(l) such other matter not inconsistent with the objects of this Act.

(3) The draft scheme shall contain the following particulars:-

(a) the area, ownership and tenure of each original plot;

(b) the land allotted or reserved under clause (e) of sub-section (2) of section 18 with a general indication of the uses to which such land is to

be put and the terms and conditions subjects to which such land is to be put to such cases;

- (c) the extent to which it is proposed to alter the boundaries of original plots;
 - (d) an estimate of the net cost of the scheme;
 - (e) a full description of all details of the scheme under such clause of sub-section (2) of section 18, as may be applicable;
 - (f) the laying out or re-laying out of land either vacant or already built upon;
 - (g) the filling up or reclamation of low-laying swamp or unhealthy areas or levelling up of land; and
 - (h) any other prescribed particulars.
- (4) In the scheme the size and shape of every reconstituted plot shall be determined, so far as may be to render it suitable for building purposes and where the plot is already built upon, to ensure that the building as far as possible, complies with the provisions of the scheme as regards open spaces.

(5) In order to render original plots more suitable for building purposes the scheme may contain proposals:-

(a) to form a reconstituted plot by the alteration of the boundaries of an original plot;

(b) to provide with the consent of the owners that two or more original plots each of which is held in one ownership in severalty or in joint ownership, shall hereafter, with or without alteration of boundaries be held in ownership in common as a reconstituted plot.

(6) The scheme shall include all such provisions as the Authority may think necessary for carrying out, the objects of the Act including the following matters :-

(a) the laying out or re-laying out of land, either vacant or already built upon;

(b) the filling up or reclamation of low-lying swamp or unhealthy areas or levelling up of land;

(c) lay out of new streets or roads, construction, diversion, extension, alteration, improvement and stopping up of streets, roads and communications;

- (d) the construction, alteration and removal of building, bridges and other structures;
- (e) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets, industrial and commercial activities, green belts and dairies, transport facilities and public purposes of all other kinds;
- (f) drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal;
- (g) lighting;
- (h) water supply;
- (i) the preservation of objects of historical importance or natural beauty and of buildings actually used for religious purposes.

19. Amendments and alterations of the Development Scheme -

- (1) If after the final scheme has come into force, the Authority considers that the scheme is defective on account of an 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 sub-section (1) of Section 10.

- (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 any or all of the clauses (a) to (1) of sub-section (2) of Section 18, the modification shall also contain such other particulars as may be found necessary by the Authority.
- (3) The variation shall be open to inspection by the public at the office of the Local Body or Bodies as prescribed, covering the area during office hours.
- (4) Within one month of the date of publication of the modification, any person affected thereby may communicate in writing his objection to the Authority.
- (5) After receiving the objection under sub-section (4) above, the Authority may, after making such enquiry as it may think fit, approve the proposed modification with or without any further modification thereof.
- (6) Such modification shall take effect as if it were incorporated in the scheme from the date of its modification.

- (7) The Authority shall thereafter submit the modified scheme to the State Government for sanction. The modified scheme shall be published after sanction as prescribed in sub-section (1) of Section 10.

20. Power to revoke the Development Scheme -

- (1) Notwithstanding anything contained in section 19, 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 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 :

Provided that where revocation or modification is ordered by Government after people partially or wholly implemented a scheme, compensation should be paid for the necessary alterations in the manner prescribed.

21. Power of the Authority to impose restriction.-

For the purpose of the Master Plan, the land use and Zoning Regulation and the Scheme, the Authority may impose reasonable restrictions on the use of the land and building including the regulating of the open spaces 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 buildings. allowed in specified areas, the purpose for which building or buildings of the specified areas may or may not be used, the subdivision of plots, parking space and loading and unloading space for any building and the sizes of projections and such other matters not inconsistent with the objects of this Act.

CHAPTER V

Streets and Land Subdivisions

22. Width of public streets -

- (1) The Authority shall, from time to time with the 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 to which buildings abutting thereon may be erected 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 belongs in areas for which a Master Plan has been prepared.

23. Power to prescribe Street lines.-

The Authority may prescribe a line on 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 within the prescribed new street line.

24. Setting back buildings to the prescribed street line.-

- (1) If any building or any part of a building abutting on a public street is within such line of the street, the Authority may require such building to be set back to the prescribed line, whenever it is proposed -
 - (a) to re-build such building or to take down such building,
 - (b) to remove, reconstruct or make any addition 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 once take possession of the portion of land within the prescribed line of the street previously occupied by the said building and if necessary, clear the same.
- (3) Land acquired under the foregoing sub-sections shall, henceforward be deemed to be a part of the public street.

25. Acquisition of land within the line of street.-

If any private land whether open or enclosed lies, within the prescribed line of a public street and is not occupied by a building or, if a platform, verandah, steps, compound wall, hedge, or fence or other structure, is within the line of such street the Authority may, after giving the owner of the land or building a notice of the intention to do so, take possession of 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 platform, verandah, steps or other such structure as aforesaid which is within the prescribed line of the street.

26. Acquisition of the remaining part of building and land after their portions within a prescribed line of the street are acquired.-

If a building or land is partly within the prescribed line of a public street and if the Authority is satisfied that the land remaining after the exclusion of the portion within the said line will not be suitable or fit for construction of independent building, the Authority shall acquire the remaining portion of the land if so desired by the owner.

27. Subdivision of private land:-

- (1) Every person who intends to sub-divide any plot of land within the Master Plan Area shall give notice in writing to the Authority in his said intention and such notice shall be accompanied by the plans and statements in triplicate.
- (2) All plan for subdivision of land shall be in accordance with the standards prescribed by the State Government.

28. Plans accompanying notice:-

A layout plan drawn to a suitable scale and containing the following information shall accompany the notice given under section 27 :-

- (a) The location of the land ,
- (b) The boundaries of the proposed land shown on the map, and sufficient description 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,

- (e) The major physical characteristics of the land proposed to be sub-divided, including topography, the approximate location and width of any water course and location of any areas subject to inundation or flood,
- (f) The complete layout of the proposed subdivision showing the location and widths of all the proposed streets, dimensions and uses of all the plots,
- (g) The locations of all drains, sewers and other utilities,
- (h) Building lines permissible.
- (i) Scale and north line,
- (j) Key plan.

29. Sanction with or without modification or refusal:-

- (1) The Authority may either grant or refuse the approval to the plans or may approve them with such modifications as it may deem fit and 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 building on any plot of land , the subdivision of which has not been previously approved by the Authority.

30. Layout not according to plan:-

Should the Authority determine at any stage that the layout or the construction is not proceeding according to the sanctioned plan or is in violation of any provisions of this Act, it shall serve a notice on the applicant requiring him to stay further execution until correction has been effected in accordance with the approved plan.

31. Penalty for violation:-

The Authority will have power to impose fine not exceeding Rs. 250 on any person, firm or corporation who violated , disobeys, refuses to comply with, or who resists the enforcement of any of the provisions of this Act, Continuation of the violation shall constitute a separate offence for which a fine of Rs.50 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

Acquisition of Land

32. Power of the State Government to acquire land.-

Where on the representation of the Authority it appears to the State Government that in 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 in consultation with the Council acquire the land by publishing in the Official Gazette a notice to the effect that the State Government has decided to acquired the land in pursuance of this section.

33. Proceeding for acquisition of land:-

- (1) The provisions of the Land Acquisition Act, 1894 (Central Act No. 1 of 1894) 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 the market value as prevailed on the 1st of January, 1957.

- (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 percent increase in value on the date of acquisition of the land.

34. Disposing of land.-

Subject to the rules made under this Act [.....], the Authority may retain, lease, exchange or otherwise, transfer any land acquired by it under this Act.

Provided that in case of lease or transfer the owner will get first priority, if due to acquisition he becomes landless.

35. Provisions of private negotiation before compulsory acquisition:-

- (1) The Authority may, in the first instance, make reasonable efforts to purchase any land by private negotiation.
- (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 a local authority from compulsorily acquiring any land without prior private negotiation.

36. Payment to owner by adjustment:-

All payment due to be made to any person by the 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 shall be paid in case or in such other way as may be agreed upon by the parties.

CHAPTER VII

Compensation and betterment

37. Right to compensation;-

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 16, be entitled to obtain compensation in respect thereof from the Authority.

38. No right to compensation:-

A person shall not be entitled to obtain compensation under the foregoing section on account of any building erected on or contract made or other thing done with respect to any land within the area included in a scheme after the date of the notification of the scheme under section 15 :

Provided that this provisions shall not apply to any building erected, contract made or other thing done in accordance with the permission granted under sections 13 and 17 of this Act.

39. Power of Government to exclude compensation in certain cases:-

- (1) No compensation shall be payable in respect of any property which may be injuriously affected by putting into operation of any provision of the scheme which :-
 - (a) prescribes the space about buildings; or
 - (b) limits the number of buildings; or
 - (c) regulates the size, height, design or external appearance of buildings; or
 - (d) prohibits or restricts buildings operations permanently or temporarily on the ground that erection of buildings 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 in making provisions for roads, sewers, water supply or other public services; or
 - (e) 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 morals; or

(f) in the interest of safety, regulates the height and position of proposed walls, and building fences or hedges near the corners or bends of roads; or

(g) in the case of the erection of any building intended to be used for purposes of business or industry, requires the provisions of parking the vehicles.

(2) No compensation shall be payable for refusal of permission to make any alteration in any building which is not in conformity with the use specified in the Plan or in the scheme.

40. Right of owner to require Authority to acquire or purchase land:-

(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 and 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.

41. Levy of betterment fee:-

- (1) Every property which has increased in value due to its inclusion within an area under a plan or a scheme or due to the execution of such schemes shall be charged with a betterment fee :

Provided that no such fee shall be levied on such public and or building as are used for charitable, religious and educational purposes or for places of non-professional entertainment and recreation.

- (2) The betterment fee shall be an amount equal to twenty percent in case of residential holdings so long the original owners use for their residence and equal to fifty percent in case of non-residential areas and will be realised in five equal instalments.

Explanation.-

The increase in value for the purpose of this Section shall be the increase in the market prices in between the

date on which a notification under sub-section (1) of section 15 has been issued and the date on which the execution of the scheme has been substantially completed.

42. Appeal. -

- (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 contents 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.

CHAPTER VIII

Appeals and the Appellate Authority

43. Appointment of Appellate Authority.-

- (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.
- (2) 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 Board of Revenue Act 1962, (Assam Act XXI of 1962)]. The appointment shall be on such terms and conditions as the State Government may decide.

44. Duties of the Appellate Authority.-

- (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.
- (2) 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, in its discretion condone such delay in filing appeal for sufficient reasons.

45. Procedure of working of the Appellate Authority:-

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 opportunity of being heard.

- (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 of 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 proceedings and the Appellate Authority shall have full powers 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.

46. Right to appear by recognised agent:-

Every party to any proceeding before the Appellate Authority shall be entitled to appear either in person or by his recognised agent.

47. Protection of action taken under this Act:-

- (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 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

48. Development Fund:-

The receipt of Authority under this Act shall form a separate development fund and all expenditure under this Act or any development scheme thereunder, shall be defrayed out of such fund. No portion of the fund shall, except with the sanction of Government, be expended for purposes not provided by this Act.

49. Powers to borrow:-

Authority as defined in this Act shall be deemed to be a local authority as defined in the Local Authorities Loans Act, 1914 (Central Act, IX of 1914) for the purpose of borrowing money under that Act, and the making and execution of a plan and scheme shall be deemed to be a work which such local authority is legally authorised to carry out.

50. Grants, advances and loans:-

The Government may make such grants, advances, and loans to the Authority as the Government may deem

necessary for the performance of functions of the Authority
under this Act issued all grants.

CHAPTER X

Legal Proceedings

51. Penalty for breach of the provisions of the Master Plan or scheme.-

- (1) When a Master Plan or a scheme has been sanctioned under this Act any person who commits or knowingly permits a breach of any specified provisions of the Master Plan or of the scheme or who neglects or fails to comply with any such provisions shall be punishable under this section.
- (2) In case of any such breach or default the Authority shall send to any such person a notice calling on him to 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 sub-section (1) continues to neglect or causes a breach of any specified provision, such persons shall be prosecuted and on conviction by a Magistrate be punishable by any or all or the following:-

- (i) with fine which may extend to Rs.500 with or without simple imprisonment not exceeding a period of 2 months;
- (ii) if the breach, neglect or failure continues after such conviction with fine which may extend to Rs.30 for every day during which the breach, neglect or failure continues after such conviction.

52. Power to execute works on failure to comply with notice.-

If a notice has been given under this Act to a person requiring him to execute a work in respect of any property, movable or immovable, or to provide or do or refrain from doing anything within a time specified in the notice and if such person fails to comply with such notice, then the authority may cause 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.

53. Right of occupier to execute works in default of owner.-

When default is made by the owner of a building or land in the execution of any work required under this Act to be executed by him, the occupier of such building or land may,

with the prior approval of the Authority cause such works to be executed, and the expenses thereof shall, in the absence of any contract to the contrary, be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

54. Procedure upon opposition to execution by occupier:-

- (1) If after receiving information of the intention of the owner of any building or land to take any action in respect thereof in compliance with a notice issued under this Act, the occupier refuses to allow such owner to take action, the owner, may apply to a District Magistrate or Sub Divisional Officer as the case may be.
- (2) The District Magistrate or Sub Divisional Officer upon proof of such refusal may make an order in writing requiring the occupier to allow the owner to execute all such works, with respect to such building or land, as may be necessary for compliance with the notice, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order.
- (3) If after the expiry of eight days from the date of the Magistrate's order, the occupier continues to refuse to allow the owner to execute such work, the occupier shall be liable, upon conviction, to a fine which may

extend to Rs.30 for every day during which he has so continued to refuse.

- (4) Every owner, during the continuance of such refusal shall be discharged from any liability on account of such breach or default.

55. Recovery of cost of work by the occupier:-

When the occupier of a building or land in compliance with a notice issued under this Act, executed a work for which the owner of such building or land is responsible, either in pursuance of the contract of tenancy or by law, he shall, in the absence of any contract to the contrary, be entitled to recover from the owner by deduction from the rent payable by him or otherwise the reasonable cost of such work.

56. Penalty for obstructing contractor or removing mark.-

If any person -

- (a) obstructs or assaults any person with whom the authority has entered into a contract for the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Act; or
- (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of

works authorised under this Act, shall be punishable with fine which may extend to Rs.500 or with or without simple imprisonment for a term which may extend to two months.

57. Officers under the Act to be public servants:-

Every officer and servants of authority and every other officer employed by the State Government for the purposes of this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act.No.15 of 1860).

58. Authority for prosecution:-

Unless otherwise expressly provided, no court shall take cognizance of any offence punishable under this Act, except on the complaint of, or upon information received from, the Authority or some person authorised by the Authority by orders in this behalf.

59. Power of Authority to institute proceedings, etc., and to take legal advice:-

The Authority shall subject to rules framed under this Act have powers to -

- (a) institute, defend or withdraw from legal proceedings under this Act;

- (b) compound any offence against this Act, before the matter is referred to the court ;
- (c) admit compromise, or withdraw any claim made under this Act and
- (d) obtain such legal advice and assistance as it may from time to time think necessary or expedient to obtain for any of the purposes, referred to in the foregoing clauses of this section for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Authority or any officer or servant or the Authority.

59.A. Power to recover dues as an arrear of land revenue.-

Any sum recoverable by the Authority under this Act, if not paid on demand, shall be recoverable as an arrear of land revenue.

60. Bar to suits and prosecutions in certain cases.-

- (1) No suit, prosecution or other proceeding shall lie against an Authority or any officer or servant thereof or any person acting under their direction or any Government Officer or servant employed for the purposes of this Act for anything which is in good faith

done in pursuance of this Act, or any rules made thereunder.

(2) No suit, prosecution or other proceedings shall lie against any officer or servant of the authority or any Government Officer or servant employed for the purposes of this Act for anything done under this Act,-

(a) unless the previous sanction of the State Government has been obtained; and

(b) until the expiration of two months after notice in writing has been given to the person to be used, clearly stating the cause of action, and the nature of relief sought, etc.

61. Punishment for malicious abuse of powers:-

Any officer or servant of the Authority or of the Government who wilfully or negligently abuses any power conferred on him by or under this Act, shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs.500 or with both:

Provided that no prosecution shall be instituted under this section -

(a) unless the previous sanction of the State Government has been obtained ;

- (b) until the expiry of two months notice in writing has been given to the person concerned clearly stating the cause of action and the nature of relief sought, etc.

62. Registration of documents plans, or maps in connection with scheme.-

- (1) Nothing in the Indian Registration Act, 1908 (Central Act No. XVI of 1908) shall be deemed to required the registration of any documents, plan or map prepared, made or sanctioned in connection 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:

Provided that documents, plans, and maps relating to the scheme shall be accessible to the public, free of charge in the manner prescribed.

63. Orders under the Act not to be questioned in any Court;-

No order made in exercise of any power conferred by or under this Act shall be called in question in any court except as provided in this Act.

64. Effect of orders inconsistent with other enactments:-

Any order made under this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

CHAPTER XI

Miscellaneous Provisions

65. Service of notice:-

Every notice issued under this Act shall be served as prescribed by rules.

66. Method of giving public notice.-

Subject to the provision of this Act, every public notice required under this Act shall be deemed to have been given if it is published in some local newspaper (if any) or a paper of general circulation in the area and posted upon a notice board to be exhibited for public information at the building in which the meetings of the Local Authority are ordinarily held or by publishing it in official Gazette.

67. Formal defects in assessments and demands.-

No assessment list or other list, notice or other such document specifying, or purporting to 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 or in the description of property, thing or circumstances and it shall be sufficient if the person, property, thing or circumstances is described sufficiently for the purpose of identification, and it shall not be necessary to name the owner or occupier of any property liable in respect of the charge.

68. Power and duties of police in respect of offences and assistance to Authorities:-

Every police officer, mauzadar or officer of the Local Authority shall give immediate information to the Authority or an offence to his knowledge which has been committed under this Act, or against any rule, made under this Act and shall be bound to assist all members, officers and servants of the Authority in the exercise of their lawful authority.

69. Decision of disputes between Authorities.-

Should dispute arise between the Authority and any other Local Authority on any matter in which they are jointly interested, such dispute shall be referred to the State Government, whose decision shall be final.

70. Powers to enter into land for inspection, etc.-

For the purpose of making or execution of any scheme, the Authority or persons appointed by the State Government,

their subordinates and contractors may enter into or upon any land in order -

- (a) to make any inspection, survey, measure valuation or enquiry;
- (b) to take levels;
- (c) to dig or bore into the sub-soil;
- (d) to set out boundaries and intended lines of works;
- (e) to mark levels, boundaries and lines by marks and cutting trenches; or
- (f) to do any other thing, whenever it is necessary to do so, for any of the purposes of this Act or any rule made or scheme sanctioned hereunder or any scheme which the authority intends to frame hereunder :

Provided as follows :-

- (a) except when it is otherwise specially provided by a rule no such entry shall be made between sunset and sunrise;
- (b) except when it is otherwise specially provided by the rules, no building which is used as a human dwelling shall be so entered unless with the consent of the

occupier thereof; without giving, the said occupier at least 24 hours previous notice in writing of the intention to make such entry;

- (c) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

71. Mode of proof of the records of the Authority.-

A copy of receipt, application, plan, notice, order, entry in a register, or other document in the possession of the Authority shall, if duly certified by then lawful keeper thereof or other person authorised by the Authority in this behalf be received as prima facie evidence of the entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters.

72. Power of Authority to make agreements.-

The Authority shall be competent to make any agreement with any person in respect of any matters, which is to be provided therein, such agreement shall take effect on and after the day on which the scheme comes into force.

73. Powers of the State Government to make rules.-

- (1) The State Government may, after previous publication in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing powers, the State Government [.....] shall have power to make rules in respect of the following matters :-
 - (i) The manner of publication of the notification regarding scheme, their modifications, variations, revocations, submission and sanction by the State government.
 - (ii) Powers that may be delegated to any Authority established under this Act or to any officer.
 - (iii) Procedure to be adopted for securing co-operation of various Government Departments, the owners or other persons or bodies interested in schemes.
 - (iv) All matters pertaining to land acquisition including procedure and making of award, compensation and the possession of land by Authority in ordinary and emergent cases.

- (v) Calculation, assessment and payment of compensation in respect of property which is injuriously affected within the meaning assigned to it in section 37 of this Act.
 - (vi) Calculation, assessment and collection of betterment contribution.
 - (vii) Procedure of filling, hearing and deciding objections and appeals under the Act and all matters connected therewith.
 - (viii) The delegation of powers to and the duties that shall be discharged by the Director and the matters on which and the manner in which he shall be consulted.
 - (ix) Matters other than those referred to in foregoing clauses which are expressly or by implication requires or allowed by this Act to be prescribed by rules.
 - (x) Creation and administration of fund for the purpose of implementing the provisions of this Act.
- (3) All rules made under this section shall be laid for not less than fourteen days before the Assam Legislative

Assembly as soon as possible, after they are made and shall be subject to such modification as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

74. Power of the Authority to make bye-laws.-

- (1) The Authority shall have power to make bye-laws in respect of the matters enumerated under this section and not inconsistent with the rules made by the State Government-
 - (i) land sub-division and lay out of public street,
 - (ii) width for different classes of public streets according to the nature of traffic to be carried thereon,
 - (iii) Street lanes and setting back of buildings from the regular line of the street,
 - (iv) zoning regulations prescribing the type or description of building which may or may not be, and the purpose for which a building may or may not be created, in any prescribed area or areas,
 - (v) regulation and display of advertisement in the interest of amenity, aesthetic, or public safety.

- (vi) regulations in any manner not specifically provided for in this Act, the erection of any enclosure, wall, fence, tent or other structure on any land within the limits of the authority.
 - (vii) time and place and transaction of business of the meetings of the Authority.
- (2) The power to make bye-law under this Act shall be subject to the conditions of previous publication.
 - (3) No such bye-law shall come into force until it is approved by the State Government.
 - (4) The State Government may cancel their confirmation of any such bye-law and thereupon the bye-law shall cease to have effect.
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THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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No. 235 Dispur, Monday, 21st May, 2012, 31st Baisakha, 1934 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 21st May, 2012

No. LGL 32/2005/18. – The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XVII OF 2012

(Received the assent of the Governor on 17th May, 2012)

THE ASSAM TOWN AND COUNTRY PLANNING
(AMENDMENT) ACT, 2012

AN ACT

further to amend the Assam Town and Country Planning Act, 1959.

Preamble

Whereas it is expedient further to amend the Assam Town and Country Planning Act, 1959, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

It is hereby enacted in the Sixty-third year of the Republic of India as follows :-

Assam Act
No. II of
1960

Short title, extent and commence- ment.

1. (1) This Act may be called the Assam Town and Country Planning (Amendment) Act, 2012.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of section 13

2. In the principal Act, in section 13, after sub-section (4), the following sub-section (5) shall be inserted, namely:-
“(5) Notwithstanding anything contained in sub-sections (1) to (4) of this section, the subject matter covered under this section shall not be applicable in respect of the residents inhabiting the areas notified as a Municipality or a Town Committee under the provisions of the Assam Municipal Act, 1956. All such matters relating to the said areas shall be dealt with under section 171 of the said Act.”

Assam Act
No. XV of
1957

Substitution of section 22

3. In the principal Act, for section 22, the following shall be substituted, namely :-

“Power of the State Government to make rules prescribing the width etc. of public streets.

22. (1) The State Government may from time to time, after making assessment as to the needs of the localities situated within the areas of different development authorities of the State, make rules prescribing 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 to which buildings abutting thereon may be erected and other similar considerations including,-

(i) land sub-division and layout of public street ;

(ii) street lanes and setting back of buildings from the regular line of the street.

(2) The power to make rules under this section shall be subject to the condition of previous publication.

(3) The rules framed by the State Government under this section shall be followed while preparing the Master plan by the Director under section 9.

(4) Every rule made under this section shall be laid as soon as may be after it is made, before the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Assam Legislative Assembly agrees in making any modification in the rule or the Assam Legislative Assembly agrees that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect as the case may be, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Amendment
of section 74

4. In the principal Act, in section 74, in sub-section (1), clauses (i), (ii) and (iii) shall be deleted and the remaining clauses (iv), (v), (vi) and (vii) shall be renumbered respectively as (i), (ii), (iii) and (iv).

MOHD. ABDUL HAQUE
Secretary to the Govt. of Assam,
Legislative Department, Dispur.



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EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 662 দিশপুৰ, শুক্ৰবাৰ, 30 ছেপ্টেম্বৰ, 2022, 8 আশ্বিন, 1944 (শক)
No. 662 Dispur, Friday, 30th September, 2022, 8th Asvina, 1944 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 28th September, 2022

No. LGL.175/2022/3.— The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 26th September, 2022 is hereby published for general information.

ASSAM ACT NO. XXVI OF 2022
(Received the assent of the Governor on 26th September, 2022)
THE ASSAM TOWN AND COUNTRY PLANNING
(AMENDMENT) ACT, 2022

AN ACT

further to amend the Assam Town and Country Planning Act, 1959.

Preamble

Whereas it is expedient further to amend the Assam Town and Country Planning Act, 1959, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam

It is hereby enacted the Seventy-third year of the Republic of India, as follows:-

Act No. I
of 1960

Short title,

1. (1) The Act may be called the Assam Town and Country Planning (Amendment) Act, 2022.

extent and

(2) It shall have the like extent as the principal Act.

commencement

(3) It shall come into force at once.

Amendment of

2. In the principal Act, in section 2

section 2

(i) for clause (1), the following shall be substituted, namely,-

Assam Act
XV of 1957

“(1) “Authority” means the Development Authority constituted by the State Government for the purpose of implementation of the provisions made under this Act. In case of Municipal areas, Authority shall be the Municipal Boards or Municipal Corporation constituted under the Assam Municipal Act, 1956 and Guwahati Municipal Corporation Act, 1969 respectively. Where there is no Development Authority or Municipality, the office of the Deputy Director/Assistant Director of Town and Country Planning under whose jurisdiction the area falls, shall perform the functions to carry out the provisions of this Act and rules made hereunder.”

Assam Act I
of 1973

(ii) for clause (10), the following shall be substituted, namely,-

“(10) “Master Plan” means a statutory plan document, prepared for stream-lining the landuse within the delineated planning area. It is a long term plan that provides a conceptual layout for the future urban growth and development.”

(iii) after clause (10), the following new clauses (10A) and (10B) shall be inserted, namely,-

“(10A) “Development Plan” means a plan for the development or redevelopment or improvement of an area within the jurisdiction of an Authority as defined under clause (1) of section 2 of this Act.

A Development Plan may be a Regional Development Plan, a Metropolitan Development Plan, Area Development Plan, /Master Plan, Peripheral Zone Development Plan, Town Development Plan,

Zonal Development Plan, District Development Plan, Local Area Plan, Town Planning Scheme or any other plan or scheme prepared under this Act by whatsoever name known;

(10B) "Zoning Regulation" means regulations for the use of land, buildings built thereon, consistent with maintaining the minimum standard of density of building, protection of open spaces, sanitation and environmental hygiene etc. for the different zones proposed in the Zoning Plan of the Master Plan."

- (iv) after clause (16), the following new clauses (16A), (16B), (16C), (16D), (16E) and (16F) shall be inserted, namely, –

“(16A) "Town Planning Scheme" means a comprehensive plan for a particular area within the framework of the Master Plan, if any or for the local planning area. The planning process consists of merging and redistribution of land parcels in the urban expansion zone.

(16B) "Transferable Development Right" means a development right to transfer the potential of a plot designated for a public purpose in a plan under this Act, expressed in terms of total permissible built-up space calculated on the basis of floor area ratio allowable for that plot, for utilization by the owner himself or by way of transfer by him to someone else from the present location to a specified area in the plan as additional built-up space over and above the permissible limit in lieu of compensation for the surrender of the concerned plot free from all encumbrances to the Urban Local Body (ULB).

(16C) "Accommodation Reservation" means a permission to the owner of the land, which is required for public amenities in any plan prepared under this Act, to use the potential of a plot in the form of built-up space guided by Floor Area Ratio, in addition to the area required for the amenities, in lieu of the cost of the land and the built-up space of such amenity, to be transferred to the Authority as prescribed;

(16D) "Local Area Plan" is the principal statutory planning instrument for setting out a balanced understanding, vision and spatial strategies at the local level within the framework of Master Plan,;

(16E) "Transit Oriented Development" is the integration of landuse with Transport Systems, which is essentially any development, macro or micro that is focused around a transit node, and facilitates complete ease of access to the transit facility thereby inducing people to prefer walk and use public transport over personal modes of transport;

(16F) "Central Business District (CBD)" is that part of the city which contains the principal commercial streets. It is the functional area of a city that has maximum concentration of commercial, retail and business activities;"

- (v) after clause (17), following clause (17A) shall be inserted, namely,-
"(17A) "Town Planning Officer" means Deputy Director or Assistant Director of Town and Country Planning, Assam appointed by the State Government."

Amendment of section 3 3. In the principal Act, in section 3 ,for sub-section (1), the following shall be substituted, namely,-

"(1) The State Government shall constitute the council, by notification published in the Official Gazette to advise the Government on matters referred to it. The Council shall consist of the following members, namely:-

(i)	Minister in- Charge of Department of Housing and Urban Affairs	Chairman
(ii)	Director of Town and Country Planning, Assam	Secretary
(iii)	Senior most Secretary, Department of Housing and Urban Affairs	Member
(iv)	Senior most Secretary, Public Works Department (B and NH) or his nominee	Member
(v)	Senior most Secretary, Public Works Department (Roads) or his nominee	Member
(vi)	Senior most Secretary, Water Resource Department or his nominee	Member
(vii)	Senior most Secretary, Public Health Engineering or his nominee	Member
(viii)	Senior most Secretary, Panchayat and Rural Development or his nominee	Member
(ix)	Senior most Secretary, Finance Department or his nominee	Member
(x)	Senior most Secretary, Revenue Department or his nominee	Member
(xi)	Senior most Secretary, Transformation and Development Department or his nominee	Member
(xii)	Senior most Secretary, Department of Transport or his nominee	Member
(xiii)	Senior most Secretary, Environment and Forest Department or his nominee	Member
(xiv)	Six others non official members half of whom shall be elected by the Assembly and the rest shall be nominated by the State Government	Member

(xv)	Such member of representatives of Local Authorities falling within the area as may be covered by the Master Plan not exceeding two or may be co-opted by the Council by a notification, published in the Official Gazette	Member "
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Insertion of section 7A,7B,7C 4. In the principal Act, after section 7, following new sections 7A, 7B and 7C shall be inserted, namely,-

"Functions and Powers of the Council

7A (1) Subject to the provisions of this Act and rules framed there under, the functions of the Council shall be to advise the Government in matters relating to planning and development and use of rural and urban land in the State, to guide, direct and advise the District Offices of Town and Country Planning or any other Development Authority/(ies) constituted under the Act and to perform such other functions as the Government may, from time to time assign to the Council.

(2) In particular and without prejudice to the generality of the foregoing provision, the Council may and, if required by Government, shall,-

- (a) advise on preparation of policies for Urban Development;
- (b) advise on the delineation of the Planning Area(s) for purposes of planned development and direct the preparation of Development Plan;
- (c) direct the preparation of one or more Development Plan(s) and/or Regional Plan (s) by the Authorities;
- (d) perform any other functions which is incidental, supplemental or consequential to any of the functions mentioned above;
- (e) evaluate and review the operations made by various Government Departments/ Institutions, in the context of implementation of the Plans prepared under this Act, based on the consolidated reports forwarded by the District Offices of Town and Country Planning and the Development Authorities and submit reports thereon to the Government;
- (f) advise the Government on,-
 - (i) resolving issues, if any, pertaining to inter-district spatial planning and infrastructure development; and

		(ii)	identification of probable location of major investment inputs which are likely to have substantial impact on the development scenario of the State;
		(g)	perform such other functions as may be prescribed.
	(3)		The Council may exercise all such powers as may be necessary or expedient for the purpose of carrying out its functions under this Act.
Meetings of the Council	7B (1)		The Council shall meet at such times and place as it thinks fit, not less than twice in a year and shall observe such procedure as may be prescribed in regard to the transaction of its business at such meetings.
	(2)		The Chairperson or in absence of the Chairperson, any member chosen by the members from amongst themselves, shall preside over the meeting of the Council.
Office of the Council	7C		The office of the Director, Town and Country Planning, Assam shall act as the office of the Council."
Amendment of section 8A	5.		In the principal Act, in section 8A, after sub-section (2), the following sub-section shall be inserted, namely, - “(3) Where no Authority is constituted, the Deputy Director/ Assistant Director of Town and Country Planning under whose jurisdiction the area falls shall perform functions to carry out the provisions of this Act.”
Amendment of section 8B	6.		In the principal Act, in section 8B, in sub-section (1),
	(i)		for clause (c), the following shall be substituted, namely, - “(c) Town Planning Officer of the Authority shall be the Deputy Director/ Assistant Director of the respective district office of the Directorate of Town and Country Planning, Assam under whose jurisdiction the Authority falls. He/she shall be the Member Secretary of the Authority”.
	(ii)		in clause (e), in second line, in between the word “Officer” and “as the” the following shall be inserted, namely,- “of the concerned District shall be the Vice-Chairman of the Development Authority”.
	(iii)		in clause (g), in between the words “representing” and “Commerce” the words “Chamber of” shall be inserted.
	(iv)		for clause (i), the following shall be substituted, namely,- “(i) one member representing District Industries and Commerce Centre (Public Sector) shall be nominated by the State Government.”

- (v) for clause (j), the following shall be substituted, namely:-
 “(j) (i) President of Gaon Panchayat ,
 (ii) President of Anchalik Panchayat,
 (iii) Chief Executive Officer of Zila Parisad and
 (iv) Block Development Officer of the area covered by
 the Master Plan.”

- (vi) for clause (l), the following shall be substituted, namely,-
 “(l) One Member each from Public Works (Roads) Department
 and Public Works Building and National Highways Department.”

- (vii) after clause (m), the following new clauses (n), (o), (p) and (q) shall
 be inserted, and thereafter the existing clause (n) shall be
 renumbered as clause (r) namely,-

“(n) Chief Engineer, Water Resource Department or his nominee,

(o) One member from Airport Authority (wherever applicable),

(p) One member from Forest Department,

(q) Two eminent Social workers to be nominated by the State
 Government.”

Amendment of 7.
 section 8D

In the principal Act, for section 8D, the following shall be
 substituted, namely:-

“The powers and functions of a Development Authority shall be-

- (i) to undertake the preparation of Development Plan,
 Development Scheme, Town Planning Scheme or any other
 plan under the provisions of this Act for the Master Plan area
 and also to prepare fringe area plan in the periphery of a town
 to prevent haphazard and uncontrolled growth as per guidelines
 published by the Government from time to time in this respect
 in the Official Gazette;
- (ii) to carry out surveys in the Master Plan area for the preparation
 of development plans, town Planning Schemes or such other
 plans;
- (iii) the Authority shall have the power to acquire, by way of
 purchase or otherwise, hold, manage, plan, develop and
 mortgage or otherwise dispose of land and other property, to
 carry out by or on its behalf building, engineering, and other
 operations, to execute works in connection with services and
 amenities and generally to do anything necessary or expedient
 for purposes incidental thereof;
- (iv) to guide, direct and assist the local authority or authorities
 and/or other statutory authorities functioning in the urban
 development area in matters pertaining to the planning,
 development and use of urban land as per the Master Plan;

- (v) to control the development activities in accordance with the Master plan in the Master Plan area;
- (vi) to levy and collect such security fees for scrutiny and processing of documents and for permission for development as may be prescribed;
- (vii) to enter into contracts, agreements or arrangements with any person or organisation as the Development Authority may deem necessary for performing its function;
- (viii) to exercise such other powers and perform such other functions as are supplemental, incidental or consequential to any of the foregoing powers and functions or as may be directed by the State Government."

Amendment of 8.
section 8G

In the principal Act, in section 8G, after sub-section (2), the following sub-sections (3) and (4) shall be inserted, namely, -

- "(3) Notwithstanding anything contained in this Act, or the rules made thereunder, the Government may, after consulting all the Development Authorities, may by notification create any class of officers or employees of the Authorities into an Urban Development Authorities Service for the State.
- (4) The methods of recruitment, conditions of service, pay and other allowances, and conduct of such officers and employees of the Urban Development Authorities service, shall be as may be prescribed."

Insertion of new 9.
section 8I and 8J

In the principal Act, after section 8H, the following new sections 8I and 8J shall be inserted, namely, -

"Declaration of
Planning Areas

- 8I (1) The Government may, for the purpose of securing planned development of regions or areas within the State, after consultation with the Director, Town and Country Planning Assam, declare by notification, published in the Official Gazette, any such region or area or regions or areas, including a Metropolitan Area or area for development of new towns in the State to be a Planning Area, by whatsoever name known for the purposes of this Act.
- (2) Every such notification shall precisely define the limits of such Planning Area.
- (3) The Government, after consultation with the Director, Town and Country Planning Assam, may declare, with reference to such Planning Area, its surrounding area, defining clearly and unambiguously, as its Peripheral Area:
- (4) The Government, after consultation with the Director, Town and Country Planning Assam and the concerned Authorities,

may amalgamate two or more Planning Areas into one Planning Area, sub-divide Planning Area(s) into different Planning Areas and include such sub-divided areas in any other Planning Area.

- (5) The Government, by notification, published in the Official Gazette may direct that all or any of the rules, regulations, orders, directions and powers made, issued, and in force in any other Planning Area at that time, with such exceptions, adaptations and modifications, as may be considered necessary to apply to the area declared as amalgamated or included in a Planning Area under this section and such rules, regulations, bye-laws, orders, directions and powers forthwith shall apply to such Planning Area without further publication.
- (6) When Planning Areas are amalgamated or sub-divided, the Government after consultation with the Director, Town and Country Planning Assam, shall frame a Scheme determining what portion of the balance of the funds shall vest in the Planning Authority (ies) concerned and in what manner the properties and liabilities of the Planning Authority (ies) shall be apportioned amongst them and on the Scheme being notified, the fund, property and liabilities shall be vested and be apportioned accordingly.
- (7) On or after the date of such notification of declaration of the Planning Area as well as Peripheral Area, the Government may impose such restrictions and conditions for transaction or any use of land in any part lying within these areas for such period as it considers necessary for preparation and implementation of the Master Plan or any other Plan as described in this Act in the manner prescribed.

Withdrawing of Planning Area

8J

- (1) The Government, after consultation with the Director, Town and Country Planning Assam may, by notification, published in the Official Gazette withdraw from the operation of any of the provisions of this Act, the whole or a part of any Planning Area declared.
- (2) When such a notification is issued for any Planning Area:-
 - (a) the relevant provisions of this Act and all notifications, rules and regulations, orders, directions and powers issued, made or conferred under this Act shall, cease to apply to the said area.

- (b) the Government shall, after consulting the Authority (ies) concerned, frame a Scheme for determining the portion of the balance of the fund of the Planning Authority that shall vest in the Government and the Local Authority (ies) concerned and in what manner the properties and liabilities of the Authority shall be apportioned between the Government and the Local Authority (ies) and on the Scheme being notified, the fund, property and liabilities of the Authority shall vest and be apportioned accordingly.”.

Amendment of section 9 10. In the principal Act, for section 9 ,the following shall be substituted, namely,-

“(1) Master Plan is a statutory plan document, prepared for stream-lining the land use within the delineated planning area. It is a long term plan that provides a conceptual layout for the future urban growth and development. The uniform zoning regulation notified by the State Government from time to time shall be used in laying down broad directions of growth and controlled urban development on rational lines.

(2) A Master Plan hereinafter referred to as “Plan” in this Act for the development of any area within the state which the State Government may consider necessary, shall be drawn up by the Director or the Office of the Deputy Director/ Assistant Director of the Director Town and Country Planning in consultation with the local authority/ authorities concerned and submitted to the State government through the Advisory Council for examination and approval.”

Amendment of section 10 11. In the principal Act, in section 10, in sub-section (1), in second line, the words “and the regulation” appearing in between the words “plan” and “from” shall be deleted and in third line, in between the word “published” and “in”, the words “in the Official Gazette and in some local newspaper” shall be inserted.

Amendment of section 11 12. In the principal Act, for section 11 ,the following shall be substituted, namely,-

“Contents of Master Plan 11. The Master Plan as defined under section 9 shall include, as far as may be applicable, the following namely:-

(1) **EXISTING LANDUSE MAP:**

- (i) **Residential:** (including slum areas, space for affordable housing and Government provided housing Scheme, if any);

- (ii) **Commercial** : major markets and commercial hubs including existing and proposed vending zones and vendors markets, daily and weekly markets, etc.;
 - (iii) **Industrial**: current manufacturing areas and industrial warehouses, etc; also including, current and proposed LPG Storage areas;
 - (iv) **Public/Semi-public**: Pay and Use Toilets, Cemetery, Burial and Cremation grounds, Religious buildings, Lifeline Buildings like Hospitals, PHCs, Police stations, Major Institutional Buildings like educational institution and offices such as Deputy Commissioner's office, Fire Stations; etc;
 - (v) **Recreational spaces**: Parks, gardens, stadium and sports complex ;
 - (vi) **Open Spaces**: Restricted developable multi-purpose open space like maidans for public assembly, functions, sports, etc.;
 - (vii) **Green belt**: Restricted development, including plantations, fisheries, urban forestry, hills, grazing lands, barren land, non-agricultural char areas in and along rivers, etc.;
 - (viii) **Eco-zone** : Undevelopable areas, including Reserved forest, wetlands, wildlife corridors, sanctuaries, etc.
 - (ix) **Agriculture**;
 - (x) **Water bodies**: Rivers, beels, wetlands, swamps, big ponds, Natural channels as already demarcated in Cadastral maps;
 - (xi) **Transport**: Bus terminals, Truck Terminals, Airport, railway station, internal water ways, etc.;
 - (xii) **Special areas**: Old-build up, Heritage, Pilgrimage and Notified Archeological sites, if any.
- (2) **PROPOSED LAND USE MAP:**
- (i) **Residential**: (also including slum areas, space for affordable housing and Government provided housing Scheme, if any);
 - (ii) **Commercial**: major retail and wholesale markets and commercial hubs including existing and proposed vending zones and vendors markets, daily and weekly markets, etc.;

- (iii) **Industrial:** current manufacturing areas and industrial warehouses, etc., also including, current and proposed LPG Storage areas;
- (iv) **Public/Semi-public:** Pay and Use Toilets, Cemetery, Burial and Cremation grounds, Religious buildings, Stadiums, Lifeline Buildings like Hospitals, Primary Health Centres, Police stations, major Institutional Buildings like educational institution and offices such as Deputy Commissioner's office, Fire Stations, etc.;
- (v) **Agriculture;**
- (vi) **Open Space:** Restricted developable multi-purpose open space like maidans for public assembly, functions, sports, etc.;
- (vii) **Green belt:** Restricted development, including plantations, fisheries, urban forestry, hills, grazing lands, barren land, non-agricultural char areas in and along rivers, etc.
- (viii) **Eco-zone :** Undevelopable areas, including Reserved forest, wetlands, wildlife corridors, sanctuaries, etc.;
- (ix) **Recreational spaces:** Parks, gardens, stadium and sports complex ;
- (x) **Water bodies:** Rivers, beels, wetlands, swamps, big ponds; Natural channels as already demarcated in Cadastral maps;
- (xi) **Transport:** Bus terminals, Truck Terminals, Airport, railway station, internal water ways, etc.;
- (xii) **Special areas:** Old-city Build-up, Heritage, Pilgrimage and Notified Archeological sites, if any, in proposed area;
- (xiii) **Composite uses:** Mix of Commercial, Residential, Public-semi public, existing industrial, etc.;
- (xiv) Eco-sensitive zones;
- (xv) Central Business District(CBD);
- (xvi) Transit Oriented Development zones.(TOD);
- (xvii) Transferable Development Right emanating zones;

(3) PROPOSED ZONING MAP

- (i) Residential;
- (ii) Commercial;
- (iii) Industrial;
- (iv) Public and Semi-public;
- (v) Agriculture;
- (vi) Green belt;
- (vii) Recreational Spaces;
- (viii) Open Spaces;

- (ix) Eco-zone ;
- (x) Transport zones;
- (xi) Water Bodies;
- (xii) Composite Zone;
- (xiii) Eco-sensitive zones;
- (xiv) Central Business District (CBD);
- (xv) Transit Oriented Development zones (TOD);
- (xvi) Transferable Development Right (TDR) emanating zones;
- (xvii) Land use permissibility in different zones.

(4) PROPOSED CIRCULATION MAP

(Existing and proposed)

- A. (i) Road hierarchy in the city including bye-pass road;
- (ii) Demarcation of incomplete loops of major roads;
- (iii) Bus terminals, and major bus stops (with or without infrastructure);
- (iv) Freight zones and Logistics (including truck and inland water) ;
- (v) On-street parking for trucks and heavy vehicles and other vehicles (only existing);
- (vi) Proposed truck and heavy vehicle parking bays, designated parking for other vehicles ;
- (vii) Major accident-prone zones;
- (viii) Multi-car parking; mechanized parking, proposed parking for major transit zones like bus stops, railway station and ferry ghats, proposed parking for major commercial and institutional areas;
- (ix) Designated Cycle tracks in suitable streets;
- (x) Footpaths of minimum 2 metre width;
- (xi) Proposed major rotary and junction improvements (road curves, signals signage, etc.);
- (xii) Proposed streets for Street lighting;
- (xiii) Railway track (existing track and proposals by Railways, if any);
- (xiv) Inland water transport (Ferry ghats, and their freight zones);
- (xv) Petrol/diesel Filling Stations;
- (xvi) Fly-overs, bridges, river bridges;
- (xvii) Transit Oriented Development zones.(TOD).

B. Alignment and Reservation of land**(5) PROPOSED UTILITIES PLANS***(existing and proposed)***(i) Water Supply and Drainage Plan:**

(a) Water Supply Plan: Distribution zones, Intake points, raw water mains, Water treatment plant, Clean water overhead reservoirs, distribution network, important ponds for intake of water by Fire Department during disaster/emergency, fire hydrants.

(b) Drainage plan: delineation of basin area, major drains, sluice gates, silt traps, if any, major water logged areas.

(c) Alignment and Reservation of land**(ii) Sewerage plan and Solid Waste Management Plan**

(a) Sewerage plan: indicating trunk lines below and along roads, sewerage treatment plant (lower-most points of the city for analyzing gravity flow);

(b) Solid Waste Management: Location of Urban Local Body (ULB)-provided garbage bins; major garbage dumping areas near vegetable and fish markets; commercial areas, residential areas, Vending zones, Bus terminus, industrial areas, etc.; garbage collection points; garbage transfer stations; Industrial effluent treatment plants; Urban Local Body (ULB) Disposal Sites for garbage treatment/recycle; current and proposed landfill site.

(6) At the time of preparation of the Master plan, concerned District Disaster Management Authority shall be consulted, relevant norms, rules, plans etc. as provided by the District Disaster Management Authority shall be considered and incorporated in the Master Plan.

(7) A report giving relevant data and information in respect of the proposals in the Plan and any other things which the State Government may deem necessary.”

Amendment of
section 12

13.

In the principal Act, in section 12,

(i) in second line, the words “and the Regulations” appearing in between the words “Plan” and “they” shall be deleted.

(ii) in last line, after the word ‘behalf’ the following shall be

inserted, namely:-

“The copies of final Master Plan shall also be sent to all other stakeholder Agencies/ Departments for implementation of projects in compliance with the Master Plan/ Uniform Zoning Regulation and Building Rules/Byelaws. Any micro level Project, Scheme etc which are not specified in the Master Plan but proposed to be undertaken by the related Agencies/Departments shall be intimated to the Director, Town and Country Planning, Assam for necessary updation in the Master Plan.”

Insertion of section 12A	14.	In the principal Act, after section 12, the following new sections 12A and 12B, 12C and 12D shall be inserted, namely, -
“Area without any Authority	12A.	Where no authority is constituted; concerned Office of the Deputy Director/ Assistant Director of Directorate of Town and Country Planning Assam shall be the implementing authority of Master Plan, Zoning Regulation, Building Rule/ Building Bye Law and all the provisions as mentioned in the Act. The required Planning Permit shall be issued by the Office of the Deputy Director/ Assistant Director under Director of Town and Country Planning, Assam.
Implementation of Master plan when not notified	12B.	Notwithstanding anything contained in this Act or any other Act or rules, where there is no Master Plan notified, in that case, the Deputy Director/ Assistant Director of the District Offices of Town and Country Planning, Assam shall implement the provisions of Master Plan, Zoning Regulation, Building Rule/Building Bye Law etc, through preparation of Proposed Landuse and Zoning Map as per section 11 of this Act.
Procedure for implementing Master Plan	12C.	<p>(1) All development projects including commercial, industrial, public and semi-public, recreational, residential projects etc. shall conform to the provisions of the Master Plan, Zoning Regulation, Building Bye Law/ Rules etc. Moreover all private development by individual and group shall also conform to the same.</p> <p>(2) The applicant shall obtain a Zoning Certificate from the Deputy Director/ Assistant Director of the Town and Country Planning under whose jurisdiction the area falls before applying for any building or land sale permission from the concerned Authority to ensure whether the proposed use is permissible in the zone.</p> <p>(3) The concerned Authority shall forward all such applications received for building and land sale permission to the Deputy Director/ Assistant Director of Town and Country Planning under whose jurisdiction the area falls for scrutinizing</p>

whether such proposals are in conformity with the Master Plan, Zoning Regulation, Building Bye Law/Rule etc and to obtain recommendation from him for the same. The concerned Authority shall not grant/reject any such permission without obtaining the said recommendation by the Deputy Director/Assistant Director of Town and Country Planning.

No reclassification of Agricultural landuse 12D. Notwithstanding anything inconsistent therewith contained in any other law for the time being in force, there shall be no reclassification of Agriculture land use to residential landuse if such land already falls in the residential zone earmarked in the Master Plan of the City or Area. The landuse prescribed in the Zoning Map of Master Plan shall prevail and permissible activities as provided in the Uniform Zoning Regulation as notified by the state shall be allowed to operate."

Amendment of section 13 15. In the principal Act,

(i) after sub-section (2), the following sub-section (2A) shall be inserted, namely: –

"(2A). The Authority shall furnish the applicant with a written acknowledgment of its receipt and after satisfying itself that the development charge and scrutiny fees, if any, payable by the applicant has been paid and after making such inquiry as it thinks fit may, subject to the provisions of this Act, by order in writing,–

(i) Grant the permission with or without any condition; or

(ii) Grant the permission, subject to any general or special orders made by the State Government in this behalf."

(ii) after sub-section (4), the following sub-sections (4A) and (4B) shall be inserted, namely –

"(4A). If any person carries out any development work or retains the use of any building or work or continues the use of land in contravention of the provisions of section 13 or of any permission granted under sub-section (1) of this section, the Authority may direct such person, by notice in writing, to stop further progress of such work or to discontinue any use and may, after making an inquiry in the prescribed manner, remove or pull down any building or work carried out and restore the land to its original condition or, as the case may be.

(4B). Any expenses incurred by the Authority under sub-section (4) shall be a sum due to the Authority under this Act from the person in default."

- (iii) for sub-section (5), the following shall be substituted, namely:-
 “ (5) Notwithstanding anything contained in the sub- section (1) to (4) of this section, no person shall make any construction or land development by land filling, which blocks the flow of a natural drainage channel or a drain constructed by the local Authority. The Authority shall serve a notice to the person under whose instance the construction or land development has been undertaken, requiring him to pull down or remove the work for such contravention within a period of three days.”
- Amendment of section 13A 16. In the principal Act, in section 13A, after the last line, the following shall be inserted, namely, –
 “The Town Planning Officer of the Authority shall scrutinize such application for NOC before it is placed for approval by the Authority.”
- Insertion of section 13B 17. In the principal Act, after section 13A, the following section 13B shall be inserted, namely, –
“Lapse of permission **13B.** Every permission granted or deemed to have been granted under section 13 of this Act shall remain in force for a period of two years from the date of such grant and thereafter it shall lapse:
 Provided that the Authority may, on application made to it accompanied with required fee, from time to time, extend such period by a further period or periods not exceeding one year at a time, so however, that the extended period shall in no case exceed five years in the aggregate :
 Provided further that the lapse of the permission as aforesaid shall not bar any subsequent application for fresh permission under this Act.”
- Insertion of new section 21A 18. In the principal Act, after section 21, the following new sections 21A, 21B, 21C, 21D, 21E, 21F and 21G shall be inserted, namely : –
“Detailed Town Planning Scheme 21A. *“Detailed Town Planning Scheme”* means a layout plan for a particular area within the designated planning area, conceived within the framework of the Master Plan, if any, providing detailed proposals, indicating the manner in which the use of land and development therein shall be carried out.
- Power to take up Detailed Town Planning Schemes 21B. After commencement of this Act, by notification in the Official Gazette, the Authority may undertake development of an area, including regulation of activities in that area, under its jurisdiction, by framing and implementing Detailed Town Planning Schemes, within the frame work of Master Plan, if any, under this Act.
- Scope and Contents of Town Planning Scheme 21C. (1) A Town Planning Scheme may have detailed proposals, including but not limited to the following matters, namely:-

- (a) establishment of new housing development schemes for different income groups including housing for economically weaker sections of the society, destitutes, women and children in distress, disabled, physically challenged, senior citizens etc.;
 - (b) establishment of commercial centres, including specialised markets, wholesale and retail trade centres;
 - (c) establishment of tourist centres and tourism related infrastructure;
 - (d) establishment of industries, industrial estates, factories, service industries etc.;
 - (e) development and landscaping of open spaces, recreational grounds, parks, zoological and botanical gardens and social forestry;
 - (f) conservation of ecologically sensitive areas;
 - (g) protection of environmentally sensitive areas;
 - (h) conservation of heritage sites and buildings, objects of historical importance or natural beauty and of buildings actually used for religious purposes;
 - (i) proposals for natural hazard prone areas;
 - (j) resettlement, rehabilitation and up-gradation of slum areas;
 - (k) provision of health care, religious, cultural and educational facilities;
 - (l) construction, reconstruction, alteration, improvement and maintenance of public roads and streets, bridges, pedestrian facilities, safe path for the cycle-riding, parking facilities, transport terminals including bus depots, bus bays, bus stops, street lighting and avenue plantation, improvement of road junctions;
 - (m) provision of public transportation including mass transportation;
 - (n) informal sectors;
 - (o) such other matters not inconsistent with the objects of this Act, as may be considered necessary.
- (2) Every Detailed Town Planning Scheme shall contain details,

as far as may be applicable, in respect of,-

- (a) land assembly over which the Detailed Town Planning Scheme is to be implemented;
- (b) layout plan and other relevant drawings and details including, if necessary, the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the number, and character of buildings allowed in specified areas, the purposes for which buildings or specified areas may or may not be appropriated, the subdivision of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, floor area ratio, coverage, height, parking space, the size of projections and advertisement signs and hoardings;
- (c) total estimated cost, source of funding, cost recovery statement, if any;
- (d) manner of disposal of assets, if any;
- (e) management and maintenance mechanism; and
- (f) any other matters as may be considered necessary for ensuring planned development.”

Procedure for
preparation,
publication and
sanctioning of
Town Planning
Scheme

- 21D (1) The Authority may, at any time, by resolution, decide to prepare or adopt a Town Planning Scheme and shall notify same, in the Official Gazette and in at least one newspaper having wide circulation and such notification shall contain the boundaries of the planning area and the purpose for which such Plan is intended to be prepared.
- (2) The Authority shall, in consultation with the Director, Town and Country Planning, State Government and other Government Departments and agencies, prepare or get prepared a draft Town Planning Scheme for the planning area within two years from the date of notification in the Official Gazette of the intention to prepare the Plan under sub-section (1) above, after reviewing Plans, if any, prepared earlier, duly approve such plan through resolution of the Advisory Council, and publish the draft Town Planning Scheme in the website and the notice of publication in the Official Gazette and in at least two newspapers having wide circulation in the local planning area, of which one must be in the regional language, specifying the place or places

where a copy of the same is available for inspection and also inviting objections and suggestions to be submitted within 60 (sixty) days from the date of publication of the notice in the Official Gazette.

- (3) After the expiry of the period allowed under sub-section (2) above for filing objections and suggestions, the Authority concerned shall consider all the objections and suggestions received and shall after allowing a reasonable opportunity of being heard, to any person who has made a request for being so heard, make such modifications in the Town Planning Scheme as it considers proper, as far as possible, within a period of sixty days from the time limit prescribed for receiving objections and suggestions under sub-section (2) above and shall submit the Town Planning Scheme with or without modifications, together with all objections and suggestions in original, for sanction of the Government.
- (4) The Government may, as far as possible, within sixty days from the date of the receipt of such Town Planning Scheme after considering all objections and suggestions in consultation with the Director, Town and Country Planning, either accord sanction with or without modifications or refuse such sanction specifying reasons thereof:

Provided that if the Town Planning Scheme is returned for incorporating modifications, if any, suggested by the Government, the modified Town Planning Scheme shall be resubmitted within ninety days for sanction as if the same is submitted afresh under this Act.

- (5) Immediately after a Town Planning Scheme is sanctioned by the Government under this Act the Authority concerned shall notify the fact of sanctioning of the Town Planning Scheme in the Gazette and publish a notice in at least one local newspaper having wide circulation mentioning the place or places where a copy of the same shall be available to the public for reference or for sale. The sanctioned Town Planning Scheme shall also be published in the website of the Director, Town and Country Planning.
- (6) The procedures for sanctioning the Town Planning Scheme specified above shall continue to be in operation until sanction has been accorded, even if the time limit specified under sub-sections (2) to (4) above are not complied with:

Provided that in cases where a sanctioned Master Plan or Town Planning Scheme already exists in the area, its provisions shall only apply until the published Town Planning Scheme is sanctioned in accordance with this Act.

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| Set-up special function agencies | 21E. | An appropriate Authority, with the prior approval of the Government, may set-up special function agencies for the performance of such specific functions, in accordance with and not inconsistent with the objects of this Act, in such cases where it considers appropriate that it would be in public interest and would effect economy and efficiency in the performance of the functions assigned to it. |
| Town Planning Schemes that are published but not sanctioned within the time limit prescribed | 21F | Notwithstanding anything contained in this Act, in respect of any area for which planned development is necessary and the published Town Planning Scheme is not sanctioned within the time limit prescribed, the Government, may, after making such enquiry as they may deem necessary, require the Development Authority concerned to process and sanction the Town Planning Scheme as laid down in this Act. |
| Local Area Plan | 21G | <p>(1) Preparation of Local Area Plan :</p> <p>Subject to the provisions of this Act or any other law for the time being in force, the Authority may after the draft Master Plan has been notified by the Government, prepare Local Area Plan(s) for the purpose of implementing the proposals contained in the Master Plan or as per the requirement as identified by the Authority or Government time to time and prepare Local Area Plan for such area or areas within its jurisdiction or any part thereof:</p> <p>Provided that when the notification of a draft Master Plan has been notified in the Official Gazette the Government may direct an Authority to prepare or invite Local Area Plan through the district office of Director of Town and Country Planning Assam under which jurisdiction the areas falls as per Local Area Plan so identified.</p> <p>(2) Scope and Contents of the Local Area Plan:</p> <p>(i) A Local Area Plan may be made in accordance with provisions of this Act in respect of any land which is,-</p> <p>(a) In the process of development,</p> <p>(b) Likely to be used for any development including building purposes, or</p> <p>(c) Already built upon</p> |

- (d) For the purpose of redevelopment
- (e) For the purpose of undefined as investment area or zone by the Government
- (f) Likely to be used for Transit Oriented Development Zone or any other Rapid Transit System Zone
- (g) Any other purpose which meant for the comprehensive development of the area

Explanation:-

The expression "land likely to be used for building purposes" shall include any land likely to be used as or for the purpose of providing adequate open spaces, roads, streets, parks, pleasure or recreational grounds, parking spaces, market area, institutional area, healthcare facility etc. 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.

- (ii) A Local Area Plan may make provisions for any or all of the following matters, namely:-
 - (a) The area, ownership and tenure of all existing plots covered by the scheme;
 - (b) The laying out or relaying out of land, either vacant or already built upon;
 - (c) The filling up or reclamation of low-lying swamp or unhealthy areas or leveling up of land;
 - (d) Layout of new streets or roads, construction, diversion, extension, alteration, improvement, closure or relocation of streets, roads and communications;
 - (e) The reconstitution of plots;
 - (f) The construction, alteration and removal of buildings, bridges and other structures;
 - (g) The allotment or reservation of land for roads, open spaces, gardens, parks, recreation grounds, schools, markets, residential purposes, industrial and commercial activities, green belts and dairies, transport facilities and public purposes of all kinds, the portion of land which can be acquired;

- (h) Undertaking housing schemes for different income groups, including housing for economically weaker sections (EWS), commercial areas, industrial estates, provision of community facilities like schools, hospitals and similar type of developments;
- (i) Drainage, sewerage, surface or sub-soil drainage and sewage disposal;
- (j) Lighting;
- (k) Water supply;
- (l) The preservation and protection of objects of historical importance or of natural beauty and of buildings actually used for religious purposes;
- (m) the imposition of conditions and restrictions in regard to the open space to be maintained around 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 not 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;
- (n) The suspension, so far as may be necessary, for the proper carrying out of the scheme, of any rule, bye-law, regulation, notification or order made or issued under any Act which the State Legislature is competent to amend;
- (o) Acquisition by purchase, exchange, negotiating settlement or otherwise of any property necessary for or effected by the execution of the scheme;
- (p) The reservation of land for development of infrastructure, parks, common amenities, parking etc, shall be made from the total area covered under the scheme, as prescribed in the Rules.
- (q) Such other matters not inconsistent with the objects of this Act, as may be directed by the Government or as may be prescribed.

(3) **Approval of the Local Area Plan:**

- (i) The draft Local Area Plan prepared by the Authority shall be submitted by the Authority to the Director, Town and Country Planning Assam for further draft notification by the Government.
- (ii) The Authority shall examine the Local Area Plan in the light of the Act and objections that may be received from the stakeholders, giving reasonable opportunity of being heard to all such interested stakeholders who have filed objections and who have made request for being so heard in the manner prescribed within the period of sixty (60) days from the date of publication of draft Local Area Plan. Further, the Authority shall make such amendments in the draft of the Local Area Plan as it considers proper and shall, as soon as may be, but not later than the time prescribed by the Rules, submit to the Director, Town and Country Planning Assam for Govt. approval of the Local Area Plan through an order published in Official Gazette, with or without modifications and it shall also provide a copy of the objections received by it and its decisions thereon.
- (iii) The Authority shall, after incorporating all the modification or changes, if any after the expiry of sixty (60) days from the draft publication of the Draft Local Area Plan, shall submit to the Director, Town and Country Planning for placing it before the Advisory Council for approval and final publication in the Official Gazette after the recommendation of the Advisory Council.

(4) **Power of the Government to require the Authority to make Local Area Plan:**

- (i) Notwithstanding anything contained in this Act, the Government may, in respect of any Planning Area after making such enquiry as it deems necessary, direct the concerned Authority through the Director, Town and Country Planning Assam to make and publish in the prescribed manner, a Local Area Plan in respect of any land in regard to which a Local Area Plan may be made.
- (ii) If the Authority fails to make the Local Area Plan within three months from the date of direction made

under clause (i) above, the Government may direct the Director, Town and Country Planning Assam to make and publish and submit the Local Area Plan to the Government, and thereupon the provisions of this Act shall, as far as may be applicable, apply to the making of such Local Area Plan.

(5) **Power of Government to suspend rules, bye-laws or regulations:**

- (i) Where the Local Area Plan through order published in Official Gazette, the Government may, on an application by the Authority, suspend by order published in the Official Gazette to such extent only as may be necessary for the purpose of carrying out of the Local Area Plan, any rule, bye-law, regulation, notification or order made or issued under any law which the Legislature of the State is competent to amend.
- (ii) Any order issued under clause (1) above shall cease to operate in the event of the Local Area Plan being withdrawn by the Planning Authority either on its own or under the directions of the Government.
- (iii) No person shall within any area where a Scheme has come into force erect or proceed with any building or work or remove or 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 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.

(6) **Appeal against matters determined by the Authority:**

From every decision of the Authority in matters arising out of aforesaid provisions, an appeal shall lie within one month from the date of the decision, to the Tribunal constituted under this Act.

(7) Exclusion or Limitation of Compensation in Certain Cases:

- (i) No compensation shall be payable in respect of any property or private right of any sort which is alleged to be injuriously affected by reason of any provision(s) contained in the Local Area Plan, if under any other law for the time being in force applicable to the area for which such Local Area Plan is made, no compensation is payable for such injurious affection.
- (ii) Any property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provision contained in a Local Area Plan securing the amenity of the area included in such Local Area Plan or any part thereof or imposing any conditions and restrictions in regard to any of the matters specified in clause (1) above.

(8) Decision of Authority to be final in certain matters:

- (i) Where no appeal has been made under sub-section (6) section 21 the decision of the Authority shall be final and binding on the parties.
- (ii) Where an appeal has been made under sub-section (6) and a copy of the decision in appeal is received by the Authority, it shall then, where necessary, make variation in the Local Area Plan in accordance with such decision and may also rectify such error(s) or omission(s), if any, as may have been brought to its notice after publication of the Local Area Plan and shall also forward such Local Area Plan together with copies of its decisions and copies of the decisions in appeal to the Board.

(9) Power to Vary Scheme on ground of error, irregularity or informality:

- (i) If after the Local Area Plan has come into force, the Authority considers that the Local Area Plan is defective on account of an error, irregularity or informality or that the Local Area Plan needs variation or modification of a minor nature, the Authority shall prepare and publish a draft of such variation in the prescribed manner and submit to Government for notification in the Official Gazette through the Director, Town and Country Planning Assam,

- (ii) The draft variation published under clause (i) above shall state every amendment proposed to be made in the Local Area Plan, and if any such amendment relates to a matter specified in the Act, the draft variation shall also contain such other particulars as may be prescribed.
- (iii) The draft variation shall be open to the inspection of the public at the office of the Authority during office hours for one month.
- (iv) Not later than one month from the date of the publication of the draft variation, any person affected thereby may communicate in writing his objections to the Authority.
- (v) After receiving the objections under clause (iv) above, the Planning Authority shall after making such enquiry as it may think fit, notify the variation with or without modification by submitting it to Government for notification in the Official Gazette through the Director, Town and Country Planning Assam.
- (vi) From the date of the notification of the variation, with or without modifications, such variation shall take effect as if it were incorporated in the Local Area Plan.

(10) Power to vary Local Area Plan:

Any Local Area Plan may at any time be varied by a subsequent Local Area Plan made and published in accordance with this Act:

Provided that when an Local Area Plan is so varied, the provisions of this Act shall, so far as may be applicable, apply to such variation and making of subsequent Local Area Plan; and the date of publication of the varied Local Area Plan shall be deemed to be the date of publication of the Local Area Plan referred in the relevant sections.

(11) Execution of Works in the Local Area Plan by the Authority:

- (i) The Authority shall complete all the works provided in a Local Area Plan within the period prescribed;
- (ii) Notwithstanding anything contained in clause (i) above, require the Authority to complete the works within a further period as it may consider reasonable or appoint other agency/agencies to complete such works."

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| Amendment of section 22 | 19. | In the principal Act, in sub-section (1), in fourth line, in between the word “the” and “minimum” the word “height” shall be inserted. |
| Amendment of section 30 | 20. | <p>In the principal Act, in section 30, before the word “should” the punctuation mark and number “(1)” shall be inserted and in the sixth line, after the word “plan” the words “within a period of 7 days from the date of notice served” shall be inserted and thereafter the following new sub-sections (2) and (3) shall be inserted, namely:-</p> <p>“(2) If any building is erected or re-erected in contravention of any development scheme or any Building Byelaws/ Building Rules or without plans having been deposited to the Authority or notwithstanding rejection of plans or otherwise then in accordance with any requirements under this Act/ Building Byelaws/ Master Plan, the Authority shall serve a notice to the person under whose instance the construction has been undertaken, requiring him to pull down or remove the work for such contravention within a period of 7 days.</p> <p>(3) If a person to whom a notice has been served under the foregoing provisions of this Section fails to comply with the notice, the Authority may pull down or remove the work in question or effect such alteration therein as Authority may deem necessary and may recover from him the expenses incurred during the demolition. Such action shall be taken by the Authority after expiry of 7 days of the Notice served under the foregoing provisions of this section.”</p> |
| Amendment of section 31 | 21. | <p>In the principal Act,</p> <p>(i) in section 31, in the second line, in between the words “not exceeding” and “on any person” for the word and number “Rs. 250”, the word and number “Rs. 50000/-” shall be substituted and in the sixth line, the words “may be imposed for the days after the first conviction” shall be deleted.</p> <p>(ii) in the fifth line, in between the words “a fine of” and “per day” for the word and number “Rs. 50” the word and number “Rs. 1000” shall be substituted</p> |
| Amendment of section 33 | 22. | <p>In the principal Act, for section 33, the following shall be substituted, namely, -</p> <p>“(1) Any land required, reserved or designated in any Master Plan, Development Scheme, Town Planning Scheme shall be deemed to be land needed for a public purpose within the meaning of “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013”, or any other Land Acquisition Act in force from time to time, and may be acquired by</p> |

the Government under the said Act as modified in the manner provided in this Act on request by the respective Authority or Director, Town and Country Planning Assam.

- (2) Where any land has been acquired by the Government, after taking possession of the land, the Government may transfer the land to the concerned Authority for the purpose for which the land has been acquired on payment by the concerned Authority of the compensation awarded under that Act and of the fee.
- (3) On receipt of an application made under sub-section (1) above, if the Government is satisfied that the land specified in the application is needed for the public purpose specified therein, the Government may make a declaration to that effect in the Gazette, in the manner provided in relevant section of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- (4) On the publication of such declaration, the Deputy Commissioner of the district within whose jurisdiction the land is situated, shall proceed to take order for the acquisition of such land under the said Act; and the provisions of that Act shall, so far as may be, apply to the acquisition of the said land.”.

Central Act
30 of 2013

Insertion of 23.
section 33A,
33B, 33C and
33D

In the principal Act, after section 33, the following new sections 33A, 33B, 33C and 33D shall be inserted, namely:-

“Transfer of
Government Land
to the Respective
Authority

- 33A The Government may by order and on such terms and conditions as may be agreed upon between the Government and the concerned Authority, place at the disposal of such Authority any developed and undeveloped government lands situated within the jurisdiction of such Authority for the purpose of development in accordance with the provisions of this Act.

Purchase of Land
by Negotiated
Settlement

- 33B Where after the publication of a Master Plan, Development Scheme, Town Planning Scheme, any land is required, reserved or designated in such plan, the concerned Authority may enter into agreement with any person for acquisition from him by purchase by paying such amount as may be arrived through negotiated settlement:

Provided the amount shall not exceed the minimum reserve value of land by more than the limit as decided by the Council and approved by the Government.

Acquisition of Land
by Transferable
Development Right

- 33C (1) Any area within a Master Plan Area, Development Scheme Area, Town Planning Scheme Area may be acquired by the Authority for public purposes with the consent of the owner,

by way of according Transferable Development Right in lieu of compensation payable by the authority in such manner as may be prescribed:

Explanation: - For the purpose of this section public purpose means:-

- (a) Widening of an existing road or formation of a new road, provision for drainage, sewer lines etc;
 - (b) Creation of civic amenities and infrastructure
 - (c) Providing for parks, playgrounds, open spaces, green areas and any other civic amenities;
 - (d) Maintaining or improving heritage building or precincts notified by the State Government
 - (e) Conservation of heritage sites
 - (f) Implementation of development control regulations
- (2) The Transferable Development Right so permitted may be utilized either by himself or by transfer to any other person, as may be prescribed. The area remaining after surrender shall have such permissible built up area as may be prescribed by the Rules or Regulations or bye-laws.
- (3) The procedure for award of Transferable Development Right shall be as may be prescribed.

Acquisition of Land by Accommodation, Reservation	33D	A Planning Authority or the Local Authority may, with the consent of the owner acquire land and built up space for public purposes indicated in the Development Plan from the owner and provide a built up space equivalent to area of the land and the built up space required for the amenity or facility in lieu of the cost of land and the built up space acquired for the infrastructure, public amenity, public utility and services which is transferred to the respective Planning Authority or Local Authority, in the manner as may be prescribed."
Amendment of section 34	24.	In the principal Act, for section 34, the following shall be substituted, namely:-
"Disposal of Land or other Property by the Authority	34	The disposal of any land acquired by the Government and transferred to the respective Authority with or without development thereon, or any other immovable property belonging to the Authority shall be provided to land owner following the procedure as may be prescribed for the purpose."
Insertion of section 34A	25.	In the principal Act, after section 34, the following new section 34A shall be inserted, namely:-
"Creation and Management of Development Land Bank	34A	The concerned Authority shall create and maintain a land bank, in which all lands acquired, allotted, purchased and obtained, shall be monitored and maintained and reviewed periodically."

Insertion of section 36A to 36U	26.	After section 36, the following new sections 36A to 36U shall be inserted, namely:-
"Authority to prepare Land Pooling Scheme	36A	Subject to the provisions of this Act or any other law for the time being in force, after the final Master Plan shall be notified by the State Government in the Official Gazette for the purpose of implementing the proposals contained in the plan, the Authority shall prepare one or more Land Pooling Schemes for any part of the area within their jurisdiction.
Declaration of intention to prepare Land Pooling Scheme	36B	<p>(1) The Authority may by a resolution declare its intention to make Land Pooling Scheme in respect of any part of the area within its jurisdiction for which a final Master Plan shall be notified in the Official Gazette by the State Government.</p> <p>(2) The Authority shall publish the declaration in the form of a notice in at least two local news papers.</p> <p>(3) The declaration published under sub-section (2) above shall contain the following, namely:-</p> <p>(a) The resolution of the Authority declaring its intention to prepare a Land Pooling Scheme.</p> <p>(b) The name of the place or places as well as the copy of the plan showing the boundary of the area to be included in the Land Pooling Scheme together with the proposals of the final Master Plan for that area shall be open for inspection of the public during office hours; and</p> <p>(c) An invitation to furnish information in the form prescribed (to be appended with the notice) within thirty days from the date of publication of such notice in respect of any title or interest which any person may have, in the land or building covered by the intended Land Pooling Scheme.</p> <p>(4) The Authority shall forward a copy of the resolution together with the notice and the plan as indicated in sub section (3) above to the Government through the Director, Town and Country Planning Assam.</p>
Engagement of the Project Planner	36C	Immediately before the declaration of the intention to prepare the Land Pooling Scheme, the Authority shall, with prior approval of the Director, Town and Country Planning Assam engage a Project Planner, for preparation of Land Pooling Scheme.
Contents of Land Pooling Scheme	36D	The Land Pooling Scheme shall contain the following particulars or details, namely:-

- (a) The area, ownership and tenure of all original plots covered by the Land Pooling Scheme.
- (b) Reservation, acquisition or allotment of land with general indication of such uses of land, which is contained in the Land Pooling Scheme and the terms and conditions, subject to which, such land is to be pooled for the Scheme;
- (c) The laying out or relaying out of the land either vacant or already built upon.
- (d) Preservation proposal for all eco-sensitive areas, RAMSAR sites, forest areas, water catchment areas, natural water bodies, streams, rivers, lakes, etc.
- (e) The extent to which it is proposed to alter the boundaries of the original plots in accordance with the proposed Land Pooling Scheme as the reconstituted final plots.
- (f) An estimate of the total cost of the Land Pooling Scheme and the net cost to be borne by the Authority.
- (g) Proposals to allocate Transferable Development Right (TDR) to any final plot owner in lieu of loss of area from the original plot with the consent of the owner; and
- (h) The imposition of conditions and restrictions in regard to the open space to be maintained around the buildings, the percentage of building area for a plot, the number, height and character of buildings allowed in specified areas, the purpose for which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, parking space, loading and unloading space for any building and the size of projections and advertisements;
- (i) Any other particulars as may be considered necessary by the Project Planner.

**Reconstitution 36E
of Original
Plots into
Final Plots**

- (1) In a Land Pooling Scheme reconstituting the plots, the size and shape of every reconstituted plot shall be determined, so far as may be, to render it suitable for building purposes, and where a plot is already built up to ensure that the buildings, as far as possible, comply with the provisions of the Land Pooling Scheme as regards to open spaces.
- (2) For the purpose of sub-section (1), the Land Pooling Scheme may contain proposals:-
 - (a) to form a final plot by reconstitution of an original plot by alteration of boundaries of the original plot, if necessary by the Project Planner.
 - (b) to form a reconstituted final plot, from an original plot by the transfer wholly or partially of the adjoining lands;

- (c) to allot a reconstituted final plot to any land owner dispossessed in furtherance of the objectives of the Land Pooling Scheme; and
- (d) to transfer the ownership of an original plot from one person to another.
- (e) to provide ownership, with consent of the owners, having separate plots in originally, a joint ownership with or without alteration of boundaries, in common as a reconstituted plot.
- Disputed ownership** 36F (1) Where there is a disputed claim as to the ownership of any piece of land included in an area in respect of which declaration of intention to prepare a Land Pooling Scheme has been made under section 36B and any entry in the records of rights or mutation register relevant to such disputed claim is inaccurate or inconclusive, an enquiry may be held by the Deputy Commissioner of the concerned district on submission being made by the Authority at any time for the purpose of deciding who shall be deemed to be the owner for the purpose of this Act.
- (2) Such decision of Deputy Commissioner shall be final but it shall not operate as a bar to a regular suit by the landowner or claimant.
- (3) Such decision if becomes inconsistent to any decree of civil court be corrected, and modified or rescinded in accordance with such decree as may be practicable after such decree has been brought to the notice of the Authority either by the civil court or by any person affected by such decree.
- (4) Where such a decree of the court is passed after the scheme has been notified under section 36K of this Act, such schemes shall be deemed to have been suitably verified by reason of such decree.
- Restriction on of use of land after declaration of Land Pooling Scheme** 36G (1) On or after the date of declaration of Land Pooling Scheme in the Official Gazette under sub-section (1) of section 36B of this Act,-
- (a) No person shall within the area included in the declaration erect or proceed with any building work remove, pull down, alter, make addition to, or make any substantial repair to any building, part of a building, a compound wall or any drainage work or remove any earth, stone or material or sub-divide any land or change the use of any land or building unless

- such person has applied for and obtained necessary permission from the Authority in the form prescribed;
- (b) The Authority on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt and may, after an enquiry, either grant or refuse such permission or grant it subject to such condition as the Authority may think fit to impose. If the Authority communicates no decision to the applicant within thirty (30) working days from the date of such acknowledgement, the applicant shall be deemed to have been granted such permission;
 - (c) If any person contravenes the provisions contained in clause (a) or clause (b), the Authority may direct such person by a notice in writing to stop any work in progress, and after making inquiry in the prescribed manner, remove, pull down or alter any building or the work or restore the land in respect of which such contravention is made to its original condition;
 - (d) Any expenses incurred by the Authority under clause (c) above, shall be a sum due to such Authority under this Act from the person in default or the owner of the plot.
- (2) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the Authority under sub-section (1) above except, in respect of a building or work begun or a contract entered into before the date on which the Authority has published the declaration of Land Pooling Scheme under sub section (2) of section 36B and only to such extent of such building or work which has already been proceeded at the time of the publication of the aforesaid declaration:

Provided that such claim to compensation in the excepted cases shall be subject to the conditions of any agreement entered into between such person and the Authority.

- (3) Whereunder section 36D-
- (a) The purpose to which any plot of land may not be used has been specified, such plot and land shall, within such period of not less than one year, as may be stipulated in the scheme, cease to be used for such purpose and shall be used only for the purpose specified in the Land Pooling Scheme.

- (b) The purpose to which any existing building may not be used as has been specified, such building shall, within such period of not less than three years as may be specified in the scheme, cease to be used for the purpose other than the purposes specified in the Land Pooling Scheme;
- (c) The purpose to which any plot of land with existing building may not be used has been specified in the Land Pooling Scheme and the existence of such building is inconsistent with the provisions of the Land Pooling Scheme, such building shall, within a period of not less than 10 years or a period as may be stipulated in the Land Pooling Scheme cease to exist:

Provided that such a period shall not be less than the reasonable life of the building as determined by the Authority;

- (4) Any person aggrieved by the decision of the Authority under this section may, within thirty days from the date of the decision, appeal to the Authority as may be prescribed and the order of the said Authority in appeal shall be final.
- (5) The provision of any development control and use of land as specified in this Act shall mutatis mutandis apply in relation to the unauthorized development or use of land included in a Land Pooling Scheme.
- (6) The restrictions imposed by this section shall cease to operate in the event of the Land Pooling Scheme being withdrawn by the Authority on its own or on the direction of the Government under section 36R.

Engagement of the Project Planner	36H	Immediately before the declaration of the intention to prepare the Land Pooling Scheme, the Authority shall, with the prior approval of the Director, Town and Country Planning Assam, engage a project planner for preparation of the Land Pooling Scheme. The Project Planner shall be not below the rank of Assistant Director appointed by the State Government to the Directorate of Town and Country Planning, Assam.
Preparation of Land Pooling Scheme	36I	<ul style="list-style-type: none"> (1) Immediately after appointment, the Project Planner shall proceed to formulate a draft Land Pooling Scheme in accordance with the provisions of the sections 36D and 36E of this Act. (2) Immediately after the draft Land Pooling Scheme has been prepared, the Project Planner shall convene a meeting of the owners of the original plots through a public notice and

explain the salient features of the draft Land Pooling Scheme. A brief record of the aforesaid meeting shall be maintained.

- (3) The Project Planner shall immediately thereafter proceed to prepare the final draft Land Pooling Scheme taking into account of the record of the meeting under sub-section (2) and decide any or all matters as given below:
- (a) Define, demarcate and decide the areas allotted to or reserved for the public purpose or purpose of the Authority and also the reconstituted final plots;
 - (b) Decide the person or persons to whom a reconstituted plot is to be allotted; when such plot is to be allotted; and in case such plot is to be allotted to persons in ownership in common, decide the share of such persons;
 - (c) Estimate the value of and fix the difference between the values of the original plots and the values of the reconstituted final plots included in the Land Pooling Scheme in the manner as prescribed under the rules and the amount of compensation payable for loss of the value and the area of in lieu thereof the extend of allowable Transferable Development Rights (TDR) if the owner so agrees;
 - (d) Estimate the compensation payable for the loss of area of the original plot in respect of any original plot which is wholly acquired under the Land Pooling Scheme or in lieu thereof, estimate allowable Transferable Development Rights (TDR) with the consent of the owner of the plot;
 - (e) Determine the amount of exemption, if any, from the payment of the contribution that may be granted in respect of plots or portions thereof exclusively used or occupied for institutional, religious or charitable purposes at the date on which public notice declaring the intention of preparation of the Land Pooling Scheme is published under section 36B of this Act;
 - (f) Calculate the contribution to be levied on each reconstituted plot included in the Land Pooling Scheme, in order to partly meet the cost of the Land Pooling Scheme which shall be levied on all final plots excluding those allotted to the Authority in proportion to the area of the final plots allotted to each owner on pro-rata basis;

- (g) Where a plot is subject to a mortgage with possession or a lease, to decide the proportion of compensation payable to or contribution payable by the mortgagee or lessee on the one hand and the mortgagor or the lessor on the other hand;
- (h) Estimate in reference to claims made before him, after the notice given by him in the prescribed manner, the compensation to be paid to the owner of any property of right injuriously affected by the making of a Land Pooling Scheme in accordance with the provisions contained in this Act;
- (i) Determine the period in which the works provided in the Land Pooling Scheme shall be completed by the Authority:

Provided that the Project Planner may make variations in the Land Pooling Scheme subject to the condition that any variation estimated by him to involve an increase of 10% of the total cost of the Land Pooling Scheme or Rupees One Lakh whichever is lower shall require the sanction of the Authority.

- (4) Immediately after the draft final Land Pooling Scheme has been prepared, the Project Planner shall convene the second and final meeting of the owners of the original plots to whom final plots are been allotted through a public notice and explain the draft final Land Pooling Scheme. A brief record of the aforesaid meeting shall be maintained.
- (5) Immediately after the meeting under sub-section (4) above, the Project Planner shall decide all matters referred in sub-section (3) above, after taking into account the brief record of the aforesaid meeting and submit the draft Land Pooling Scheme to the Authority.
- (6) On receipt of the draft Land Pooling Scheme under sub-section (5) above, the Authority may make such modification in such scheme as it may consider necessary with the association of the Project Planner.
- (7) The Authority, after considering the provision under sub-section (6) above, of the draft Land Pooling Scheme, shall submit to the State Government for draft notification of the draft Land Pooling Scheme in the Government Gazette through the Director Town and Country Planning, Assam.

**Consideration
of objections
and submission
of final draft**

- (8) Immediately after the Gazette Notification of the draft Land Pooling Scheme, the Authority shall publish notice of the preparation of the draft Land Pooling Scheme in two local news papers for wide publicity and inviting objections and suggestions from the public within sixty days of the date of publication of the aforesaid notice in the newspaper. The notice shall state the name of the place or places where a copy thereof shall be available for inspection by the public and that copies thereof or extracts there from certified to be correct shall be available for sale to the public at reasonable rate.

- 36J (1) After the expiry of the time and the period mentioned in sub-section 36 I, the authority shall examine the final draft Land Pooling Scheme in the light of the objections that may have been received and after giving reasonable opportunity of being heard to all such persons who have filed objections and who have made request for being so heard, may make such amendments as it considers proper and prepare the final draft Land Pooling Scheme.
- (2) The final draft Land Pooling Scheme prepared under sub-section (1) above, shall be forwarded to Government for approval and final Official Gazette notification through the Director, Town and Country Planning Assam.
- (3) The Government, as far as possible, within sixty days from the date of receipt of such Land Pooling Scheme after considering all objections and suggestions in consultation with the Director Town and Country Planning Assam either accord sanction with or without modification or refuse such sanction specifying the reason thereof:

Provided that if the Land Pooling Scheme is returned for incorporating modifications, if any, suggested by the Government, the modified Land Pooling Scheme shall be resubmitted within ninety days for sanction as if the same is submitted afresh under this Act.

- (4) Immediately after a Land Pooling Scheme is sanctioned by the Government under this Act the Authority concerned shall notify the fact of sanctioning of the Land Pooling Scheme in the Gazette and publish a notice in at least two local newspapers having wide circulation mentioning the place or places where a copy of the same shall be available to the public for reference or for sale. The sanctioned Land Pooling Scheme shall also be published in the website of the Directorate of Town and Country Planning, Assam.
- (5) The procedures for sanctioning the Land Pooling Scheme specified above shall continue to be in operation until sanction has been accorded, even if the time limit specified under this Act are not complied with:

Provided that in cases where a sanctioned Master Plan or Land Pooling Scheme already exists in the area, its provisions shall only apply until the published Scheme is sanctioned in accordance with this Act.

Appeal

- 36K (1) From every decision contained in the Land Pooling Scheme, in matters arising out of clauses (a),(b),(c),(g) and (h) of sub-section (3) of section 36 I, an appeal shall lie within one month of the notification of approval of the Land Pooling Scheme to the appellate authority prescribed under this Act.
- (a) Any person aggrieved by the decision in appeal of the prescribed Authority in matters referred to in sub-section (1) above, may appeal within sixty days from the date of decision of the prescribed Authority in appeal, to the District Judge within the local limits of whose jurisdiction the area included in the Land Pooling Scheme is situated.
- (b) The District Judge may transfer the appeal file before him to the additional District Judge for disposal.
- (c) The District Judge or the Additional District Judge, as the case may be, after making such enquiry as he may think fit, may either direct the Authority to reconsider the decision or accept, modify, vary or reject the decision contained in the approved Land Pooling Scheme and shall decide all matters arising out of clauses referred to in sub-section (1) above.
- (d) The decision of the District Judge or the Additional District Judge, as the case may be, shall be final and conclusive and binding on all persons. A copy of the decision in appeal shall be sent to Government and the Authority.
- (2) All other decisions pertaining to clauses (d) to (f) (both inclusive) and clause (i) of sub-section (3) of section 36 I contained in the Land Pooling Scheme shall forthwith be communicated to the party concerned and any party aggrieved by such decision may, within thirty days from the date of communication of the decision, appeal to the Tribunal for Land Pooling Scheme constituted under section 36M of this Act, in the manner and accompanied by such fee as may be prescribed.
- (3) Notwithstanding anything contained in section 36M of this Act, the filing of the appeal in matters referred to in sub-section (1) above, to the prescribed Authority or to the

		Tribunal of appeal for Land Pooling Scheme, as the case may be, shall not operate as a bar to the execution of Land Pooling Scheme.	
	(4)	The provisions of sections 5, 12 and 14 of the Indian Limitation Act, 1963 shall apply to appeals submitted under this section."	Central Act 36 of 1963
Constitution of Tribunal for Land Pooling Scheme	36L	<p>(1) The Tribunal for Land Pooling Scheme shall be a permanent Tribunal to be appointed by the Government consisting of a Chairperson and two Assessors for all Land Pooling Scheme within the State.</p> <p>(2) The Chairperson of the Tribunal for Land Pooling Scheme shall not be below the rank of a District Judge. A Civil Engineer not below the rank of Executive Engineer, Town and Country Planning Assam and a Town Planner not below the rank of Deputy Director, Town and Country Planning Assam shall be the two Assessors of the Tribunal. The Assessors shall be appointed by the Government by notification in the Official Gazette.</p> <p>(3) The Government as far as possible within sixty days from the date of receipt of such Land Pooling Scheme after considering all objections and suggestions in consultation with the Director Town and Country Planning Assam either accord sanction with or without modification or refuse such sanction specifying the reason thereof:</p> <p style="padding-left: 40px;">Provided that if the Land Pooling Scheme is returned for incorporating modifications if any, suggested by the Government, the modified Land Pooling Scheme shall be resubmitted within ninety days for sanction as if the same is submitted afresh under this Act.</p> <p>(4) The Government may, if it thinks fit remove for incompetence or misconduct or any other good and sufficient reason any assessors under sub-section (2) above.</p>	
Place where Tribunal for Land Pooling Scheme may sit	36M	The Tribunal for Land Pooling Scheme may sit either at the head quarter of the Chairperson or at any other place within the local limits of his jurisdiction which he may deem convenient for consideration and decision of any matter before such Tribunal for Land Pooling Scheme.	
Decision on question of law and other questions	36N	(1) All questions of law and procedure shall be decided by the Chairperson. All other questions shall be decided by the Chairperson and the two Assessors or by a majority of votes.	

		(2) The Tribunal while deciding an application under section 36 L of this Act shall have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely,-	Central Act 5 of 1908
		(a) requiring the production and inspection of documents;	
		(b) Issuing of summons for hearing;	
		(c) Or any other matter which may be prescribed.	
Tribunal for Land Pooling Scheme not to be court	36 O	Nothing contained in this Act shall be deemed to constitute the Tribunal for Land Pooling Scheme to be a court.	
Remuneration of Assessors and payment of incidental expenses of Tribunal for Land Pooling Scheme	36P	(1) In exceptional cases where the Land Pooling Scheme is a large one or the work involved is complicated, the Government may authorize the Chairperson and the Assessors even to receive such special salary or remuneration as the Government may by order decide from time to time.	
		(2) All expenses under sub-section (1) above, and all expenses incidental to the working of the Tribunal for Land Pooling Scheme shall be defrayed out of the funds of the Government.	
Withdrawal of Land Pooling Scheme by the Authority	36Q	(1) If at any time before the Land Pooling Scheme is published under sub-section (7) of section 36 I and representation is made to the Authority by a majority of the owners in the area that the Land Pooling Scheme should be withdrawn, the Authority shall invite from all persons interested in the Land Pooling Scheme, objections to such representation.	
		(2) On receipt of the objection, and after making such inquiry as it may think fit the Authority by a notification in the Official Gazette, withdraw the Land Pooling Scheme and upon such withdrawal, no further proceedings shall be taken in regard to such scheme.	
		(3) Simultaneously with such withdrawal the Authority shall submit to the Government the copy of the notice withdrawing the Land Pooling Scheme and a report of its enquiry made in this behalf.	
		(4) At any time prior to the publication of the Land Pooling Scheme under sub-section (7) of section 36 I of this act, the Government if it satisfied that it is in the public interest, may direct the Authority to withdraw a Land Pooling Scheme. Thereupon, the Authority shall withdraw the Land Pooling	

		<p>Scheme by a notification published in the Official Gazette.</p> <p>Upon such withdrawal, no further proceedings shall be taken in regard to such Land Pooling Scheme.</p>
Effect of Scheme	36R	<p>On and after the day on which a Land Pooling Scheme comes into force:</p> <ol style="list-style-type: none"> (1) All land required by the Authority shall, unless it is otherwise determined in such scheme, vest absolutely in the Authority free from all encumbrances. (2) All rights in the original plots which have been reconstituted as final plots shall stand determined, and the final plots shall become subject to the rights settled by the Authority and the land records shall be changed accordingly by the concerned Authority; and (3) The Authority shall hand over possession of the final plots to the owners to whom they are allotted.
Power of Authority to evict summarily	36S	<ol style="list-style-type: none"> (1) On and after the day on which a Land Pooling Scheme comes into force, any person continuing to occupy any land which he is not entitled to occupy under the Land Pooling Scheme may, in accordance with the prescribed procedure, be summarily evicted by the Authority or any of its officers authorized in that behalf. (2) The Authority is opposed or impeded in evicting such person or taking possession of the land from such person, the Deputy Commissioner of the district concerned shall, at the request of the Authority enforce the eviction of such person or secure delivery of possession of the land to the Authority.
Power to enforce Land Pooling Scheme	36T	<ol style="list-style-type: none"> (1) On and after the day on which the approval of a Land Pooling Scheme has been notified, the Authority after giving the prescribed notice and in accordance with the provisions of the Land Pooling Scheme:- <ol style="list-style-type: none"> (a) Remove, pull down or alter any building or other civil works in the area included in the Land Pooling Scheme which is such as it contravenes the Land Pooling Scheme or in the erection of which or carrying out of which, any provision of the Land Pooling Scheme has not been complied with; (b) Execute any work which it is the duty of any person to execute under the Land Pooling Scheme, in such case where it appears to the Authority that delay in the execution of the work would prejudice the efficient operation of the Land Pooling Scheme.

		(2) Any expenses incurred by the Authority under this section may be recovered from the person in default or from the owner of the original plot in the manner provided for the recovery of sums due to the Authority under the provisions of this Act.
		(3) If any action taken by the Authority is questioned, the matter shall be referred to the Government or any officer authorized by the Government in this behalf and the decision of the Government or of the said officer, as the case may be shall be final and conclusive and binding on all persons.
Power to make variations in Land Pooling Scheme	36U	<p>(1) If after the Land Pooling Scheme has come into force, the Authority considers that the Land Pooling Scheme is defective on account of an error, irregularity or informality or that the Land Pooling Scheme needs variation or modification of a minor nature, the Authority shall, by a notice in the local news paper prepare and publish a draft of such variation in the prescribed manner.</p> <p>(2) The draft variation published under sub-section (1) above, shall state every amendment proposed to be made in the Land Pooling Scheme.</p> <p>(3) The draft variation shall be opened to the inspection of the public at the office of the Authority during office hours.</p> <p>(4) Not later than one month of the date of the publication of the draft variation, any person affected thereby may communicate in writings his objection to the Authority.</p> <p>(5) After receiving the objection under sub-section (4) above, the Authority shall after making such enquiry as it may think fit; notify the variation with or without modification by notification in the Official Gazette and in at least two local news papers.</p> <p>(6) From the date of the notification of the variation in the Official Gazette, with or without modifications, such variation shall take effect as if it were incorporated in the Land Pooling Scheme.</p>
Power to vary Land Pooling Scheme	36V	<p>A Land Pooling Scheme may at any time be varied by a subsequent Land Pooling Scheme prepared and, published in accordance with this Act:</p> <p>Provided that, where a Land Pooling Scheme is so varied, the provisions of this act shall, so far as may be applicable, apply to such variation and making of subsequent Land Pooling Scheme and the date of publication of the varied scheme shall, for the purposes of section 36G and be deemed to be the date of publication of scheme referred to in this section.</p>

Apportionment of cost of Land Pooling Scheme withdrawn	36W	In the event of a Land Pooling Scheme being withdrawn, the cost of the Land Pooling Scheme shall be borne by the Authority or be paid to the Authority, as the case may be by the owners concerned, in such proportion as the Government may in each case determine.”.
Amendment of section 51	27.	<p>In the principal Act, for section 51, for sub-section (3),- The following shall be substituted, namely:-</p> <p>If after such time any such person under sub-section (1) continues to neglect or cause a breach of any specified provisions, such persons shall be liable to fine:- (i) which may extend to Rs. 50000/-; (ii) if the breach, neglect or failure continues the authority may further impose fine which may extend up to Rs. 1000 every day during which the breach neglect or failure continues after such fine.</p>
Amendment of section 54	28.	In the principal Act, in section 54, in sub-section (3), in fourth line, for the words, and number “Rs. 30” the words and number “Rs. 1000” shall be substituted.
Amendment of section 56	29.	<p>In the principal Act, in section 56, in clause (b), -</p> <p>in fourth line, for the words and number “Rs. 500”, the words and number “minimum Rs. 50,000” shall be substituted and thereafter the words “or with or without simple imprisonment for a term which may extend to two months” shall be deleted.</p>
Amendment of section 61	30.	In the principal Act, in section 61, in the third line, for the words “punishable with imprisonment which may extend to six months or with fine which may extend to or with both”, shall be substituted by the words “liable for fine which may extend to Rs. 50000/- and departmental proceeding may be drawn against the erring officer as per provision of Government rules and regulation” shall be substituted.
Insertion of new section 76	31.	In the principal Act, after section 75, the following new section shall be inserted, namely:-
“Act to have overriding effect		76. Notwithstanding anything inconsistent therewith contained in any other law for the time being in force the provision of this Act shall prevail.”

GEETANJALI DAS SAIKIA,

Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 662 দিশপুৰ, শুক্ৰবাৰ, 30 ছেপ্টেম্বৰ, 2022, 8 আশ্বিন, 1944 (শক)
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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 28th September, 2022

No. LGL.175/2022/3.— The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 26th September, 2022 is hereby published for general information.

ASSAM ACT NO. XXVI OF 2022
(Received the assent of the Governor on 26th September, 2022)
THE ASSAM TOWN AND COUNTRY PLANNING
(AMENDMENT) ACT, 2022

AN ACT

further to amend the Assam Town and Country Planning Act, 1959.

Preamble

Whereas it is expedient further to amend the Assam Town and Country Planning Act, 1959, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam

It is hereby enacted the Seventy-third year of the Republic of India, as follows:-

Act No. I
of 1960

Short title,

1. (1) The Act may be called the Assam Town and Country Planning (Amendment) Act, 2022.

extent and

(2) It shall have the like extent as the principal Act.

commencement

(3) It shall come into force at once.

Amendment of

2. In the principal Act, in section 2

section 2

(i) for clause (1), the following shall be substituted, namely,-

Assam Act
XV of 1957

“(1) “Authority” means the Development Authority constituted by the State Government for the purpose of implementation of the provisions made under this Act. In case of Municipal areas, Authority shall be the Municipal Boards or Municipal Corporation constituted under the Assam Municipal Act, 1956 and Guwahati Municipal Corporation Act, 1969 respectively. Where there is no Development Authority or Municipality, the office of the Deputy Director/Assistant Director of Town and Country Planning under whose jurisdiction the area falls, shall perform the functions to carry out the provisions of this Act and rules made hereunder.”

Assam Act I
of 1973

(ii) for clause (10), the following shall be substituted, namely,-

“(10) “Master Plan” means a statutory plan document, prepared for stream-lining the landuse within the delineated planning area. It is a long term plan that provides a conceptual layout for the future urban growth and development.”

(iii) after clause (10), the following new clauses (10A) and (10B) shall be inserted, namely,-

“(10A) “Development Plan” means a plan for the development or redevelopment or improvement of an area within the jurisdiction of an Authority as defined under clause (1) of section 2 of this Act.

A Development Plan may be a Regional Development Plan, a Metropolitan Development Plan, Area Development Plan, /Master Plan, Peripheral Zone Development Plan, Town Development Plan,

Zonal Development Plan, District Development Plan, Local Area Plan, Town Planning Scheme or any other plan or scheme prepared under this Act by whatsoever name known;

(10B) "Zoning Regulation" means regulations for the use of land, buildings built thereon, consistent with maintaining the minimum standard of density of building, protection of open spaces, sanitation and environmental hygiene etc. for the different zones proposed in the Zoning Plan of the Master Plan."

- (iv) after clause (16), the following new clauses (16A), (16B), (16C), (16D), (16E) and (16F) shall be inserted, namely, –

“(16A) "Town Planning Scheme" means a comprehensive plan for a particular area within the framework of the Master Plan, if any or for the local planning area. The planning process consists of merging and redistribution of land parcels in the urban expansion zone.

(16B) "Transferable Development Right" means a development right to transfer the potential of a plot designated for a public purpose in a plan under this Act, expressed in terms of total permissible built-up space calculated on the basis of floor area ratio allowable for that plot, for utilization by the owner himself or by way of transfer by him to someone else from the present location to a specified area in the plan as additional built-up space over and above the permissible limit in lieu of compensation for the surrender of the concerned plot free from all encumbrances to the Urban Local Body (ULB).

(16C) "Accommodation Reservation" means a permission to the owner of the land, which is required for public amenities in any plan prepared under this Act, to use the potential of a plot in the form of built-up space guided by Floor Area Ratio, in addition to the area required for the amenities, in lieu of the cost of the land and the built-up space of such amenity, to be transferred to the Authority as prescribed;

(16D) "Local Area Plan" is the principal statutory planning instrument for setting out a balanced understanding, vision and spatial strategies at the local level within the framework of Master Plan,;

(16E) "Transit Oriented Development" is the integration of landuse with Transport Systems, which is essentially any development, macro or micro that is focused around a transit node, and facilitates complete ease of access to the transit facility thereby inducing people to prefer walk and use public transport over personal modes of transport;

(16F) "Central Business District (CBD)" is that part of the city which contains the principal commercial streets. It is the functional area of a city that has maximum concentration of commercial, retail and business activities;"

- (v) after clause (17), following clause (17A) shall be inserted, namely,-
"(17A) "Town Planning Officer" means Deputy Director or Assistant Director of Town and Country Planning, Assam appointed by the State Government."

Amendment of section 3 3. In the principal Act, in section 3 ,for sub-section (1), the following shall be substituted, namely,-

"(1) The State Government shall constitute the council, by notification published in the Official Gazette to advise the Government on matters referred to it. The Council shall consist of the following members, namely:-

(i)	Minister in- Charge of Department of Housing and Urban Affairs	Chairman
(ii)	Director of Town and Country Planning, Assam	Secretary
(iii)	Senior most Secretary, Department of Housing and Urban Affairs	Member
(iv)	Senior most Secretary, Public Works Department (B and NH) or his nominee	Member
(v)	Senior most Secretary, Public Works Department (Roads) or his nominee	Member
(vi)	Senior most Secretary, Water Resource Department or his nominee	Member
(vii)	Senior most Secretary, Public Health Engineering or his nominee	Member
(viii)	Senior most Secretary, Panchayat and Rural Development or his nominee	Member
(ix)	Senior most Secretary, Finance Department or his nominee	Member
(x)	Senior most Secretary, Revenue Department or his nominee	Member
(xi)	Senior most Secretary, Transformation and Development Department or his nominee	Member
(xii)	Senior most Secretary, Department of Transport or his nominee	Member
(xiii)	Senior most Secretary, Environment and Forest Department or his nominee	Member
(xiv)	Six others non official members half of whom shall be elected by the Assembly and the rest shall be nominated by the State Government	Member

(xv)	Such member of representatives of Local Authorities falling within the area as may be covered by the Master Plan not exceeding two or may be co-opted by the Council by a notification, published in the Official Gazette	Member "
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Insertion of section 7A,7B,7C 4. In the principal Act, after section 7, following new sections 7A, 7B and 7C shall be inserted, namely,-

"Functions and Powers of the Council

7A (1) Subject to the provisions of this Act and rules framed there under, the functions of the Council shall be to advise the Government in matters relating to planning and development and use of rural and urban land in the State, to guide, direct and advise the District Offices of Town and Country Planning or any other Development Authority/(ies) constituted under the Act and to perform such other functions as the Government may, from time to time assign to the Council.

(2) In particular and without prejudice to the generality of the foregoing provision, the Council may and, if required by Government, shall,-

- (a) advise on preparation of policies for Urban Development;
- (b) advise on the delineation of the Planning Area(s) for purposes of planned development and direct the preparation of Development Plan;
- (c) direct the preparation of one or more Development Plan(s) and/or Regional Plan (s) by the Authorities;
- (d) perform any other functions which is incidental, supplemental or consequential to any of the functions mentioned above;
- (e) evaluate and review the operations made by various Government Departments/ Institutions, in the context of implementation of the Plans prepared under this Act, based on the consolidated reports forwarded by the District Offices of Town and Country Planning and the Development Authorities and submit reports thereon to the Government;
- (f) advise the Government on,-
 - (i) resolving issues, if any, pertaining to inter-district spatial planning and infrastructure development; and

		(ii)	identification of probable location of major investment inputs which are likely to have substantial impact on the development scenario of the State;
		(g)	perform such other functions as may be prescribed.
	(3)		The Council may exercise all such powers as may be necessary or expedient for the purpose of carrying out its functions under this Act.
Meetings of the Council	7B (1)		The Council shall meet at such times and place as it thinks fit, not less than twice in a year and shall observe such procedure as may be prescribed in regard to the transaction of its business at such meetings.
	(2)		The Chairperson or in absence of the Chairperson, any member chosen by the members from amongst themselves, shall preside over the meeting of the Council.
Office of the Council	7C		The office of the Director, Town and Country Planning, Assam shall act as the office of the Council."
Amendment of section 8A	5.		In the principal Act, in section 8A, after sub-section (2), the following sub-section shall be inserted, namely, - “(3) Where no Authority is constituted, the Deputy Director/ Assistant Director of Town and Country Planning under whose jurisdiction the area falls shall perform functions to carry out the provisions of this Act.”
Amendment of section 8B	6.		In the principal Act, in section 8B, in sub-section (1),
	(i)		for clause (c), the following shall be substituted, namely, - “(c) Town Planning Officer of the Authority shall be the Deputy Director/ Assistant Director of the respective district office of the Directorate of Town and Country Planning, Assam under whose jurisdiction the Authority falls. He/she shall be the Member Secretary of the Authority”.
	(ii)		in clause (e), in second line, in between the word “Officer” and “as the” the following shall be inserted, namely,- “of the concerned District shall be the Vice-Chairman of the Development Authority”.
	(iii)		in clause (g), in between the words “representing” and “Commerce” the words “Chamber of” shall be inserted.
	(iv)		for clause (i), the following shall be substituted, namely,- “(i) one member representing District Industries and Commerce Centre (Public Sector) shall be nominated by the State Government.”

- (v) for clause (j), the following shall be substituted, namely:-
 “(j) (i) President of Gaon Panchayat ,
 (ii) President of Anchalik Panchayat,
 (iii) Chief Executive Officer of Zila Parisad and
 (iv) Block Development Officer of the area covered by
 the Master Plan.”

- (vi) for clause (l), the following shall be substituted, namely,-
 “(l) One Member each from Public Works (Roads) Department
 and Public Works Building and National Highways Department.”

- (vii) after clause (m), the following new clauses (n), (o), (p) and (q) shall
 be inserted, and thereafter the existing clause (n) shall be
 renumbered as clause (r) namely,-

“(n) Chief Engineer, Water Resource Department or his nominee,

(o) One member from Airport Authority (wherever applicable),

(p) One member from Forest Department,

(q) Two eminent Social workers to be nominated by the State
 Government.”

Amendment of 7.
 section 8D

In the principal Act, for section 8D, the following shall be
 substituted, namely:-

“The powers and functions of a Development Authority shall be-

- (i) to undertake the preparation of Development Plan,
 Development Scheme, Town Planning Scheme or any other
 plan under the provisions of this Act for the Master Plan area
 and also to prepare fringe area plan in the periphery of a town
 to prevent haphazard and uncontrolled growth as per guidelines
 published by the Government from time to time in this respect
 in the Official Gazette;
- (ii) to carry out surveys in the Master Plan area for the preparation
 of development plans, town Planning Schemes or such other
 plans;
- (iii) the Authority shall have the power to acquire, by way of
 purchase or otherwise, hold, manage, plan, develop and
 mortgage or otherwise dispose of land and other property, to
 carry out by or on its behalf building, engineering, and other
 operations, to execute works in connection with services and
 amenities and generally to do anything necessary or expedient
 for purposes incidental thereof;
- (iv) to guide, direct and assist the local authority or authorities
 and/or other statutory authorities functioning in the urban
 development area in matters pertaining to the planning,
 development and use of urban land as per the Master Plan;

- (v) to control the development activities in accordance with the Master plan in the Master Plan area;
- (vi) to levy and collect such security fees for scrutiny and processing of documents and for permission for development as may be prescribed;
- (vii) to enter into contracts, agreements or arrangements with any person or organisation as the Development Authority may deem necessary for performing its function;
- (viii) to exercise such other powers and perform such other functions as are supplemental, incidental or consequential to any of the foregoing powers and functions or as may be directed by the State Government."

Amendment of 8.
section 8G

In the principal Act, in section 8G, after sub-section (2), the following sub-sections (3) and (4) shall be inserted, namely, -

- "(3) Notwithstanding anything contained in this Act, or the rules made thereunder, the Government may, after consulting all the Development Authorities, may by notification create any class of officers or employees of the Authorities into an Urban Development Authorities Service for the State.
- (4) The methods of recruitment, conditions of service, pay and other allowances, and conduct of such officers and employees of the Urban Development Authorities service, shall be as may be prescribed."

Insertion of new 9.
section 8I and 8J

In the principal Act, after section 8H, the following new sections 8I and 8J shall be inserted, namely, -

"Declaration of
Planning Areas

- 8I (1) The Government may, for the purpose of securing planned development of regions or areas within the State, after consultation with the Director, Town and Country Planning Assam, declare by notification, published in the Official Gazette, any such region or area or regions or areas, including a Metropolitan Area or area for development of new towns in the State to be a Planning Area, by whatsoever name known for the purposes of this Act.
- (2) Every such notification shall precisely define the limits of such Planning Area.
- (3) The Government, after consultation with the Director, Town and Country Planning Assam, may declare, with reference to such Planning Area, its surrounding area, defining clearly and unambiguously, as its Peripheral Area:
- (4) The Government, after consultation with the Director, Town and Country Planning Assam and the concerned Authorities,

may amalgamate two or more Planning Areas into one Planning Area, sub-divide Planning Area(s) into different Planning Areas and include such sub-divided areas in any other Planning Area.

- (5) The Government, by notification, published in the Official Gazette may direct that all or any of the rules, regulations, orders, directions and powers made, issued, and in force in any other Planning Area at that time, with such exceptions, adaptations and modifications, as may be considered necessary to apply to the area declared as amalgamated or included in a Planning Area under this section and such rules, regulations, bye-laws, orders, directions and powers forthwith shall apply to such Planning Area without further publication.
- (6) When Planning Areas are amalgamated or sub-divided, the Government after consultation with the Director, Town and Country Planning Assam, shall frame a Scheme determining what portion of the balance of the funds shall vest in the Planning Authority (ies) concerned and in what manner the properties and liabilities of the Planning Authority (ies) shall be apportioned amongst them and on the Scheme being notified, the fund, property and liabilities shall be vested and be apportioned accordingly.
- (7) On or after the date of such notification of declaration of the Planning Area as well as Peripheral Area, the Government may impose such restrictions and conditions for transaction or any use of land in any part lying within these areas for such period as it considers necessary for preparation and implementation of the Master Plan or any other Plan as described in this Act in the manner prescribed.

Withdrawing of Planning Area

8J

- (1) The Government, after consultation with the Director, Town and Country Planning Assam may, by notification, published in the Official Gazette withdraw from the operation of any of the provisions of this Act, the whole or a part of any Planning Area declared.
- (2) When such a notification is issued for any Planning Area:-
 - (a) the relevant provisions of this Act and all notifications, rules and regulations, orders, directions and powers issued, made or conferred under this Act shall, cease to apply to the said area.

- (b) the Government shall, after consulting the Authority (ies) concerned, frame a Scheme for determining the portion of the balance of the fund of the Planning Authority that shall vest in the Government and the Local Authority (ies) concerned and in what manner the properties and liabilities of the Authority shall be apportioned between the Government and the Local Authority (ies) and on the Scheme being notified, the fund, property and liabilities of the Authority shall vest and be apportioned accordingly.”.

Amendment of section 9 10. In the principal Act, for section 9 ,the following shall be substituted, namely,-

“(1) Master Plan is a statutory plan document, prepared for stream-lining the land use within the delineated planning area. It is a long term plan that provides a conceptual layout for the future urban growth and development. The uniform zoning regulation notified by the State Government from time to time shall be used in laying down broad directions of growth and controlled urban development on rational lines.

(2) A Master Plan hereinafter referred to as “Plan” in this Act for the development of any area within the state which the State Government may consider necessary, shall be drawn up by the Director or the Office of the Deputy Director/ Assistant Director of the Director Town and Country Planning in consultation with the local authority/ authorities concerned and submitted to the State government through the Advisory Council for examination and approval.”

Amendment of section 10 11. In the principal Act, in section 10, in sub-section (1), in second line, the words “and the regulation” appearing in between the words “plan” and “from” shall be deleted and in third line, in between the word “published” and “in”, the words “in the Official Gazette and in some local newspaper” shall be inserted.

Amendment of section 11 12. In the principal Act, for section 11 ,the following shall be substituted, namely,-

“Contents of Master Plan 11. The Master Plan as defined under section 9 shall include, as far as may be applicable, the following namely:-

(1) **EXISTING LANDUSE MAP:**

- (i) **Residential:** (including slum areas, space for affordable housing and Government provided housing Scheme, if any);

- (ii) **Commercial** : major markets and commercial hubs including existing and proposed vending zones and vendors markets, daily and weekly markets, etc.;
 - (iii) **Industrial**: current manufacturing areas and industrial warehouses, etc; also including, current and proposed LPG Storage areas;
 - (iv) **Public/Semi-public**: Pay and Use Toilets, Cemetery, Burial and Cremation grounds, Religious buildings, Lifeline Buildings like Hospitals, PHCs, Police stations, Major Institutional Buildings like educational institution and offices such as Deputy Commissioner's office, Fire Stations; etc;
 - (v) **Recreational spaces**: Parks, gardens, stadium and sports complex ;
 - (vi) **Open Spaces**: Restricted developable multi-purpose open space like maidans for public assembly, functions, sports, etc.;
 - (vii) **Green belt**: Restricted development, including plantations, fisheries, urban forestry, hills, grazing lands, barren land, non-agricultural char areas in and along rivers, etc.;
 - (viii) **Eco-zone** : Undevelopable areas, including Reserved forest, wetlands, wildlife corridors, sanctuaries, etc.
 - (ix) **Agriculture**;
 - (x) **Water bodies**: Rivers, beels, wetlands, swamps, big ponds, Natural channels as already demarcated in Cadastral maps;
 - (xi) **Transport**: Bus terminals, Truck Terminals, Airport, railway station, internal water ways, etc.;
 - (xii) **Special areas**: Old-build up, Heritage, Pilgrimage and Notified Archeological sites, if any.
- (2) **PROPOSED LAND USE MAP:**
- (i) **Residential**: (also including slum areas, space for affordable housing and Government provided housing Scheme, if any);
 - (ii) **Commercial**: major retail and wholesale markets and commercial hubs including existing and proposed vending zones and vendors markets, daily and weekly markets, etc.;

- (iii) **Industrial:** current manufacturing areas and industrial warehouses, etc., also including, current and proposed LPG Storage areas;
- (iv) **Public/Semi-public:** Pay and Use Toilets, Cemetery, Burial and Cremation grounds, Religious buildings, Stadiums, Lifeline Buildings like Hospitals, Primary Health Centres, Police stations, major Institutional Buildings like educational institution and offices such as Deputy Commissioner's office, Fire Stations, etc.;
- (v) **Agriculture;**
- (vi) **Open Space:** Restricted developable multi-purpose open space like maidans for public assembly, functions, sports, etc.;
- (vii) **Green belt:** Restricted development, including plantations, fisheries, urban forestry, hills, grazing lands, barren land, non-agricultural char areas in and along rivers, etc.
- (viii) **Eco-zone :** Undevelopable areas, including Reserved forest, wetlands, wildlife corridors, sanctuaries, etc.;
- (ix) **Recreational spaces:** Parks, gardens, stadium and sports complex ;
- (x) **Water bodies:** Rivers, beels, wetlands, swamps, big ponds; Natural channels as already demarcated in Cadastral maps;
- (xi) **Transport:** Bus terminals, Truck Terminals, Airport, railway station, internal water ways, etc.;
- (xii) **Special areas:** Old-city Build-up, Heritage, Pilgrimage and Notified Archeological sites, if any, in proposed area;
- (xiii) **Composite uses:** Mix of Commercial, Residential, Public-semi public, existing industrial, etc.;
- (xiv) Eco-sensitive zones;
- (xv) Central Business District(CBD);
- (xvi) Transit Oriented Development zones.(TOD);
- (xvii) Transferable Development Right emanating zones;

(3) PROPOSED ZONING MAP

- (i) Residential;
- (ii) Commercial;
- (iii) Industrial;
- (iv) Public and Semi-public;
- (v) Agriculture;
- (vi) Green belt;
- (vii) Recreational Spaces;
- (viii) Open Spaces;

- (ix) Eco-zone ;
- (x) Transport zones;
- (xi) Water Bodies;
- (xii) Composite Zone;
- (xiii) Eco-sensitive zones;
- (xiv) Central Business District (CBD);
- (xv) Transit Oriented Development zones (TOD);
- (xvi) Transferable Development Right (TDR) emanating zones;
- (xvii) Land use permissibility in different zones.

(4) PROPOSED CIRCULATION MAP

(Existing and proposed)

- A. (i) Road hierarchy in the city including bye-pass road;
- (ii) Demarcation of incomplete loops of major roads;
- (iii) Bus terminals, and major bus stops (with or without infrastructure);
- (iv) Freight zones and Logistics (including truck and inland water) ;
- (v) On-street parking for trucks and heavy vehicles and other vehicles (only existing);
- (vi) Proposed truck and heavy vehicle parking bays, designated parking for other vehicles ;
- (vii) Major accident-prone zones;
- (viii) Multi-car parking; mechanized parking, proposed parking for major transit zones like bus stops, railway station and ferry ghats, proposed parking for major commercial and institutional areas;
- (ix) Designated Cycle tracks in suitable streets;
- (x) Footpaths of minimum 2 metre width;
- (xi) Proposed major rotary and junction improvements (road curves, signals signage, etc.);
- (xii) Proposed streets for Street lighting;
- (xiii) Railway track (existing track and proposals by Railways, if any);
- (xiv) Inland water transport (Ferry ghats, and their freight zones);
- (xv) Petrol/diesel Filling Stations;
- (xvi) Fly-overs, bridges, river bridges;
- (xvii) Transit Oriented Development zones.(TOD).

B. Alignment and Reservation of land**(5) PROPOSED UTILITIES PLANS***(existing and proposed)***(i) Water Supply and Drainage Plan:**

(a) Water Supply Plan: Distribution zones, Intake points, raw water mains, Water treatment plant, Clean water overhead reservoirs, distribution network, important ponds for intake of water by Fire Department during disaster/emergency, fire hydrants.

(b) Drainage plan: delineation of basin area, major drains, sluice gates, silt traps, if any, major water logged areas.

(c) Alignment and Reservation of land**(ii) Sewerage plan and Solid Waste Management Plan**

(a) Sewerage plan: indicating trunk lines below and along roads, sewerage treatment plant (lower-most points of the city for analyzing gravity flow);

(b) Solid Waste Management: Location of Urban Local Body (ULB)-provided garbage bins; major garbage dumping areas near vegetable and fish markets; commercial areas, residential areas, Vending zones, Bus terminus, industrial areas, etc.; garbage collection points; garbage transfer stations; Industrial effluent treatment plants; Urban Local Body (ULB) Disposal Sites for garbage treatment/recycle; current and proposed landfill site.

(6) At the time of preparation of the Master plan, concerned District Disaster Management Authority shall be consulted, relevant norms, rules, plans etc. as provided by the District Disaster Management Authority shall be considered and incorporated in the Master Plan.

(7) A report giving relevant data and information in respect of the proposals in the Plan and any other things which the State Government may deem necessary.”

Amendment of
section 12

13.

In the principal Act, in section 12,

(i) in second line, the words “and the Regulations” appearing in between the words “Plan” and “they” shall be deleted.

(ii) in last line, after the word ‘behalf’ the following shall be

inserted, namely:-

“The copies of final Master Plan shall also be sent to all other stakeholder Agencies/ Departments for implementation of projects in compliance with the Master Plan/ Uniform Zoning Regulation and Building Rules/Byelaws. Any micro level Project, Scheme etc which are not specified in the Master Plan but proposed to be undertaken by the related Agencies/Departments shall be intimated to the Director, Town and Country Planning, Assam for necessary updation in the Master Plan.”

Insertion of section 12A	14.	In the principal Act, after section 12, the following new sections 12A and 12B, 12C and 12D shall be inserted, namely ,-
“Area without any Authority	12A.	Where no authority is constituted; concerned Office of the Deputy Director/ Assistant Director of Directorate of Town and Country Planning Assam shall be the implementing authority of Master Plan, Zoning Regulation, Building Rule/ Building Bye Law and all the provisions as mentioned in the Act. The required Planning Permit shall be issued by the Office of the Deputy Director/ Assistant Director under Director of Town and Country Planning, Assam.
Implementation of Master plan when not notified	12B.	Notwithstanding anything contained in this Act or any other Act or rules, where there is no Master Plan notified, in that case, the Deputy Director/ Assistant Director of the District Offices of Town and Country Planning, Assam shall implement the provisions of Master Plan, Zoning Regulation, Building Rule/Building Bye Law etc, through preparation of Proposed Landuse and Zoning Map as per section 11 of this Act.
Procedure for implementing Master Plan	12C.	<p>(1) All development projects including commercial, industrial, public and semi-public, recreational, residential projects etc. shall conform to the provisions of the Master Plan, Zoning Regulation, Building Bye Law/ Rules etc. Moreover all private development by individual and group shall also conform to the same.</p> <p>(2) The applicant shall obtain a Zoning Certificate from the Deputy Director/ Assistant Director of the Town and Country Planning under whose jurisdiction the area falls before applying for any building or land sale permission from the concerned Authority to ensure whether the proposed use is permissible in the zone.</p> <p>(3) The concerned Authority shall forward all such applications received for building and land sale permission to the Deputy Director/ Assistant Director of Town and Country Planning under whose jurisdiction the area falls for scrutinizing</p>

whether such proposals are in conformity with the Master Plan, Zoning Regulation, Building Bye Law/Rule etc and to obtain recommendation from him for the same. The concerned Authority shall not grant/reject any such permission without obtaining the said recommendation by the Deputy Director/Assistant Director of Town and Country Planning.

No reclassification
of Agricultural
landuse

12D. Notwithstanding anything inconsistent therewith contained in any other law for the time being in force, there shall be no reclassification of Agriculture land use to residential landuse if such land already falls in the residential zone earmarked in the Master Plan of the City or Area. The landuse prescribed in the Zoning Map of Master Plan shall prevail and permissible activities as provided in the Uniform Zoning Regulation as notified by the state shall be allowed to operate.”

Amendment of
section 13

15. In the principal Act,

(i) after sub-section (2), the following sub-section (2A) shall be inserted, namely: –

“(2A). The Authority shall furnish the applicant with a written acknowledgment of its receipt and after satisfying itself that the development charge and scrutiny fees, if any, payable by the applicant has been paid and after making such inquiry as it thinks fit may, subject to the provisions of this Act, by order in writing,-

(i) Grant the permission with or without any condition; or

(ii) Grant the permission, subject to any general or special orders made by the State Government in this behalf.”

(ii) after sub-section (4), the following sub-sections (4A) and (4B) shall be inserted, namely –

“(4A). If any person carries out any development work or retains the use of any building or work or continues the use of land in contravention of the provisions of section 13 or of any permission granted under sub-section (1) of this section, the Authority may direct such person, by notice in writing, to stop further progress of such work or to discontinue any use and may, after making an inquiry in the prescribed manner, remove or pull down any building or work carried out and restore the land to its original condition or, as the case may be.

(4B). Any expenses incurred by the Authority under sub-section (4) shall be a sum due to the Authority under this Act from the person in default.”

- (iii) for sub-section (5), the following shall be substituted, namely:-
 “ (5) Notwithstanding anything contained in the sub- section (1) to (4) of this section, no person shall make any construction or land development by land filling, which blocks the flow of a natural drainage channel or a drain constructed by the local Authority. The Authority shall serve a notice to the person under whose instance the construction or land development has been undertaken, requiring him to pull down or remove the work for such contravention within a period of three days.”
- Amendment of section 13A 16. In the principal Act, in section 13A, after the last line, the following shall be inserted, namely, –
 “The Town Planning Officer of the Authority shall scrutinize such application for NOC before it is placed for approval by the Authority.”
- Insertion of section 13B 17. In the principal Act, after section 13A, the following section 13B shall be inserted, namely, –
“Lapse of permission **13B.** Every permission granted or deemed to have been granted under section 13 of this Act shall remain in force for a period of two years from the date of such grant and thereafter it shall lapse:
 Provided that the Authority may, on application made to it accompanied with required fee, from time to time, extend such period by a further period or periods not exceeding one year at a time, so however, that the extended period shall in no case exceed five years in the aggregate :
 Provided further that the lapse of the permission as aforesaid shall not bar any subsequent application for fresh permission under this Act.”
- Insertion of new section 21A 18. In the principal Act, after section 21, the following new sections 21A, 21B, 21C, 21D, 21E, 21F and 21G shall be inserted, namely : –
“Detailed Town Planning Scheme 21A. *“Detailed Town Planning Scheme”* means a layout plan for a particular area within the designated planning area, conceived within the framework of the Master Plan, if any, providing detailed proposals, indicating the manner in which the use of land and development therein shall be carried out.
- Power to take up Detailed Town Planning Schemes 21B. After commencement of this Act, by notification in the Official Gazette, the Authority may undertake development of an area, including regulation of activities in that area, under its jurisdiction, by framing and implementing Detailed Town Planning Schemes, within the frame work of Master Plan, if any, under this Act.
- Scope and Contents of Town Planning Scheme 21C. (1) A Town Planning Scheme may have detailed proposals, including but not limited to the following matters, namely:-

- (a) establishment of new housing development schemes for different income groups including housing for economically weaker sections of the society, destitutes, women and children in distress, disabled, physically challenged, senior citizens etc.;
 - (b) establishment of commercial centres, including specialised markets, wholesale and retail trade centres;
 - (c) establishment of tourist centres and tourism related infrastructure;
 - (d) establishment of industries, industrial estates, factories, service industries etc.;
 - (e) development and landscaping of open spaces, recreational grounds, parks, zoological and botanical gardens and social forestry;
 - (f) conservation of ecologically sensitive areas;
 - (g) protection of environmentally sensitive areas;
 - (h) conservation of heritage sites and buildings, objects of historical importance or natural beauty and of buildings actually used for religious purposes;
 - (i) proposals for natural hazard prone areas;
 - (j) resettlement, rehabilitation and up-gradation of slum areas;
 - (k) provision of health care, religious, cultural and educational facilities;
 - (l) construction, reconstruction, alteration, improvement and maintenance of public roads and streets, bridges, pedestrian facilities, safe path for the cycle-riding, parking facilities, transport terminals including bus depots, bus bays, bus stops, street lighting and avenue plantation, improvement of road junctions;
 - (m) provision of public transportation including mass transportation;
 - (n) informal sectors;
 - (o) such other matters not inconsistent with the objects of this Act, as may be considered necessary.
- (2) Every Detailed Town Planning Scheme shall contain details,

as far as may be applicable, in respect of,-

- (a) land assembly over which the Detailed Town Planning Scheme is to be implemented;
- (b) layout plan and other relevant drawings and details including, if necessary, the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the number, and character of buildings allowed in specified areas, the purposes for which buildings or specified areas may or may not be appropriated, the subdivision of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, floor area ratio, coverage, height, parking space, the size of projections and advertisement signs and hoardings;
- (c) total estimated cost, source of funding, cost recovery statement, if any;
- (d) manner of disposal of assets, if any;
- (e) management and maintenance mechanism; and
- (f) any other matters as may be considered necessary for ensuring planned development.”

Procedure for
preparation,
publication and
sanctioning of
Town Planning
Scheme

- 21D (1) The Authority may, at any time, by resolution, decide to prepare or adopt a Town Planning Scheme and shall notify same, in the Official Gazette and in at least one newspaper having wide circulation and such notification shall contain the boundaries of the planning area and the purpose for which such Plan is intended to be prepared.
- (2) The Authority shall, in consultation with the Director, Town and Country Planning, State Government and other Government Departments and agencies, prepare or get prepared a draft Town Planning Scheme for the planning area within two years from the date of notification in the Official Gazette of the intention to prepare the Plan under sub-section (1) above, after reviewing Plans, if any, prepared earlier, duly approve such plan through resolution of the Advisory Council, and publish the draft Town Planning Scheme in the website and the notice of publication in the Official Gazette and in at least two newspapers having wide circulation in the local planning area, of which one must be in the regional language, specifying the place or places

where a copy of the same is available for inspection and also inviting objections and suggestions to be submitted within 60 (sixty) days from the date of publication of the notice in the Official Gazette.

- (3) After the expiry of the period allowed under sub-section (2) above for filing objections and suggestions, the Authority concerned shall consider all the objections and suggestions received and shall after allowing a reasonable opportunity of being heard, to any person who has made a request for being so heard, make such modifications in the Town Planning Scheme as it considers proper, as far as possible, within a period of sixty days from the time limit prescribed for receiving objections and suggestions under sub-section (2) above and shall submit the Town Planning Scheme with or without modifications, together with all objections and suggestions in original, for sanction of the Government.
- (4) The Government may, as far as possible, within sixty days from the date of the receipt of such Town Planning Scheme after considering all objections and suggestions in consultation with the Director, Town and Country Planning, either accord sanction with or without modifications or refuse such sanction specifying reasons thereof:

Provided that if the Town Planning Scheme is returned for incorporating modifications, if any, suggested by the Government, the modified Town Planning Scheme shall be resubmitted within ninety days for sanction as if the same is submitted afresh under this Act.

- (5) Immediately after a Town Planning Scheme is sanctioned by the Government under this Act the Authority concerned shall notify the fact of sanctioning of the Town Planning Scheme in the Gazette and publish a notice in at least one local newspaper having wide circulation mentioning the place or places where a copy of the same shall be available to the public for reference or for sale. The sanctioned Town Planning Scheme shall also be published in the website of the Director, Town and Country Planning.
- (6) The procedures for sanctioning the Town Planning Scheme specified above shall continue to be in operation until sanction has been accorded, even if the time limit specified under sub-sections (2) to (4) above are not complied with:

Provided that in cases where a sanctioned Master Plan or Town Planning Scheme already exists in the area, its provisions shall only apply until the published Town Planning Scheme is sanctioned in accordance with this Act.

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| Set-up special function agencies | 21E. | An appropriate Authority, with the prior approval of the Government, may set-up special function agencies for the performance of such specific functions, in accordance with and not inconsistent with the objects of this Act, in such cases where it considers appropriate that it would be in public interest and would effect economy and efficiency in the performance of the functions assigned to it. |
| Town Planning Schemes that are published but not sanctioned within the time limit prescribed | 21F | Notwithstanding anything contained in this Act, in respect of any area for which planned development is necessary and the published Town Planning Scheme is not sanctioned within the time limit prescribed, the Government, may, after making such enquiry as they may deem necessary, require the Development Authority concerned to process and sanction the Town Planning Scheme as laid down in this Act. |
| Local Area Plan | 21G | <p>(1) Preparation of Local Area Plan :</p> <p>Subject to the provisions of this Act or any other law for the time being in force, the Authority may after the draft Master Plan has been notified by the Government, prepare Local Area Plan(s) for the purpose of implementing the proposals contained in the Master Plan or as per the requirement as identified by the Authority or Government time to time and prepare Local Area Plan for such area or areas within its jurisdiction or any part thereof:</p> <p>Provided that when the notification of a draft Master Plan has been notified in the Official Gazette the Government may direct an Authority to prepare or invite Local Area Plan through the district office of Director of Town and Country Planning Assam under which jurisdiction the areas falls as per Local Area Plan so identified.</p> <p>(2) Scope and Contents of the Local Area Plan:</p> <p>(i) A Local Area Plan may be made in accordance with provisions of this Act in respect of any land which is,-</p> <p>(a) In the process of development,</p> <p>(b) Likely to be used for any development including building purposes, or</p> <p>(c) Already built upon</p> |

- (d) For the purpose of redevelopment
- (e) For the purpose of undefined as investment area or zone by the Government
- (f) Likely to be used for Transit Oriented Development Zone or any other Rapid Transit System Zone
- (g) Any other purpose which meant for the comprehensive development of the area

Explanation:-

The expression "land likely to be used for building purposes" shall include any land likely to be used as or for the purpose of providing adequate open spaces, roads, streets, parks, pleasure or recreational grounds, parking spaces, market area, institutional area, healthcare facility etc. 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.

- (ii) A Local Area Plan may make provisions for any or all of the following matters, namely:-
 - (a) The area, ownership and tenure of all existing plots covered by the scheme;
 - (b) The laying out or relaying out of land, either vacant or already built upon;
 - (c) The filling up or reclamation of low-lying swamp or unhealthy areas or leveling up of land;
 - (d) Layout of new streets or roads, construction, diversion, extension, alteration, improvement, closure or relocation of streets, roads and communications;
 - (e) The reconstitution of plots;
 - (f) The construction, alteration and removal of buildings, bridges and other structures;
 - (g) The allotment or reservation of land for roads, open spaces, gardens, parks, recreation grounds, schools, markets, residential purposes, industrial and commercial activities, green belts and dairies, transport facilities and public purposes of all kinds, the portion of land which can be acquired;

- (h) Undertaking housing schemes for different income groups, including housing for economically weaker sections (EWS), commercial areas, industrial estates, provision of community facilities like schools, hospitals and similar type of developments;
- (i) Drainage, sewerage, surface or sub-soil drainage and sewage disposal;
- (j) Lighting;
- (k) Water supply;
- (l) The preservation and protection of objects of historical importance or of natural beauty and of buildings actually used for religious purposes;
- (m) the imposition of conditions and restrictions in regard to the open space to be maintained around 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 not 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;
- (n) The suspension, so far as may be necessary, for the proper carrying out of the scheme, of any rule, bye-law, regulation, notification or order made or issued under any Act which the State Legislature is competent to amend;
- (o) Acquisition by purchase, exchange, negotiating settlement or otherwise of any property necessary for or effected by the execution of the scheme;
- (p) The reservation of land for development of infrastructure, parks, common amenities, parking etc, shall be made from the total area covered under the scheme, as prescribed in the Rules.
- (q) Such other matters not inconsistent with the objects of this Act, as may be directed by the Government or as may be prescribed.

(3) **Approval of the Local Area Plan:**

- (i) The draft Local Area Plan prepared by the Authority shall be submitted by the Authority to the Director, Town and Country Planning Assam for further draft notification by the Government.
- (ii) The Authority shall examine the Local Area Plan in the light of the Act and objections that may be received from the stakeholders, giving reasonable opportunity of being heard to all such interested stakeholders who have filed objections and who have made request for being so heard in the manner prescribed within the period of sixty (60) days from the date of publication of draft Local Area Plan. Further, the Authority shall make such amendments in the draft of the Local Area Plan as it considers proper and shall, as soon as may be, but not later than the time prescribed by the Rules, submit to the Director, Town and Country Planning Assam for Govt. approval of the Local Area Plan through an order published in Official Gazette, with or without modifications and it shall also provide a copy of the objections received by it and its decisions thereon.
- (iii) The Authority shall, after incorporating all the modification or changes, if any after the expiry of sixty (60) days from the draft publication of the Draft Local Area Plan, shall submit to the Director, Town and Country Planning for placing it before the Advisory Council for approval and final publication in the Official Gazette after the recommendation of the Advisory Council.

(4) **Power of the Government to require the Authority to make Local Area Plan:**

- (i) Notwithstanding anything contained in this Act, the Government may, in respect of any Planning Area after making such enquiry as it deems necessary, direct the concerned Authority through the Director, Town and Country Planning Assam to make and publish in the prescribed manner, a Local Area Plan in respect of any land in regard to which a Local Area Plan may be made.
- (ii) If the Authority fails to make the Local Area Plan within three months from the date of direction made

under clause (i) above, the Government may direct the Director, Town and Country Planning Assam to make and publish and submit the Local Area Plan to the Government, and thereupon the provisions of this Act shall, as far as may be applicable, apply to the making of such Local Area Plan.

(5) **Power of Government to suspend rules, bye-laws or regulations:**

- (i) Where the Local Area Plan through order published in Official Gazette, the Government may, on an application by the Authority, suspend by order published in the Official Gazette to such extent only as may be necessary for the purpose of carrying out of the Local Area Plan, any rule, bye-law, regulation, notification or order made or issued under any law which the Legislature of the State is competent to amend.
- (ii) Any order issued under clause (1) above shall cease to operate in the event of the Local Area Plan being withdrawn by the Planning Authority either on its own or under the directions of the Government.
- (iii) No person shall within any area where a Scheme has come into force erect or proceed with any building or work or remove or 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 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.

(6) **Appeal against matters determined by the Authority:**

From every decision of the Authority in matters arising out of aforesaid provisions, an appeal shall lie within one month from the date of the decision, to the Tribunal constituted under this Act.

(7) Exclusion or Limitation of Compensation in Certain Cases:

- (i) No compensation shall be payable in respect of any property or private right of any sort which is alleged to be injuriously affected by reason of any provision(s) contained in the Local Area Plan, if under any other law for the time being in force applicable to the area for which such Local Area Plan is made, no compensation is payable for such injurious affection.
- (ii) Any property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provision contained in a Local Area Plan securing the amenity of the area included in such Local Area Plan or any part thereof or imposing any conditions and restrictions in regard to any of the matters specified in clause (1) above.

(8) Decision of Authority to be final in certain matters:

- (i) Where no appeal has been made under sub-section (6) section 21 the decision of the Authority shall be final and binding on the parties.
- (ii) Where an appeal has been made under sub-section (6) and a copy of the decision in appeal is received by the Authority, it shall then, where necessary, make variation in the Local Area Plan in accordance with such decision and may also rectify such error(s) or omission(s), if any, as may have been brought to its notice after publication of the Local Area Plan and shall also forward such Local Area Plan together with copies of its decisions and copies of the decisions in appeal to the Board.

(9) Power to Vary Scheme on ground of error, irregularity or informality:

- (i) If after the Local Area Plan has come into force, the Authority considers that the Local Area Plan is defective on account of an error, irregularity or informality or that the Local Area Plan needs variation or modification of a minor nature, the Authority shall prepare and publish a draft of such variation in the prescribed manner and submit to Government for notification in the Official Gazette through the Director, Town and Country Planning Assam,

- (ii) The draft variation published under clause (i) above shall state every amendment proposed to be made in the Local Area Plan, and if any such amendment relates to a matter specified in the Act, the draft variation shall also contain such other particulars as may be prescribed.
- (iii) The draft variation shall be open to the inspection of the public at the office of the Authority during office hours for one month.
- (iv) Not later than one month from the date of the publication of the draft variation, any person affected thereby may communicate in writing his objections to the Authority.
- (v) After receiving the objections under clause (iv) above, the Planning Authority shall after making such enquiry as it may think fit, notify the variation with or without modification by submitting it to Government for notification in the Official Gazette through the Director, Town and Country Planning Assam.
- (vi) From the date of the notification of the variation, with or without modifications, such variation shall take effect as if it were incorporated in the Local Area Plan.

(10) Power to vary Local Area Plan:

Any Local Area Plan may at any time be varied by a subsequent Local Area Plan made and published in accordance with this Act:

Provided that when an Local Area Plan is so varied, the provisions of this Act shall, so far as may be applicable, apply to such variation and making of subsequent Local Area Plan; and the date of publication of the varied Local Area Plan shall be deemed to be the date of publication of the Local Area Plan referred in the relevant sections.

(11) Execution of Works in the Local Area Plan by the Authority:

- (i) The Authority shall complete all the works provided in a Local Area Plan within the period prescribed;
- (ii) Notwithstanding anything contained in clause (i) above, require the Authority to complete the works within a further period as it may consider reasonable or appoint other agency/agencies to complete such works."

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| Amendment of section 22 | 19. | In the principal Act, in sub-section (1), in fourth line, in between the word “the” and “minimum” the word “height” shall be inserted. |
| Amendment of section 30 | 20. | <p>In the principal Act, in section 30, before the word “should” the punctuation mark and number “(1)” shall be inserted and in the sixth line, after the word “plan” the words “within a period of 7 days from the date of notice served” shall be inserted and thereafter the following new sub-sections (2) and (3) shall be inserted, namely:-</p> <p>“(2) If any building is erected or re-erected in contravention of any development scheme or any Building Byelaws/ Building Rules or without plans having been deposited to the Authority or notwithstanding rejection of plans or otherwise then in accordance with any requirements under this Act/ Building Byelaws/ Master Plan, the Authority shall serve a notice to the person under whose instance the construction has been undertaken, requiring him to pull down or remove the work for such contravention within a period of 7 days.</p> <p>(3) If a person to whom a notice has been served under the foregoing provisions of this Section fails to comply with the notice, the Authority may pull down or remove the work in question or effect such alteration therein as Authority may deem necessary and may recover from him the expenses incurred during the demolition. Such action shall be taken by the Authority after expiry of 7 days of the Notice served under the foregoing provisions of this section.”</p> |
| Amendment of section 31 | 21. | <p>In the principal Act,</p> <p>(i) in section 31, in the second line, in between the words “not exceeding” and “on any person” for the word and number “Rs. 250”, the word and number “Rs. 50000/-” shall be substituted and in the sixth line, the words “may be imposed for the days after the first conviction” shall be deleted.</p> <p>(ii) in the fifth line, in between the words “a fine of” and “per day” for the word and number “Rs. 50” the word and number “Rs. 1000” shall be substituted</p> |
| Amendment of section 33 | 22. | <p>In the principal Act, for section 33, the following shall be substituted, namely, -</p> <p>“(1) Any land required, reserved or designated in any Master Plan, Development Scheme, Town Planning Scheme shall be deemed to be land needed for a public purpose within the meaning of “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013”, or any other Land Acquisition Act in force from time to time, and may be acquired by</p> |

the Government under the said Act as modified in the manner provided in this Act on request by the respective Authority or Director, Town and Country Planning Assam.

- (2) Where any land has been acquired by the Government, after taking possession of the land, the Government may transfer the land to the concerned Authority for the purpose for which the land has been acquired on payment by the concerned Authority of the compensation awarded under that Act and of the fee.
- (3) On receipt of an application made under sub-section (1) above, if the Government is satisfied that the land specified in the application is needed for the public purpose specified therein, the Government may make a declaration to that effect in the Gazette, in the manner provided in relevant section of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- (4) On the publication of such declaration, the Deputy Commissioner of the district within whose jurisdiction the land is situated, shall proceed to take order for the acquisition of such land under the said Act; and the provisions of that Act shall, so far as may be, apply to the acquisition of the said land.”.

Central Act
30 of 2013

Insertion of 23.
section 33A,
33B, 33C and
33D

In the principal Act, after section 33, the following new sections 33A, 33B, 33C and 33D shall be inserted, namely:-

“Transfer of
Government Land
to the Respective
Authority

- 33A The Government may by order and on such terms and conditions as may be agreed upon between the Government and the concerned Authority, place at the disposal of such Authority any developed and undeveloped government lands situated within the jurisdiction of such Authority for the purpose of development in accordance with the provisions of this Act.

Purchase of Land
by Negotiated
Settlement

- 33B Where after the publication of a Master Plan, Development Scheme, Town Planning Scheme, any land is required, reserved or designated in such plan, the concerned Authority may enter into agreement with any person for acquisition from him by purchase by paying such amount as may be arrived through negotiated settlement:

Provided the amount shall not exceed the minimum reserve value of land by more than the limit as decided by the Council and approved by the Government.

Acquisition of Land
by Transferable
Development Right

- 33C (1) Any area within a Master Plan Area, Development Scheme Area, Town Planning Scheme Area may be acquired by the Authority for public purposes with the consent of the owner,

by way of according Transferable Development Right in lieu of compensation payable by the authority in such manner as may be prescribed:

Explanation: - For the purpose of this section public purpose means:-

- (a) Widening of an existing road or formation of a new road, provision for drainage, sewer lines etc;
 - (b) Creation of civic amenities and infrastructure
 - (c) Providing for parks, playgrounds, open spaces, green areas and any other civic amenities;
 - (d) Maintaining or improving heritage building or precincts notified by the State Government
 - (e) Conservation of heritage sites
 - (f) Implementation of development control regulations
- (2) The Transferable Development Right so permitted may be utilized either by himself or by transfer to any other person, as may be prescribed. The area remaining after surrender shall have such permissible built up area as may be prescribed by the Rules or Regulations or bye-laws.
- (3) The procedure for award of Transferable Development Right shall be as may be prescribed.

Acquisition of Land by Accommodation, Reservation	33D	A Planning Authority or the Local Authority may, with the consent of the owner acquire land and built up space for public purposes indicated in the Development Plan from the owner and provide a built up space equivalent to area of the land and the built up space required for the amenity or facility in lieu of the cost of land and the built up space acquired for the infrastructure, public amenity, public utility and services which is transferred to the respective Planning Authority or Local Authority, in the manner as may be prescribed."
Amendment of section 34	24.	In the principal Act, for section 34, the following shall be substituted, namely:-
"Disposal of Land or other Property by the Authority	34	The disposal of any land acquired by the Government and transferred to the respective Authority with or without development thereon, or any other immovable property belonging to the Authority shall be provided to land owner following the procedure as may be prescribed for the purpose."
Insertion of section 34A	25.	In the principal Act, after section 34, the following new section 34A shall be inserted, namely:-
"Creation and Management of Development Land Bank	34A	The concerned Authority shall create and maintain a land bank, in which all lands acquired, allotted, purchased and obtained, shall be monitored and maintained and reviewed periodically."

Insertion of section 36A to 36U	26.	After section 36, the following new sections 36A to 36U shall be inserted, namely:-
"Authority to prepare Land Pooling Scheme	36A	Subject to the provisions of this Act or any other law for the time being in force, after the final Master Plan shall be notified by the State Government in the Official Gazette for the purpose of implementing the proposals contained in the plan, the Authority shall prepare one or more Land Pooling Schemes for any part of the area within their jurisdiction.
Declaration of intention to prepare Land Pooling Scheme	36B	<p>(1) The Authority may by a resolution declare its intention to make Land Pooling Scheme in respect of any part of the area within its jurisdiction for which a final Master Plan shall be notified in the Official Gazette by the State Government.</p> <p>(2) The Authority shall publish the declaration in the form of a notice in at least two local news papers.</p> <p>(3) The declaration published under sub-section (2) above shall contain the following, namely:-</p> <p>(a) The resolution of the Authority declaring its intention to prepare a Land Pooling Scheme.</p> <p>(b) The name of the place or places as well as the copy of the plan showing the boundary of the area to be included in the Land Pooling Scheme together with the proposals of the final Master Plan for that area shall be open for inspection of the public during office hours; and</p> <p>(c) An invitation to furnish information in the form prescribed (to be appended with the notice) within thirty days from the date of publication of such notice in respect of any title or interest which any person may have, in the land or building covered by the intended Land Pooling Scheme.</p> <p>(4) The Authority shall forward a copy of the resolution together with the notice and the plan as indicated in sub section (3) above to the Government through the Director, Town and Country Planning Assam.</p>
Engagement of the Project Planner	36C	Immediately before the declaration of the intention to prepare the Land Pooling Scheme, the Authority shall, with prior approval of the Director, Town and Country Planning Assam engage a Project Planner, for preparation of Land Pooling Scheme.
Contents of Land Pooling Scheme	36D	The Land Pooling Scheme shall contain the following particulars or details, namely:-

- (a) The area, ownership and tenure of all original plots covered by the Land Pooling Scheme.
- (b) Reservation, acquisition or allotment of land with general indication of such uses of land, which is contained in the Land Pooling Scheme and the terms and conditions, subject to which, such land is to be pooled for the Scheme;
- (c) The laying out or relaying out of the land either vacant or already built upon.
- (d) Preservation proposal for all eco-sensitive areas, RAMSAR sites, forest areas, water catchment areas, natural water bodies, streams, rivers, lakes, etc.
- (e) The extent to which it is proposed to alter the boundaries of the original plots in accordance with the proposed Land Pooling Scheme as the reconstituted final plots.
- (f) An estimate of the total cost of the Land Pooling Scheme and the net cost to be borne by the Authority.
- (g) Proposals to allocate Transferable Development Right (TDR) to any final plot owner in lieu of loss of area from the original plot with the consent of the owner; and
- (h) The imposition of conditions and restrictions in regard to the open space to be maintained around the buildings, the percentage of building area for a plot, the number, height and character of buildings allowed in specified areas, the purpose for which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, parking space, loading and unloading space for any building and the size of projections and advertisements;
- (i) Any other particulars as may be considered necessary by the Project Planner.

**Reconstitution 36E
of Original
Plots into
Final Plots**

- (1) In a Land Pooling Scheme reconstituting the plots, the size and shape of every reconstituted plot shall be determined, so far as may be, to render it suitable for building purposes, and where a plot is already built up to ensure that the buildings, as far as possible, comply with the provisions of the Land Pooling Scheme as regards to open spaces.
- (2) For the purpose of sub-section (1), the Land Pooling Scheme may contain proposals:-
 - (a) to form a final plot by reconstitution of an original plot by alteration of boundaries of the original plot, if necessary by the Project Planner.
 - (b) to form a reconstituted final plot, from an original plot by the transfer wholly or partially of the adjoining lands;

- (c) to allot a reconstituted final plot to any land owner dispossessed in furtherance of the objectives of the Land Pooling Scheme; and
- (d) to transfer the ownership of an original plot from one person to another.
- (e) to provide ownership, with consent of the owners, having separate plots in originally, a joint ownership with or without alteration of boundaries, in common as a reconstituted plot.
- Disputed ownership** 36F (1) Where there is a disputed claim as to the ownership of any piece of land included in an area in respect of which declaration of intention to prepare a Land Pooling Scheme has been made under section 36B and any entry in the records of rights or mutation register relevant to such disputed claim is inaccurate or inconclusive, an enquiry may be held by the Deputy Commissioner of the concerned district on submission being made by the Authority at any time for the purpose of deciding who shall be deemed to be the owner for the purpose of this Act.
- (2) Such decision of Deputy Commissioner shall be final but it shall not operate as a bar to a regular suit by the landowner or claimant.
- (3) Such decision if becomes inconsistent to any decree of civil court be corrected, and modified or rescinded in accordance with such decree as may be practicable after such decree has been brought to the notice of the Authority either by the civil court or by any person affected by such decree.
- (4) Where such a decree of the court is passed after the scheme has been notified under section 36K of this Act, such schemes shall be deemed to have been suitably verified by reason of such decree.
- Restriction on of use of land after declaration of Land Pooling Scheme** 36G (1) On or after the date of declaration of Land Pooling Scheme in the Official Gazette under sub-section (1) of section 36B of this Act,-
- (a) No person shall within the area included in the declaration erect or proceed with any building work remove, pull down, alter, make addition to, or make any substantial repair to any building, part of a building, a compound wall or any drainage work or remove any earth, stone or material or sub-divide any land or change the use of any land or building unless

- such person has applied for and obtained necessary permission from the Authority in the form prescribed;
- (b) The Authority on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt and may, after an enquiry, either grant or refuse such permission or grant it subject to such condition as the Authority may think fit to impose. If the Authority communicates no decision to the applicant within thirty (30) working days from the date of such acknowledgement, the applicant shall be deemed to have been granted such permission;
- (c) If any person contravenes the provisions contained in clause (a) or clause (b), the Authority may direct such person by a notice in writing to stop any work in progress, and after making inquiry in the prescribed manner, remove, pull down or alter any building or the work or restore the land in respect of which such contravention is made to its original condition;
- (d) Any expenses incurred by the Authority under clause (c) above, shall be a sum due to such Authority under this Act from the person in default or the owner of the plot.
- (2) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the Authority under sub-section (1) above except, in respect of a building or work begun or a contract entered into before the date on which the Authority has published the declaration of Land Pooling Scheme under sub section (2) of section 36B and only to such extent of such building or work which has already been proceeded at the time of the publication of the aforesaid declaration:

Provided that such claim to compensation in the excepted cases shall be subject to the conditions of any agreement entered into between such person and the Authority.

- (3) Whereunder section 36D-
- (a) The purpose to which any plot of land may not be used has been specified, such plot and land shall, within such period of not less than one year, as may be stipulated in the scheme, cease to be used for such purpose and shall be used only for the purpose specified in the Land Pooling Scheme.

- (b) The purpose to which any existing building may not be used as has been specified, such building shall, within such period of not less than three years as may be specified in the scheme, cease to be used for the purpose other than the purposes specified in the Land Pooling Scheme;
- (c) The purpose to which any plot of land with existing building may not be used has been specified in the Land Pooling Scheme and the existence of such building is inconsistent with the provisions of the Land Pooling Scheme, such building shall, within a period of not less than 10 years or a period as may be stipulated in the Land Pooling Scheme cease to exist:

Provided that such a period shall not be less than the reasonable life of the building as determined by the Authority;

- (4) Any person aggrieved by the decision of the Authority under this section may, within thirty days from the date of the decision, appeal to the Authority as may be prescribed and the order of the said Authority in appeal shall be final.
- (5) The provision of any development control and use of land as specified in this Act shall mutatis mutandis apply in relation to the unauthorized development or use of land included in a Land Pooling Scheme.
- (6) The restrictions imposed by this section shall cease to operate in the event of the Land Pooling Scheme being withdrawn by the Authority on its own or on the direction of the Government under section 36R.

Engagement of the Project Planner	36H	Immediately before the declaration of the intention to prepare the Land Pooling Scheme, the Authority shall, with the prior approval of the Director, Town and Country Planning Assam, engage a project planner for preparation of the Land Pooling Scheme. The Project Planner shall be not below the rank of Assistant Director appointed by the State Government to the Directorate of Town and Country Planning, Assam.
Preparation of Land Pooling Scheme	36I	<ul style="list-style-type: none"> (1) Immediately after appointment, the Project Planner shall proceed to formulate a draft Land Pooling Scheme in accordance with the provisions of the sections 36D and 36E of this Act. (2) Immediately after the draft Land Pooling Scheme has been prepared, the Project Planner shall convene a meeting of the owners of the original plots through a public notice and

explain the salient features of the draft Land Pooling Scheme. A brief record of the aforesaid meeting shall be maintained.

- (3) The Project Planner shall immediately thereafter proceed to prepare the final draft Land Pooling Scheme taking into account of the record of the meeting under sub-section (2) and decide any or all matters as given below:
- (a) Define, demarcate and decide the areas allotted to or reserved for the public purpose or purpose of the Authority and also the reconstituted final plots;
 - (b) Decide the person or persons to whom a reconstituted plot is to be allotted; when such plot is to be allotted; and in case such plot is to be allotted to persons in ownership in common, decide the share of such persons;
 - (c) Estimate the value of and fix the difference between the values of the original plots and the values of the reconstituted final plots included in the Land Pooling Scheme in the manner as prescribed under the rules and the amount of compensation payable for loss of the value and the area of in lieu thereof the extend of allowable Transferable Development Rights (TDR) if the owner so agrees;
 - (d) Estimate the compensation payable for the loss of area of the original plot in respect of any original plot which is wholly acquired under the Land Pooling Scheme or in lieu thereof, estimate allowable Transferable Development Rights (TDR) with the consent of the owner of the plot;
 - (e) Determine the amount of exemption, if any, from the payment of the contribution that may be granted in respect of plots or portions thereof exclusively used or occupied for institutional, religious or charitable purposes at the date on which public notice declaring the intention of preparation of the Land Pooling Scheme is published under section 36B of this Act;
 - (f) Calculate the contribution to be levied on each reconstituted plot included in the Land Pooling Scheme, in order to partly meet the cost of the Land Pooling Scheme which shall be levied on all final plots excluding those allotted to the Authority in proportion to the area of the final plots allotted to each owner on pro-rata basis;

- (g) Where a plot is subject to a mortgage with possession or a lease, to decide the proportion of compensation payable to or contribution payable by the mortgagee or lessee on the one hand and the mortgagor or the lessor on the other hand;
- (h) Estimate in reference to claims made before him, after the notice given by him in the prescribed manner, the compensation to be paid to the owner of any property of right injuriously affected by the making of a Land Pooling Scheme in accordance with the provisions contained in this Act;
- (i) Determine the period in which the works provided in the Land Pooling Scheme shall be completed by the Authority:

Provided that the Project Planner may make variations in the Land Pooling Scheme subject to the condition that any variation estimated by him to involve an increase of 10% of the total cost of the Land Pooling Scheme or Rupees One Lakh whichever is lower shall require the sanction of the Authority.

- (4) Immediately after the draft final Land Pooling Scheme has been prepared, the Project Planner shall convene the second and final meeting of the owners of the original plots to whom final plots are been allotted through a public notice and explain the draft final Land Pooling Scheme. A brief record of the aforesaid meeting shall be maintained.
- (5) Immediately after the meeting under sub-section (4) above, the Project Planner shall decide all matters referred in sub-section (3) above, after taking into account the brief record of the aforesaid meeting and submit the draft Land Pooling Scheme to the Authority.
- (6) On receipt of the draft Land Pooling Scheme under sub-section (5) above, the Authority may make such modification in such scheme as it may consider necessary with the association of the Project Planner.
- (7) The Authority, after considering the provision under sub-section (6) above, of the draft Land Pooling Scheme, shall submit to the State Government for draft notification of the draft Land Pooling Scheme in the Government Gazette through the Director Town and Country Planning, Assam.

**Consideration
of objections
and submission
of final draft**

- (8) Immediately after the Gazette Notification of the draft Land Pooling Scheme, the Authority shall publish notice of the preparation of the draft Land Pooling Scheme in two local news papers for wide publicity and inviting objections and suggestions from the public within sixty days of the date of publication of the aforesaid notice in the newspaper. The notice shall state the name of the place or places where a copy thereof shall be available for inspection by the public and that copies thereof or extracts there from certified to be correct shall be available for sale to the public at reasonable rate.

- 36J (1) After the expiry of the time and the period mentioned in sub-section 36 I, the authority shall examine the final draft Land Pooling Scheme in the light of the objections that may have been received and after giving reasonable opportunity of being heard to all such persons who have filed objections and who have made request for being so heard, may make such amendments as it considers proper and prepare the final draft Land Pooling Scheme.
- (2) The final draft Land Pooling Scheme prepared under sub-section (1) above, shall be forwarded to Government for approval and final Official Gazette notification through the Director, Town and Country Planning Assam.
- (3) The Government, as far as possible, within sixty days from the date of receipt of such Land Pooling Scheme after considering all objections and suggestions in consultation with the Director Town and Country Planning Assam either accord sanction with or without modification or refuse such sanction specifying the reason thereof:

Provided that if the Land Pooling Scheme is returned for incorporating modifications, if any, suggested by the Government, the modified Land Pooling Scheme shall be resubmitted within ninety days for sanction as if the same is submitted afresh under this Act.

- (4) Immediately after a Land Pooling Scheme is sanctioned by the Government under this Act the Authority concerned shall notify the fact of sanctioning of the Land Pooling Scheme in the Gazette and publish a notice in at least two local newspapers having wide circulation mentioning the place or places where a copy of the same shall be available to the public for reference or for sale. The sanctioned Land Pooling Scheme shall also be published in the website of the Directorate of Town and Country Planning, Assam.
- (5) The procedures for sanctioning the Land Pooling Scheme specified above shall continue to be in operation until sanction has been accorded, even if the time limit specified under this Act are not complied with:

Provided that in cases where a sanctioned Master Plan or Land Pooling Scheme already exists in the area, its provisions shall only apply until the published Scheme is sanctioned in accordance with this Act.

Appeal

- 36K (1) From every decision contained in the Land Pooling Scheme, in matters arising out of clauses (a),(b),(c),(g) and (h) of sub-section (3) of section 36 I, an appeal shall lie within one month of the notification of approval of the Land Pooling Scheme to the appellate authority prescribed under this Act.
- (a) Any person aggrieved by the decision in appeal of the prescribed Authority in matters referred to in sub-section (1) above, may appeal within sixty days from the date of decision of the prescribed Authority in appeal, to the District Judge within the local limits of whose jurisdiction the area included in the Land Pooling Scheme is situated.
- (b) The District Judge may transfer the appeal file before him to the additional District Judge for disposal.
- (c) The District Judge or the Additional District Judge, as the case may be, after making such enquiry as he may think fit, may either direct the Authority to reconsider the decision or accept, modify, vary or reject the decision contained in the approved Land Pooling Scheme and shall decide all matters arising out of clauses referred to in sub-section (1) above.
- (d) The decision of the District Judge or the Additional District Judge, as the case may be, shall be final and conclusive and binding on all persons. A copy of the decision in appeal shall be sent to Government and the Authority.
- (2) All other decisions pertaining to clauses (d) to (f) (both inclusive) and clause (i) of sub-section (3) of section 36 I contained in the Land Pooling Scheme shall forthwith be communicated to the party concerned and any party aggrieved by such decision may, within thirty days from the date of communication of the decision, appeal to the Tribunal for Land Pooling Scheme constituted under section 36M of this Act, in the manner and accompanied by such fee as may be prescribed.
- (3) Notwithstanding anything contained in section 36M of this Act, the filing of the appeal in matters referred to in sub-section (1) above, to the prescribed Authority or to the

		Tribunal of appeal for Land Pooling Scheme, as the case may be, shall not operate as a bar to the execution of Land Pooling Scheme.	
	(4)	The provisions of sections 5, 12 and 14 of the Indian Limitation Act, 1963 shall apply to appeals submitted under this section."	Central Act 36 of 1963
Constitution of Tribunal for Land Pooling Scheme	36L	<p>(1) The Tribunal for Land Pooling Scheme shall be a permanent Tribunal to be appointed by the Government consisting of a Chairperson and two Assessors for all Land Pooling Scheme within the State.</p> <p>(2) The Chairperson of the Tribunal for Land Pooling Scheme shall not be below the rank of a District Judge. A Civil Engineer not below the rank of Executive Engineer, Town and Country Planning Assam and a Town Planner not below the rank of Deputy Director, Town and Country Planning Assam shall be the two Assessors of the Tribunal. The Assessors shall be appointed by the Government by notification in the Official Gazette.</p> <p>(3) The Government as far as possible within sixty days from the date of receipt of such Land Pooling Scheme after considering all objections and suggestions in consultation with the Director Town and Country Planning Assam either accord sanction with or without modification or refuse such sanction specifying the reason thereof:</p> <p style="padding-left: 40px;">Provided that if the Land Pooling Scheme is returned for incorporating modifications if any, suggested by the Government, the modified Land Pooling Scheme shall be resubmitted within ninety days for sanction as if the same is submitted afresh under this Act.</p> <p>(4) The Government may, if it thinks fit remove for incompetence or misconduct or any other good and sufficient reason any assessors under sub-section (2) above.</p>	
Place where Tribunal for Land Pooling Scheme may sit	36M	The Tribunal for Land Pooling Scheme may sit either at the head quarter of the Chairperson or at any other place within the local limits of his jurisdiction which he may deem convenient for consideration and decision of any matter before such Tribunal for Land Pooling Scheme.	
Decision on question of law and other questions	36N	(1) All questions of law and procedure shall be decided by the Chairperson. All other questions shall be decided by the Chairperson and the two Assessors or by a majority of votes.	

		(2) The Tribunal while deciding an application under section 36 L of this Act shall have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely,-	Central Act 5 of 1908
		(a) requiring the production and inspection of documents;	
		(b) Issuing of summons for hearing;	
		(c) Or any other matter which may be prescribed.	
Tribunal for Land Pooling Scheme not to be court	36 O	Nothing contained in this Act shall be deemed to constitute the Tribunal for Land Pooling Scheme to be a court.	
Remuneration of Assessors and payment of incidental expenses of Tribunal for Land Pooling Scheme	36P	(1) In exceptional cases where the Land Pooling Scheme is a large one or the work involved is complicated, the Government may authorize the Chairperson and the Assessors even to receive such special salary or remuneration as the Government may by order decide from time to time.	
		(2) All expenses under sub-section (1) above, and all expenses incidental to the working of the Tribunal for Land Pooling Scheme shall be defrayed out of the funds of the Government.	
Withdrawal of Land Pooling Scheme by the Authority	36Q	(1) If at any time before the Land Pooling Scheme is published under sub-section (7) of section 36 I and representation is made to the Authority by a majority of the owners in the area that the Land Pooling Scheme should be withdrawn, the Authority shall invite from all persons interested in the Land Pooling Scheme, objections to such representation.	
		(2) On receipt of the objection, and after making such inquiry as it may think fit the Authority by a notification in the Official Gazette, withdraw the Land Pooling Scheme and upon such withdrawal, no further proceedings shall be taken in regard to such scheme.	
		(3) Simultaneously with such withdrawal the Authority shall submit to the Government the copy of the notice withdrawing the Land Pooling Scheme and a report of its enquiry made in this behalf.	
		(4) At any time prior to the publication of the Land Pooling Scheme under sub-section (7) of section 36 I of this act, the Government if it satisfied that it is in the public interest, may direct the Authority to withdraw a Land Pooling Scheme. Thereupon, the Authority shall withdraw the Land Pooling	

		<p>Scheme by a notification published in the Official Gazette.</p> <p>Upon such withdrawal, no further proceedings shall be taken in regard to such Land Pooling Scheme.</p>
Effect of Scheme	36R	<p>On and after the day on which a Land Pooling Scheme comes into force:</p> <ol style="list-style-type: none"> (1) All land required by the Authority shall, unless it is otherwise determined in such scheme, vest absolutely in the Authority free from all encumbrances. (2) All rights in the original plots which have been reconstituted as final plots shall stand determined, and the final plots shall become subject to the rights settled by the Authority and the land records shall be changed accordingly by the concerned Authority; and (3) The Authority shall hand over possession of the final plots to the owners to whom they are allotted.
Power of Authority to evict summarily	36S	<ol style="list-style-type: none"> (1) On and after the day on which a Land Pooling Scheme comes into force, any person continuing to occupy any land which he is not entitled to occupy under the Land Pooling Scheme may, in accordance with the prescribed procedure, be summarily evicted by the Authority or any of its officers authorized in that behalf. (2) The Authority is opposed or impeded in evicting such person or taking possession of the land from such person, the Deputy Commissioner of the district concerned shall, at the request of the Authority enforce the eviction of such person or secure delivery of possession of the land to the Authority.
Power to enforce Land Pooling Scheme	36T	<ol style="list-style-type: none"> (1) On and after the day on which the approval of a Land Pooling Scheme has been notified, the Authority after giving the prescribed notice and in accordance with the provisions of the Land Pooling Scheme:- <ol style="list-style-type: none"> (a) Remove, pull down or alter any building or other civil works in the area included in the Land Pooling Scheme which is such as it contravenes the Land Pooling Scheme or in the erection of which or carrying out of which, any provision of the Land Pooling Scheme has not been complied with; (b) Execute any work which it is the duty of any person to execute under the Land Pooling Scheme, in such case where it appears to the Authority that delay in the execution of the work would prejudice the efficient operation of the Land Pooling Scheme.

		(2) Any expenses incurred by the Authority under this section may be recovered from the person in default or from the owner of the original plot in the manner provided for the recovery of sums due to the Authority under the provisions of this Act.
		(3) If any action taken by the Authority is questioned, the matter shall be referred to the Government or any officer authorized by the Government in this behalf and the decision of the Government or of the said officer, as the case may be shall be final and conclusive and binding on all persons.
Power to make variations in Land Pooling Scheme	36U	<p>(1) If after the Land Pooling Scheme has come into force, the Authority considers that the Land Pooling Scheme is defective on account of an error, irregularity or informality or that the Land Pooling Scheme needs variation or modification of a minor nature, the Authority shall, by a notice in the local news paper prepare and publish a draft of such variation in the prescribed manner.</p> <p>(2) The draft variation published under sub-section (1) above, shall state every amendment proposed to be made in the Land Pooling Scheme.</p> <p>(3) The draft variation shall be opened to the inspection of the public at the office of the Authority during office hours.</p> <p>(4) Not later than one month of the date of the publication of the draft variation, any person affected thereby may communicate in writings his objection to the Authority.</p> <p>(5) After receiving the objection under sub-section (4) above, the Authority shall after making such enquiry as it may think fit; notify the variation with or without modification by notification in the Official Gazette and in at least two local news papers.</p> <p>(6) From the date of the notification of the variation in the Official Gazette, with or without modifications, such variation shall take effect as if it were incorporated in the Land Pooling Scheme.</p>
Power to vary Land Pooling Scheme	36V	<p>A Land Pooling Scheme may at any time be varied by a subsequent Land Pooling Scheme prepared and, published in accordance with this Act:</p> <p>Provided that, where a Land Pooling Scheme is so varied, the provisions of this act shall, so far as may be applicable, apply to such variation and making of subsequent Land Pooling Scheme and the date of publication of the varied scheme shall, for the purposes of section 36G and be deemed to be the date of publication of scheme referred to in this section.</p>

Apportionment of cost of Land Pooling Scheme withdrawn	36W	In the event of a Land Pooling Scheme being withdrawn, the cost of the Land Pooling Scheme shall be borne by the Authority or be paid to the Authority, as the case may be by the owners concerned, in such proportion as the Government may in each case determine.”.
Amendment of section 51	27.	<p>In the principal Act, for section 51, for sub-section (3),- The following shall be substituted, namely:-</p> <p>If after such time any such person under sub-section (1) continues to neglect or cause a breach of any specified provisions, such persons shall be liable to fine:- (i) which may extend to Rs. 50000/-; (ii) if the breach, neglect or failure continues the authority may further impose fine which may extend up to Rs. 1000 every day during which the breach neglect or failure continues after such fine.</p>
Amendment of section 54	28.	In the principal Act, in section 54, in sub-section (3), in fourth line, for the words, and number “Rs. 30” the words and number “Rs. 1000” shall be substituted.
Amendment of section 56	29.	<p>In the principal Act, in section 56, in clause (b), -</p> <p>in fourth line, for the words and number “Rs. 500”, the words and number “minimum Rs. 50,000” shall be substituted and thereafter the words “or with or without simple imprisonment for a term which may extend to two months” shall be deleted.</p>
Amendment of section 61	30.	In the principal Act, in section 61, in the third line, for the words “punishable with imprisonment which may extend to six months or with fine which may extend to or with both”, shall be substituted by the words “liable for fine which may extend to Rs. 50000/- and departmental proceeding may be drawn against the erring officer as per provision of Government rules and regulation” shall be substituted.
Insertion of new section 76	31.	In the principal Act, after section 75, the following new section shall be inserted, namely:-
“Act to have overriding effect		76. Notwithstanding anything inconsistent therewith contained in any other law for the time being in force the provision of this Act shall prevail.”

GEETANJALI DAS SAIKIA,

Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.