



The Guwahati Building Construction (Regulation) Act, 2010

Act No. 16 of 2010

Keywords:

Alley, Floor Area Ratio, Services

Amendment appended: 27 of 2022

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পঞ্জীভুক্ত নম্বৰ - ৭৬৮/৯৭

Registered No. 768/97

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ৰাজপত্ৰ

সত্যমেব জয়তে

THE ASSAM GAZETTE

অসাধাৰণ

EXTRA ORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 135 দিশপুৰ, বুধবাৰ, 12 মে, 2010, 22 বহাগ, 1932 (শক)
No.135 Dispur, Wednesday, 12th May, 2010, 22nd Vaisakha, 1932 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 12th May, 2010

No.LGL.7/2010/10. -- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XVI OF 2010

(Received the assent of the Governor on 29th April, 2010)

THE GUWAHATI BUILDING CONSTRUCTION (REGULATION) ACT, 2010

AN
ACT

to provide for development, control, regulate the planning and construction of buildings within the Guwahati Metropolitan Area.

Preamble

Whereas it is expedient to provide for the development, control and regulation to check the haphazard growth of buildings within the Guwahati Metropolitan Area by the authorities concerned and specify the provisions regulating such planning and construction of buildings and for matters connected therewith and incidental thereto.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows:—

Short title,
extent and
commencement

1. (1) This Act may be called the Guwahati Building Construction (Regulation) Act, 2010.
- (2) It shall extend to the whole of the Guwahati Metropolitan Area as notified by the State Government.
- (3) They shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions

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

- (1) "alley" means a public thoroughfare, which affords only a secondary means of access to abutting property and not intended for general traffic circulation;
- (2) "Apartment" means an apartment as defined under the Assam Apartments (Construction and Transfer of Ownership) Act, 2006;
- (3) "approved" means approved by the Authority by any officer to whom the power has been delegated by the Authority;
- (4) "Authority" means the Guwahati Metropolitan Development Authority, Guwahati Municipal Corporation and other Urban Local Body or Panchayat as the case may be;
- (5) "balcony" means horizontal projection in upper floors to serve as a passage or sitting out place;
- (6) "basement" means the lower storey of building below or partly below the ground level;
- (7) "building" means any construction for whatsoever purpose and of whatsoever materials and every part thereof, whether used as human habitation or not and includes plinth, walls, chimney, telecommunication or other tower, drainage work, fixed platforms, verandah, balcony cornice or projection, or part of a building on anything affixed thereof or any walls, earth bank, fence, or other

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2007.

construction enclosing or delimiting or intended to enclose or delimit any land or space, but does not include structure of temporary nature like tents, hutment as well as shamianas erected for temporary purposes for ceremonial occasions, with the permissions of the competent authority;

- (8) "building bye laws" means the bye-laws framed by the State Government under section 5 of this Act;
- (9) "building height" means the vertical distance measured in the case of flat roofs from the average level of ground around and contiguous to the building or as decided by Authority to the terrace of last livable floor of the building adjacent to external wall and in the case of pitched roofs, up to the point where the external surface of the outer wall intersects the finished surface of the sloping roof, and in the case of gables facing the road the mid point between the eaves level and the ridge. The architectural features serving no other function except that of decoration shall be excluded for the purpose of taking heights. If the building does not abut a street the height shall be measured above the average level of the ground around and contiguous to the building;

Provided that for hilly areas the vertical distance shall be measured from the lower floor level instead of average ground level as applicable in case of plain areas;

- (10) "building line" means a line which is in the rear of the street alignment and to which the main wall of a building abutting on a street may lawfully extend and beyond which no portion of the building may extend except as prescribed in this Act;
- (11) "building permit" means permission accorded by the Guwahati Municipal Corporation or by the other urban local bodies or Panchayats concerned relating to all issues of construction of building as per provisions of the Master Plan and Zoning Regulations prepared and published under the Guwahati Metropolitan Development Authority Act, 1985 and Building bye-laws prepared under this Act;
- (12) "chajja" means the sloping or horizontal structural projection usually provided over openings on external walls to provide protection from sun and rain;
- (13) "ceiling height" means the vertical distance between the floor and the ceiling. Where a finished ceiling is not provided the underside of the joists or top of post plate in case of pitched roof shall determine the upper point of measurement;
- (14) "concrete" means concrete in which steel rods or meshes are embedded to increase strength;
- (15) "concrete plain" means concrete cast in place without metal reinforcement or reinforced only for shrinkage or temperature changes;
- (16) "coverage" means the percentage ratio of the plinth area of the main and accessory buildings to the total area of the plot;

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- (17) "development" with its grammatical variation means the carrying out of building, engineering, mining or other operations, in on, over, or under land or the making of any material change in any building or in the use of any building or land and includes division of any land;
- (18) "drain" means any conduit used for the carriage of sewerage and sullage water from one building or a portion of the building;
- (19) "drain-sewerage" means a drain used or constructed to be used for conveying solid or liquid waste matter, excretal or otherwise, to a sewer;
- (20) "drain-surface water" means a drain used or constructed to use solely for conveying to any drain any rain water but shall not include any rainwater pipe;
- (21) "dwelling" means a building or portion thereof which is designed for use wholly or principally for residential purposes;
- (22) "Floor Area Ratio" (FAR) means quotient by dividing the total covered area (Plinth area) on all floors excluding exempted areas as may be provided in the building bye-laws into 100 by the area of the plot.

$$\text{FAR} = \frac{\text{Total covered area of all floors} \times 100}{\text{Plot area}}$$

- (23) "floor area" means covered area of a building at any floor level;
- (24) "family" means a group of individuals normally of blood relation or connected by marriage living together as a single house keeping unit and having a common kitchen. Customary domestic servants shall be considered as adjunct to the term family;
- (25) "open space" means an area forming an integral part of the plot left open to the sky for the purpose of this Act;
- (26) "owner" means the person, when used in reference to any premises who receives the rent of the said premises or would be legally entitled to do so if the premises were let out. It also includes,-
- (a) an agent or trustee who is legally authorized to receive such rent on behalf of the owner;
- (b) a receiver, executor or administrator or a manager appointed by any court of competent jurisdiction to have the charges of or to exercise the rights of owner of the said premises;
- (c) a person having legal title over the premises /plot of land;
- (27) "pathway" means an approach constructed with materials such as bricks, concrete, stone, asphalt or the like;
- (28) "plinth" means the portion of a structure between the surface of the surrounding ground and surface of the floor immediately above the ground;

- (29) "Planning Permit" means the permission accorded by the Guwahati Metropolitan Development Authority as per the provisions of Master Plan and Zoning Regulations published by the Authority from time to time under the Guwahati Metropolitan Development Authority Act, 1985;
- (30) "plot" means a parcel of land occupied or intended for occupancy by one main building, together with its accessory buildings and used customarily and incidental to it, including the vacant spaces required and having frontage upon a street or upon a private way as provided in the building bye-laws;
- (31) "repairs" means any renovation applied to any structure, which does not in any way change the specification of the structure but saves the structure from further deterioration;
- (32) "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, culverts, side walks and traffic islands;
- (33) "sanctioned plan" means the set of drawings and statements submitted under relevant section of the building bye-laws in connection with a building and sanctioned by Authority;
- (34) "State Government" means the Government of Assam;
- (35) "storey" means the portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the spaces between any floor and the ceiling above it;
- (36) "to abut" means to abut on a road such that any portion of the plot is on the road boundary;
- (37) "to construct" means to erect, re-erect or make material alterations;
- (38) "to erect" means to construct a building for the first time or to reconstruct an existing building after demolishing it according to some fresh or revised plan;
- (39) "water closet" means a privacy with arrangement for flushing the pan with water, but does not include a bathroom;
- (40) "multistoreyed or high-rise buildings" means a building whose height is 15 meters or more measured from the average level of the central line of the street on which the site abuts or more than four floors excluding basement or stilt;
- (41) "Structural Engineer" shall mean an Engineer with at least 3 years experience in structural design or an Engineer with post Graduate degree in Structural Engineering;
- (42) "services" in relation to a building means light and ventilation, electrical installation, air conditioning and heating, acoustics and sound, installation of lift and escalators, water supply, fire fighting, sewerage and drainage, gas supply, telephone and garbage disposal mechanism, landscape and environment.

- (43) "use" means the purpose for which the building or a part of building is used or intended to be used and the term "mixed used" shall mean and include a building which is used for more than one use in different portion of the building;

Explanation: - The classification of building based on principal use shall be as follows:-

(a) Residential Buildings :-

These shall include any building, in which sleeping accommodation is provided for normal residential purposes with or without cooking or dining or both facilities, including one or two or multi-family dwellings, lodging dormitories, apartment houses, flats and hostels.

(b) Institutional Buildings :-

Institutional buildings ordinarily provide sleeping accommodation for the occupants and specialized non-commercial training centers. It includes hospital, sanatoria, custodial institutions and penal institutions like jails, prisons, mental hospitals and reformatories. These shall include any building used for school, college or day care purposes involving assembly for instruction, education or recreation where it is a part of education and other public and semi-public buildings.

(c) Assembly Buildings :-

These shall include any building or part of a building where groups of people congregate or gather for amusement, recreation, special, patriotic, civil travel and similar purposes, for example, - marriage hall, theatres, motion picture houses, assembly halls, auditoria, libraries, exhibition halls, museums, skating rings, gymnasium, restaurants, dance halls, clubs, passenger stations and terminals or air, surface and other public transportation services, and stadia. These shall include any building used for religious purposes like prayers, puja, worship, religious or spiritual congregation, discourses, rituals and functions.

(d) Commercial Buildings :-

These shall include any building or part of a building which is used as shop, store, market for display and sale of merchandise either wholesale or retail, office, storage or service facilities incidental to the sale of merchandise and located in the same building shall be included under this group. These shall include any building or part of a building which is used for transaction of business and / or the keeping of accounts and records therefore including offices, banks, professional establishments etc. if their principal function is transaction of business or keeping of books and records.

(e) Industrial Buildings :-

These shall include any building or part of a building or structure, in which products or materials of all kinds and properties are fabricated, assembled or processed like assembly plants, laboratories, power plants, smoke houses, refineries, gas plants, mills, dairies, factories, etc.

(f) Storage Buildings :-

These shall include any building or part of building used primarily for the storage or sheltering (including servicing, processing or repairs incidental to storage) of goods, ware or merchandise (except those that involve highly combustible or explosive products or materials) vehicles or animal, for example, warehouses, cold storages, freight depots, transit sheds, store houses, truck and marine terminals, garages, hangers, grain elevators, barns and stables. Storage properties are characterized by the presence of relatively small numbers of persons in proportion to the area. Any new use which increases the number of occupants to the figure comparable with other classes of occupancy shall change the classification of the building to that of the new use for example hangars used for assembly purposes, warehouses used for office purposes, garage building used for manufacturing.

(g) Hazardous Buildings :-

These shall include any building or part of a building which is used for the storage, handling, manufacture or processing of highly combustible or explosive materials or products which are liable to burn with extreme rapidity and or which may produce poisonous fumes or explosions for storage, handling, manufacturing or processing which involve highly corrosive toxic or noxious alkalis, acids or other liquids or chemicals producing flame, fumes and explosive poisonous, irritant or corrosive gases, and for the storage, handling or processing of any material producing explosive mixtures or dust which result in the division of matter in to fine particles subject to spontaneous ignition.

- (44) "compliance" is the verification of the properties of construction materials based on test data and verification of the strength and structural adequacy for various components of buildings and structures;

(45) words and expression used in this Act and the building bye-laws framed thereunder but not defined shall have the meanings respectively assigned to them in the Guwahati Municipal Corporation Act, 1971, the Guwahati Metropolitan Development Authority Act, 1985 and the National Building Code of India 2005 as amended from time to time, shall have the meanings respectively assigned to them in those Acts and Code;

Applicability
of the Act

3. The Act shall apply to regulate the construction of the buildings as per Planning Permit and Building Permit accorded to the concerned applicant by the Guwahati Metropolitan Development Authority and the Guwahati Municipal Corporation respectively and use of the site of the building under the jurisdiction of the Guwahati Metropolitan Area in the following manner:-

- (1) Where a building is intended to be erected, the Act applies to the Planning and Zoning Use, design and construction of the building;
- (2) Where the whole or any part of the building is intended to be removed, the Act applies to the whole building whether removed or not;
- (3) Where the whole or any part of the building is intended to be demolished, the Act applies to any remaining part and to the work involved in the demolition;
- (4) Where a building is intended to be altered, the Act applies to the whole building whether existing or new save and except that part of building which is completely self contained with respect to facilities and safety measures required under the building bye-laws;
- (5) Where the occupancy of a building is intended to be changed, the Act applies to all parts of the building affected by the change;
- (6) Where a building has been demolished by the Authority, the Act applies to all parts of the building intended to be erected;

Provided that nothing in this Act shall apply with respect to removal, alteration or abandonment, prevention of continuance of the use or occupancy of an existing approved building, unless in the opinion of the Authority such buildings constitutes a hazard to the safety of the adjacent property or the occupants of the building itself;

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4. (1) Notwithstanding anything to the contrary contained in the Guwahati Metropolitan Development Authority Act, 1985 and Guwahati Municipal Corporation Act, 1941 the State Government shall frame the building bye-laws to regulate the construction of buildings under the jurisdiction of Guwahati Metropolitan Area.
- (2) The building bye-laws shall contain the matters enumerated herein below:-

PART-I

(bye-laws to be framed relating to Planning Permit)

- (i) form of application together with plan, service plan for planning permit and land sale or transfer permit and the requirement of different fees and penalty for deviations and other documents to accompany an application;
- (ii) width for different classes of public streets according to the nature of traffic to be carried thereon, street lines and setting back of building from the regular line of the street;
- (iii) regulation or restriction of the site for different uses like permissible floor area ratio, coverage, height of building, parking norms and requirement of external open space;
- (iv) regulation and display of advertisement in the interest of amenity, aesthetic or public safety;
- (v) regulations in any manner or specifically provided for in this Act, the erection of any enclosure, wall, fence, tent or other structure or any land within the limits of the Authority;
- (vi) land sub-division and layout of public streets;
- (vii) regulations for other services like drainage, water supply/sewerage, rainwater harvesting etc. and recycling of used water to be provided in the site as well as in any prescribed area;
- (viii) provision of street furniture for physically challenged;
- (ix) period within which the Planning Permit shall be either granted or refused;
- (x) duties and responsibilities of the persons preparing the plan;
- (xi) such other matters which are to be or may be required to be made in the bye-laws;

PART II

(bye-laws to be framed relating to Building Permit)

- (i) form of application, specification of plans of building, site plan, service plan and documents to accompany an application, requirement of different fees and penalty for deviation;
- (ii) standard of all classes of building classified on the basis of use, floor area ratio, coverage, setbacks, height of building relation to street, plot size for different classes of building, parking norms;
- (iii) technical specification of different classes of building and structures and general structural safety like earthquake, cyclone, landslide etc; and seismic strengthening of retrofitting;
- (iv) design of structure for earthquake resistance and retrofitting;
- ✓(v) fire and life safety, pollution control, rainwater harvesting, septic tank, sewerage, drainage, garbage disposal, lift, ventilation, water supply, electrical installation, and specification for physically challenged;
- ✓(vi) telephone, rooftop transmission and ground based transmission tower, outdoor display structure, hoarding attached to a building;
- (vii) laying of cables, conduits, water supply pipes and the like;
- (viii) green building and recycling of used water to be provided in the building;
- (ix) requirements for special and lifeline buildings;
- (x) requirements and specifications for physically challenged in the building;
- (xi) stacking of materials of construction;
- (xii) restriction on use of inflammable material in the buildings;
- (xiii) supervision and proof checking of structural design of buildings;
- (xiv) period within which the Building Permit shall either be granted or refused;
- (xv) inspection, completion, occupancy of the building and forms required for issuing completion certificate, occupancy certificate of the building;
- (xvi) duties and responsibilities of person preparing the plan;
- (xvii) such other matters which are to be or may required to be made in the bye-laws;

Procedure
to be
followed for
construction

5. The procedure regarding construction of buildings and sub-division or transfer of private land:-

- (1) Every person who intends to erect or re-erect or make material alteration in any place in a building or part thereof, within the jurisdiction of Guwahati Metropolitan Area, shall make an application in the form prescribed for the purpose in the building bye-laws to the Chief Executive Officer, Guwahati Metropolitan Development Authority, and such application shall be accompanied by the plans and conforming to the requirements mentioned in the building bye-laws in quadruplicate in blue or white prints or computer generated prints.
- (2) The form to be prescribed under sub-section (1) shall be of two parts being the "Part-I" for Planning Permit and Part-II for construction of "Building Permit". The Planning Permit shall be issued by the Guwahati Metropolitan Development Authority and Building Permit shall be issued by the Guwahati Municipal Corporation, or other Urban Local Bodies or Panchayats, as the case may be, within the Guwahati Metropolitan Area.
- (3) At first the applicant shall file application form to the Guwahati Metropolitan Development Authority with requisite processing fee for obtaining Planning Permit. The officials of Guwahati Metropolitan Development Authority shall verify and examine the application promptly with regard to the Planning and Zoning Regulations and forward the Planning Permit with such modifications as may be required, to the Guwahati Municipal Corporation or other Urban Local Bodies or Panchayats as the case may be, with an intimation to the applicant.
- (4) The Guwahati Municipal Corporation or other Urban Local Bodies or Panchayats, as the case may be, shall examine the proposal as per provisions of the building bye-laws and other Acts and Rules for the time being in force and if satisfied, issue the Building Permit on receipt of such fees as prescribed in the building bye-laws.
- (5) After approval of Planning Permit, one copy shall be retained in the office of the Authority for record and the other three copies shall be forwarded to the Guwahati Municipal Corporation or other Urban Local Bodies or Panchayats, as the case may be, along with the relevant papers with intimation to the applicant.

- (6) The Guwahati Metropolitan Development Authority, Guwahati Municipal Corporation or other Urban Local Bodies or Panchayat, as the case may be, shall either grant or refuse to grant Planning Permit or Building Permit as the case may be, with period as stipulate in the building bye-laws. In the event of failure of the Authority to grant Planning Permit or the Building Permit within the period stipulated in the building bye-laws, then the permits shall be deemed to have been granted and the applicant may proceed for execution of the work with an intimation to the Authorities concerned at least 10 (ten) days prior to commencement of the work but not so as to contravene any of the provisions of this Act or any rules or building bye-laws made under this Act.

Explanation:-

Format of Application to erect or re-erect or make material alteration in a building as required along with a checklist to ensure complete submission of documents to facilitate early disposal of cases shall be filled up as provided in the building bye-laws by the applicant.

- (7) The following documents shall accompany the application:-
- (i) Site Plan :- The site plan shall be drawn to a minimum scale as prescribed in the building bye-laws and to be signed by the applicant and the person preparing the plan;
 - (a) the boundaries of the site with dimensions and of any contiguous land belonging to the owner;
 - (b) the position of the site in relation to neighboring streets with name of the street on which the building is situated;
 - (c) the position of the building and all other buildings (if any) which the applicant intends to erect upon his land in relation to-
 - (ci) the boundaries of the site and in case where the site has been partitioned, the boundaries of the portion owned by the applicant and also of the portions owned by other owners of that compact plot;
 - (cii) the means of access from an existing street to the building;
 - (ciii) open space to be left around the building to secure free circulation of air, admission of light and access for scavenging purpose etc;
 - (iv) scale with north line;

- (v) plot area, plinth area, each floor area;
 - (vi) location, name and width of each adjacent road or lane;
 - (vii) such other particulars as may be prescribed in the building bye-laws.
- (ii) Building Plan :- The detailed plans, used of the building and elevation and sections sent with the application shall be accurately drawn to a scale as prescribed in the building bye-laws and duly signed by the applicant and the person preparing the building plan. Adequate arrangement for proper drainage shall also be made. The plan shall include,-
- (a) complete layout plan of the area or areas showing location and width of all streets dimensions, sizes and uses of all the plots;
 - (b) plans of all floors, accessory buildings and basement plan. Such drawings shall fairly indicate the size of rooms, size of windows and ventilators, size of door opening and stair runs;
 - (c) location of drains, sewers, public utility, electric lines, services, transformers;
 - (d) exact location of essential services such as water closet, sink, bath etc;
 - (e) proposed and existing works should be clearly indicated in different colours (other than red) or in marking;
 - (f) sectional drawings showing clearly the sizes of footings thickness of basement walls if any, all roof slabs and floor slabs, ceiling heights and parapet height with their materials. The section shall indicate the drainage and slope off the roof. At least one section shall be taken through the staircase;
 - (g) details of served privies (if any);
 - (h) all street elevation;
 - (i) dimensions of the projected portions beyond the permissible building line i.e. chajja line;
 - (j) scale with north line;
 - (k) the existing ground level of the plot and proposed ground level in relation to abutting road level to be clearly mentioned in drawing;
 - (l) for multistoreyed or highrise buildings an undertaking stating that debris or construction materials will not be stacked in public places leading to public nuisance. If the Authority finds that the applicant caused nuisance to public while executing construction necessary fine be imposed as per provisions in the byelaw;

- (m) detailed parking plan;
- (n) space used for storing construction materials during the time of construction;
- (o) the owner shall file an undertaking stating that he shall leave and surrender land for road widening, if required and he will not violate any provisions of this Act rules and building bye-laws made under this Act and that in case of any violations, the Authority shall be at liberty to summarily remove such deviations as per Guwahati Municipal Corporation Act, 1971 and Guwahati Metropolitan Development Authority Act, 1985.
- (iii) Service Plan :- Details of private water supply, sewerage disposal system and details of building services, where required by the Authority shall be made available to a scale as provided in the building bye-laws.
- (iv) Ownership Document :- Title document to justify the ownership of land. In case land is not owned by the applicant, lease deed/sale deed/Power of Attorney or a No Objection Certificate by the co-owners for allowing applicant for construction, in the form of an affidavit.
- (v) Every person who intends to subdivide or transfer any plot of land within Guwahati Metropolitan Area shall make application to the Authority obtaining permission for sub-division or transfer of such plot of land. Such application shall be accompanied by the plans and statements together with a development fees as prescribed in the building bye-laws.
- (vi) Application for alteration :- When the application is only for an alteration of the building, only such plans and statements as may be necessary shall accompany the application.
- (vii) Repairs : - No such application as provided under section 5 shall be deemed necessary for repairs in any existing building in accordance with the Act.

- Deviation during construction 6. If during the construction of a building any departure from the sanctioned plan is intended to be made, prior approval of the Authority shall be obtained before any change is made.
- Withdrawal of application 7. The applicant may withdraw the application and plans any time prior to its approval and such action shall terminate all proceedings with respect to such application, but the fees paid shall in no case be refunded.
- Exemption to Governments 8. The Governments both Central and State except the Defence also forward copies of their plans to the Authority complying with all the provisions of the Act. Central and State Governments are exempted from paying planning permit and Building Permit fees.
- Duration of permit 9. The building permit once accorded shall remain valid up to two years. Subsequent renewal is permissible for another five years. If however the building is not completed during this period, a fresh permit has to be obtained. The applicant has to produce completion certificate within the validity period of permission, failing which the permission shall be deemed to be cancelled and the processing fees and the building permit fee shall be forfeited.
- Intimation to the Authority to start construction 10. The applicant upon commencement of his work under a Building Permit shall give notice to the Authority that he has started his work and the Authority shall cause inspection of the work within 14 days following the receipt of the notice to verify that the erection has been carried out in accordance with the approved plans.
- Completion and Occupancy Certificate 11. (a) "Completion Certificate":- The owner through the registered architect, engineer, structural engineer, as the case may be, who has supervised the construction, shall give notice to the Authority regarding completion of work described in the Building Permission. The completion certificate shall be submitted in the form as may be prescribed in the building bye-laws in four sets of completion as built plan.
- (b) "Occupancy Certificate":- The Authority, on receipt of the completion certificate, shall inspect the work and grant or refuse an occupancy certificate within 21 days from the date of receipt of completion certificate, after which period it shall be deemed to have been approved by the Authority for occupation provided the building has been constructed as per the approved plans. Where the occupancy certificate is refused, the reasons for rejection shall be intimated to the applicant.

(c) "Part Occupancy Certificate":- Upon the request of the holder of the Building Permit the Authority may issue a part occupancy certificate for a building or part thereof before completion of the entire work as per Building Permit, provided sufficient precautionary measures are taken by the holder of the Building Permit to ensure public safety and health safety. The part occupancy certificate shall be given by the Authority subject to the owner indemnifying the Authority as per the proforma prescribed in the building bye-laws.

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| Penalty for violation | 12. | <p>(i) Any person who contravenes any of the provisions of this Act or any requirements or obligation imposed on him by virtue of this Act, rules or building bye-laws framed under this Act or who interferes with or obstruct any person in the discharge of his duties in pursuance of this Act, rules or building bye-laws shall be punishable as per the relevant provisions of the Guwahati Municipal Corporation Act, 1971 or the Guwahati Metropolitan Development Authority Act, 1985 or the Assam Apartment (Construction and Transfer of Ownership) Act, 2006 and relevant Acts governing the local bodies.</p> <p>(ii) Notwithstanding the penalty referred to in sub-section (i) the Authority shall be free to seal a building in the event of any violation of the used and deviation from the approved plan or non-compliance of the provision of this Act, Zoning Regulations and building bye-laws.</p> | <p>Assam Act No I of 1973 and Assam Act No XX of 1987</p> <p>Assam Act No XXI 2007</p> |
| Existing buildings | 13. | <p>Nothing in this Act shall require the removal, alteration or prevent the continuance of use and occupancy of a building <u>lawfully constructed</u> and not hazardous to the safety of life and property to the occupants or neighbours.</p> | |
| Inspection during construction | 14. | <p>The Authority shall have the power to carry out inspection of the work at various stages to ascertain whether the work is proceeding as per the provisions of the building bye laws and approved plans.</p> | |
| Power to make rules | 15. | <p>(1) The State Government may make rules for carrying out the provisions of this Act.</p> | |

Building bye-
laws and rules
to be laid
before the
State
Legislature

16. Every building bye-laws and rules made under this Act shall be laid as soon as may be after they are made, laid 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, building bye-laws or agrees that the building bye-laws or the rules should not be made, the building bye-laws or the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the building bye-laws or the rules.

Repeal and saving

17. (1) The relevant provisions of the Guwahati Metropolitan Development Authority Act, 1985 and the Guwahati Municipal Corporation Act, 1971 along with all amendments up to date inconsistent with this Act shall stand repealed with effect from the date from which this Act comes into force.

Assam Act
No XX of
1987
Assam Act
No I of
1973

- (2) The relevant sections of the Assam Town and Country Planning Act, 1959; the Assam Municipal Act, 1956 and the Assam Apartments (Construction and Transfer of Ownership) Act, 2006 along with their amendments up-to-date and rules and regulations as made thereunder inconsistent with the provisions of this Act shall cease to operate within the Guwahati Metropolitan Area.

Assam Act
No II of
1963,
Assam Act
No IV of
1957, Assam
Act No XXI
of 2007.

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

18.

Any person aggrieved by any order or action of the Authorities in respect of planning permit or Building Permit, may prefer an appeal before the State Government.

Protection of
action taken in
good faith.

19. (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 rules or building bye-laws framed under this Act or order made thereunder.

(2) Save as otherwise expressly provided in this Act, no suit or other legal proceeding shall lie against the Authority or 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, rules or building bye-laws framed under this Act or any order made thereunder.

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



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 655 দিশপুৰ, বৃহস্পতিবাৰ, 29 ছেপ্টেম্বৰ, 2022, 7 আহিন, 1944 (শক)
No. 655 Dispur, Thursday, 29th September, 2022, 7th Asvina, 1944 (S. E.)

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

NOTIFICATION

The 28th September, 2022

No. LGL.7/2010/70.— 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. XXVII OF 2022

(Received the assent of the Governor on 26th September, 2022)

**THE GUWAHATI BUILDING CONSTRUCTION
(REGULATION) (AMENDMENT) ACT, 2022**

AN ACT

further to amend the Guwahati Building Construction (Regulation) Act, 2010.

Preamble

Whereas it is expedient to amend the Guwahati Building Construction (Regulation) Act, 2010, hereinafter referred to as the principal act, in the manner hereinafter appearing;

Act No XVI
of 2010

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

Short title, extent and commencement

1. (1) This Act may be called the Guwahati Building Construction (Regulation) (Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Amendment of title

2. In the principal Act, in the title, for the word "Guwahati" appearing in between the word "the" and "Building", the word "Assam" shall be substituted.

Amendment of long title

3. In the principal Act, in the long title, for the words "Guwahati Metropolitan Area" appearing at the end, the words "State of Assam" shall be substituted.

Amendment of Preamble

4. In the principal Act, in the Preamble, in second line, for the words "Guwahati Metropolitan Area" appearing in between the words "within the" and "by" the words "State of Assam" shall be substituted.

Amendment of section 1

5. In the principal Act, in section 1,-
 - (i) in sub-section (1), for the words "Guwahati" appearing in between the words "called the" and "building", the word "Assam" shall be substituted.
 - (ii) for subsection (2), the following shall be substituted, namely,-
"It extends to the whole of the State of Assam."
 - (iii) in sub-section (3), in second line, after the words "appoint", the following shall be inserted, namely,- "and different dates may be notified for different areas for giving effect to the provisions of this Act".

Amendment of section 2

6. In the principal Act, in section 2,-
 - (i) for clause (4), the following shall be substituted namely:-

“(4) “Authority” means the Guwahati Metropolitan Development Authority constituted under Guwahati Metropolitan Development Authority Act, 1985, Guwahati Municipal Corporation constituted under Guwahati Municipal Corporation Act, 1969, Municipal Corporations constituted under Assam Municipal Corporation Act 2022, Municipal Boards under Assam Municipal Act 1956 and Development Authorities constituted under The Assam Town and Country Planning Act, 1959 and other local bodies or Panchayats falling under the notified Master Plan areas of respective towns, as the case may be.”

Act No XX
of 1987
Act No I
of 1973

Act No VIII
of 2022
Act No XV
of 1956
Act No II
of 1960

(ii) for clause (11), the following shall be substituted namely:-

“(11) “building permit” means permission accorded by the Guwahati Municipal Corporation and other Municipal Corporations of the State or other urban local bodies or Panchayats falling within notified Master Plan areas relating to all issues of construction of building as per provisions of the Master Plan and Zoning Regulations prepared and published under the Guwahati Metropolitan Development Authority Act, 1985 and the Assam Town and Country Planning Act, 1959 and under the Building Byelaws prepared under this Act;”

Act No XX
of 1987
Act No II
of 1960

(iii) for clause (29), the following shall be substituted namely:-

“(29) “Planning Permit” means the permission accorded by the Guwahati Metropolitan Development Authority as per the provisions of Master Plan and Zoning Regulations published by the Authority from time to time under the Guwahati Metropolitan Development Authority Act, 1985 and permissions accorded by other Development Authorities as per the provisions of Master Plan and Zoning Regulations published by the Director, Town and Country Planning, Assam under the provisions of the Assam Town and Country Planning Act, 1959 as per the provisions of notified Master Plan and Zoning Regulation;”

Act No. XX
of
1987

Act No. II of
1960

(iv) after clause (44), the following new clauses (45), (46), (47) and (48) shall be inserted, and thereafter the existing clause (45) shall be renumbered as clause (49), namely:-

“(45) “Development Authority” means a Development Authority constituted under the Assam Town and Country Planning Act, 1959;

Act No. II of
1960

(46) “Municipal Board” means a Municipal Board constituted under the Assam Municipal Act, 1956.” “Municipal Corporation” means Municipal Corporations constituted under Assam Municipal Corporation Act, 2022;

Act No. XV
of 1957

Act No. VIII
of 2022

(47) “Notified Master Plan areas” means areas notified as such under the Guwahati Metropolitan Development Authority Act, 1985 and the Assam Town and Country Planning Act, 1959 ;

Act No. XX
of 1987
Act No. II of
1960

		(48) "Gaon Panchayat" means a Gaon Panchayat established under the Assam Panchayat Act, 1994 which falls under Notified Master Plan Areas prepared under Guwahati Metropolitan Development Authority Act, 1985 and the Assam Town and Country Planning Act, 1959".	Act No. XVIII of 1994 Act No. XX of 1987 Act No. II of 1960
Amendment of section 3	7.	In the principal Act, in section 3, in the third line, in between the words "Municipal Corporation," and "respectively" the following shall be inserted, namely:- " Development Authorities constituted under the Assam Town and Country Planning Act, 1959, other Municipal Corporations constituted under the Assam Municipal Corporation Act 2022, and Municipal Boards under the Assam Municipality Act, 1956, and other local bodies or panchayats falling within the notified areas of Master Plan as per provisions of the Assam Town and Country Planning Act, 1959".	Act No. II of 1960 Act No. VIII of 2022 Act No. XV of 1957 Act No. II of 1960
Amendment of section 4	8.	In the principal Act, in section 4, for sub-section (1), the following shall be substituted, namely:- "(1) Notwithstanding anything to the contrary contained in the Guwahati Metropolitan Development Authority Act, 1985, the Guwahati Municipal Corporation Act, 1969, the Assam Municipal Corporation Act, 2022, the Assam Town and Country Planning Act, 1959, and the Assam Panchayat Act, 1994, the State Government shall frame the building byclaws to regulate the construction of buildings for the State of Assam" under this Act.	Act No. XX of 1987 Act No. I of 1973 Act No. VIII of 2022 Act No. II of 1960 Act No. XVIII of 1994
Amendment of section 5	9.	(1) In the principal Act, in section 5,- (i) for sub-section (1), the following shall be substituted, namely :- "(1) Every person who intends to erect or re-erect or make material alteration in any place, in a building or part thereof, within the State of Assam, shall give an application in the form as may be prescribed for this purpose under this Act addressing to the Chief Executive Officer, Guwahati Metropolitan Development Authority in respect of Guwahati Metropolitan Area and to Chairman in respect of Development Authority constituted under the Assam Town and Country Planning Act, 1959 for other development authority areas, having legally valid Master Plan. Such application shall be accompanied by the building plans conforming to the requirements mentioned in the building byelaws framed under this Act in quadruplicate in blue or white prints or computer generated prints." (ii) for sub-section (2), the following shall be substituted namely:-	Act No. II of 1960

“(2) The form as may be prescribed under sub-section (1) shall be of two parts being the "Part-I" for Planning Permit and Part-II for "Building Permit". The Planning Permit shall be issued by the Guwahati Metropolitan Development Authority and Building Permit shall be issued by the Guwahati Municipal Corporation, or other Urban Local Bodies or Panchayats, as the case may be in respective areas, within the Guwahati Metropolitan Area. In case of other areas Planning Permit shall be issued by respective Development Authority constituted under Assam Town and Country Planning Act, 1959 and Building Permits shall be issued by Municipal Corporation under Assam Municipal Corporation Act, 2022, Municipal Boards constituted under the Assam Municipal Act, 1956 and Gaon Panchayats falling under Notified Master Plan Areas as the case may be within the state.

Act No. II of
1960

Act No. VIII
of 2022
Act No. XV
of 1957

- (iii) for sub-section (3), the following shall be substituted namely:-

“(3) At first, the applicant shall file application form to the Guwahati Metropolitan Development Authority or other Development Authorities with requisite processing fee for obtaining Planning Permit. The officials of Guwahati Metropolitan Development Authority or other Development Authorities shall verify and examine the application promptly with regard to the Planning and Zoning Regulations and forward the Planning Permit with such modifications as may be required, to the Guwahati Municipal Corporation or other concerned Municipal Corporation or Municipal Board or Panchayats as the case may be, with an intimation to the applicant.”

- (iv) for sub-section (4), the following shall be substituted namely :-

“(4) The Guwahati Municipal Corporation or other concerned Municipal Corporation or Municipal Board or Gaon Panchayats, as the case may be, shall examine the proposal as per provisions of the building bye-laws and other Acts and rules for the time being in force and if satisfied, issue the Building Permit on receipt of such fees as may be prescribed as per building bye-laws.”

- (v) for sub-section (5), the following shall be substituted namely:-

“(5) After approval of Planning Permit, one copy shall be retained in the office of the concerned Authority for record and the other three copies shall be forwarded to the concerned Municipal Corporation or Municipal Boards or Panchayats, as the case may be, along with the relevant papers with intimation to the applicant.”

- (vi) in sub-section (6) in the first line in between the words “Authority” and “Guwahati” the words “ other Development Authority” and in second line in between the words “or other” and “urban local bodies” the words “Municipal Corporation and Municipal Boards” shall be inserted.

- (vii) in sub section (7), in clause (ii) in sub-clause (o), in fifth line, after the words “such deviations as per” for the existing provision the following shall be substituted, namely:-
- “The Guwahati Municipal Corporation Act, 1969, Assam Municipal Corporation Act, 2022, the Assam Municipal Act 1956, the Guwahati Metropolitan Development Authority Act, 1985, the Assam Town and Country Planning Act, 1959 and Assam Panchayat Act, 1994.”
- Act No I of 1973
Act No VIII of 2022
Act No XV of 1957
Act No XX of 1987
Act No. II of 1960
Act No. XVII of 1994
- Amendment of section 12** 10. In the principal Act, in section 12, in sub-section (i), in seventh and eighth line for the words, “Guwahati Municipal Corporation Act, 1971, and Guwahati Metropolitan Development Authority Act, 1985.”, the following shall be substituted, namely:-
- “The Guwahati Municipal Corporation Act, 1969 or the Assam Municipal Act, 1956 or Guwahati Metropolitan Development Authority Act. 1985 or the Assam Apartment (Construction and Transfer of Ownership) Act, 2006 or the Assam Town and Country Planning Act, 1959 or relevant Acts governing the local bodies or Assam Municipal Corporation Act, 2022”.
- Act No I of 1973
Act No XV of 1957
Act No XX of 1987
Act No XXI of 2007
Act No. II of 1960
Act No VIII of 2022
- Amendment of section 17** 11. In the principal Act, in section 17,-
- (i) in sub section (1), in second line, in between the words and number “Act, 1969” and “along with” the following shall be inserted, namely:-
- “Assam Municipal Corporation Act, 2022, Assam Municipal Act, 1956, the Assam Town and Country Planning Act, 1959, Assam Panchayat Act, 1994”.
- Act No VIII of 2022
Act No XV of 1957
Act No. II of 1960
Act No. XVII of 1994
- (ii) in sub- section (2)
- (a) in third line, in between the words “Act, 2006” and “along with” the following shall be inserted, namely:-
- “Assam Municipal Corporation Act, 2022, Assam Municipal Act, 1956, the Assam Town and Country Planning Act, 1959, Assam Panchayat Act, 1994”.
- Act No VIII of 2022
Act No XV of 1957
Act No. II of 1960
Act No. XVII of 1994
- (b) in last line, for the words “Guwahati Metropolitan Area” the words “State of Assam” shall be substituted.

GEETANJALI DAS SAIKIA,

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