



## **The Meghalaya Town and Country Planning (Amendment) Act, 2004**

Act No. 9 of 2004

Amendment appended: 14 of 2024

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## PART - IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

### NOTIFICATION

The 16th August, 2004

No.LJ(B).204/84/260.— The Meghalaya Town and Country Planning (Amendment) Act, 2004 (Act No.9 of 2004) is hereby published for general information.

MEGHALAYA ACT NO. 9 OF 2004

As passed by the Meghalaya Legislative Assembly.

Received the assent of the Governor on the 28th July, 2004.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 16th August, 2004.

### THE MEGHALAYA TOWN AND COUNTRY PLANNING (AMENDMENT) ACT 2004

An

Act.

to amend the Meghalaya Town and Country Planning Act, 1973 (the Assam Town and Country Planning Act, 1959, as amended and adapted by Meghalaya).

Be it enacted by the Legislature of the State of Meghalaya in the fifty-fifth Year of the Republic of India as follows :—

#### Short title and commencement.

1. (1) This Act may be called the Meghalaya Town and Country Planning (Amendment) Act, 2004.

(2) It shall come into force at once.

#### Amendment of Sub-section (6) of Section 2.

2. In the Meghalaya Town and Country Planning act, 1973 (Assam Town and Country Planning Act, 1959 as adapted by Meghalaya (herein after referred to as the principal Act) in sub-section (6) of Section 2 for the words 'Director of Town and Country Planning' the words 'Director of Urban Affairs Department' shall be substituted.

#### Amendment of Sub-section 3(1).

3. For sub-section (1) of Section 3 of the principal Act the following shall be substituted, namely.—

“(1) The State Government may, by notification in the Official Gazette constitute the council consisting of the following members to advise the Government in matters referred to it :—

- (i) Minister-in-charge Urban Affairs Department - Chairperson;
- (ii) Director, Urban Affairs Department - Secretary;
- (iii) Chairperson of the Authority;

- (iv) Three MLAs to be nominated by the Meghalaya Legislative Assembly;
- (v) Principal Secretary / Commissioner and Secretary, Urban Affairs Department;
- (vi) Principal Secretary / Commissioner and Secretary, Finance Department;
- (vii) Principal Secretary / Commissioner and Secretary, Revenue Department;
- (viii) Principal Secretary / Commissioner and Secretary, Planning Department;
- (ix) Commissioner and Secretary / Secretary, Public Health Engineering Department;
- (x) Commissioner and Secretary / Secretary, Power Department.
- (xi) Commissioner and Secretary / Secretary, Housing Department.
- (xii) Secretary, Public Works Department,
- (xiii) Three non-official members who are professionals in Urban Planning / Urban Management and Finance shall be nominated by the Government."

**Amendment of  
Sub-section (2) of  
Section 3.**

4. In Sub-section (2) of Section 3 of the principal Act for the word 'five' the word 'one-third' shall be substituted.

**Amendment of  
Sub-section (3) of  
Section 3.**

5. In Sub-section (3) of Section 3 of the Principal Act for the Principal Act for the word 'Chairman', the word 'Chairperson' shall be substituted and thereafter wherever the word 'Chairman' appears in the principal Act, the word 'Chairperson' shall be substituted.

**Amendment of  
Sub-section (1) of  
Section 8B.**

6. In Sub-section (1) of Section 8B of the principal Act, the following shall be substituted namely,—

"8B. (1) Composition of the Authority :—

The Authority shall consist of the following members, namely :—

- (a) A chairman to be appointed by the State Government;
- (b) The Chairpersons of the Municipal Boards;
- (c) The Chief Executive Members of the Autonomous District Councils of the State;
- (d) Principal Secretary / Commissioner and Secretary Finance / Revenue / Planning / Urban Affairs Departments / or their representatives not below the rank of Joint Secretary;
- (e) Chief General Manager of BSNL or his representative;
- (f) Chief Engineer, Public Works Department (R & B);
- (g) Chief Engineer, Public Works Department (Building);
- (h) Chief Engineer, Public Health Engineering Department;
- (i) Chief Planner of the Authority to be appointed by the Government;
- (j) Chief Finance and Accounts Officer of the Authority to be appointed by the Government;
- (k) Engineer-in Chief of the Authority to be appointed by the Government;
- (l) Director, Housing Department;
- (m) Director, Urban Affairs Department;
- (n) Chief Executive Officers of the Municipal Boards;
- (o) Member (Technical) , Meghalaya State Electricity Board;
- (p) One member representing Commerce and Industry (Private Sector) to be nominated by the Government;
- (q) One member to be nominated by the State Government who in its opinion has special knowledge of practical experience in matters relating to Urban Planning."



**Amendment of  
Sub-section 8E.**

7. (1) In Sub-section (1) of Section 8E of the principal Act, for the words 'once a month', the words 'as and when necessary and at least four times in a year' shall be substituted.

(2) After Sub-section (5) of Section 8E the following new Sub-section (6) shall be added, namely,—

“(6) One-third of the members of the Authority shall constitute the quorum for the purpose of transacting business at any meeting of the Authority.”

**Amendment of  
Sub-section (1) of  
Section 13.**

8. In Sub-section (1) of Section 13 of the principal Act, the words “and on payment of such fees as may be prescribed by bye-laws framed by the Authority in this behalf” shall be inserted after the word “the purpose.”

**Amendment of  
Sub-section (3) of  
Section 13.**

9. In Sub-section (3) of Section 13 of the principal Act, the words “within 15 days of receiving the notice,” shall be inserted after the word “necessary”.

**Insertion of  
Sub-section (5),  
(6) & (7) Section  
13.**

10. In Section 13 of the principal Act, the following new sub-section (5) shall be inserted namely,—

“(5) On such application having been duly made, and on payment of the fees under sub-Section (1)—

(a) the Authority may pass an order—

- (i) granting permission unconditionally; or
- (ii) granting permission subject to such conditions it may deem fit; or
- (iii) refusing permission.

(b) Without prejudiced to the generality of clause (a) of this sub-section, the Authority may impose conditions—

- (i) to the effect that the permission granted is only for a limited period and that after the expiry of that period, the land shall be restored to its previous conditions or the use of the land permitted shall be discontinued;
- (ii) for regulating the development or use of any land either under the control of the applicant or for the carrying out of works on any such land as may appear to the Authority expedient for the purpose of the permitted development;

(6) When permission is granted subject to conditions or is refused the grounds of imposing such conditions or such refusal shall be recorded in the order and the order shall be communicated to the applicant.

(7) When permission is refused under this section, the applicant or any person claiming through him or her, shall not be entitled to get refund of the fee paid on the application for permission but the Authority may, on an application for refund being made within 3(three) months of the communication of the grounds of the refusal under sub-section (6), direct refund of such portion of the fee as it may seem proper in the circumstances of the case.”

**Insertion of  
new Section 30A.**

10. After Section 30 of the principal Act, the new Section 30 A shall be inserted namely,—

“30-A. Power to stop development. (1) Where any development in any area has been commenced in contravention of the Master Plan or Development Scheme or without the permission, approval or sanction referred to in Section 13 and/or Section 29 or in contravention of any conditions subject to which such permission, approval or sanction has been granted, the Authority may, make an order requiring the development to be discontinued on and from the date of the service of the order and such order shall be complied with accordingly.



- (iv) Three MLAs to be nominated by the Meghalaya Legislative Assembly;
- (v) Principal Secretary / Commissioner and Secretary, Urban Affairs Department;
- (vi) Principal Secretary / Commissioner and Secretary, Finance Department;
- (vii) Principal Secretary / Commissioner and Secretary, Revenue Department;
- (viii) Principal Secretary / Commissioner and Secretary, Planning Department;
- (ix) Commissioner and Secretary / Secretary, Public Health Engineering Department;
- (x) Commissioner and Secretary / Secretary, Power Department.
- (xi) Commissioner and Secretary / Secretary, Housing Department.
- (xii) Secretary, Public Works Department,
- (xiii) Three non-official members who are professionals in Urban Planning / Urban Management and Finance shall be nominated by the Government."

**Amendment of  
Sub-section (2) of  
Section 3.**

4. In Sub-section (2) of Section 3 of the principal Act for the word 'five' the word 'one-third' shall be substituted.

**Amendment of  
Sub-section (3) of  
Section 3.**

5. In Sub-section (3) of Section 3 of the Principal Act for the Principal Act for the word 'Chairman', the word 'Chairperson' shall be substituted and thereafter wherever the word 'Chairman' appears in the principal Act, the word 'Chairperson' shall be substituted.

**Amendment of  
Sub-section (1) of  
Section 8B.**

6. In Sub-section (1) of Section 8B of the principal Act, the following shall be substituted namely,--

"8B. (1) Composition of the Authority :-

The Authority shall consist of the following members, namely :-

- (a) A chairman to be appointed by the State Government;
- (b) The Chairpersons of the Municipal Boards;
- (c) The Chief Executive Members of the Autonomous District Councils of the State;
- (d) Principal Secretary / Commissioner and Secretary Finance / Revenue / Planning / Urban Affairs Departments / or their representatives not below the rank of Joint Secretary;
- (e) Chief General Manager of BSNL or his representative;
- (f) Chief Engineer, Public Works Department (R & B);
- (g) Chief Engineer, Public Works Department (Building);
- (h) Chief Engineer, Public Health Engineering Department;
- (i) Chief Planner of the Authority to be appointed by the Government;
- (j) Chief Finance and Accounts Officer of the Authority to be appointed by the Government;
- (k) Engineer-in Chief of the Authority to be appointed by the Government;
- (l) Director, Housing Department;
- (m) Director, Urban Affairs Department;
- (n) Chief Executive Officers of the Municipal Boards;
- (o) Member (Technical) , Meghalaya State Electricity Board;
- (p) One member representing Commerce and Industry (Private Sector) to be nominated by the Government;
- (q) One member to be nominated by the State Government who in its opinion has special knowledge of practical experience in matters relating to Urban Planning."



(2) For ascertaining the purposes referred to in sub-section I, the Authority may call for the owner of the land or building permission so granted by the Competent Authority and examine the same.

(3) Where such development is not discontinued in Compliance with the order under sub-section (1), above, the Authority may require any Police Officer not below the rank of Sub-Inspector of Police to remove the persons by whom, the development has been commenced including all his assistant and Workmen from the place of development of construction and to seize any construction materials, machineries, scaffolding or other things used in such development of construction, within such time as may be specified in the requisition and such Police Officer shall comply with the requisition accordingly.

(4) After the requisition under sub-section (2) has been complied with, the Authority may depute by a written order, a Police officer or an employee(s) of the Authority to keep a watch on the place to ensure that the development is not continued.

(5) Any of the things seized under sub-section (3) shall unless the owner thereof within 30 (thirty) days of such seizure turn up to take them back and pay to the Authority the cost for removal and storage of such things be disposed of by the Authority either by the Public auction or in such other manner as the Authority may think fit.

(6) The charges for the removal and storage of the things seized under sub-section (3) shall be paid out of the sale proceed referred to in the sub-section (2) and the balance if any, shall be paid to the owner on a claim being made by him /her within a period of 1 (one) year from the date of sale, and if no such claim is made within the said period the balance shall lapse to the Authority.

(7) Without prejudice to anything contained in any law for the time being in force, the Authority in the exercise of its functions and powers shall have due regard to all such matters which in its opinion will be in accordance with the objectives of this Act

**Insertion of new  
Section 30 B.**

12. After section 30 A of the principal Act, Section 30 B shall be inserted, namely :-  
"30B. Power of demolition of building. (1) where any development has been commenced or is being carried on or has been completed in contravention of the Master Plan or Development Scheme or without permission, approval or sanction referred to in Section 13 and Section 29 of this Act or in the contravention of any of condition subject to which such permission, approval or sanction has been granted, the Authority may, in addition to any prosecution that may be instituted under this Act make an order directing that such development shall be removed by demolition, filling or otherwise by the owner, occupier, manager or by any person at whose instance the development has been commenced or is being carried out or has been completed within a period not exceeding thirty days from the date on which a copy of the order of removal with brief statement of the reasons thereof has been delivered.

(1) On his/her failure to comply with the order, the Authority may remove or cause to be removed the development and the expenses of such removal shall be removed from the owner, occupier, manager or any person at whose instance the development was commenced etc., as arrears of land revenue:

Provided that no such order shall be made unless the owner, occupier, manager or the person concerned has been given a reasonable opportunity to show cause why the order shall not be made.

**Amendment of  
Section 31.**

13. In Section 31 of the principal Act the words "not exceeding Rs. 250", the words "as provided in the rules notified from time to time" and for the words "of Rs. 50", the words "as prescribed in the rules notified from time to time" shall be substituted.

- Amendment of Section 33.** 14. In Section 33 of the principal Act, the bracket figure "(1)" and sub-section (2), (3) & (4) shall be omitted.
- Insertion of New Section 50A.** 15. After Section 50 of the principal Act, Section 50A shall be inserted, namely,—  
"50A. Audit of Account of the Authority, - (1) The accounts of the Authority shall be subject to audit annually by the Accountant General, Meghalaya.  
(2) The accounts of the Authority along with the audit report shall be placed before the State Legislature".
- Amendment of Clause (i) & (ii) of sub-section,** 16. (1) In clause (i) of sub-section (3) of Section 51 of the principal Act for the words "which may extend to Rs. 500", the words "as provided in the rules notified from time to time" shall be substituted.  
(2) In clause (ii) of sub-section (3) of Section 51 for the words "as provided in the rules notified from time to time" shall be substituted.
- Amendment of sub-section (3) of Section 54.** 17. In sub-section (3) of Section 54 for the words "which may extend to Rs. 30", the words "as provided in the rules notified from time to time" shall be substituted.
- Amendment of Clause (b) of Section 56.** 18. In clause (b) of section 56 for the words "which may extend to Rs. 500", the words "as provided in the rules notified from time to time" shall be substituted.
- Amendment of Section 61(1) Punishment for malicious abuse of powers.** 19. In sub-section (1) of Section 61 for the words "which may extend to Rs. 500", the words "as provided in the rules notified from time to time" shall be substituted.

L.M.SANGMA,  
Deputy Secretary to the Govt. of Meghalaya,  
Law (B) Department.





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Shillong, Tuesday, October 8, 2024

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**PART-IV**

**GOVERNMENT OF MEGHALAYA**  
**LAW (B) DEPARTMENT**

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**NOTIFICATION**

The 8<sup>th</sup> October, 2024.

**No.LL(B).204/84/Pt./2** - The Meghalaya Town and Country Planning (Amendment) Act, 2024 (Act No. 14 of 2024) is hereby published for general information.

**D. LYNGDOH,**  
Joint Secretary to the Govt. of Meghalaya,  
Law (B) Department



**MEGHALAYA ACT NO. 14 OF 2024**

(As passed by the Meghalaya Legislative Assembly)  
 Received the assent of the Governor on the 4<sup>th</sup> October, 2024  
 Published in the Gazette of Meghalaya Extra-Ordinary issue dated 8<sup>th</sup> October, 2024  
**THE MEGHALAYA TOWN AND COUNTRY PLANNING (AMENDMENT) ACT, 2024**

An

Act

**To amend the Meghalaya Town and Country Planning Act, 1973 (the Assam Town and Country Planning Act, 1959), as amended and adapted by Meghalaya.**

**Be it enacted by the Legislature of the State of Meghalaya in the Seventy Sixth Year of the Republic of India as follows:-**

**Short title and  
Commencement**

1. (1) This Act may be called the Meghalaya Town and Country Planning (amendment) Act, 2024.
- (2) It shall come into force at once.

**Amendment of subsection (I) of Section 8-B.**

2. After clause (a) of sub-section (1) of Section 8-B a new clause  
 "(a) (i)" shall be inserted as follows;  
 "(a) (i) Deputy Chairman(s) and Executive Member(s) as may be notified by the State Government from time to time".

**D. LYGDOH,**  
 Joint Secretary to the Govt. of Meghalaya,  
 Law (B) Department