

The Guwahati Building Construction (Regulation) (Amendment) Bill, 2022

A BILL

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 herein after 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:-


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“(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 (43), the following new clauses (45), (46), (47) and (48) shall be inserted, and thereafter the existing clause (43) 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

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(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 byelaws 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."

Act No. II of
1960

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- (ii) for sub-section (2), the following shall be substituted namely:-

“(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:-


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“(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 sixth 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:-

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“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

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