

# Assam State Capital Region Development Authority Act, 2017

ASSAM

India

## Assam State Capital Region Development Authority Act, 2017

### Act 38 of 2017

- Published on 16 October 2017
- Commenced on 16 October 2017
- [This is the version of this document from 16 October 2017.]
- [Note: The original publication document is not available and this content could not be verified.]

Assam State Capital Region Development Authority Act, 2017(Assam Act No. 38 of 2017)Last Updated 12th February, 2020(Received the assent of the Governor on 16th October, 2017)An Act to provide for the establishment of a Regional Development Authority for the preparation of a Regional Plan for the development of the Assam State Capital Region and for purpose of co-ordinating and supervising the proper, orderly and rapid development of the areas in that Region and of executing plans, projects and schemes for such development, and to provide for matters connected therewith, or incidental thereto.Preamble. - Whereas it is expedient in the public interest to provide for the establishment of Regional Development Authority for the preparation of such a Regional Plan for the development of the Assam State Capital Region and purpose of co-ordinating and supervising the proper, orderly and rapid development of the areas in that Region and of executing plans, projects and schemes for such development, and to provide for matters connected therein or incidental thereto;It is hereby enacted in the sixty-eighth year of the Republic of India as follows:-Chapter-1 Preliminary

### 1. Short title, extent and Commencement.

- This Act may be called the Assam State Capital Region Development Authority Act, 2017.(2)It extends to the Assam State Capital Region area as specified in the schedule appended to this Act(3)It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

### 2. Definition.

- In this Act, unless the context otherwise requires,-(a)Authority means the Assam State Capital Region Development Authority constituted under sub-section(l) of section 3;(b)"amenity" includes roads, bridges, any other means of communication, transport supply of water and electricity, any

other source of energy, street lighting drainage sewerage and conservancy, and any other convenience as the; State Government in consultation with Authority, may from time to time, by notification in the official Gazette, specify to be amenity for the purposes of this Act;(c)"Assam State Capital Region" or "State Capital Region" means in the Schedule. The State Government may, from time to time by notification in the Official Gazette, amend that Schedule by adding thereto or deleting therefrom any area or areas specified in such notification; and thereupon any area or areas be the "State Capital Region":Provided that, no such notification shall be issued by the state Government unless the draft of the same has been laid before the House of the State Legislature and has been approved by a resolution passed by the House in that behalf, and upon such approval, the notification may be issued and shall take effect in the form in which it is so approved.(d)"Committee" means the Executive Committee constituted under sub-section (1) of section 4;(e)"development" with its grammatical variations, means the carrying out of building engineering, mining or other operations in, or over, or under any land (including land under river, lake or any other water) or the making of any material change in any building of land, or in the use of any building or land and includes redevelopment and layout and Sub-divisions of any land and also the amenities and projects and schemes for development of industrial, agriculture horticulture, floriculture, forestry, dairy development, poultry farming, piggery, cattle breeding, fisheries and other similar activities and the words to develop shall be construed accordingly;(f)"Development Scheme" means Plans defined under Assam Town and Country Planning Act, 1959 (amended)(Assam Act No. II of 1968) Guwahati Metropolitan Development Authority Act, 1985 (amended) and Guwahati Municipal Corporation Act, 1969 (amended) (Assam Act No. I of 1973).(g)"Functional Plan" means a plan prepared to elaborate one or more elements of the Regional Plan;(h)"Government" means the Government of Assam;(i)"land" includes benefits arising out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;(j)"Master Plan" means Plans defined under Assam Town and Country Planning Act, 1959 (amended) (Assam Act No. II of 1968), Guwahati Metropolitan Development Authority Act, 1985 (amended) (Assam Act No. XX of 1987);(k)"prescribed" means prescribed by rules made under this Act;(l)"Project Plan" means a detailed plan prepared to implement one or more elements of the Regional Plan, Sub-Regional Plan, District Plan Functional Plan, Master Plan, Development scheme, as the case may be;(m)"Regional Plan" means plan prepared under the provisions of the this Act for the development or redevelopment of (Assam State Capital Region) as defined in this Act, or for any part thereof and includes a draft or final Master Plan prepare for the said region or any Part thereof whether before or after the commencement of this Act which is for the time being in force;(n)"Regulations" means regulations made by the Authority under this Act;(o)"rule" means rule made under this Act;(p)"Schedule" means the schedule appended to this Act,(q)"Sub-Region" means such part of the State Capital Region as falls entirely within the limits of a particular development authority or local bodies; and(r)"Sub-Region Plan" means a plan prepared for sub-region.

Chapter-IV The Assam State Capital Region Development Authority

### **3. Constitution and incorporation of the Authority.**

(1)As soon as may be after the commencement of this Act, the State Government shall by notification in the Official Gazette, constitute for the purposes of this Act, a Authority to be called "The Assam State Capital Region Development Authority herein after referred to as "the Region

Development Authority" or "the Authority".(2)The Authority shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to contract and shall, by the said name, sue and to acquire hold and dispose the property, both movable and immovable and to contract and may sue or be sued by its corporate name aforesaid.(3)The Authority shall consist of such numbers, not exceeding twelve, as may be prescribed, and unless the rules made in this behalf otherwise provide, the Authority shall consist of the following members, namely: -(i)The Chief Minister, Assam who shall be the Chairman;(ii)The Finance Minister, Assam;(iii)The Minister of Guwahati Development Department;(iv)The Minister of Urban Development Department;(v)Vice Chairman of the Authority who is notified by the Government of Assam not below the rank of Commissioner & Secretary to the State Government;(vi)Four (4) elected Members of Parliament/ Members of Legislative Assembly who shall be nominated by the Government and be members on a rotational basis;(vii)Two (2) members who shall be persons having knowledge and experience in town planning, to be nominated by the State Government;(viii)A full-time Secretary of the Authority who will act as Member Secretary:Provided that no change shall be made in the composition of the Authority by rules except with the previous consent of the Government.(4)The terms and conditions of office of the members nominated under clause (vi), clause (vii), of subsection (3) shall be 3 (three) years or such as may be prescribed.(5)No Act or proceeding of the Authority or of any Committee or other body thereof shall be deemed to be invalid at any time merely on the ground that,-(a)any of the members of the Authority or its Committee or body are not duly elected, nominated or appointed or for any other reason are not available to take office at the time of the constitution or any meeting of the Authority or of its Committee or body or there is any defect in the constitution thereof, or any person is a member in more than one capacity or there are one or more vacancies in the offices of any such member;(b)there is any irregularity in the procedure of the Authority or such Committee or Body, affecting the merits of the matter under consideration.(6)The Authority shall meet at least once in three months, in such place and at such time as the Chairman may decide and observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum thereat) as may be laid down by regulations.(7)The Authority may utilize the services of following institutions/organizations in discharging of preparation of plans and development of infrastructure.-(a)Development Authorities constituted under the GMDA Act,1985 with amendments and Assam Town & Country Planning Act,1959 with amendments.(b)Guwahati Municipal Corporation, other urban & rural local bodies and Authorities administering 6th schedule areas falling under Assam State Capital Region.(c)Other Government and Semi-Government departments, as the case may be:Provided that Authority may, by a resolution add any other institutions/organizations as the case may be, and delegate to them powers.

#### **4. Composition of the Executive Committee.**

(1)The Authority shall as soon as may be, after the commencement of this Act, constitute a Committee, to be called the Executive Committee, for assisting the Authority in the discharge of its functions.(2)The Executive Committee shall consist of such members, not exceeding twelve, as may be prescribed and unless the rules made in this behalf otherwise provide, the Committee shall consist of the following members, namely:-(i)Vice-Chairman of the Authority shall be the Chairman of the Executive Committee:(ii)Senior most Secretary or not less than Commissioner & Secretary,

Urban Development Department;(iii)Senior most Secretary or not less than Commissioner & Secretary, Guwahati Development Department;(iv)Senior most Secretary or not less than Commissioner & Secretary, Finance Department;(v)Senior most Secretary or not less than Commissioner & Secretary, Revenue & Disaster Management Department;(vi)Commissioner of PWD of Roads and Building;(vii)Deputy Commissioner of all Districts falling within the State Capital Region;(viii)Member Secretary of the Authority shall act as member secretary of the Executive Committee;(ix)One member who is expert in the field of urban planning and development to be appointed by the Government.(3)The Executive Committee shall meet at such place and at such time as may be determined by its Chairman, and shall observe such rules of procedure as It may determine or frame in this regard.

## **5. Power to co-opt, etc.**

(1)The Authority or the Committee may, at any time and for such period as it thinks fit, co-opt any person or persons as a member or members of the Authority or of the Committee.(2)A person co-opted under sub-section 5(1) shall exercise and discharge all the powers and functions of a member of the Authority or of the Committee, as the case may be, but shall not be entitled to vote.

## **6. Vacancies, etc., not to invalidate proceedings of the Authority or the Committee.**

- No act or proceeding of the Authority or of the Committee shall be invalid merely by reason of,-(a)the existence of any vacancy in or any defect in the constitution of the Authority or the Committee; or(b)any irregularity in the procedure of the Authority or of the Committee not affecting the merits of the case.Chapter-III Function and Powers of the Authority and of the Committee

## **7. Function of the Authority.**

- The main object of the Authority shall be to secure the development of the State Capital Region according to the Regional Plan, and for that purpose the functions of the Authority shall, -(a)prepare the Regional Plan for the area under State Capital Region;(b)co-ordinate the preparation of Functional Plans, Sub- Regional Plans, Development Schemes and Project Plans by concerned Development Authority, Corporation, local bodies, Panchayat and various Government Departments;(c)to arrange for, and oversee, the financing of selected development projects in the State Capital Region through Government fund and other sources of revenue;and(d)review of Physical. Financial and Economical Plan in respect of the Authority.

## **8. Powers of the Authority.**

- The powers of the Authority shall include the powers to, -(a)seek information from the development Authorities and local bodies and Department of Government within State Capital Region with regard to preparation and implementation of Functional Plans and Sub-Regional Plans;(b)indicate the stages for the implementation of the Regional Plan;(c)review the

Implementation of the Regional Plan, Functional Plan, Development Schemes and Project Plan;(d)select and approve comprehensive projects, call for priority development and provide such assistance for the implementation of those projects as the Authority may deem fit;(e)select, in consultation with the State Government, any urban area, outside the State Capital Region having regard to it's location, population and potential for growth which may be developed as a counter-magnet in order to achieve the objectives of the Regional Plan; and(f)entrust to the Executive Committee such other functions as it may consider necessary to carry out the provisions of this Act.

## **9. Functions of the Committee.**

(1)The functions of the Executive Committee shall be to assist the Authority in, -(a)the preparation and coordinated implementation of the Regional Plan and the Functional Plan;(b)coordinate implementation of the Sub-Regional Plans and all Project Plans to ensure that the same are in conformity with the Regional Plan;(c)appointment of staff;(d)planning and implementation of projects and schemes of the Authority, including approval or rejection of such projects and schemes;(e)approval or rejection of tenders for projects and schemes of the Authority;(f)investment of surplus money of Authority in any manner with approval of Government;(g)the Institution conduct and withdrawal of any legal proceedings on behalf of the Authority;(2)The Committee may also make such recommendation to the Authority as it may think necessary to amend or modify any Functional Plan, Development Scheme or any Project Plan.(3)The Committee shall perform such other functions as may be entrusted to It by the Authority.(4)Subject to the general superintendence and control of the Authority, the management of the affairs of the Authority shall vest in the Executive Committee.

## **10. Officers and staff.**

(1)The Chief Administrative /Executive Officer of the Authority shall be appointed by the Government of Assam not below the rank of Secretary to the State Government. The State Government shall by order determine, from time to time, the salary and other terms and conditions of service and the powers and functions. He shall be appointed for such period not exceeding three years as the State Government may decide, and the appointment may be extended from time to time for a period not exceeding three years at a time.(2)The Authority may appoint Deputy or Assistant Regional Development Commissioners, Urban Planners, Engineers, Law-Officer, Accounts Officer and other officers either on deputation or on appointment.(3)The Authority may, from time to time, issue sanction for creation of posts of officers, staffs as may be necessary for the efficient performance of the functions of the Authority. The condition of recruitment, appointment and service and the powers and duties of such officers, and staff shall be such as may be determined by service regulations.Chapter-IV The Regional Plan

## **11. Contents of the Regional Plan.**

(1)The Regional Plan shall be a written statement and shall be accompanied by such maps, diagrams, illustrations and descriptive matters as the Authority may deem appropriate for the

purpose of explaining or illustrating the proposals contained in the Regional Plan and every such map, diagram, Illustration, and descriptive matter shall be deemed to be a part of the Regional Plan.(2)The Regional Plan shall indicate the manner in which the land in the State Capital Region shall be used, including green belts, urban forests and recreational areas whether by carrying out development thereon or by conservation or otherwise, and such other matters as are likely to have any Important influence on the development of State Capital Region and every such Plan shall include the following elements needed to promote growth and balanced development of the State Capital Region, namely:-(a)the policy in relation to land-use and the allocation of land for different uses;(b)the proposals for major urban settlement pattern;(c)the proposals for providing suitable economic base for future growth;(d)the proposals regarding transport and communications including roads, railways, waterways, metro rail, bus rapid transit system and arterial roads serving the State Capital Region;(e)the proposals for the supply of drinking water, drainage and sewerage;(f)indication of the areas which require immediate development as priority areas;(g)regional plan proposals for industrial corridor and industrial park;(h)such other matters as may be included by the Authority with the concurrence of the State Government and local authorities for the proper development of the growth and balanced development of the State Capital Region.(3)The Authority may also in consultation with the local Authority concerned, for the purpose of the integrated development of the State Capital Region, undertake modification or revision of the Development plans under the Act aforesaid for the area of the Authority and shall for this purpose have all the powers of a Authority under that Act.

## **12. Surveys and studies.**

- For the preparation of the Regional Plan, the Authority may cause such surveys and studies, as it may consider necessary to be made by such persons or group of persons as it may appoint in this behalf and may also associate such experts or consultants for carrying out studies in relation to such specific matters as may be determined by the Authority.

## **13. Procedure to be followed for the preparation of the Regional Plan.**

(1)Before preparing any Regional Plan, finally, the Authority shall prepare with the assistance of the Committee, a Regional Plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and in such manner as may be prescribed Inviting objections and suggestions from any person with respect to the draft Regional Plan before such date as may be specified in the notice.(2)The Authority shall also give reasonable opportunities to every local authority within whose local limits any land touched by the Regional Plan is situate to make any representation with respect to the draft Regional Plan.(3)After considering all objections, suggestions and representations that may have been received by the Authority, the Authority shall finally prepare the Regional Plan.Provided that the Authority may examine any Draft Plan of the Schedule land already prepared and may adopt this Draft Plan with such modification/correction as Authority may consider necessary as per regulation framed for such adoption.

#### **14. Date of coming into operation of the regional Plan.**

(1) immediately after the Regional Plan has been finally prepared, the Authority shall publish in such a manner as may be prescribed, a notice, stating that the Regional Plan has been finally prepared by it and naming the places where a copy of the Regional Plan may be inspected at all reasonable hours and upon the date of first publication of the aforesaid notice, the Regional Plan shall come into operation. (2) The Publication of the Regional Plan, after previous publication, as required by section 13, shall be conclusive proof that the Regional Plan has been duly prepared.

#### **15. Modifications of the regional Plan.**

(1) The Authority may, subject to the provisions of sub-section (2) make such modification in the Regional Plan as finally prepared by it, as it may think fit, being modifications which, in its opinion, do not effect important alterations in the character of the Regional Plan and which do not relate to the extent of land-uses or the standard of population density. (2) Before making any modifications in the finally prepared Regional Plan, the Authority shall publish a notice, in such form and in such manner as may be prescribed, indicating therein the modifications which are proposed to be made in the finally prepared Regional Plan, and inviting objections and suggestions from any persons with respect to the proposed modifications before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by it on or before the date so specified. (3) Every modification made under this section shall be published in such a manner as the Authority may specify and the modifications shall come into operation either on the date of such publication or on such later date as the Authority may fix. (4) If any question arises whether the modifications proposed to be made are modifications which effect important alterations in the character of the Regional Plan or whether they relate to the extent of land-uses or the standard of population density, it shall be decided by the Authority, whose decision thereon shall be final.

#### **16. Review and revision to the regional Plan.**

(1) After every year from the date of coming into operation of the finally prepared Regional Plan, the Authority shall review such Regional Plan in its entirety and may, after such review, substitute it by a fresh Regional Plan or may make such modifications or alterations therein, as may be found by it to be necessary. (2) Where it is proposed to substitute a fresh Regional Plan in place of the Regional Plan which was previously finally prepared or where it is proposed to make any modifications or alterations in the finally prepared Regional Plan, such fresh Plan or, as the case may be, modifications or alterations in the finally prepared Regional Plan, shall be published and dealt with in the same manner as if it were the Regional Plan referred to in section 13 and 14 or as they were the modification or alterations in the Regional Plan made under section 15. Chapter-V Functional Plans, Sub-Regional Plans, Master Plan, Development Scheme and Project Plans

#### **17. Preparation of functional plans, sub-regional plans/master plans.**

(1) After the Regional Plan has come into operation, the Authority may prepare, as many Functional

Plans as may be necessary for the proper guidance of the other authorities and local bodies concerned with their consultation.(2)Each authorities and local bodies are empowered to prepare a Functional Plan/Sub-regional Plan/ Master Plan for the sub-region.(3)Each Sub-Regional Plan/Master Plan shall be a written statement and shall be accompanied by such maps, diagrams, illustrations and descriptive matters as the authorities and local bodies concerned may deem appropriate for the purpose of explaining or illustrating the proposals contained in such Sub-Regional Plan and every such map, document, illustration and descriptive matter shall be deemed to be a part of the Sub-Regional Plan/Master Plan.(4)A Sub-Regional Plan may indicate the following elements to elaborate the Regional Plan at the sub-regional level, namely: -(a)reservations of areas for specific land-uses which are of the regional or sub-regional importance including green belts, urban forests and recreational areas;(b)tribal belts/block areas and Autonomous Council areas within the State Capital Region shall be developed keeping in view the existing laws while preserving the tradition and culture of the tribal blocks; and the prior consent of these authorities is mandatory before finalizing the Regional Plan covering the respective areas;(c)future urban and major rural settlements indicating their area, projected population, predominant economic functions, approximate site and locations;(d)road and mass rapid transit system network up to the District roads and roads connecting major rural settlements;(e)proposals for the co-ordination of traffic and transportation, included terminal facilities;(f)priority areas at sub-regional level for which immediate plans are necessary;(g)proposals for the supply of drinking water, drainage and sewerage; and(h)any other matter which is necessary for the proper development of the sub-region.(5)The Master Plan prepared for an area will be as per Assam Town and Country Planning Act 1959 (amended) or GMDA Act 1985 (amended) as the case may be.

## **18. Preparation of the Project Plans.**

- The local authorities and local bodies concerned may. by themselves or in collaboration with one or more of the participating authorities and local bodies concerned, as the case may be, prepare Project Plans for one or more elements of the Regional Plan or Sub-Regional Plan.

## **19. Submission of Sub-Regional and Functional Plans.**

- Each local authorities or local bodies concerned shall submit Sub-Regional Plans/Functional Plans to the State Capital Region Authority in conformity with the Regional Plan.

## **20. Implementation of Sub-Regional Plans, etc.**

- Each local authorities or local bodies concerned or, as the case may be, shall be responsible for the implementation of the Sub-Regional Plan/Master Plan in conformity with the State Capital Region Authority Regional Plan.

## **21. Funds of the Authority.**

(1)There shall be a fund for the Metropolitan Authority to be called "Assam State Capital Region



Development Fund" to which shall be credited all moneys received by the Authority, including, - (a) the contribution to be made by the State Government of a sum of not less than Rs 100 crore (Rupees one hundred crores) towards a revolving fund to be established by the Authority, in such instalments, as the State Government may determine in accordance with the schemes included in the State Plan and under appropriation duly made in this behalf, which contribution shall be utilized by the Authority for such planned development as the State Government may, from time to time, approve; (b) such other moneys as may be paid to the Authority by the State Government; (c) such moneys as may be paid to the Authority by the Central Government or any other authority or agency; (d) the sums placed at its disposal by the State Government from out the proceeds of any cess levied under this Act; (e) the proceeds of any betterment charge levied under this Act; (f) all fees, costs and charges received by the Authority under this Act or any other law for the time being in force; (g) all money received by the Authority from the disposal of lands, buildings and other properties, movable and immovable, and other transactions; (h) all moneys borrowed by the Authority; (i) all money received by the Authority by way of rents and profits or in any other manner from any other source. (2) The State Government shall, every year, make a grant to the Authority of a sum equivalent to the administrative expenses of the Authority till the Authority is able to meet its administrative expenses out of its own sources; (3) The Authority may keep in current or deposit account with the State Bank of India or with any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, Central Act No 2 of 1934 which holds a license Issued by the Reserve Bank of India under section 22 of the Banking regulation Act 1949 (Central Act No. 10 of 1949), or with any other bank approved by the State Government in this behalf, such sum of money out of its Fund as may be prescribed, and any money in excess of the said sum shall be invested in such manner as may be approved by the State Government. (4) Such accounts shall be operated upon by such officers of the Authority as may be authorized by it by regulation made in this behalf.

## **22. Loans Fund.**

(1) As a part of the Assam State Capital Region Development Fund the Authority shall establish in district Bank accounts a Loans Fund for the purposes of (a) receiving all monies borrowed by It including all repayments of loan instalments together with payment of interest made by the borrower on loan, (b) providing all moneys to be made available by the borrower on loans or advances to local authorities and other authorities or persons, (c) repayment of loans raised by the Authority for the purpose of this Act, and (d) expenditure on projects and schemes. (2) All matters connected with the Loans Fund shall be governed by the regulations made in this behalf.

## **23. Reserve and other funds.**

(1) The Authority shall make provisions for a reserve fund and may provide for other specially denominated funds as it deems fit. (2) The management of the funds referred to in sub-section (1), the sums to be transferred from time to time to the credit thereof and the application of money comprised therein, shall be determined by the Authority.

## **24. Application of funds, etc.**

- All property, funds and other assets vesting in the Authority shall be held and applied by it for the purposes and subject to the provisions of this Act.

## **25. Power of Authority to borrow.**

- The Authority may, with the previous approval of the State Government, borrow any moneys for carrying out the purpose of this Act or for servicing any loan obtained by it at such rates and on such conditions as the State Government may determine at the time the moneys are borrowed.

## **26. Power of Authority to finance projects and Schemes and impose conditions thereof.**

- The Authority shall be Competent to give grants, advances or loans to, or to share expenses with, any local authority or other authority In the State Capital Region, for any of the purposes of section 12, and notwithstanding any thing contained in any law for the time being in force, but subject to the restrictions, if any, contained therein, it shall be lawful for such other authority to accept such grants, advances or loans or share In the expenses, subject to such terms and conditions as the Authority may. from time to time, in consultation with such other authority, specify.

## **27. State Guarantee to loans taken or given by Authority.**

- The State Government may guarantee repayment of the principal of, and interest on any loan raised or given by the Authority or transferred to It, for the purposes of this Act, subject to such conditions as the State Government may think fit to impose.

## **28. Accounts and Audit.**

(1)The Authority shall cause to be maintained proper books of accounts and such other books as the rules made under this Act may require and shall prepare in accordance with such rules an annual statement of accounts.(2)The Authority shall cause its accounts to be audited annually by Accountant General, Assam.(3)The audit shall submit his audit report to the Authority and shall forward a copy thereof to the State Government

## **29. Budget.**

- The Authority shall prepare, every year, in such form and at such time as may be prescribed, an annual budget estimate in respect of the next Racial year showing the estimated receipts and disbursements of the Authority and shall submit a copy thereof to the State Government for approval by February of every year.

### **30. Annual report.**

- The Authority shall, after the end of each year prepare in such form and before such date as may be prescribed, a report of its activities during such year and submit to the State Government and the State Government shall cause a copy of such report to be laid before both Houses of the State Legislature.

### **31. Operations of Authority not to be carried out at a loss.**

- The Authority shall not be required to carry out any of its operation under this D Act at a loss. Any deficit In the Assam State Capital Region Development Fund in any financial year shall be made good by the Authority not later than those of the next succeeding financial year.

### **32. Power to levy a cess on building and lands.**

(1)The State Government may, upon a request received from the Authority by notification in the Official Gazette, levy a cess on building and, lands In the State Capital Region or any part thereof, at such rate not exceeding five per centum as may be determined by the State Government of the rateable value of the property.(2)Such cess may be levied at different rate for different areas and for different classes of properties.(3)The cess shall be collected by the local authority within whose areas the properties are situated as if the cess were a property tax levied by it under the law governing that local authority and shall first be credited to the Consolidated Fund of the State, after deducting such portion thereof as may be prescribed as collection charges.(4)The State Government shall after the appropriation made by the State Legislature by law in this behalf pay to the Authority, from time to time, from out of the proceeds of the cess sums equivalent to the net amount of the cess credited to the Consolidated Fund of the State for being utilized by the Authority for the purposes of this Act.(5)Notwithstanding anything contained in the Assam Urban Areas Rent Control Act, 1972 (Assam Act No. 17 of 1972) a landlord shall not, in respect of any premises situated in the Metropolitan Region, be entitled to make any increase In the rent of the said premises on account of the payment by him of the cess levied under this section.

### **33. Power of Authority to levy betterment charges.**

(1)Where, in the opinion of the Authority as a consequence of any development project or schemes having been executed by the Authority in any area the value of any land in that area has increased or will increase, the Authority shall be entitled to levy upon the owner of the land or any person having an interest therein, a betterment charges in respect of the increase in value of the land resulting from the execution of the development project or scheme.(2)Such betterment charge shall be an amount not exceeding one-half of the amount by which the value of the land on the completion of the execution of the development project or schemes, estimated as If the land were clear of buildings, exceeds the value of the land immediately before such execution estimated in like manner:Provided that, in levying betterment charge on any land the Authority shall have regard to

the extent and nature of benefit accruing to the land from the development project or scheme and such other factors as may be laid down by rules made in this behalf.(3)No betterment contribution shall be payable by the Government, the Authority or other local authority in respect of any land which is the property of the Government, the Authority or other local authority or by any public institution in respect of any land belonging to such Institution.

### **34. Assessment of betterment charge by the Authority.**

(1)When it appears to the Authority that any particular development project or scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment charge the execution of the development project or scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the land or any person having an interest therein that the Authority proposes to assess the amount of the betterment charges in respect of the land under the last preceding section.(2)The Authority shall then assess the amount of betterment charge payable by the person concerned after giving such person a reasonable opportunity to be heard and such person shall, within one month from the date of receipt of the notice in writing of such assessment from the Authority, inform the Authority by a declaration in writing that he accepts the assessment or dissents from it;(3)When the assessment proposed by the Authority is accepted by the person concerned within the period specified in subsection (2) such assessment shall be final.(4)if the person concerned dissents from the assessment or fails to give the Authority the information required by sub-section (2) within the period specified therein, the matter shall be determined by arbitrators in the manner provided in the next following section.

### **35. Settlement of betterment charge by arbitration.**

(1)For the determination of the matter referred to in sub-section (4) of the last preceding section, the State Government shall appoint three arbitrators of whom one shall be a City Civil Court Judge or District Judge or who has been such judge and two others shall possess such technical qualifications as may be prescribed by Government along with terms of such engagement.(2)The arbitrators shall follow such procedure as may be prescribed by Government.(3)The arbitrators shall, for purpose of determining any matter referred to them have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely :-(a)Summoning and enforcing the attendance of any person and examining him on oath;(b)Requiring the discovery and production of any document;(c)Receiving evidence on affidavits;(d)Requisitioning any public record from any Court or office;(e)Issuing commissions for examination of witnesses.(4)In the event of any difference of opinion among the arbitrators, the decision of the majority shall prevail and that decision shall be the award of the arbitrations.(5)If any arbitrator dies, resigns, or is removed under sub-section (6) or refuses or neglects, in the opinion of the State Government, to perform his duties, or becomes incapable of performing the same, then the State Government shall forthwith appoint another fit person to take the place of such arbitrator.(6)If the State Government is satisfied after such inquiry as it thinks fit -(a)That an arbitrator is guilty of misconduct, the State Government may remove him from his office;(b)That the award of the arbitrators has been improperly procured or there has been any

misconduct/ill practice in connection with such award, the State Government may set aside the award.(7)An award which has not been set aside by the State Government under clause (b) of sub-section (6) shall be final and shall not be questioned in any Court.

### **36. Payment of betterment charge.**

(1)The betterment charge levied under this Act shall be payable in such number of installments and each installment shall be payable at such time and In such manner as may be fixed by rules.(2)Any arrear of betterment charge shall bear interest at the prescribed rate and shall be recoverable as an arrear of land revenue.

### **37. Betterment charge a first charge on land.**

(1)Any person liable to the payment of betterment charge may, at his option Instead of making a payment thereof to the Authority, execute an agreement with the Authority to leave the said payment outstanding as a charge on his Interest in the land, subject to the payment in perpetuity of interest at the prescribed rate, the first annual payment of such interest being made at such time and in such manner as may be fixed by the rules:Provided that, within a period of ten years from the date on which the first payment of interest is made by any person, he may, at any time, pay the betterment charge in full in a lump sum and thereupon the agreement executed by him shall stand terminated and the charge created by him on his interest in the land shall also stand released.(2)Every payment due from any person in respect of a betterment charge and every charge referred to In sub-section (1) shall notwithstanding anything contained In any other law for the time being in force but subject to the payment of any dues of the Government, or of any local authority, be the first charge upon the interest of such person in such land.Chapter-VIII Land and Property Related Provisions

### **38. Acquisition of property by the authority.**

- The Authority may acquire any movable or immovable property by purchase, exchange, gift, lease, mortgage, negotiated settlement, or by any other means permissible under any law.

### **39. Acquisition of land by negotiated settlement.**

- The Authority may acquire land by mutual agreement by paying such amount and also on such other terms and conditions as may be agreed upon through negotiated settlement In such manner as may be prescribed.

### **40. Power to acquire land.**

- Any land required, reserved or designated in any development plan shall be deemed to be the land needed for public purpose within the meaning of the Right to Fair Compensation and Transparency in Land Acquisition, under prevailing Rehabilitation and Resettlement Act, and may be acquired by

the Government on the request by the Authority or other authority or functional unit.

#### **41. Creation and management of land development bank.**

- The Authority shall create and maintain a Capital Region Land Development Bank in which all lands acquired, allotted, purchased or obtained through any mode shall be maintained, protected and used for the furtherance of the objectives of the Act

#### **42. Creation and management of land development bank.**

(1)The Authority shall have the first right of alienation of Government lands within the capital region and such land as may be required by the Authority shall be transferred to the Capital Region Land Development Bank.(2)The Government by specific orders and on such terms and conditions as may be agreed upon between the Government and the Authority, place at the disposal of the Authority any developed and undeveloped Government lands situated within the capital region for the purpose of development(3)Any lands assigned by Government may be taken over by the Authority as per prescribed procedure for undertaking development schemes, industrial development schemes or for development of public utilities, amenities and facilities upon payment of compensation decided by the District Collector.

#### **43. Transfer of Government land to the Authority.**

- The Authority may, with the consent of the owner, acquire land for public purposes, for providing infrastructure, amenities and facilities by way of according Transferable Development Rights through issue of Development Right Certificate in lieu of payment towards cost of land in such manner as may be prescribed:Provided that the Transferable Development Rights may be arrived at on the basis of relative land values and equivalent amount of both export and import areas as per die Registration Department records. Such Transferable Development Right may be utilized as additional built space by the owner who can use this either by himself or transfer It to any other person in full or in part for use in a less developed area as prescribed, or offset the money against the fees and charges payable for development permission or building sanction subject to fulfillment of ail other rules and standing orders governed for construction of buildings.

#### **44. Disposal of land and other property by the Authority.**

- Any land acquired by the Government and transferred to the Authority or any Government land alienated to the Authority, with or without development thereon, or any other immovable property belonging to the Authority, may be disposed of by the Authority in accordance with standing orders made for the purpose in this behalf.

#### **45. Land pooling policy.**

- The Authority shall execute land pooling scheme for intending land owners volunteering to surrender their land against a guarantee return of a developed and reconstituted plot/land. The Land Pooling policy for Guwahati Metropolitan Area-2025 and Guwahati (Master Plan Area 2025) Land Pooling Regulation, 2016 shall be adopted for development of State Capital Region. Chapter-IX Miscellaneous

#### **46. Act to have overriding effect.**

- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act; or in any decree or order of any court, tribunal or other authority.

#### **47. Power of the State Government to give directions.**

- The State Government may, from time to time, give such directions to the Authority as it may think fit for the efficient administration of this Act and when any such direction is given, the Authority shall carry out such directions.

#### **48. Violation of Regional Plan.**

(1) On and from the coming into operation of the finally published Regional Plan, No Development and Plans shall be made in the region which is in consistence with the Regional Plan as finally published. (2) Where the Authority is satisfied that any local authority, Government Departments and persons has carried out, or is carrying out, any activity which amounts to a violation of the Regional Plan, it may, by a notice in writing, direct the concerned participating local authorities and government departments and persons as the case may be, to stop such violation of the Regional Plan within such time as may be specified in the said notice and in case of any omission or the refusal on the part of the concerned local authorities, government departments and persons to stop such activity, withhold such financial assistance to the concerned local authorities as the Authority may consider necessary and take any other action as per rule framed in this regard.

#### **49. Technical assistance to the Authority.**

(1) The State Government may direct its Town and Country Planning Organization, other departments and Guwahati Metropolitan Development Authority to provide on such terms and conditions as may be mutually agreed upon, such technical assistance to the Authority as that Government may consider necessary.

## **50. Power of delegation.**

- The Authority may, by resolution, delegate, from time to time, any power (except the power to make regulations) exercisable by it or any function to be discharged or any duty to be performed by it, by or under this Act to the Executive Committee subject to such terms and conditions as may be specified in such resolution.

## **51. Power of entry.**

- Subject to any rules made in this behalf, any person generally or specially authorized by the Authority in this behalf, may, at all reasonable times, enter upon any land or premises and do such things thereon as may be necessary for the purpose of lawfully carrying out any works or for making any survey, examination or investigations, preliminary or incidental to the exercise of any power or performances of any function by the Authority under this Act: Provided that no such persons shall enter any building or any enclosed courtyard or garden attached to a dwelling-house without previously giving the occupier thereof at least three days notice in writing of his intention to do so.

## **52. Member-Secretary, officers and other employee to be public servants.**

- The Member-Secretary, Officers and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act to be public servants within the meaning of section 21 of the Indian Penal Code.

## **53. Protection of action taken in good faith.**

- No suit prosecution or other legal proceeding shall lie against the Authority or any member or any officer or any other employee of the Authority including any other persons authorized by the Authority to exercise any power or to discharge any function under this Act, or for anything which is in good faith done or intended to be done under this Act.

## **54. Power to make rules.**

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act (2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: - (a) the composition and number of the members of the Authority and of the Committee, as required by sub-section (3) of section 3 and sub-section (2) of section 4, respectively, to be prescribed; (b) the terms and conditions of the office of the members as required by subsection (4) of section 3, to be prescribed; (c) the form and manner in which notice under sub-section (1) of section 13 and sub-section (2) of section 14 shall be published; (d) the manner in which notice under sub-section (1) of section 13 shall be published; (e) the form in which and the time at which the Authority shall prepare its budget under section 29 and its annual report under section 30 and the manner in which the accounts of the Authority shall be maintained and audited under section 28; (f) the conditions and restrictions with



respect to the exercise of the Powers to enter under section 51 and others matters relating thereto; and(g)the form and manner in which notice under section 48 (2) are to be issued for taking action under it;(h)any other matter which is to be, or, may be prescribed or in respect of which provision is to be, or may be, made by rules.

## **55. Power to make regulations.**

(1)The Authority may, with the previous approval of the State Government by Notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made there under to carry out the provisions of this Act(2)In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-(a)the manner in which and the purposes for which the Authority may associate with itself any person under section 10;(b)the terms and conditions of service of the Officers and Employees of the Authority under sub-section (3) of section 10; and(c)any other matter in respect of which provisions is to be, or may be, made by regulations.

## **56. Rules and regulations to be laid before Legislative Assembly.**

- Every rule and every regulation 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 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, every rules or agree that the every rules and regulations should not be made, every rules or regulations shall thereafter have effect only In such modified form or be 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 every rules and regulations.

## **57. Dissolution of the Authority.**

(1)Where the State Government is satisfied that the purposes for which the Authority was established under this Act, have been substantially achieved or the Authority has failed in its objections, so as to render the continued existence of the Authority in the Official Gazette, declare that the Authority shall be dissolved with effect from such date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly(2)From the said date,-(a)all properties, funds and dues which are vested in or realizable by the Authority shall vest in, or be realizable by, the State Government(b)all liabilities which are enforceable against the Authority shall be enforceable against the State Government.(c)for the purpose of carrying out any development which has been carried out by the Authority and for the purpose of realizing properties, funds and dues referred to in clause (a) the functions of the Authority shall be discharged by the State Government.(3)Nothing in this section shall be construed as preventing the State Government from reconstituting the Authority in accordance with the provisions of this Act.The Schedule(See section 2(c))The Assam State Capital Region shall comprise of the following areas:-

- 1. Kamrup Metropolitan District (all Circles)**
- 2. Kamrup District(Hajo, Palashbari, Rangia, Goroimari, Chaygaon, Boko, North Guwahati, Kamalpur and Koya Circle)**
- 3. Nalbari District (Barkhetri, Nalbari, Pachim Nalbari, Ghograpar, Barbhag and Banekuchi Circle)**
- 4. Darrang District (Sipajhar, Patharighat Circle and Mangaldoi Municipal area)**
- 5. Morigaon District (Mayong & Marigaon Circle)**