



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
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NOTIFICATION

The 25th October, 2017

No. LGL.234/2017/5.- The following Act of the Assam Legislative Assembly which received the assent of the Governor on 16th October, 2017 is hereby published for general information.

ASSAM ACT NO. XXXVIII OF 2017

(Received the assent of the Governor on 16th October, 2017)

**THE ASSAM STATE CAPITAL
REGION DEVELOPMENT AUTHORITY ACT, 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

**Short title,
extent and
commencement**

1. (1) 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. In this Act, unless the context otherwise requires,-

Definitions

(a) "Authority" means the Assam State Capital Region Development Authority constituted under sub-section(1) 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 the area specified 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 shall 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 provisions of 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) Guwahati Metropolitan Development Authority Act, 1985 (amended) and Guwahati Municipal Corporation Act, 1969 (amended).

Assam Act No. II of 1968; Assam Act No. XX of 1987; 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), Guwahati Metropolitan Development Authority Act, 1985 (amended);

Assam Act No. II of 1968; 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 prepared 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 II

THE ASSAM STATE CAPITAL REGION DEVELOPMENT AUTHORITY

Constitution
and
incorporation
of the
Authority

3. (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 administrating 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.

Composition
of the
Executive
Committee.

4. (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.

Power to co-opt, etc.

5. (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.

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

6. 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

Functions of the Authority

7. 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.

**Powers of
the
Authority**

8. 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.

**Functions of
the
Committee**

9. (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;