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অসম ৰাজপত্ৰ

সত্যমেব জয়তে

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্ত্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 6th October, 2022

No. LGL.160/2022/99.– The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 29th September, 2022 is hereby published for general information.

ASSAM ACT NO. XXXI OF 2022

(Received the assent of the Governor on 29th September, 2022)

THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 2022

AN
ACT

further to amend the Guwahati Metropolitan Development Authority Act, 1985.

Preamble

Whereas it is expedient further to amend the Guwahati Metropolitan Development Authority Act, 1985, hereinafter referred to as the principal Act, in the manner hereinafter appearing; **Assam Act No. XX of 1987**

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 Metropolitan Development Authority (Amendment) Act, 2022.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

Amendment of section 5

2. In the principal Act, in section 5, in sub-section(1),

(i) in clause (c), for the existing proviso the following shall be substituted, namely:-

"Provided that an officer not below the rank of Commissioner and Secretary or Secretary to the Housing and Urban Affairs Department of the State Government as ex-officio Vice-Chairman of Guwahati Metropolitan Development Authority to run the administration of the Authority".

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

"(e) The Commissioner and Secretary or Secretary to the Government of Assam, Housing and Urban Affairs Department (Ex-Officio)".

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

"(i) The Deputy Commissioner, Kamrup (Metro) and Deputy Commissioner Kamrup (Kamrup Rural).".

(iv) for clause (m), the following shall be substituted, namely:-

"(m) Town Planner not below the rank of Deputy Director, Town and Country Planning of the State Government.".

Amendment of section 18

3. In the principal Act, in section 18, in sub-section (1),

(i) for clause (a), the following shall be substituted, namely:-

"(a) A general land use plan for residential, commercial, industrial, public and semi public, transportation, recreation and open space, green belt, mixed use purpose zones and any other specific purpose zone that the study of Master Plan recommend for the study area".

(ii) after clause (f), the following new clauses (g) and (h) shall be inserted namely:-

"(g) the concept of mixed Land Use, provision of Transit Oriented Development (TOD) and Transferable Development Rights (TDR) for developing the land use plan ;

(h) the land suitability analysis and detail study on all Disaster Management issues."

Insertion of new section

4. In the principal Act, after section 35, the following new sections 35A and 35B shall be inserted, namely:-

"Appointment of Development Scheme Officer

35A. Within one month from the date of notification of a development area under section 35, Guwahati Metropolitan Development Authority or State Government as the case may be shall appoint an Officer of Guwahati Metropolitan Development Authority or State Government for the purpose of such scheme and provide him with such number of officers and staff as may be considered necessary.

Duties of Development Scheme Officer

35B. Within a period of twelve months from the date of his appointment, the Development Scheme Officer shall, after following the procedure, as may be prescribed, prepare the final development scheme:

Provided that Guwahati Metropolitan Development Authority or the State Government may, from time to time, by order in writing, extend the said period for further such period [which shall not exceed six months] as may be specified in the order.".

Amendment of section 36

5. In the principal Act, in section 36, in sub-section (2), for clause (f) and clause (g) the following shall be substituted respectively, namely:-

(i) "(f) allotment of land from the total area covered under the scheme, to the extent of :-

(i) fifteen percent for roads;

(ii) five percent for parks, playgrounds, gardens and open space;

(iii) five percent for social infrastructure such as school, dispensary, fire service, public utility place as earmarked in the Development Scheme;

(iv) fifteen percent for sale by appropriate authority for residential, commercial or industrial use depending upon the nature of development:

Provided that the percentage of the allotment of land specified in sub-clauses (i) to (iii) above may be altered depending upon the nature of development and for the reasons to be recorded in writing.

(g) the reservation of land to the extent of ten percent, or such percentage as near thereto as possible of the total area covered under the scheme, for the purpose of providing housing accommodation to the members of socially and economically backward classes of people.".

(ii) after sub-section (o), the following explanation shall be inserted, namely:-

"Explanation:

(i) Development Scheme, for the purpose of this Act, shall also mean Town Planning Schemes (TPS) for the purpose of implementation of planned urban expansion in relatively open area in the outskirt of the city area.

Amendment of section 39

6. In the principal Act, in section 39, in sub-section (1), in first line, for the words " as soon as may be" the words "within nine months," shall be substituted .

Insertion of a new section 40 A

7. In the principal Act, after section 40, the following new section 40A shall be inserted namely:-

"Preparation of Final Development Scheme

40A. (1) In a Final Development Scheme, the Development Scheme Officer shall, -

(i) give notice in the form and manner as may be prescribed to the persons to be affected by the scheme and define and demarcate the areas allotted to, or reserved for, any public purpose, or for the purpose of the Authority and in accordance with the Development Scheme;

(ii) after giving notice as aforesaid, determine in a case in which a final plot is to be allotted to persons in ownership,in common, the shares of such persons;

(iii) arrange or provide for the total or partial transfer of any right from the original plot to a final plot;

(iv) estimate the portion of the sums payable as compensation on each plot used, allotted or reserved for a public purpose or for the purpose of the Authority which is beneficial partly to the owners or residents within the area of the Scheme and partly to the general public, which shall be included in the costs of the Scheme;

(v) fix the difference between the total values of the original plots and final plot and ascertain the total the values of the plots included in the Scheme in accordance with the provisions of section 66A;

(vi) calculate the contribution to be levied under section 67, on each plot used, allotted or reserved for a public purpose or for the purpose of the Authority which is beneficial partly to the owners or residents within the area of the Scheme and partly to the general public and also calculate the contribution to be levied on each plot included in the Final Scheme;

(vii) calculate the proportion of the contribution to be levied on each plot in the Final Scheme to the increment estimated to accrue in respect of such plot under section 67;

(viii) estimate the increment to accrue in respect of each plot included in the Scheme in accordance with the provisions of section 66 B of this Act;

(ix) determine the amount of exemption, if any, from the payment of contribution that may be granted in respect of plots exclusively occupied for religious or charitable purposes;

(x) estimate with reference to claims made before him, after notice has been servedby him in the manner and form, as may be prescribed, the compensation to be paid to the owner of any property or right injuriously effected for making of the Final Development Scheme;

(xi) draw such a form as may be prescribed the Final Scheme and publish the same in the Official Gazette.".

Amendment in section 47

8. In the principal Act, in section 47, in sub-section (5), after explanation (ii), the following new Explanation shall be inserted namely:-

"Explanation (iii): The compensation and payment of interest, shall only be applicable for Development Scheme executed after acquiring land as per provision of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013." **Central Act No. 30 of 2013**

Insertion of a new section 50 A

9. In the principal Act, after section 50, the following new section 50A shall be inserted namely:-

"Special Provision for Local Area Plan

50A. (1) Declaration of development areas and preparation of Local Area Plan,-

(a) Subject to the provisions of this Act or any other law for the time being in force, the Authority or the State Government may for the purpose of planning and for implementing the proposals contained in the Master Plan, by notification in the Official Gazette, declare any area in the Guwahati Metropolitan Area to be 'Developed Area' for the purpose of this Act and shall thereafter prepare one or more Local Area Plan (LAP) for the development of that area.

(b) Notwithstanding anything contained in sub-section (1) above, the Authority or the State Government may after making such enquiry as they may deem necessary, by notification in the Official Gazette, declare any area along with its boundary in the local newspaper, in the Guwahati Metropolitan Area to be a local Developed Plan Area and shall thereafter, direct the Authority, or any Officer of the State Government or any local authority to prepare and submit, a Local Area Plan under this section for the area specified in such notification for their sanction before an appointed date:

Provided that, while preparing the Local Area Plan as directed by the State Government, the Officer of the State Government or the Authority, as the case may be, shall prepare such Local Area Plan in consultation with the concerned Authority:

Provided further that the State Government or the Authority may, prepare a Local Area Plan in consultation with such other experts of consultancy, if the State Government or the Authority, as the case may be, deem it necessary.

(c) While preparing the Local Area Plan, the Authority, any officer of the State Government or the local authority, as the case may be, shall issue a notice inviting the names of all the claimants of any interest on any land or building within the

area under the Local Area Plan, to be submitted within a period of not more than two months from the date of publication of the notice in the daily newspaper.

(2) Scope of the Local Area Plan,-

(a) The preservation and protection of objects of historical importance of natural beauty and of building actually used for religious purpose;

(b) Regulating the use and development of land and discontinuation of objectionable use within the area;

(c) Define and provide for the complete road and street network for the present and in the future and indicate the traffic circulation;

(d) Lay down in detail the present and the future road, right of way including pedestrian path, vending areas, street furniture, on-street parking areas, trees, landscape features, lighting, and infrastructure provisions;

(e) Make provision for the present and future requirements of amenities, services and utilities such as transport, electricity, water, drainage, firefighting, solid waste;

(f) Visualize the built form and prescribe in detail the setbacks, built to line, arcade, permissible height, building envelope, active frontage, frontage with no vehicular entry, parking, commercial and other signage and such other requirement to integrate the building envelope in the vicinity;

(g) Total permissible built-up area or height permissible after payment of charges at the rate decided by the authority;

(h) Incentivise development, redevelopment, subdivision, or amalgamation of plots by providing additional development rights, height, transferable development rights;

(i) Indicate the phasing of the program of development and the cost of development and the share to be paid by each owner or the beneficiary;

(j) Access the cost of works to be provided by the appropriate authority and the contribution of fees to be paid by different owners;

(k) Indicate in the plan and other document, the land which shall vest with the Authority or the State Government;

(l) The construction, alteration or removal of buildings, bridges or other structures;

(m) Acquisition of any plot or property necessary for execution of the Local Area Plan by purchase, exchange, grant of Development rights or transferable development rights;

(n) Such other matters not inconsistent with the objects of this Act, as may be directed by the State Government;

(o) The suspension, to the extent necessary for the proper carrying out of the Local Area Plan, of any rule, bye-law, regulations, notification or order made or issued under any Act of the State Government.

"Explanation: Development Scheme, for the purpose of this Act, shall also means Local Area based Plans, a framework for enhancing the public spaces, and areas under roads by enabling redevelopment of already developed areas in the existing built-up environment."

(3) Contents of the Local Area Plan:

The Local Area Plan shall contain, the following particulars, namely:-

(a) The area, ownership and tenure of all existing plots within the area covered by the Local Area Plan (Preparation of Base Map);

(b) Proposed Road Network and Green and Open spaces;

(c) The extent to which it is proposed to alter the boundaries of the existing plots in accordance with the proposed Local Area Plan;

(d) The Permissible Uses on all plots within the area covered by the Local Area Plan;

(e) A full description of all the details under the clause of sub-section (2) above as may be necessary;

(f) An estimate of the total cost of the Local Area Plan and the net cost to be borne by the Authority;

(g) A Form containing the following details,-

(i) the land area for existing plot and revised plot and land area to be appropriated in the public domain;

(ii) built-up area on the existing plot, revised plot and land area to be appropriated in the public domain;

(iii) built-up area to be transferred on the revised plot and/or on another plot through Transferable Development Rights.

(h) or any other particulars which may be prescribed.

(4) Publication of the Draft Local Area Plan for suggestion and objections of public :-

(a) Within twelve months from the date of notification of Local Area Plan as per provision of clause (a) of sub-section (1) above,the draft Local Area Plan shall be prepared by the Guwahati Metropolitan Development

Authority, or the officer of the State Government and shall publish the draftLocal Area Plan in the Official Gazette and in two local newspapers specifying the place or places where copies of the same may be inspected by public, inviting objections and suggestions in writing from any persons or claimants as referred to in clause (c) of sub-section (1) above, in respect of the draft Local Area Plan within such period as specified in the notice, which shall not be less than two months from the date of publication of the said notice:

Provided that where it is expedient to do so, for the proper carrying out of the Local Area Plan, as referred to in clause (o) of sub-section (2) above, the Guwahati Metropolitan Development Authority, the Officer of the State Government orthe Authority, as the case may be, simultaneously with the publication of the Local Area Plan, shall submit copies of the notice and of the Local Area Plan to the State Government drawing particular attention to the provision in the Local Area Plan referring to clause (o) of sub-section (2) above:

Provided further that no such notice shall be required where land covered by the Local Area Plan has already been acquired and the execution of the local area plan does not affect the interest of any person.

(b) After the expiry of the aforesaid period, the Authority, the officer of the State Government or the Local Authority, as the case may be, shall examine the Local Area Plan in the light of such objection, giving sufficient opportunity for hearing to all such interested persons who have filed objections and demanded a hearing in the manner as may be prescribed, and shall approve or refuse to approve or approve with such modifications as it may deem necessary, for the implementation of the Local Area Plan and for imposing for that purpose reasonable restrictions in the use of land and building within the area.

(c) After adoption of Local Area Plan the Authority, the officer of the State Government shall forward it to the State Government for its approval and sanction. The process of adoption of the Local Area Plan including Government approval or sanction, as the case may be, shall be completed within a period not exceeding one year from the date of expiry of the period of two months referred to in clause (c) of sub-section (1) above.

(5) Implementation of the Local Area Plan:-

(i) The Local Area Plan shall come into force from the date as may be fixed by the State Government by notification in the Official Gazette after giving approval or sanction to the Local Area Plan. It shall be implemented by the Authority itself or by such other authority as may be authorized by the State Government in that behalf.

(ii) No person or body (including a department of Government and any local authority) shall, within any area where a Local Area Plan has come into force, erect or proceed with any building or work or remove and alter or make any substantial repair to a building or a part of it, a compound wall or any drainage work or may remove any earth or change the use of any land or building except on permission of the Authority on application submitted for the purpose. Unless the permission has been refused within one month from the date of receipt of the application it shall be presumed that the permission has been given.

(6) Finance of the Local Area Plan:-

The costs of a Local Area Plan shall include-

(a) all sums payable by the Authority under the provisions of this Act, which are not specifically excluded from the costs of the Local Area Plan;

(b) all sums spent or estimated to be spent by the Authority in the making and execution of the local area plan including sum to be spent for improvement of existing infrastructure, amenities, landscape and streetscape and provision of new infrastructure and amenities, sums to be spent for acquiring land or property if any;

(c) all legal expenses incurred by the Authority in making and in execution of the Local Area Plan;

(d) all the revenue estimatedfor the Authority through Development fees, Purchasable Floor Area Ratio (FAR) and other charges."

Insertion of new section 66 A and 66 B

10. In the principal Act, after section 66, the following new sections 66A and 66 B shall be inserted, namely:-

"Cost of Scheme

66A. The costs of a town planning scheme shall include,:-

(a) all sums payable by the Authority under the provisions of this Act, which are not specifically excluded from the costs of the scheme;

(b) all sums spent or estimated to be spent by the Authority in making and execution of the scheme;

(c) all sums payable as compensation for land reserved or designated for any public purpose or for the purposes of the Authority which is solely beneficial to the owners of land or residents within the area of the scheme;

(d) such portion of the sums payable as compensation for land reserved or designated for any public purpose or for the purpose of the Authority which is beneficial partly to the owners of land or residents within the area of the scheme and partly to the

general public, as is attributable to the benefit accruing to the owners of land or residents within the area of the scheme from such reservation or designation;

(e) all legal expenses incurred by of the Authority in the making and in the execution of the scheme;

(f) any amount by which the total amount of the values of the original plots exceeds the total amount of the values of the plots included in the final scheme, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme, with all the buildings and works thereon at the said date and without reference to improvements contemplated in the scheme other than improvements due to alteration of its boundaries.

Calculation of Increment

66B. For the purpose of this Act, the increments shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of the plot included in the final scheme estimated on the assumption that the scheme has been completed shall exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme:
Provided that in estimating such value, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration."

Amendment of section 67

11. In the principal Act, for section 67, the following shall be substituted, namely:-

"Contribution towards cost of the scheme

67. (1) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the Guwahati Metropolitan Development Authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Development Scheme Officer (DSO) appointed under section 35B of the Act:

Provided that,

(a) where the cost of the scheme does not exceed half the increment, the cost shall be met wholly by a contribution; and

(b) where it exceeds half the increment, to the extent of half the increment it shall be met by a contribution and the excess shall be borne by the Authority;

(c) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or for the purpose of the Appropriate Authority which is solely beneficial to the owners of land or residents within the area of the scheme.

(2) The owner of each plot included in the final scheme shall be primarily liable for the payment of the contribution liveable in respect of such plot.".

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

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