

অসম



ৰাজপত্ৰ

## THE ASSAM GAZETTE

অসাধাৰণ

EXTRA ORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 17th August, 2006

No. LGL. 86/2004/15-- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. X OF 2006

(Received the assent of the Governor on 11th August, 2006)

## THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY (AMENDMENT)

ACT, 2006

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 Fifty-seventh 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, 2006
- (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, -

- (i) in sub-section (1), for the existing clause (a) and (b), the following shall be substituted, namely :-
  - (a) The Chief Minister of the State of Assam shall be the Chairman ;
  - (b) The Minister in charge of Guwahati Development Department, Assam shall be one of the Deputy Chairmen out of the two posts of Deputy Chairmen and the other post of Deputy Chairman shall be filled up by nomination by the State Government, by such person as the State Government may think fit:

Provided that when there is no Council of Ministers in the State of Assam, the State Government shall nominate such persons as it may think fit, as the Chairman and Deputy Chairmen respectively of the Guwahati Metropolitan Development Authority."



- (ii) in sub-section (12), in the first line, in between the words "Deputy Chairman" and "shall", the words "nominated under the proviso to clause (b) of sub-section (1) of section 5" shall be inserted.
- (iii) in sub-section (15), in the second line, in between the words "Deputy Chairman" and "the case may be", the words "nominated under the proviso to clause (b) of sub-section (1) of section 5" shall be inserted.
- (iv) in sub-section (16), in the first line, in between the words "Deputy Chairman" and "may", the words "nominated under clause (b) of sub-section (1) of section 5" shall be inserted.

Insertion  
of a  
new section  
34A

"Punishment  
for violation  
of the  
provisions  
of the Act,  
rules and  
bye-laws

3. In the principal Act, after existing section 34, the following new section 34A shall be inserted, namely: -

34.A (1) If any Officer or Authority including the Appellate Authority or any agency under this Act issues permission for construction of building in contravention of the provision of this Act and the rules and bye-laws made thereunder, he shall be liable to be punished with imprisonment for a term of six months along with a fine of rupees ten thousand.

(2) If any builder or promoter or owner erects or constructs or occupies any building in contravention of the provision of this Act and the rules and bye-laws made thereunder except the provisions of compoundable limit as provided in the bye-laws, he shall be liable to be punished with imprisonment for a term of six months along with a fine of rupees ten thousand."

Amendment  
of  
section 44.

4. In the principal Act, in section 44, the existing provision shall be renumbered as section 44(1) and after sub-section (1) so renumbered the following sub-section (2) shall be inserted, namely: -

"(2) No building permission for construction of a building whose height is 15 meters or more from average level of the central line of the street in which the site abuts or more than four floors excluding basement or still shall be permissible if the measurement of the proposed land on which the building is proposed to be constructed, is less than 4 Kathas."

Amendment of  
section 88.

"Power to  
seal  
unauthorized  
construction

5. In principal Act, in section 88, after sub-section (3), the following new sub-section (4) shall be inserted, namely: -

4. (a) It shall be lawful for the Chief Executive Officer, Guwahati Metropolitan Development Authority, at any time, before or after making an order of demolition under section 88 read with section 25 and 30 or of stoppage of the erection of any building or execution of any work under section 88, to make an order directing the sealing of such erection or work or of the premises in which such erection or work is being carried on or has been completed in the manner prescribed by the Act, for the purpose of carrying out the provision of this Act, or for preventing any dispute as to the nature and extent of such erection or work.

(b) Where any erection or work or any premises in which any erection or work is being carried on has or have been sealed, the Chief Executive Officer, Guwahati Metropolitan Development Authority may, for the purpose of demolishing such erection or work in accordance with the provision of this Act, order such seal to be removed.

(c) No person shall remove such seal except, -

- (i) under an order made by the Chief Executive Officer, Guwahati Metropolitan Development Authority, or
- (ii) under an order of an Appellate Authority or the Government under this Act."

M. K. DEKA,

Commissioner & Secy. to the Govt. of Assam,  
Legislative Department, Dispur.