

## **ASSAM ACT NO. XXI OF 1989**

**Received the assent of the President on 10<sup>th</sup> November, 1989.**

### **THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 1989**

**An**

**Act**

To amend the Guwahati Metropolitan Development Authority Act, 1985(Assam Act No. XX of 1987)

Whereas it is necessary to amend the Guwahati Metropolitan Development Authority Act, 1985 (Assam Act No XX of 1987), hereinafter called the principal Act;

And whereas the previous instructions of the President have been obtained;

It is hereby enacted in the Fortieth Year of the Republic of India as follow, namely:-

**1. Short title. Extent and commencement:**

- (1) This Act may be called the Guwahati Metropolitan Development Authority (Amendment ) Act, 1989.
- (2) It shall have the like extent as the principal Act.
- (3) It shall be deemed to have come into force on the 14<sup>th</sup>

Day of November, 1987

**2. Amendment of section 2.**

In the principal Act, in section 2, in sub-section (9), for the words and figures " Indian Factories Act of 1934", the words with a come and figures "Factories Act, 1984, shall be substituted.

**3. Amendment of section 23.**

In the principal Act, in section 23, the words "or the Central Government" shall be deleted.

**4. In the principal Act, in section 24, in the proviso,**

(a) in clause (ii) and (iii), the words "the Central or" shall be deleted;

(b) the full stop "." appearing at the end of clause (v) to the proviso shall be substituted by a semicolon ";" and thereafter a new clause (vi) shall be inserted namely:-

"(vi) for operational construction."

**5. Amendment of section 25.**

In the principal Act, in section 25,

(a) in sub-section (1), the words "the Central or" shall be deleted;

(b) the proviso to sub-section (5) shall be deleted;

- (c) after sub-section (7), a new sub-section namely, sub-section '(8)' shall be inserted and thereafter the existing sub-sections (8) and (9) shall be renumbered as sub-section "9" and "10" respectively:-

"(8) In case or department of the State Government or any Local Authority (where the local authority is not also the Development Authority ), intending to carry out any development other than operational constructions (which shall always be outside the purview of the Development Authority) on any land, the concerned department or authority , as the case may be, shall notify in writing to the Development Authority of its intention to do so giving full particulars thereof and accompanied by such documents and plans, as may be prescribed or directed by the State Governments from time to time at least one month prior to the undertaking of such development."

- (d) in sub-section (8) as amended by this Act, the words "the Central or the: shall be deleted.
- (e) Sub-section (9) as amended by this Act, shall be substituted by the following:-

"(9) Where the Authority, upon receipt of a notice under sub-section (8), raise any objection in respect of the proposed development either to any of the building

bye-laws in force at the time or due to any other material consideration under sub-section (10), the department or the local authority, as the case may be shall-

- (a) either make necessary modifications in the proposals for development to meet the obstructions;
- (b) submit the proposals for development together with the objections raised by the Authority to the State Government for decision. When proposals and objections have been submitted, no development shall be undertaken until the State Government has finally decided on the matter”.

**6. Amendment of Section 39.**

In the principal Act, in section 39, at the end of the sub-section (3), the following shall be added, namely:-

“The adoption of the Scheme including Government approval or sanction, as the case may be, shall be within a period not exceeding one year after expiry of the period of two months referred to in sub-section (1) above.”

**7. Amendment of Section 40.**

In the principal Act, in section 40-

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

- (a) all ands belonging to the Government or any other local authority shall, unless it is otherwise determined in such Scheme by the Government vest absolutely in the Authority free from all encumbrances;
- (ii) in clause (b), the word “determine” appearing in the second line of clause (b) shall be substituted by words “be determined”.

**8. Amendment of Section 45.**

In the principal Act, section 45 shall be substituted by the following namely:-

“45, when the Authority is of opinion that in the interest of public service it is necessary to undertake forthwith any of the works included in a scheme, the Authority shall make an application before the State Government that advance possession of land other than land mentioned in section 40 required for the scheme shall proceed for taking over advance possession through acquisition proceedings in accordance with the provisions of the Land Acquisition Act, 1894 as amended up-to-date.”

**9. Amendment of section 57.**

In the principal Act, section 57 shall be substituted by the following, namely:-

“57. The provisions of the Land Acquisition Act 1894, as amended from time to time shall apply in the matter of

acquisition of land under this Act and the compensation shall be computed under the provisions of the said Act.”

**K. LASKAR**

**Joint Secretary to the Govt. of Assam,**

**Legislative Department.**