

ASSAM TOWN AND COUNTRY PLANNING (MANAGEMENT OF AUTHORITY) RULES, 1963

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ASSAM TOWN AND COUNTRY PLANNING (MANAGEMENT OF AUTHORITY) RULES, 1963

ASSAM TOWN AND COUNTRY PLANNING (MANAGEMENT OF
AUTHORITY) RULES, 1963

1. :-

These rules shall be called the "Assam Town and Country Planning

(Management of Authority) Rules, 1963".

2. . :-

They shall come into force at once.

3. Definitions :-

In these rules, unless there is anything repugnant in the subject or context

(1) "Municipality" means the Municipality constituted under the Assam Municipal Act, 1956 within the area concerned ;

(2) "Land" has the same meaning as in Cl. (a) of S. 3 of the Land Acquisition Act, 1894 (Central Act I of 1894);

(3) "Secretary to the Authority" means the person for the time being appointed as such by the Authority;

(4) "Member" means a member of the Authority ;

(5) All words and expressions not defined in these rules shall have the meanings respectively assigned to them by the Assam Town and Country Planning Act, 1959 or Assam Municipal Act, 1956.

4. The Chairman :-

The Chairman of the Authority to be appointed by Government under S. 8-B (1) (a) of the Act, may be a whole-time officer of the Authority and shall not hold any other salaried office.

5. Remuneration of the Chairman :-

The Chairman shall be paid such salary and allowances as may be fixed by the State Government.

6. Leave of absence to the Chairman :-

(1) The State Government may grant leave of absence for such period as admissible under Fundamental Rules and Subsidiary Rules.

7. Appointment etc., of acting Chairman :-

(1) When the Chairman is granted leave of absence, the State Government may appoint a person to act as Chairman.

8. Terms and conditions of office of the Chairman and other members :-

(1) The term of office of the first members including the Chairman and the ex-officio members shall commence on such day as may be

appointed by the State Government.

9. Leave of absence to other members :-

The Authority may permit any member other than Chairman or an ex-officio member, to absent himself from meetings of the Authority for any period not exceeding four consecutive months at any one time within a year.

10. Power of the Authority to co-opt members for particular purpose :-

(1) The Authority may associate with itself any person as co-opted member for a period of three years whose assistance or advice it may consider necessary in carrying out its duties and functions as may be decided by the Authority in its meeting by passing a resolution for such co-option.

(2) The person so associated shall not be deemed to be a member of the Authority and shall have no right to vote at any meeting thereof, but he may take part in the discussions of the Authority relating to the purpose or purposes for which he was associated with the Authority.

11. Constitution and functions of Committees :-

(3) The Authority may, at any time, for reasons to be recorded in writing, dissolve, or subject to the provisions of sub-R. (1), alter the constitution of any such Committee.

(4) Every Committee shall carry out any instruction given to it by the Authority and every final decision of such Committee shall, subject to any rule to the contrary, be laid before the Authority for such confirmation.

12. Meeting of Committee :-

(1) A Committee appointed under R. 11 may meet and adjourn as it thinks proper; but the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two members thereof, call a special meeting of such Committee.

(2) Every meeting of a Committee shall be presided over by the Chairman if he is a member of the Committee, and if he is not a member or is absent from the meeting, the members present shall elect a person from amongst themselves to preside.

(3) No business shall be transacted at any meeting of the

Committee unless there be present at least one-half of the number of the members constituting the Committee.

(4) Every matter at a meeting of a Committee shall be decided by a majority of the votes of the members present and voting, the person presiding having a second or casting vote in all cases of equality of votes.

13. Members (other than Chairman) and associated members of Authority or Committee not to receive any fee for attendance at meetings :-

(1) Subject to sub-R. (3), no member (other than the Chairman), and no person associated with the authority under R. 10 shall be paid from the funds of the Authority any fee or other remuneration for attending any meeting of the Authority or of a Committee appointed under R. 12.

(2) Subject to sub-R. (3), no person appointed as a member of Committee under Cl. (iii) of sub-R. (1) of R. 11, shall receive or be paid from the funds of the Authority any fee or other remuneration for attending any meeting of such Committee.

(3) All members or any person associated with the Authority under R. 10 or any person appointed as a member of a Committee under Cl. (iii) of sub-R. (1) of R. 11 may, subject to the prescribed conditions and restrictions for undertaking any journey in connection with any of the affairs of the Authority or of any Committee, as the case may be, be paid travelling and other allowances for attending any meeting of such Authority or Committee at such rates as may be fixed by the Authority with the approval of the State Government.

14. . :-

Members and associated members of Authority or Committee not to take part in proceedings in which they are personally interested. If any member or any person associated with the Authority under R. 10 or any other member of a Committee appointed under R.11, has directly or indirectly, any beneficial interest in any land situated in any area comprised in any improvement scheme to be taken up under these rules or in any area in which it is proposed to acquire land for any of the purposes of these rules

(i) he shall, before taking part in any proceeding at a meeting of the Authority or any Committee relating to such area, inform the

person presiding at the meeting of the nature of such interest;

(ii) he shall not vote at any meeting of the Authority or the said Committee upon any resolution or question relating to such land ; and

(iii) he shall not, if so directed by the person presiding, take any part in any proceeding at a meeting of the Authority or the said Committee relating to such area.

15. Supply of documents and information to the State Government :-

(1) The Chairman shall forward to the State Government and to the Commissioner of Division concerned, copies of the minutes of the proceedings of each meeting of the Authority within ten days from the date on which the minutes are signed.

(2) The Chairman shall, if so directed by the State Government, forward to it a copy of all papers which were laid before the authority for consideration at any meeting.

CHAPTER 1

Officers and servants of the Authority

16. Appointment of a Secretary :-

The State Government may appoint one suitable person as the Secretary of the Authority who shall exercise the following powers and perform such duties as mentioned below and in addition to other functions as may be delegated to him by the Chairman :

(1) To deal with all establishment matters relating to appointment, discipline, service records and supervision of the work of General Branch.

(2) To do the Secretariat works in connection with the meetings of the Development Authority.

(3) To keep in his safe custody the common seal of the Authority and all valuable documents, confidential papers and property, books of the Authority including deeds, securities, agreements, etc., excepting all books of accounts and cash in hand.

17. Power of appointment and promotion of officers and staff of the Authority :-

The power of appointing and promoting officers and servants of the Authority and reducing, suspending or dismissing them for

misconduct and dispensing with their services for any reason other than misconduct, shall be vested with

(a) in the case of officers and servants whose monthly salary does not exceed two hundred rupees the Chairman ;

(b) in the case of officers and servants whose monthly salary exceeds two hundred rupees but does not exceed five hundred rupees -the Chairman with the approval of the Authority ;

18. Control, etc., by the Chairman over the staff of the Authority :-

The Chairman shall exercise supervision and control over the acts and proceedings of all officers and servants of the Authority and subject to the foregoing rules, shall dispose of all questions relating to the service of the said officers and servants, and their salaries, allowances and privileges.

19. Service rules, etc., of officers and other staff :-

The Authority shall, with the previous sanction of the State Government, make rules

(a) fixing the amount and nature of the security to be furnished by any officer or servant of the Authority from whom it may be deemed expedient to require security;

(c) for establishing and maintaining a provident fund for compelling all or any of the officers or servants of the Authority in order to render financial benefit to them in their old ages ;

20. Delegation of certain functions of the Chairman :-

(1) The Chairman may, by general or special order in writing, delegate to any officer of the Authority any of the Chairman's powers, duties or functions under these rules except those conferred or imposed upon or vested in him by Rr. 13 and 17.

(2) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-R. (1) shall be subject to such restrictions, conditions and limitations as may be laid down by the Chairman, and shall also be subject to his control and supervision.

21. Appeals against the orders of the Chairman :-

(2) For the purpose of this rule, an order of suspension only shall not be deemed to be an order of punishment.

(3) The State Government may set aside any resolution of the Authority or any order of the Chairman of the Authority if in the opinion of the State Government the resolution or order is in excess of the power conferred by law.

22. Statement of strength and remuneration of staff :-

(2) Any posts, the monthly or the maximum monthly salary of which exceeds three hundred rupees are subject to the previous sanction of the State Government.

23. Savings :-

Notwithstanding the supersession of the Assam Town and Country Planning (Constitution of Authority) Rules, 1961, anything done or any action taken in exercise of any power conferred by or under the said rules shall be deemed to have been done or taken in exercise of the powers conferred by or under these rules, as if these rules were in force on the day on which such thing was done or action taken.