
ASSAM TOWN AND COUNTRY PLANNING (CONSTITUTION OF AUTHORITY) RULES, 1961

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1. . :-

These rules shall be called the "Assam Town and Country Planning (Constitution of Authority) Rules, 1961". They shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. In these rules, unless there is anything repugnant in the subject or context :-

- (1) "Chairman" means the Chairman of the Authority;
- (2) "Municipality" means the Municipality constituted under the Assam Municipal Act, 1956 within the area concerned ;
- (3) "Lnad" has the same meaning as in Cl. (a) of S. 3 of the Land Acquisition Act, 1894 (Central Act I of 1894);
- (4) "Prescribed" means prescribed by rules made under the Assam Town and Country Planning Act, 1959;
- (5) "Secretary to the Authority" means the person for the time being appointed as such by the Authority;
- (6) "Appellate Authority" has the same meaning as in S. 43 of the Assam Town and Country Planning Act, 1959 ;
- (7) "Member" means a member of the Authority;
- (8) All words and expressions not defined in these rules shall have the meaning respectively assigned to them by the Assam Town and Country Planning Act, 1959 or Assam Municipal Act, 1956.

3. Constitution of the Authority :-

The Authority shall consist of the following members, namely:

- (a) A Chairman appointed by the State Government;
- (b) The Deputy Commissioner of the District ex-officio;
- (c) The Chairman of the Local Municipality or his nominee ex

officio;

(d) Director of Town Planning or his nominee ex-officio:

(e) Public Health Engineer or his nominee ex-officio;(0 Director of Health Service Assam, or his nominee ex-officio ;

(g) Three persons appointed by the State Government to represent areas lying outside Municipality, but falling within the Master Plan or the area as may be covered by the Master Plan ;

4. Notification of members :-

The names of the members elected and appointed shall be published in the official Gazette.

5. Disqualification for election or appointment as members :-

A person shall be disqualified for election or appointment as a member, if he

(a) has been convicted of any offence involving moral turpitude ;

(b) is an applicant to be adjudicated a bankrupt or insolvent or is an uncertificated bankrupt or undischarged insolvent;

(c) holds any office of profit under the Authority ;

(d) has, directly or indirectly, by himself or by any partner, any share or interest, in any contract or employment with, by, or on behalf of, the Authority ; or

(e) is a Director, or a Secretary, Manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with, by, or on behalf of the Authority.

6. Removal of non-official members :-

The State Government may remove from the Authority any member who

(a) refuses to act or becomes incapable of acting or absents himself from three consecutive meetings of the Authority and is unable to explain such absence to the satisfaction of the Authority;

(b) has so flagrantly abused in any manner his position as a member of the Authority as to render his continuance detrimental to the public interest: Provided that when the State Government proposes to take action under the foregoing provisions of this rule an opportunity of explanation shall be given to the member

concerned and when such action is taken, reasons thereof shall be placed or recorded;

(c) if he was elected as being a commissioner of the Municipality and if he ceases to be a member of such a Municipality;

(d) a member removed under sub-Cls. (a) and (b) shall not be eligible for reappointment or re-election until the State Government declares him to be eligible.

7. Chairman to be a whole-time officer :-

The Chairman may be a whole-time officer of the Authority, and where the Chairman is a whole-time officer, he shall not hold any other salaried office.

8. Remuneration of the Chairman :-

Where the Chairman is a whole-time officer of the Authority, he shall be paid such salary and allowances as may be fixed by the State Government.

9. Leave of absence to the Chairman :-

(1) The State Government may grant leave of absence to the Chairman for such period as it thinks fit.

(2) The allowances, if any, to be paid to the Chairman where such Chairman is a whole-time officer of the Authority while absent on leave shall be paid such amount, not exceeding his salary, as may be fixed by the State Government: Provided that, if the Chairman is a servant of the, State Government, the amount of the allowance shall be such as he may be entitled to under the conditions of his service under the State Government relating to transfer to foreign service.

10. 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.

11. 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 such limit (which shall not be more than four consecutive months) as may be prescribed by the State Government.

12. Filling of casual vacancies in certain cases :-

If any member, other than ex-officio member, is permitted by the Authority to absent himself from its meetings or if any such member dies, or resigns his office, or is removed from office, the vacancy shall be filled up within two months by a fresh appointment or election, as the case may be.

13. Terms of office of 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.

(3) A member shall, if not disqualified for any of the reasons mentioned in Rr. 5 and 6, be eligible for re-appointment or re-election at the end of his term of office.

14. Staff of the Authority :-

(1) The State Government may appoint two suitable persons as the Secretary and the Chief Accounts Officer of the Authority who shall exercise such powers and perform such duties as may be prescribed by the State Government or delegated to them by the Authority or the Chairman.

(2) Subject to such control and restrictions as may be prescribed, the Authority may appoint such number of other officers and employees (including experts for technical work) as may be necessary for the efficient performance of its functions and may determine their designations and grades, subject to prior approval of the State Government.

(3) The Secretary, Chief Accounts Officer and other officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and such allowances, if any, and shall be governed by such conditions of service as may be determined by the Authority in this Behalf, with prior approval of the State Government. Conduct of business

15. Meeting of Authority :-

(2) No member shall be entitled to object to the minutes of any meeting unless he was present at the meeting to which they relate.

16. Power of Authority to co-opt members for particular purposes :-

(1) The Authority may associate with itself, in such manner and for

such period as may be prescribed, any person whose assistance or advice it may desire in carrying out its duties.

(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.

17. Constitution and functions of Committee :-

(3) The Authority may, at any time, for reasons to be recorded in writing, dissolve, or subject to the provision 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 confirmation.

18. Meeting of committee :-

(1) A committee appointed under R. 17 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 votes of the members present and voting, the person presiding having second or casting vote in all cases of equality of votes.

19. 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. 16 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. 18.

(2) Subject to sub-R. (3), no person appointed as a member of a committee under Cl. (iii) of sub-R. (1) of R, 17, shall receive or be paid from meeting of such committee.

(3) All members or any person associated with the Authority under R.16 or any person appointed as a member of a committee under Cl. (iii) of sub-R. (1) of R17 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.

20. 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. 16, or any other member of a committee appointed under R. 17, 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 an 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.

21. Power to make and perform contracts :-

The Authority may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of these rules.

22. Execution of contracts and approval of estimates :-

(2) Every estimate for the expenditure of any sum for carrying out any of the purposes of these rules shall be subject to the approval of the Authority or Authorises empowered under sub-R.(1) to make, or as the case may be, to sanction the making of, a contract involving the expenditure of a like sum.

(3) Sub-rules (1) and (2) shall apply to every variation or abandonment of a contract or estimate, as well as to an original contract or estimate.

23. Further provisions as to execution of contracts :-

(1) Every contract made by the Chairman on behalf of the Authority shall be entered into in such manner and form as would bind the Chairman if such contract were made on his own behalf, except that the common seal of the Authority shall be used, where necessary ; and every such contract may, in the like manner and form, be varied or discharged.

(2) Every contract for the execution of any work, or the supply of any materials or goods, shall be in writing, and shall be sealed.

(3) The common seal of the Authority shall remain in the custody of the Secretary to the Authority, and shall not be affixed to any contract or other instrument except in the presence of a member (other than the Chairman) who shall attach his signature to the contract or instrument in token that the same was sealed in his presence.

24. Tenders :-

(1) At least fifteen days before entering into any contract for the execution of any work or the supply of any materials or goods which involves an expenditure exceeding three thousand rupees, the Chairman shall give notice by advertisement in at least two local newspapers inviting tenders for such contract.

(2) In every such case the Chairman shall place before the Authority the specifications, conditions and estimates and all the tenders received specifying the particular tender, if any, which he proposes to accept.

(3) In every case in which the acceptance of a tender would involve an expenditure exceeding the limit prescribed under Cl. (a) of the

proviso to sub-R. (1) of R. 22, the Authority shall submit to the State Government the specifications, conditions and estimates, and all the tenders received, specifying the particular tender, if any, the acceptance of which it proposes to sanction.

(4) Neither the Authority nor the State Government shall be bound to sanction the acceptance of any tender which has been made ; but the Authority within the pecuniary limits of its powers as laid down in Cl. (a) of the proviso to sub-R. (1) of R. 22 and the State Government in the cases referred to in Cl. (b) of the said proviso, may sanction the acceptance of any such tender which appears to it or them, upon a consideration of all the circumstances, to be the most advantageous, or may direct the rejection of ail the tenders received.

25. Security for the performance of contract :-

The Chairman shall take such security for the due performance of every contract as may be prescribed by the Authority with the approval of the State Government.

26. Supply of documents and informations to the State Government :-

(1) TheChairman shall forward to the State Government and to the Commissioner of Divisions 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 as required by Cl. (h) of sub-R. (1) of R. 15.

(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.

27. Statement of strength and remuneration of staff :-

(1) The Authority shall from time to time prepare and shall maintain a statement showing (a) the number, designation and grades of the officers and servants (other than employees who are paid on daily basis or whose pay is charged to temporary work) whom it considers necessary and proper to employ for the purposes of the rules ; (b) the amount and nature of the salary, fees and allowances to be paid to each such officer and servant.

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

sanction of the State Government.

28. Authority to make service rules :-

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 or annuity fund, for compelling all or any of the officers or servants of the Authority ;

(d) for determining the conditions under which the officer and servants of the Authority or any of them shall on retirement receive gratuities or compassionate allowances and the amount of such gratuities and compassionate allowances : Provided that it shall be at the discretion of the Authority to determine whether all such officers and servants or any of them and, if so, which of them, shall become entitled on retirement to any such gratuities or compassionate allowances as aforesaid.

29. 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 one hundred rupees the Authority after consultation with the Assam Public Service Commission ;

30. Control by Chairman :-

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.

31. Delegation of certain functions of 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. 15, 18,22 and 29.

(2) The exercise of 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 revision.

32. Appeal :-

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

33. Power to set aside resolution or order of the Authority :-

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.