THE MEGHALAYA TOWN AND COUNTRY PLANNING ACT, 1973

An Act

To provide for the development of the Towns and Country sides of the State of Meghalaya

Preamble.—Whereas it is expedient to provide for the Development of the towns and the country sides of the State of Meghalaya on sound planning principles with the object of securing proper sanitary conditions, to conserve and promote the public health, safety and general welfare of the peoples living therein.

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Meghalaya Town and Country Planning Act, 1973,

(2) It shall extend to the whole of Meghalaya excluding the Autonomous Districts:

Provided that if any District Council desires that all or any of the provisions of this Act should apply to the Autonomous District concerned, a notification may be issued to that effect and this Act shall then extend to that Autonomous District subject to such exceptions or modifications as may be specified in the notification.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context:

(1) “Authority” shall mean the Local or Regional Authority appointed by the State Government for the purposes of administering the Act. Unless otherwise appointed by the State Government the Authority in the case of Municipal Areas shall be taken to mean the Municipal Board for the area constituted under the Assam Municipal Act, 1956 (as adapted by Meghalaya).

(2) “Advisory Council” means that Town and Country Planning Advisory Council constituted under Section 3 of this Act.

(3) “Betterment Fee” means the fee prescribed in respect of an increase in the value of land resulting from the execution of Development Scheme.
(4) “Building” means any construction for whatsoever purpose and of whatsoever materials constructed and every part thereof whether used as human habitation or not and include plinth walls, chimney, drainage works, fixed platforms, verandah balcony, cornice or projection, or part of a building on anything affixed thereto or any walls, earth bank, fence or other construction enclosing or delimiting or intended to enclose or delimit any land or space.

(5) “Building Industrial” means a building which is wholly or predominantly used as a warehouse, factory, distillery, iron foundry and all other buildings put to or be put to any use permitted in the zone by an authorised scheme applicable thereto.

(6) “Director” means Director of Town and Country Planning or any other Officer appointed by the State Government.

(7) “Development” means the carrying out of building, Engineering, Mining or other operations in, on, or over the land, or material change in the use of any buildings or of land:

Provided that the following operations or uses of land shall not be deemed for the purposes of this Act to mean Development of the land, that is to say—

(a) the carrying out of works for the maintenance, improvement or other alteration of any building being works which effect only the interior of the building or which do not materially affect the use and the external appearance of the building;

(b) the carrying out by a local authority of any works required for the maintenance or improvement of road, being works carried out on land within the boundaries of the road;

(b) the carrying out by any local authority any works for the purposes of inspecting, repairing or renewing and sewers, main pipes, cables or other apparatus, including the breaking open on any street or other land for that purpose;

(d) the use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

(8) “Factory” means a place to which the provisions of the Indian Factories Act of 1934 or any amendment thereof shall apply.

(9) “Industrial Concern” means a commercial body, e.g. a factory, workshop and a mill, or any concern of similar nature where materials are manufactured, repaired, altered or processed.

(10) “Master Plan” means a plan as defined under section 9 and shall comprise of items (a) to (e) of section 11.
(11) "Occupier" includes any person paying or liable to pay the rent or any portion of the rent of the land or building in respect of which the work is due or compensation of premium on account of the occupation of such land and building and also a rent free tenant.

(12) "Open Space" means any land whether enclosed or not, on which not more than one twentieth part is covered with building and the whole of the remainder has been laid out as a public garden or used for purposes of recreation or lies waste and unoccupied.

(13) "Prescribed" means prescribed by rules made under this Act.

(14) "Reconstituted Plot" means a plot which is in any way altered by the making of a Development Scheme.

(15) "Road" means and includes any highway, street, land, pathway, alley, passageway, carriageway, footway, square, bridge whether private or public, whether thoroughfare or not, whether existing or proposed in any scheme and includes all bunds, channels, ditches, drains, culverts, side walls and traffic islands.

(16) "Scheme" means a development scheme and include a plan or plans together with the descriptive matter if any relating to such a scheme.

CHAPTER II

Constitution of the Advisory Council

3. Constitution of the Town and Country Planning Advisory Council. The State Government may constitute, by a notification in the official Gazette, the Council consisting of the following members to advise the Government on matters referred to it:—

(i) Minister-in-charge of Town and Country Planning Chairman

(ii) Director of Town and Country Planning Department Secretary

(iii) Secretary, Town and Country Planning Department Member

(iv) Chief Engineer, Public Works Department (R & B) or his nominee Member

(v) Chief Engineer, Public Works Department (Flood Control) or his nominee Member

(vi) Public Health Engineer or his nominee Member

(vii) Secretary, Local self-Government or his nominee Member
(viii) Secretary, Finance Department or his nominee Member

(ix) Secretary, Revenue Department or his nominee Member

(x) Six other non-official members half of whom shall be elected by the Assembly and the rest shall be nominated by the State Government.

(xi) Such members or representative of Local Authorities falling within the area as may be covered by the Master Plan not exceeding two as may be co-opted by the council by notification, published in the official gazette.

2. Five of the members attending any meeting of the Council shall form the quorum for the purpose of transacting the business of the meeting of the Council.

3. All members of the Council including the co-opted members shall have one vote each and the Chairman shall have a casting vote in case of equality of division, in addition to his own vote.

4. Nothing done by the Council in its meeting shall be held to be invalid because of any vacancy in the seats of the nominated or elected members or the absence of any of the members for any reason whatsoever.

5. The Chairman shall preside over the meeting of the Advisory Council and in his absence the members present shall elect one among themselves to be the president for the particular meeting.

4. Resignation of non-official members. Any non-official members may at any time resign his office, provided that his resignation shall not take effect until accepted by the State Government.

5. Term of Office. The term of office of any non-official member shall ordinarily be three years.

Provided that in case of the members representing the Legislature or Local Authorities, their terms of office shall terminate as soon as they cease to be members of such Legislature or Local Authority as the case may be.

6. Commencement of term of Office of non-official members—

1. The term of Office of non-official members shall commence on such date as may be notified in this behalf by the State Government.

2. A person ceasing to be member by reason of the expiry of his term of Office as described in section 5, shall be eligible for re-nomination or re-election.

7. Removal of non-official members—The State Government may remove from the Council any member who:

(a) refuses to act, or becomes incapable of acting or absent himself from three consecutive meeting of the Council and is unable to explain such absence to the satisfaction of the Council; or
(b) has so flagrantly abused in any manner his position as a member of the Council as to tender his continuance detrimental to the public interest;

Provided that when the State Government proposes to take action under the foregoing provisions of this section, an opportunity of explanation shall be given to the member concerned and when such action is taken, the reasons thereof shall be placed or recorded.

8. Filling of casual vacancies—(1) When the place of a member nominated by the State Government becomes vacant by his resignation, removal or death, the State Government shall appoint a person to fill the vacancy.

(2) When the place of a member elected or co-opted becomes vacant, he shall be elected or co-opted by the Legislature or the Council as the case may be.

(3) The term of Office of a member nominated or elected or co-opted for the case may be under sub-section (1) and (2) shall be the reminder of the term of Office of the member in whose place he has been nominated or elected or co-opted.

CHAPTER II A

CONSTITUTION OF THE DEVELOPMENT AUTHORITY

8-A Constitution of the Authority—(1) The State Government may by notification in the official Gazette constitute for the purpose of this Act, an authority to be called "The Development Authority" (hereinafter referred to as the Authority) with jurisdiction over such areas as may be specified in the said notification:

Provided that if the State Government is of opinion that in the exigencies of public service it is necessary to do so, it may, instead of constituting the Authority, appoint an Administrator to exercise all the powers of the Development Authority under this Act.

The Administrator so appointed shall be deemed to be the Development Authority constituted under this Act and shall hold office during the pleasure of the Governor.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of properties both movable and immovable and to enter into any agreement, and shall by the said name due and be sued.

NOTES

This Section was inserted vide the Assam Act No.XXXII of 1962 under new Chapter-IA, published in the Assam Gazette, dated the 26th November, 1962, to come into force on such date as the State Government may by notification in the official Gazette, appoint. Notwithstanding anything contained in the principal Act and any rule made thereunder, any action taken by any Authority constituted before the coming into force of this Amendment Act shall be deemed to have been validly taken
as if the Authority was duly constituted under the Principal Act, as amended by this Amendment Act, and no action of such Authority shall be called in question in any Court on the ground of incompetency of the Authority to act under the principal Act as amended herein.

8-B. (1) **Composition of the Authority.**—The Authority shall consist of the following members, namely:

(a) A Chairman to be appointed by the State Government;

(b) Engineer-in-Chief of the Authority to be appointed by the State Government;

(c) Town Planner Officer of the Authority to be appointed by the State Government;

(d) Finance Officer to be appointed by the State Government;

(e) Deputy Commissioner or Sub-divisional Officer, as the case may be;

(f) Chairman or Chairmen of the Local Authority or Authorities covered by the Master plan;

(g) One member representing Commerce and Industry (Private Sector) to be nominated by the State Government;

(h) One member representing the Railways, to be nominated by the State Government;

(i) One member representing Industry (Public Sector) to be nominated by the State Government;

(j) One person each from the Local authorities covered by the Master Plan to be elected by the members at a meeting from amongst them.

(2) **Notification of members** The name of the members elected and appointed shall be published in the official Gazette.

(3) **Disqualification for election or appointment as member**—A person shall be disqualified for appointment, nomination or election as a member, if he—

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

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

(c) holds any office of profit under the Authority except those mentioned in Cls. (a), (b), (c) and (d) of Sub-section (1);

(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,