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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 10th May 1979

No. LGL. 46/79/36.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT XI OF 1979

(Received the assent of the Governor on 6th May, 1979)

THE GAUHATI MUNICIPAL CORPORATION
(AMENDMENT) ACT, 1979

An
Act

further to amend the Gauhati Municipal Corporation Act, 1969.

Preamble. Whereas it is expedient further to ^{Assam Act 1} amend the Gauhati Municipal Corpora- _{of 1973.} tion Act, 1969, hereinafter called the principal Act, in the manner hereinafter appearing ;

It is hereby enacted in the Thirtieth Year of the Republic of India as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Gauhati Municipal Corporation (Amendment) Act, 1979.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

Amendment of Section 1 of Assam Act I of 1973.

2. In the principal Act, in Section 1, in subsection (1), at the end of the title of the Act, the figure "1971" shall be substituted by the figure "1969".

Amendment of Section 2 of Assam Act I of 1973.

3. In the principal Act, in Section 2, in subsection (1),

- (i) the comma "," appearing at the end of the figure "1956" shall be substituted by the word "and";
- (ii) the words and figures "the Panchayat Act, 1959 and the Assam Town and Country Planning Act, 1959" shall be substituted by the words and figures "the Assam Panchayati Raj Act, 1972";

- (iii) at the end of the existing sub-section the following sentence shall be added, namely :—

“The Assam Town and Country Planning Act, 1959 shall apply and be in force within the territorial limits of the Corporation with effect from the date of coming into force of the Gauhati Municipal Corporation (Amendment) Act, 1979”.

Amendment
of Section 5
of Assam
Act I of
1973.

4. In the principal Act, in Section 5, in sub-section (1),

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

“(a) There shall be one Councillor for a minimum of every seven thousand five hundred population subject to a maximum number of sixty Councillors for the Corporation”;

- (ii) in the existing first proviso of clause (a), the word “five” shall be substituted by the word “four”;

- (iii) in the second proviso of clause (a), the word “five” shall be substituted by the words “two and a half”.

Amendment
of Section 11
of Assam
Act I of
1973.

5. In the principal Act, in Section 11,

- (i) in sub-section (1), the words “the Mayor” appearing between the words “or” and “may” shall be substituted by the words “any Standing Committee”;

- (ii) in sub-section (2), the word “could” appearing between the words “therewith” and “be prejudicial” shall be substituted by the word “would”;

(iii) in sub-section (2), the word "Commissioner" appearing twice, first between the words "of the" and "or of" and secondly between the words "by the" and "or the" shall be substituted by the word "Corporation" and the word "Commissioner" appearing between the words "to the" and "whose" shall be substituted by the word "Government".

Amendment
of Section 17
of Assam
Act I of
1973.

6. In the principal Act, in Section 17, in sub-section (2), the existing proviso shall be substituted by the following, namely :—

"Provided that no letter shall be sent to the Government by the Commissioner without sending a copy thereof to the Mayor on receipt of which the Mayor may furnish his views, if any, to the Government."

Amendment
of Section 19
of Assam
Act I of
1973.

7. In the principal Act, in Section 19, in sub-section (3), the words "other than prerogatives of the Mayor" preceded and followed by comma, shall be inserted in between the words "functions" and "to".

Amendment
of Section 72
of Assam
Act I of
1973.

8. In the principal Act, in Section 72,

- (i) in sub-section (2), the words "two hundred and fifty" appearing between the words "not below" and "rupees" shall be substituted by the words "five hundred";
- (ii) in sub-section (3), the words "two hundred and fifty" appearing between the words "not below" and "rupees" shall be substituted by the words "five hundred";
- (iii) in sub-section (5), the word "three" appearing between the words "exceed" and "months" shall be substituted by the word "four";
- (iv) in sub-section (6), the words "two hundred and fifty" appearing between the words "is below" and "rupees" shall be substituted by the words "five hundred".

Amendment
of Section 73
of Assam
Act I of
1973.

9 In the principal Act, in Section 73, after sub-section (1), the following shall be added as new sub-section (IA), namely :—

“(IA) Whenever a Corporation is superseded under Section 425 of the principal Act, the office of membership held by the two Councillors under clause (c) of the preceding sub-section shall be held :—

- (i) when only one person is appointed as administrator, by such administrator and the Commissioner of the Corporation ;
- (ii) when a council of administrators is appointed with only two persons, by these two administrators ;
- (iii) when more than two persons are appointed as council of administrators, by such two of them as may be selected by the council of administrators in a meeting”.

Amendment
of Section 74
of Assam
Act I of
1973.

10. In the principal Act, in Section 74, in sub-section (3), in the proviso, the words “not appointed by the Commissioner” shall be substituted by the words “the maximum of whose scale of pay is not below five hundred rupees”.

Amendment
of Section 75
of Assam
Act I of
1973.

11. In the principal Act, in Section 75,

- (i) in sub-section (1), the word “rules” appearing in between the words “in the” and “to be” shall be substituted by the word “regulations” ;
- (ii) sub-section (2) shall be substituted by the following, namely :—

“(2) (a) In the case of a Municipal Officer or staff the maximum of whose pay scale does not exceed one thousand rupees per mensem, an appeal shall lie to the Standing Finance Committee ;

(b) In the case of Municipal Officer or staff the maximum of whose pay scale exceeds one thousand rupees per mensem, an appeal shall lie to the State Government."

Amendment of Section 120 of Assam Act I of 1973.

12. In the principal Act, in Section 120, in sub-section (2), in between the words "printed" and "copy" the words "or, in the alternative, a cyclostyled" shall be inserted.

Insertion of new Section 309A in Assam Act I of 1973.

13. In the principal Act, after Section 309, the following shall be added as new Section 309A, namely:—

"309A. Subject to the provisions of the Cattle Trespass Act, 1887, the Corporation may establish and maintain pounds within the city for all kinds of animals."

Amendment of Section 315 of Assam Act I of 1973.

14. In the principal Act, in Section 315, the fullstop "." appearing at the end of clause (c), shall be substituted by the semicolon and word "; or" and thereafter the following shall be added as new clause (d), namely:—

"(d) may firm out any municipal market or pound either by auction or by tender for a period of one year only:

Provided that extension for a total period not exceeding one more year may be granted in exceptional circumstances for reasons to be recorded."

Amendment of Section 337 of Assam Act I of 1973.

15. In the principal Act, in Section 337, in sub-section (3), the words "thirty days" appearing in between the words "expiry of" and "the Commissioner" shall be substituted by words "seven days".

Amendment of Section 425 of Assam Act I of 1973.

16. In the principal Act, in Section 425, (i) in sub-section (1),

(i) at the end of the first proviso, the colon "(:)" shall be substituted by a fullstop "(.)";

(ii) the second proviso shall be deleted;

(iii) in sub-section (2), after clause (b), the following new clause shall be inserted as clause "(bb)", namely:—

"(bb) The person or persons so appointed under the preceding clause shall also exercise and perform, as far as may be, the powers and duties of various Standing Committees and Joint Committees under the provisions of this Act and for the purpose of such exercise such person or persons shall be deemed to be the respective Standing Committee or Joint Committee, as the case may be, within the meaning of this Act."

Amendment
of Fourth
Schedule of
Assam Act
I of 1973.

17. In the principal Act, in the Fourth Schedule,

(1) in the entries bearing serial number 10 in the third column, for the word "Do", the words "as may be fixed from time to time subject to a maximum of three thousand rupees" shall be substituted;

(2) in the entries bearing serial number 11, in the third column, for the word "Do", the words "two hundred and fifty rupees" shall be substituted;

(3) the entries bearing serial numbers 26, 39, 56 and 76 shall be deleted.

U. TAHBILDAR,
Secy. to the Govt. of Assam,
Legislative Department.