

**THE GAUHATI MUNICIPAL CORPORATION
ACT, 1969**

Whereas it is expedient to constitute a Municipal Corporation for the City of Gauhati, be it enacted in the Twenty-second year of the Republic of India as follows:—

PART I

CHAPTER I

Preliminary

Short title,
application
and com-
mencement.

1. (1) This Act may be called the Gauhati Municipal Corporation Act, 1971.

(2) Except as in hereinafter otherwise expressly provided it extends to the City of Gauhati.

(3) The provisions of this Act, except this Section which shall come into force at once, shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint :

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Repeal of
enactments
and savings.

2. (1) As from the date of establishment of the Corporation, the Assam Municipal Act, 1956, the Panchayat Act, 1959 and the Assam Town and Country Planning Act, 1959 shall cease to have effect within the city. The Corporation shall be deemed to have been constituted with effect from the date of the first meeting of the elected Councillors held after the completion of the first general election under section 45.

(2) Notwithstanding the provisions of sub-section (1) of this section—

(a) Any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any licence or permission granted under any of the enactments referred to in sub-section (1) of this section and in force immediately before the establishment of the Corporation, shall continue to be in force and be deemed to have been made, issued or granted under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form, notice, or bye-law made or issued, or any licence or permission granted under the provisions of this Act;

(b) All debts, obligations and liabilities incurred, All contracts entered into and all matters and things engaged to be done by, with or for the Municipal Board or Town Committees functioning in the city before such establishment shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Corporation or the Municipal authority concerned ;

(c) All budget estimates, assessments, valuations, measurements or divisions made by any of the aforesaid local authorities shall continue to be in force and be deemed to have been made under the provisions of this Act unless and until they are superseded by any budget estimate, assessment, valuation, measurement or division made by the Corporation or the Municipal authority concerned under the said provisions ;

(d) All properties, movable and immovable and all interests of whatsoever nature and kind therein, vested in any of the aforesaid local authorities immediately before such establishment shall, with all rights of whatsoever description used, enjoyed or possessed by any such body or authority, vest in the Corporation ;

(e) All rates, taxes, fees, rents and other sums of money due to any of the aforesaid local authorities immediately before such establishment shall be deemed to be due to the Corporation ;

(f) All rates, taxes, fees, rents fares and other charges shall, until and unless they are varied by the Corporation, continue to be levied at the same rate at which they were being levied by the aforesaid local authorities immediately before such establishment ;

(g) All suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against any of the aforesaid local authorities may be continued by or against the Corporation ; and

(h) Every employee serving under the aforesaid local authorities immediately before such establishment shall become an employee of the Corporation with such designation as the Corporation may determine and hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have held the same, if the Corporation had not been established and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Corporation :

Provided that the tenure, remuneration and the terms and conditions of service of any such employee shall not be altered to his disadvantage ;

Provided further that any service rendered by any such employee before the establishment of the Corporation shall be deemed to be service rendered under the Corporation.

Definitions. 3. For the purpose of this Act, unless there is anything repugnant in the subject or context.

"Assessment List." (1) "Assessment list" means the municipal assessment list prescribed by Section 156 and includes any list subsidiary thereto;

"Bakery." (2) "Bakery or baking house" means any place where bread, biscuits, confectionery and such other things are baked for the purpose of sale;

"Budget grant." (3) "Budget grant" means the total sum entered on the expenditure side of a Budget Estimate under a major head and which has been finally adopted by the Corporation and includes any sum by which such budget grant may be increased or reduced by transfer from or to other heads in accordance with the provisions of this Act, rules, regulations and bye-laws made thereunder;

"Building." (4) "Building" includes a shop, house, hut, out-house, garage, shed, privy, urinal, other roofed structure or stable for whatsoever purpose and of whatsoever material constructed and also a wall, but does not include a tent or other merely temporary shelter or shed erected on ceremonial or festive occasions.

"Building line." (5) "Building line" means a line which is in rear of the street-alignment and to which the main wall of a building abutting on a street may lawfully extend and beyond which no portion of the building may extend except as prescribed;

"Bye-law." (6) "Bye-law" means a bye-law made under this Act;

"Carriage." (7) "Carriage" means any wheeled vehicle with springs or other appliances acting as springs, of a kind ordinarily used for conveyance of human beings and includes jin-rickshaws, cycle-rickshaws, bicycles and tricycles but does not include perambulators and in particular does not include any motor vehicle as defined in the Assam Motor Vehicles Taxation Act, 1936;

- "Cart." (8) "Cart" means any cart, hackney, or wheeled vehicle with or without spring, which is not a carriage as defined under sub-section (7) ;
- "City of Gauhati" or "City." (9) "City of Gauhati" or "City" means the area within the boundaries to be specified by the State Government on this behalf and duly notified in the official Gazette from time to time as required under Section 42 of this Act.
- "Commissioner." (10) "Commissioner" means the Commissioner appointed under Section 29 and includes a person appointed to officiate as Commissioner ;
- "Company." (11) "Company" means a company including an existing company, private company and public company, as defined in the Companies Act, 1956 (Central Act I of 1956), and includes a co-operative society registered or deemed to have been registered under the Co-operative Society Act, 1959 (Assam Act I of 1960) or any re-enactment the eto:
- "Compost Manure." (12) "Compost manure" means the produce prepared from offensive matter, rubbish and sewage by subjecting them to the process of compost making in the manner prescribed by rules ;
- "Conservancy." (13) "Conservancy" means the removal and disposal of sewage, offensive matter and rubbish ;
- "Corporation." (14) "Corporation" means the Municipal Corporation of Gauhati ;
- "Cream." (15) "Cream" means that portion of milk rich in milk-fat which has risen to the surface of milk on standing and has been removed or which has been separated from milk by centrifugal force ;
- "Cubical content." (16) "Cubical content" when used with reference to the measurement of a building, means the space contained within the external surface of its walls and roof and the upper surface of the floor of its lowest or only storey ;

"Dairy."

(17) "Dairy" includes any farm, cattle-shed, cow-house, from which milk-store, milk-shop or other places—

(a) from which milk is supplied for sale, or

(b) in which milk is kept for purposes of sale or used for manufacture or preparation for sale of any of the following articles:—

(i) butter,

(ii) ghee,

(iii) cheese,

(iv) curds, and

(v) dried, sterilised or condensed or tinned milk; but does not include—

(a) a shop or other place in which milk is sold for consumption on the premises only, or

(b) a shop or other place from which milk is sold or supplied in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or other place.

"Dairy man."

(18) "Dairy man" includes any occupier of a dairy, any cow-keeper who trades in milk, or any seller of milk whether wholesale, or by retail;

"Dairy produce."

(19) "Dairy produce" includes milk, butter, ghee, curd, butter milk, cream, cheese and any and every product of milk.

"Dangerous disease."

(20) "Dangerous disease" means—

(a) small-pox, cholera, dysentery, plague, tuberculosis, leprosy, enteric fever, diphtheria, cerebrospinal meningitis and syphilis; and

(b) any other epidemic, endemic or infectious disease which the State Government may, by notification in the official Gazette, declare to be a dangerous disease for the purposes of this Act;

"Domestic purposes."

(21) "Domestic purposes":—Supply of water for domestic purposes shall not be deemed to include a supply:—

(a) for animals or for washing carriages where such animals or carriages are kept for sale or hire,

(b) for any trade, manufacture or business other than those concerned with the manufacture or supply of articles of food and drink for human beings.

(c) for fountains,

(d) for watering gardens, roads or paths,

(e) for any ornamental or mechanical purpose,

(f) for building purposes ;

"Drain."

(22) "Drain" includes a sewer, a house drain, a drain of any other description, a tunnel a culvert, a ditch a channel, and any other device for carrying off sullage, sewage, offensive matter, polluted water, rain water or sub-soil water ;

"Eating house."

(23) "Eating house" means any premises to which the public are admitted and where any kind of food is prepared and or supplied to the public for consumption on the premises for the profit or gain or any person owning or having an interest in or managing such premises ;

"Entertainment."

(24) "Entertainment" includes any exhibition, performance, amusement, game or sport to which persons are usually admitted on payment ;

'Erect or re-erect.' (25) "Erect or re-erect" any building includes :—

- (a) any material alteration or enlargement of any building ;
- (b) the structural conversion into a place for human habitation of a building not originally constructed for human habitation ;
- (c) the structural conversion into more than one place for human habitation of a building originally constructed as one such place ;
- (d) the structural conversion of two or more places of human habitation into a great number of such place ;
- (e) such alteration of the internal arrangement of a building as effects an alteration in its sanitary or drainage arrangements or affects its stability ;
- (f) the addition of any rooms, buildings, out houses or other structures to a building ;
- (g) the reconstruction of the whole or any part of the external walls of a building or the renewal of the posts of a wooden building ;

'Essential Service.' (26) "Essential Service" means and includes services concerning health, sanitation and water supply organisation of the Corporation and also any other services declared or notified by the Corporation with approval of State Government from time to time as essential service ;

'Examiner.' (27) "Examiner" means the Examiner of Local Accounts, Assam and includes officers subordinate to him assigned for the purpose of Audit ;

'Factory.' (28) "Factory" means a factory as defined in the Factories Act, 1948 ;

'Flith.' (29) "Flith" includes night-soil, sewage and all offensive matters ;

'Financial year.' (30) "Financial year" means the year commencing on the first day of April ;

"Food." (31) "Food", notwithstanding anything contained in the Prevention of Food Adulteration Act, 1954, includes every article used for food or drink by man other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food and also includes confectionery, flavouring, and colouring matter and spices and condiments ;

"Goods." (32) "Goods" includes animals ;

"Government." (33) "Government" means the Government of the State of Assam ;

"Half year." (34) "Half year" means half of financial year ;

"Holding" (35) "Holding" means land held under one title or agreement and surrounded by one set of boundaries :

Provided that where two or more adjoining holdings form part and parcel of the site or premises of a dwelling house, manufactory, warehouse, or place of trade or business, such holdings shall be deemed to be one holding for the purposes of this Act ;

Explanation.—Holdings separated by a road or other means of communication shall be deemed to be adjoining within the meaning of this proviso :

Provided also that where land has been let out to occupants in separate parcels paying rents separately, each such parcel shall be treated as a distinct holding in spite of such parcels of land being held under one title.

"House." (36) "House" means any hut, shop, warehouse, workshop, a masonry or framed building ;

"House-gully." (37) "House-gully" means a passage or strip of land constructed, set apart, or utilised, for the purposes of serving as a drain or affording access to a latrine, urinal, cess-pool or other receptacle for filthy or polluted matter, to municipal employee or persons employed in the cleansing thereof or in the removal of such matter therefrom and includes the air-space above such passage or land ;

- "Hut." (38) "Hut" means any building which is constructed principally of wood, bamboo, mud, leaves, grass, cloth or thatch and includes any structure of whatever material made which the Corporation may declare to be a hut for the purposes of this Act ;
- "Inhabitant." (39) "Inhabitant" used with reference to a local area means any person ordinarily residing or carrying on business or owning or occupying immovable property therein ;
- "Land." (40) "Land" includes benefit to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and also land covered by water ;
- "Latrine." (41) "Latrine" means a place set apart for defecating or urinating or both and includes a closet of the dry or water carriage type and urinal ;
- "Lay-out." (42) "Lay-out" means any area or plot of land demarcated or marked out into regular and convenient bits of divisions to utilize, sell, lease out or otherwise dispose of the same as sites for the construction of buildings and includes a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street ;
- "Local authority." (43) "Local authority" means the Municipal Corporation of Gauhati and also includes Municipal Boards, Town Committees, Panchayats and Development Authorities ;
- "Lodging House." (44) "Lodging House" means a house in which visitors or other persons are lodged for hire for a night or more and where there is community of eating or sleeping accommodation ;
- "Market." (45) "Market" means any place where persons assemble for the sale and purchase of articles intended for food or drink or of livestock or other merchandise ;
- "Municipal Authority." (46) "Municipal Authority" means any of the Municipal Authorities specified in sub-section (2) of Section 4 of this Act ;
- "Municipal drain." (47) "Municipal drain" means a drain vested in the Corporation ;

"Municipal market." (48) "Municipal market" means a market belonging to or maintained by the Corporation;

"Municipal Office." (49) "Municipal office" means the principal office of the Corporation ;

"New building." (50) "New building" means and includes—

- (a) any building constructed or in the process of construction after the commencement of this Act;
- (b) any building which, having collapsed or having been demolished or burnt down for more than one-half of its cubical content is reconstructed wholly or partially after the commencement of this Act, whether the dimensions of the reconstructed building are same as those of the original building or not;
- (c) any building not originally constructed for human habitation after the commencement of this Act;

Explanation.—Clause (b) applies whether more than half the cubical content has collapsed or been demolished or burnt down at the same time or at different times.

"Notification." (51) "Notification" means a notification published in the Official Gazette of the Government of Assam;

"Nuisance" (52) "Nuisance" includes any act, omission or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property;

"Occupier" (53) "Occupier" means—

- (a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable ;
- (b) an owner in occupation of, or otherwise using the land or building;
- (c) a rent-free tenant of any land or building;
- (d) a licensee in occupation of any land or building;
- (e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

"Octroi" (54) "Octroi" means a tax on the entry of goods into the limits of the city for consumption, use or sale therein ;

"Offensive matter" (55) "Offensive matter" includes animal carcass, kitchen refuse and table refuse, dung, dirt and putrid or putrefying substances other than sewage;

"Owner" (56) "Owner" includes—

(a) the person for the time being receiving the rent of any land or building or of any part of any land or building whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or as a receiver, or who would so receive such rent if the land, building or part thereof were let to a tenant; and

(b) the person for the time being in charge of the animal or vehicle, in connection with which the word is used ;

"Premises" (57) "Premises" means any land or building or part of a building and includes—

(a) the garden, ground and out-houses, if any, appertaining to a building or part of a building ; and

(b) any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof ;

"Prescribed" (58) "Prescribed" means prescribed under the provisions of this Act, rules, regulation, and bye-laws;

"Private lay-out" (59) "Private lay-out" means a lay-out formed by an individual or body of persons whether incorporated or not ;

"Private road".

(60) "Private road" means any street, road, square, court, alley or passage which is not a public road and includes a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises ;

"Privy"

(61) "Privy" means place for easing nature ;

"Public street".

(62) "Public street" means any street, road, lane, gully, alley, passage pathway, square or court whether a thoroughfare or not, over which the public have a right of way, and includes—

(a) the roadway over any public bridge or causeway ;

(b) the footway attached to any such street public bridge or causeway ; and

(c) the drains attached to any such street, public bridge or causeway, and where there is no drain attached to any such street, shall unless the contrary is shown, be deemed to include also, all land upto the outer wall of the premises abutting on the street, or, if a street alignment has been fixed, then upto such alignment ;

"Rate"

(63) "Rate" means—

(a) the tax upon the rateable value of holdings ;

(b) license fees ;

(c) the water tax ;

(d) the lighting tax ;

(e) the drainage tax ;

(f) the scavenging tax ;

(g) the tax on private markets ;

Rate Value (64) "Rateable value" means the value of any land or building fixed in accordance with the provisions of this and the bye-laws made thereunder for the purpose of assessment to property tax;

"Regulation" (65) "Regulation" means a regulation made by the Corporation under this Act by notification in the official Gazette;

"Reside" (66) "Reside"—

(a) a person shall be deemed to 'reside' in any dwelling house or hut which, or some portion of which, he sometimes, although not uninterruptedly, uses as a sleeping apartment; and

(b) a person shall not be deemed to cease to 'reside' in any such dwelling house or hut merely because he is absent from it or has elsewhere another dwelling house or hut in which he resides if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it;

"Rubbish" (67) "Rubbish" means dust, ashes, broken bricks, broken glass, mortar and refuse of any kind which is not "offensive matter" as defined in this section;

"Rules" (68) "Rule" means a rule made under this Act;

"Scavenger" (69) "Scavenger" means a person employed in collecting or removing filth, in cleansing drains, latrines, or slaughter-house or in driving carts used for the removal of filth;

"Schedule" (70) "Schedule" means the Schedule appended to this Act;

"Scheduled Caste" (71) "Scheduled Caste" means any of the Scheduled Castes specified in the Constitution (Scheduled Castes) Order, 1950, for the time being in force;

"Scheduled Tribe" (72) "Scheduled Tribes" means any of the tribes specified in the Constitution (Scheduled Tribes) Order, 1950, for the time being in force;

"Sewage" (73) "Sewage" means night-soil and other contents of privies, urinals, cesspools or drains and includes trade effluents and discharges from manufactories of all kinds;

hed" (74) "Shed" means a slight or temporary structure for shade or shelter;

- "Slaughter-house."** (75) **"Slaughter-house"** means any place used for the slaughter of cattle, sheep, goats, kids or pigs for the purpose of selling the flesh thereof as meat;
- "Street"** (76) **"Street"** includes any way, road, lane, square, court, alley, gully, passage, whether a thorough fare or not and whether built upon or not, over which the public have a right of way and also the roadway or foot way over any bridge or causeway;
- "Street line"** (77) **"Street line"** means the line dividing the land comprised in and forming part of a street from the adjoining land;
- "Tax"** (78) **"Tax"** includes any toll, rate, cess, fee or other impost leviable under this Act;
- "Trade effluent"** (79) **"Trade effluent"** means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage;
- "Trade premises"** (80) **"Trade premises"** means any premises used or intended to be used for carrying on any trade or industry;
- "Trade refuse"** (81) **"Trade refuse"** means the refuse of any trade or industry;
- "Vehicle"** (82) **"Vehicle"** includes a carriage, cart, van, dray truck, hand-cart, bicycle, tricycle, cycle-rickshaw, auto-rickshaw, motor vehicle and every wheeled conveyance which is used or is capable of being used on a street;
- "Ward"** (83) **"ward"** means a municipal ward provided by order made under Section 43 for the purpose of election of councillors;
- "Water Course"** (84) **"Water Course"** includes any river, stream or channel whether natural or artificial;
- "Water works"** (85) **"Water Works"** includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water trucks, sluices, mains, pipes, culverts, hydrants, stand pipes and conduits and all lands, buildings, machinery, bridges and things, used for, or intended for the purpose of supplying water;
- "Workshop"** (86) **"Workshop"** means any premises (including the precincts thereof) other than a factory, wherein any industrial process is carried on;
- "Year"** (87) **"Year"** means a year commencing on the 1st day of April.

PART II

Constitution and Government Administration of the Corporation

CHAPTER II

The Municipal Authorities

Municipal
Authorities.

4. (1) There shall be a Corporation charged with the Municipal Administration of the city of Gauhati to be known as the Municipal Corporation of Gauhati.

(2) For the efficient performance of the functions of the Corporation there shall be the following Municipal Authorities under the Corporation, namely:--

(a) The Standing Committee; and

(b) The Commissioner.

The Corporation

Constitution
of the Cor-
poration.

5. (1) (a) There shall be one councillor for every population of 7,500 subject to a maximum of 60 members:

Provided that wherever five per cent or more of the inhabitants of the Corporation are Scheduled Castes, and in case no person belonging to the Scheduled Castes is elected to the Corporation, the Corporation shall co-opt one such person as Councillor:

Provided further that wherever five per cent or more of the inhabitants of the Corporation are Scheduled Tribes, and in case no person belonging to the Scheduled Tribes is elected to the Corporation, the Corporation shall co-opt one such person as Councillor:

Provided further that this representation shall continue only as long as special representation for the Scheduled Castes and Scheduled Tribes continues to be provided for in the Constitution of India :

Provided further that such co-opted Councillors shall be in addition to the Councillors provided for in sub-clause (1) (a) of this section.

(b) All the Councillors shall be elected by direct election on the basis of adult suffrage as stipulated in the Representation of the People Act, 1950 (Central Act XLIII of 1950) from various wards into which the city shall be divided in accordance with the provisions of this Act and the rules made thereunder.

Explanation.—For the purposes of this Act, “population” shall mean the population as ascertained at the latest census of which the relevant figures have been published.

Incorporation of Corporation. (2) The Corporation shall by the name of the Municipal Corporation of Gauhati be a body corporate and have perpetual succession and a common seal and may by such name sue and be sued.

Power of Corporation as regard reovable & immovable property. (3) The Corporation shall have power to acquire and hold property, both movable and immovable within or without the limits of the city, and subject to the provisions of this Act, the rules and bye-laws made thereunder, to transfer or to acquire any property and to contract and do all other things necessary for the purpose of this Act.

General powers of the Corporation. 6. (1) Subject to the provision of this Act and rules and bye-laws made thereunder, the Municipal Administration of the city shall vest in the Corporation, and the Corporation shall be entitled to exercise or discharge any powers, duties and functions expressly assigned by or under this Act or any other Act.

(2) Without prejudice to the generality of the provisions of sub-section (1), it shall be the duty of the Corporation to consider all periodical statements of receipts and disbursements and all progress reports and pass such resolutions thereon as it thinks fit.

Matter to be provided by Corporation. 7. It shall be incumbent on the Corporation to make adequate provision by any means or measures which it is lawfully competent to use or take, for each of the following matters, namely:—

- (1) the construction, maintenance and cleaning of drains and drainage works and public latrines, urinals and similar conveniences ;
- (2) the construction and maintenance of works and means for providing a supply of water for public and private purposes ;
- (3) the scavenging, removal and disposal of filth, rubbish and other obnoxious or polluted matters ;
- (4) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances ;
- (5) the regulation of places for the disposal of the dead and the provision and maintenance of places for the said purposes ;
- (6) the registration of births and deaths ;
- (7) public vaccination and inoculation ;
- (8) measures for preventing and checking the spread of dangerous and contagious diseases ;
- (9) the establishment and maintenance of hospitals, dispensaries and maternity and child welfare centres and the carrying out of other measures necessary for public medical relief ;
- (10) the construction and maintenance of municipal markets and slaughter-houses and the regulation of all markets and slaughter-houses ;
- (11) the regulation and abatement of offensive or dangerous trades or practices ;
- (12) maintenance of fire-brigade and the protection of life and property in case of fire ;
- (13) the securing or removal of dangerous building and places ;
- (14) the construction, maintenance, alteration and improvement of public roads, streets, bridges, culverts, cause-ways and the like ;

- (15) the removal of obstructions and protections and unauthorised occupation in or upon streets, bridges and other public places ;
- (16) the naming and numbering of streets and premises, erecting and installing of statues of important personalities ;
- (17) the maintenance of a Municipal Corporation office and of all public monuments and open spaces and other property vesting in the Corporation ;
- (18) the establishment and maintenance of cattle pounds ;
- (19) the construction and maintenance of residential quarters for the Corporation staff including conservancy staff ;
- (20) the maintenance of ambulance service ;
- (21) the provision of public park, garden playgrounds and recreation grounds ;
- (22) the lighting, watering and cleansing of public streets and other public places ;
- (23) subject to adequate provision being made for the matter specified above, the provisions of relief to destitute persons in the city in times of famine and scarcity and the establishment and maintenance of relief works in such times ;
- (24) taking of measures against food adulteration including milk, ghee, mustard oil, rice, atta, and other food stuff : and
- (25) the fulfilment of any other obligation imposed by or under this Act or any other law for the time being in force.

Matters which may be taken by Corporation at its discretion.

8. Subject to any law, rule or regulation in force the Corporation may, in its discretion provide from time to time, solely or partly for all or any of the following matters, namely:—

- (1) the establishment, aiding or maintenance of educational institutions, libraries, museums, art galleries, botanical or zoological collections ;
- (2) the establishment and maintenance of, and aid to, stadia, gymnasia and places for sports and games ;
- (3) the planting and care of trees on road sides, and elsewhere ;

- (4) the surveys of buildings and lands;
- (5) the registration of marriages;
- (6) the taking of a census of population;
- (7) the civic receptions to persons of distinction;
- (8) the providing of music or other entertainments in public places or places of public resort;
- (9) the holding of fairs and exhibitions;
- (10) the organisation, maintenance or management of institutions within or without the city for the care of persons who are destitute, infirm, sick or incurable, or for the care and training of blind, deaf, mute or otherwise disabled persons or of handicapped and uncared for children;
- (11) the organisation, maintenance or management of maternity and infant welfare homes or centres;
- (12) the purchase and maintenance of dwelling houses for Corporation employees ;
- (13) any measures for the welfare of the Corporation employees or any class of them including the sanctioning of loans to such employee or any class of them for construction of houses and purchase of vehicles;
- (14) the organisation or management of chemical or bacteriological laboratories for the examination or analysis of water, food adulteration, and drugs for the detection of adulteration or of causes of diseases or for research connected with the public health and medical relief;
- (15) the establishment and maintenance of veterinary hospitals ;
- (16) the organisation, construction, maintenance and management of swimming pools, public houses, bathing places and other institutions designed for the improvement of public health ;

- (17) dairies or farms within or without the city for the supply, distribution and processing of milk products for the benefit of the residents of the city ;
- (18) the provision of milk to expectant or nursing mothers or infants or school children ;
- (19) the construction and maintenance in public street or places drinking fountains for human being and water-troughs for animals ;
- (20) the regulation of lodging houses, camping grounds and rest-houses in the city ;
- (21) the construction, establishment and maintenance of theatres, cinemas, petrol pumps and other public buildings ;
- (22) the organisation and maintenance of shops or stalls for meeting the daily necessities of life in times of scarcity.
- (23) the prevention of cruelty to animals ;
- (24) contributions towards any public fund raised for the relief of human suffering or for the public welfare ;
- (25) the acquisition and maintenance of grazing grounds and the establishment and maintenance of a breeding stud ;
- (26) establishing and maintaining a farm or factory for the disposal of sewage ;
- (27) the construction and maintenance of warehouses and godowns ;
- (28) the construction and maintenance or regulation of garages, sheds and stands for vehicles and cattle buyers ;
- (29) the organisation and management of cottage industries, handicraft centres and sales emporia ;
- (30) establishing labour welfare centres for its employees and subsidising the activities of any association, union or club or creche of such employees by grant of loans for its general advancement ;
- (31) the maintenance of a band orchestra ;

- (32) establishing or assisting in the establishment of information centres, wherefrom the public may readily obtain information concerning services, available within the city, provided by the Corporation or by Government and any other information relating to Municipal Administration affecting the city ;
- (33) subject to conditions or restrictions, if any as the Government may specify—
- (i) arranging for the publication, within its area, of information on questions relating to Municipal Administration ;
 - (ii) arranging for the delivery of lectures and addresses and the holding of discussions on such questions and arranging for this purpose display of books, cinematograph, films or models or the holding of exhibitions relating to such questions ;
- (34) preparing or joining in the preparation or contributions to the cost of the preparation of pictures, films, models or exhibitions to be displayed or held as aforesaid ;
- (35) with the consent of the Government contributing towards the expenses of any Co-operative organisation carrying on activities within the area of the Corporation, for the purpose of promoting the development of trade, industry or commerce therein ;
- (36) the acquisition of immovable or movable property for any of the purposes before mentioned including payment of the cost of investigation, surveys or examinations in relation thereto for the construction or adaptation of buildings necessary for such purposes ;
- (37) any measure not hereinbefore specifically mentioned, likely to promote public safety, health, convenience or general welfare ;
- (38) the regulation of trade and commerce within the limits of the City Corporation ;
- (39) the regulation of the distribution of electric power within the city ;
- (40) the regulation of streams, nallas and pipes carrying water, rubbishes and effluents through the city; and
- (41) the doing of anything the expenditure whereof is declared by the Corporation to be an appropriate charge on the Corporation Fund.

Standing
Committees
and Com-
missioner
to give
effect to re-
solutions of
Corporation.

9. The Mayor, the Standing Committees and the Commissioner shall give effect to every resolution of the Corporation unless such resolution relates to a matter in which, under the provisions of this Act or the Rules, bye-laws and regulations made thereunder the decision of the Mayor, the Standing Committee or the Commissioner as the case may be, is final.

Power of
Corporation
to call
for extracts
proceed-
ings, etc.

10. The Corporation or the Mayor may at any time call for the proceedings of a Standing Committee or of any Committee or for any return, statement, accounts or report connected with any matter with which such Committee is empowered to deal.

Power of
Corporation
and
Standing
Committee
or requisition
of Commissioner's
records.

11. (1) The Corporation or the Mayor may at any time require the Commissioner—

- (a) to produce any record, correspondence, plan or other document which is in his possession, or under his control as Chief Officer ;
- (b) to furnish any return, plan, estimate, statement, account of statistics connected with the Municipal Administration ;
- (c) to furnish a report by himself or to obtain from any Head of Department subordinate to him and furnish with his own remarks thereon a report upon any subject connected with the Municipal Administration.

(2) The Commissioner shall comply with every such requisition unless in his opinion immediate compliance therewith could be prejudicial to the interest of the Commissioner or of the public, in which case he shall make a declaration in writing to that effect and shall, if required by the Commissioner or the Standing Committee, as the case may be, refer the case to the Commissioner whose decision shall be final.

**Appointment
of Joint
Committee.**

12. (1) The Corporation may, and if so required by Government shall join with a local authority or authorities in appointing a Joint Committee for any purpose in which they are jointly interested or for any matter for which they are jointly responsible.

(2) A Joint Committee may include persons who are not members of the Local Authorities concerned but who may in their opinion possess special qualifications for serving on such Committees:

Provided that the number of such persons shall not exceed one third of the total number of members of the Joint Committee.

(3) The constitution of a Joint Committee shall be by means of regulations which shall not, except in the cases referred to in sub-sections (6) and (7) have effect unless assented to by each of the Local Authorities concerned.

(4) The regulations shall determine—

- (a) the total number of members of the Joint Committee ;
- (b) the number who shall be members of the Local Authorities concerned and the number who may be outsiders ;
- (c) the persons who shall be members of the Joint Committee or the manner in which he shall be elected or appointed ;
- (d) the person who shall be the Chairman of the Joint Committee or the manner in which he shall be elected or appointed ;
- (e) the terms of office of members and Chairman ;
- (f) the powers, being powers exercisable by one or more of the Local Authorities concerned, which may be exercised by the Joint Committees ; and
- (g) the procedure of the Joint Committee ;

(5) Regulations made under sub-sections (3) and (4) may be varied or revoked, provided that all the Local Authorities concerned assent to such variation or revocation.

(6) If the Government take action under sub-section (1), they may issue such directions as they think necessary or desirable in respect of all or any of the matters referred to in sub-sections (3) and (4).

(7) If any difference of opinion arises between Local Authorities under any of the foregoing provisions of this section, it shall be referred to the Government whose decision shall be final:

Provided that, if the Local Authority concerned is a Cantonment Authority, any such decision shall not be binding unless it is confirmed by the Central Government.

Duties and powers of individual Councillor. 13. (1) Any Councillor may call the attention of the proper Authority to any neglect in the execution of the municipal works, to any waste of municipal property, or to the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every Councillor shall have the right to interpellate the Mayor on matters connected with the Municipal Administration subject to such regulations as may be framed by the Corporation.

Mayor, Deputy Mayor or Councillor not to receive remuneration. 14. Neither the Mayor nor the Deputy Mayor nor any Councillor shall receive or be paid from the funds at the disposal of or under the control of the Corporation any salary or other remuneration for services rendered by him in any capacity whatsoever:

Provided that nothing in this section shall apply to the payment of any conveyance allowance or travelling allowance or daily allowance to the Mayor or the Deputy Mayor or any Councillor by the Corporation at such rate as may be determined by rules made by the State Government in this behalf.

Election of Mayor, Deputy Mayor and Chairman. 15. (1) The Corporation shall at its first meeting after the first day of January each year, elect—

- (a) one of its members to be the Mayor;
- (b) one of its members other than the Mayor to be the Deputy Mayor; and
- (c) Members of the different Standing Committees from amongst its members.

(2) Each Standing Committee shall at its first meeting after the election referred to in clause (a) of sub-section (1) elect one of its members other than the Mayor to be its Chairman.

(3) The Mayor, Deputy Mayor or Chairman shall be entitled to hold office from the time of his election and until the election of his successor provided that in the meantime he does not cease to be a councillor.

On the occurrence of any vacancy in the office of Mayor, Deputy Mayor or Chairman, the Corporation or Standing Committee, as the case may be, shall at its next meeting elect a successor, who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it, if the vacancy had not occurred.

Resignation of Mayor. 16. (1) The Mayor may resign his office by giving notice in writing to the Corporation and his resignation shall take effect from the date on which it is placed before the Corporation.

(2) The Deputy Mayor may resign his office by giving notice in writing to the Mayor and his resignation shall take effect from the date on which it is received by the Mayor.

Prerogative of the Mayor 17. (1) The Mayor is the head of the Corporation and shall be responsible to the Corporation and he shall have full access to all the records of the Corporation and shall obtain reports from the Commissioner on any matter connected with the administration of the Corporation.

(2) All correspondence between the Corporation and Government or other authority shall be conducted by the Commissioner :

Provided that no letter shall be sent to the Government by the Commissioner without intimation to the Mayor, and on such intimation the Mayor may furnish his views, if any, to the Government.

Functions of Mayor. 18. (1) The Mayor shall preside over all meetings of the Corporation and his decision and rulings in conducting the proceedings of the meetings shall be final.

(2) The Mayor shall be solely responsible for maintenance of discipline in the meetings of the Corporation.

Functions of Deputy Mayor. 19. (1) When the office of the Mayor is vacant his functions shall devolve upon the Deputy Mayor until a new Mayor is elected.

(2) When the Mayor is absent from his duty on account of illness or any other cause, the powers, duties and functions of the Mayor shall be exercised and performed by the Deputy Mayor.

(3) The Mayor may, by an order in writing, delegate any of his functions to the Deputy Mayor.

The Standing Committee

Constitution
of Standing
Committee.

20. There shall be Standing Committees dealing respectively with—

- (i) Taxation and Finance, and Planning and Development (or Standing Finance Committee) ;
- (ii) Public Works
- (iii) Public Health ; Conservancy and Water Supply ;
- (iv) Assessment, Markets and Trades ;
- (v) Appeals ;

Election of
Standing
Committees.

21. (1) Each Standing Committee shall consist of five members elected by the Corporation from its own numbers other than the Mayor :

Provided that no Councillor shall be a member of more than one Standing Committee at the same time.

(2) A Councillor elected to be a member of a Standing Committee shall hold office for one year unless he sooner resigns from the same, or his term of office as Councillor is in any manner determined earlier but any member may be elected again to the same or any other Standing Committee :

Provided that a member elected in a casual vacancy shall be entitled to hold office so long only as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(3) When a vacancy occurs in a Standing Committee, the Corporation shall fill up the vacancy as soon as may be by the election of another Councillor.

Function
of Standing
Committees.

22. The Corporation shall by regulations framed for the purpose determine the powers and duties of each Standing Committee and may by such regulations provide for a conference of two or more Standing Committees or a Joint Committee for any purpose in respect of which they may be jointly interested.

Special po-
wers of
Standing
Finance
Committee.

23. (1) The Standing Committee dealing with finance and taxation, etc. (hereinafter referred to as the Standing Finance Committee) in addition to the powers, duties, and function determined under the regulations referred to in Section 22—

- (a) shall supervise the utilisation of the budget grants;
- (b) shall have access to the accounts of the Corporation and may require the Commissioner to furnish any explanation which it considers to be necessary as to the receipts and expenditure of the Municipal Fund ;
- (c) may conduct a monthly audit of the municipal accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceding month as furnished by the Commissioner ;
- (d) may recommend to the Corporation the writing off of the amount of any loss of, or of any depreciation caused to, municipal property which appears to the Committee to be irrecoverable.

Constitution
of references
to Standing
Committee

24. Whenever in this Act the expression "the Standing Committee" occurs, it shall unless the context otherwise requires, be deemed to refer to the particular Standing Committee to which the power or duty in connection with which the expression is used is assigned by this Act or by regulations made by the Corporation.

Delegation
of powers to
Commissioner
by Standing
Committee.

25. In any case in which it is provided by this Act or any other law that the Commissioner may take action subject to the approval, sanction, consent or concurrence of a Standing Committee, the Commissioner may, by resolution in writing, authorise him to take action in anticipation of its approval, sanction, consent or concurrence subject to such conditions, if any, as may be specified in such resolution.

Election of Chairman and Deputy Chairman. 26. Every Standing Committee shall at its first meeting elect one of its members to be the Chairman and another as its Deputy Chairman.

Term of Chairman and Deputy Chairman. 27. (1) The Chairman or Deputy Chairman of a Standing Committee shall hold office from the time of his election until the election of his successor in office unless in the meantime he resigns his office as Chairman or Deputy Chairman or his term of office as member of the Standing Committee is in any manner terminated.

(2) An outgoing Chairman or Deputy Chairman shall be eligible for re-election.

(3) On the occurrence of any vacancy in the office of the Chairman or Deputy Chairman a Standing Committee shall at the meeting next after the occurrence of such vacancy elect one of its members as Chairman or Deputy Chairman as the case may be.

Resignation of Deputy Chairman and members of Standing Committee. 28. (1) The Chairman, the Deputy Chairman or any other members of the Standing Committee may, at any time, resign his office by writing under his hand addressed to the Mayor.

(2) A resignation under sub-section (1) shall take effect from the date specified for the purpose in writing referred to in that sub-section, or if no such date is specified, from the date of its receipt by the Mayor as the case may be.

The Commissioner

Appointment of Commissioner. 29. Immediately after coming into force of this Act the State Government shall depute and appoint an officer of sufficient seniority and experience as Commissioner of the Corporation on such terms and conditions, as the former may determine. He shall not be a member of the Corporation, but shall be a wholetime officer of the Corporation and shall have the right to attend all the meetings of the Corporation without any right of voting.

Power and function of first Commissioner. 30. Notwithstanding anything contained in this Act, the first Commissioner appointed by Government under Section 29, shall perform only such functions under this Act as are specifically notified by the Government for the purpose of holding of the first general election of the Councillors and convening of the first meeting of the Corporation for the election of Mayor, Deputy Mayor and Members of Standing Committees under Section 15 and for convening of the first meeting of the Standing Committees for electing Chairman and Deputy Chairman under Section 26 and shall thereafter perform all functions of the Commissioner under the Act.

Salary and allowances of Commissioner. 31. The pay and allowances of the Commissioner as may from time to time be fixed by the State Government, shall be paid in the first instance from the consolidated fund of the State. The whole of the pay and allowances paid to the Commissioner and the contributions towards his leave salary and pension to the extent required shall be credited monthly to the State fund by the Corporation.

Leave of Commissioner. 32.(1) Leave may be granted to the Commissioner by the State Government on the recommendation of Mayor.

(2) Whenever such leave is granted to the Commissioner the State Government shall appoint another person to officiate as Commissioner in his place.

Appointment of officiating Commissioner in case of death, resignation or removal. 33. If any vacancy occurs in the office of the Commissioner on account of death, resignation or removal the State Government may appoint another person to officiate as Commissioner in his place for a period not exceeding two months pending the appointment of Commissioner under Section 29.

Power of Commissioner. 34. Subject, whenever it is hereinafter expressly directed, to the sanction of the Corporation or the Standing Committee, as the case may be, and subject to all other restrictions, limitations and conditions hereinafter imposed, the executive power for the purposes of carrying out the provisions of this Act shall be vested in the Commissioner, who shall also perform all the duties and exercise all the powers specifically imposed or conferred on him otherwise.

**Emergency
Power of the
Commissioner.**

35. The Commissioner may in case of emergency direct the execution of any work, or doing of any act which would ordinarily require the approval, sanction, concurrence or consent of the Corporation or the Mayor and the immediate execution or the doing of which is, in his opinion, necessary for the service or safety of the public, or for the prevention of extensive damage to any property of the Corporation, and may direct that expenses for executing the work or of doing the act shall be paid from the Municipal Fund, provided that the Commissioner shall report forthwith to the Mayor, the action taken under this section and the reason thereof.

**Custodian
of Records.**

36. The Commissioner shall be responsible for the custody of all records of the Corporation including all papers and documents connected with the proceedings of the Corporation, the Standing Committees and other Committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

**Delegation
of Commissioner's
ordinary
power.**

37. The Commissioner may delegate to the holder of any municipal office any of his ordinary powers, duties or functions except those conferred or imposed upon or vested in him by the following provisions, namely, sub-section (1) of Section 41, Section 52, Section 119, sub-section (1) of Section 136, Section 337, Sections 342 to 345 (inclusive) and Section 372.

Provided that:—

- (a) such delegation shall be in writing and shall specify the name or official designation of the person to whom the delegation is made ;
- (b) such delegation is reported to the Mayor ;
- (c) the Commissioner shall not delegate his power under Section 97 to make, on behalf of the Corporation, any contract involving an expenditure exceeding one thousand rupees ;
- (d) when the Commissioner delegates under this section any power or duty which is exercisable or is required to be performed subject to the approval of any other authority, the Commissioner shall send a copy of the order of delegation to such authority.

Power of the Commissioner exercisable with the approval of the standing Committee. 38. Whenever the Commissioner takes any action in anticipation of the approval, sanction, consent or concurrence of the Corporation in pursuance of the powers delegated to him under Section 35 he shall forthwith inform the Mayor.

Reservation of control in respect of power delegated. 39. The exercise or discharge by any municipal officer of any powers, duties or functions delegate to him under Section 37 shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the Commissioner and shall also be subject to his control and revision.

Delegation of Commissioner's emergency powers. 40. The Commissioner may on his own responsibility and by an order in writing authorise the Health Officer, the Engineer, the Revenue Officer or any other officer who is the head of a department working under the Commissioner, or any person in temporary charge of the duties of any of the offices aforesaid to exercise the emergency powers conferred upon him by Section 35.

Administration Report

Submission of annual Administration report to Government 41. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Commissioner shall prepare a detailed administration report on the preceding year in such form as the Government may prescribe.

(2) The Corporation shall consider the report and forward the same to the Government with their resolutions thereon, if any.

(3) Copies of the administration report shall be kept for sale at the municipal office.

CHAPTER III

Election of Councillors

Declaration of local areas as Gauhati city. 42. (1) For the purposes of this Act the areas within the limits to be specified by the State Government in this behalf and duly notified in the Official Gazette shall constitute the city of Gauhati.

(2) The Government may, from time to time, after consultation with the Corporation, by a notification in the official Gazette, alter the limits so as to include therein, or to exclude therefrom, such area as is specified in the notification.