



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : LEGISLATIVE BRANCH

NOTIFICATION

The 6th May 1994

No. LGL. 135/93/49. - The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO XXVI 1994

(Received the assent of the Governor on 5th May, 1994)

THE GUWAHATI MUNICIPAL CORPORATION
(AMENDMENT) ACT, 1994

AN

ACT

further to amend the Guwahati Municipal Cor- ^{Assam Act}
poration Act, 1969. _{I of 1973.}

Preamble. Whereas it is expedient further to amend the Guwahati Municipal Corporation Act, 1969, hereinafter referred to as the principal Act, in conformity with the provisions of the Constitution (Seventy-fourth Amendment) Act, 1992.

It is hereby enacted in the Forty-fifth Year of Republic of India as follows :—

Short title,
extent and
commence-
ment.

1.(1) This Act may be called the Guwahati Municipal Corporation (Amendment) Act, 1994.

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

(3) It shall come into force at once.

Insertion in
section 3.

2. In the principal Act, in section 3, after clause (87), the following clauses shall be inserted, namely :—

(88) "State Finance Commission" means the Finance Commission constituted under Article 243-I of the Constitution of India ;

(89) "State Election Commission" means the Election Commission constituted by the Government of Assam and as referred to in Article 243-ZA of the Constitution of India".

Amendment
of section 5.

3. In the principal Act, in section 5, for sub-section (1)(a), the following shall be substituted, namely :—

“(1)(a)(i) There shall be one Councillor for every population of 15,000 subject to maximum of 60 members.

(ii) Government may nominate not more than two persons having special knowledge or experience in Municipal Administration, as members who shall have the right to attend and speak at all meetings of the Corporation but shall not have the right to vote. Such persons shall not be deemed to be Councillors for the purposes of this Act.

(iii) The members of the House of people and the members of the Assam Legislative Assembly representing the Constituencies which comprise fully or partly the Corporation Area, shall be the ex-officio members of the Corporation.

(iv) The members of the Council of States registered as electors within the Corporation area shall be the ex-officio members of the Corporation.

(v) Reservation of seats in the Corporation for the Scheduled Castes and Scheduled Tribes and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the Corporation as the population of the Scheduled Castes in the Corporation area or the Scheduled Tribes in

the Corporation area bears to the total population of that area as per the latest census figures and such seats may be allotted by rotation to different wards of the Corporation :

Provided that not less than one-third of the total number of seats reserved under this subsection shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes :

Provided further that not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election in the Corporation shall be reserved for women and such seats may be allotted by rotation to different wards of the Corporation:

Provided further that the office of the Mayor shall be reserved for the Scheduled Castes, the Scheduled Tribes and women on roster basis as per their respective percentage to the total population :

Provided also that the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the Corporation shall continue as long as special representation for the Scheduled Castes and the Scheduled Tribes continue to be provided for in the Constitution of India."

Insertion in section 8.

4. In the principal Act, in section 8,—

- (i) In clause (40), in the last line, the word “and” shall be omitted ;
- (ii) after clause (41), the following new clauses shall be inserted, namely :—
 - “(42) urban planning including town planning ;
 - (43) regulation of land use and construction of buildings ;
 - (44) planning for economic and social development ;
 - (45) slum improvement and upgradation ;
 - (46) urban poverty alleviation.”

Amendment of section 15.

5. In the principal Act, in section 15, in sub-section (1), the words, “after the first day of January each year” shall be omitted.

Insertion of a new section 20A

6. In the principal Act, after section 19, after the heading “The Standing Committee” following new section shall be inserted , namely :—

Constitution of Ward Committee

20A (1) There shall be constituted Ward Committee consisting of one or more wards but not more than four within the territorial area of the Corporation having a population of three lakhs or more.

(2) The territorial area of a Ward Committee in the Corporation shall be contiguous to each other. The area of such Ward Committee shall be notified by the Government within three months from the date of receipt of

proposal in this regard from the Corporation.

(3) The total number of members of each Ward Committee shall not be more than eight consisting of four Councillors and four others representing leading citizens of the concerned wards who may be nominated by the Government.

(4) The Chairperson of the Ward Committee shall be elected from amongst the elected members of the Ward Committee.

(5) The Ward Committee shall mainly look after the needs of the residents in a more intimate manner making it unnecessary for the residents to go to the Corporation.

(6) The decision of the Ward Committee with regard to the selection of the schemes for development of the area shall be binding on the part of the Corporation while such schemes are taken up for execution by the Corporation.

(7) The tenure of the Ward Committee shall be co-terminus with the tenure of the Corporation and on dissolution of the Corporation the Ward Committee shall automatically stand dissolved."

Insertion in section 47. 7. In the principal Act, in section 47, in sub-section (I), after clause (i), the following clauses shall be inserted, namely:—

"(j) If he is so disqualified by or under any law for the time being

in force for the purpose of elections to the Assam Legislative Assembly :

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years.

(k) If he is disqualified by or under any law made by the Assam Legislative Assembly :”

Substitution
of section 55

8. In the principal Act, in section 55, for the existing provisions, the following shall be substituted, namely :—

“55. The term of the Corporation shall be for five years and shall continue from the date of first meeting after publication of the result of the general election under section 56. The term of the office of a Councillor shall, be co-terminus with the term of the Corporation.”

Amendment
of section 57

9. In the principal Act, in section 57, in sub-section (1), in the second paragraph, after the word, “elected”, the following shall be inserted, namely :—

“nominated.”

Amendment
of section
425.

10. In the principal Act, in section 425, sub-section (1),—

(i) in the first paragraph, for the words, “to be superseded for a period not exceeding twelve years, the following shall be substituted, namely :—

“to be dissolved for a period not exceeding six months;”

(ii) in the first proviso, for the words, “to show cause”, the words, “of being heard” shall be substituted;

(iii) for the existing second proviso, the following provisos shall be substituted, namely :—

“Provided further that an election to constitute the Corporation shall be completed—

(a) before the expiry of the duration specified in section 55 ;

(b) before the expiration of a period of six months from the date of its dissolution :

Provided further that where the remainder of the period for which the Corporation is dissolved is less than six months, it shall not be necessary to hold the election for constituting the Corporation for such period :

Provided also that the Corporation constituted upon dissolution before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Corporation would have continued under section 55 had it not been so dissolved.”

K. LASKAR,

Secretary to the Govt. of Assam,
Legislative Department.