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অসম  ৰাজপত্ৰ

सर्वमेव जयते

THE ASSAM GAZETTE

অসাধাৰণ
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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 17th August, 2006

No. LGL. 123/2003/Pt/73-- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XII OF 2006

(Received the assent of the Governor on 11th August, 2006)

THE GUWAHATI MUNICIPAL CORPORATION (SECOND AMENDMENT) ACT, 2006.

AN
ACT

further to amend the Guwahati Municipal Corporation Act, 1969.

Preamble

Whereas it is expedient further to amend the Guwahati Municipal Corporation Act, 1969, hereinafter referred to as the principal Act, in the manner hereinafter appearing ;

Assam Act
I of 1973

It is hereby enacted in the Fifty – seventh Year of the Republic of India as follows :-

Short title,
extent
and
commence-
ment

1. (1) This Act may be called the Guwahati Municipal Corporation (Second Amendment) Act, 2006.
- (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 (22), the following new clause shall be inserted, namely :-
“(22a) “Advertisement Prohibited Zone” means and includes an area or plot or ward or part of a ward, land on road side or river side, or such other sites or places within the Corporation as may be notified by Government from time to time ;”

Amendment
of section 174

3. In the principal Act, in section 174, in sub-section (2), after clause (b), the following new clause shall be inserted, namely :-

"(c) the advertisement falls under the "Advertisement Prohibited Zone" as may be notified by the Government under clause (22a) of section 3."

Insertion of new sub-section in section 331

4. In the principal Act, in section 331, after sub-section (2), a new sub-section (3) shall be inserted, namely :-

"(3) No building permission for construction of a building whose height is 15 meters or more from average level of the central line of the street in which the site abuts or more than four floors excluding basement or stilt shall be permissible if the measurement of the proposed land on which the building is proposed to be constructed, is less than 4 Kathas."

Insertion of new section

5. In the principal Act, after section 337, the following shall be inserted as section 337A, namely :-

"Power to seal unauthorised erection

337A. (1) It shall be lawful for the Commissioner, at any time, before or after making an order of demolition under section 335 and 337 or of stoppage of the erection of any building or execution of any work under section 335, to make an order directing the sealing of such erection or work which is being carried on or has been completed in the manner provided in the Act, for the purpose of carrying out the provisions of this Act, or for preventing any dispute as to the nature and extent of such erection or work.

- (2) Where any erection or work has been sealed, the Commissioner may, for the purpose of demolishing or discontinuing such erection or work, order the seal to be removed.

- (3) No person shall remove such seal except -

- (a) under an order by the Commissioner under sub-section (2);
- (b) under an order made by an Appellate Authority or the Government, as may be made under the Act."

Insertion of a new section

6. In the principal Act, after existing section 417, the following new section shall be inserted, namely :-

"Punishment for violation of the provisions of the Act, rules or bye-laws

417A (i) If any Officer or Authority including the Appellate Authority or any agency under this Act issues permission for construction of building in contravention of the provisions of this Act and the rules and bye-laws made thereunder, he shall be liable to be punished with imprisonment for a term of six months along with a fine of rupees ten thousand.

(ii) If any builder or promoter or owner erects or constructs or occupies any building in contravention of the provisions of this Act and the rules and bye-laws made thereunder, except the provisions of compoundable limit as provided in the bye-laws, he shall be liable to be punished with imprisonment for a term of six months along with a fine of rupees ten thousand."

Insertion of section 425A

7. In the principal Act, after existing section 425, the following new section shall be inserted, namely :-

"Power of the Government to give directions

425A. The Government may give such directions to the Corporation on questions of policy as it may consider it to be necessary in the public interest, in writing and the Corporation shall be bound by such directions."

Insertion of section 445

"Continuance of the functions of the existing Mayor, Deputy Mayor and Councillors for a certain period.

8. In the principal Act, after existing section 444, the following new section shall be inserted, namely :-

445. Notwithstanding anything contained in the Guwahati Municipal Corporation (Amendment) Act, 2006 (hereinafter called the said Act), the existing Mayor, Deputy Mayor and Councillors shall continue to hold office and function under the principal Act, as if the said Act, had not come into force and they shall function until the Mayor, Deputy Mayor and the Ward Councillors are directly elected under the provisions of the said Act."

Assam Act
IV of 2006.

M. K. DEKA,
Commissioner & Secy. to the Govt. of Assam,
Legislative Department, Dispur.