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Registered No. - 768/97

অসম



ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT ::: LEGISLATIVE BRANCH

NOTIFICATION

The 9th March, 2006

No. LGL.123/2003/pt/25.-- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. IV OF 2006

(Received the assent of the Governor on 6th March, 2006)

THE GUWAHATI MUNICIPAL CORPORATION (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:-

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|---|---|
| Short title, extent and commencement. | 1. (1) This Act may be called the Guwahati Municipal Corporation (Amendment) Act, 2006.
(2) It shall have the like extent as the principal Act.
(3) It shall come into force at once. |
| Amendment of section 4 | 2. In the principal Act, in section 4, in sub-section (2), for clauses (a) and (b), the following clauses shall be substituted, namely :-
“(a) Corporation ;
(b) Mayor ;
(c) Mayor –in-Council ;
(d) Commissioner.” |
| Substitution of words “ Standing Committee and Standing Finance Committee.” | 3. In the principal Act, the words “ Standing Committee” and “Standing Finance Committee”, wherever they occur, the words “Mayor-in-Council” shall be substituted. |
| Amendment of section 5 | 4. In the principal Act, in section 5, -
in clause (IX), for the words “ one year from the date of election” the words “five years from the date of taking oath ” shall be substituted. |
| Substitution of section 15 | 5. In the principal Act, for section 15, the following shall be substituted, namely :-

“ 15. Election of Mayor, Deputy Mayor, Presiding Officer and Deputy Presiding Officer :-
(1) The Mayor and the Deputy Mayor shall be elected by direct election in addition to the Ward Councillors, on the basis of the adult suffrage from Guwahati City, as stipulated in the Representation of Peoples Act, 1950.
(2) The Corporation shall at its first meeting to be presided over by the Mayor, elect the Presiding Officer and Deputy Presiding Officer of the Corporation from amongst the elected Councillors for a period of two years and six months. |

Central
Act XLIII
of 1950.”

15.A. Constitution of Mayor-in-Council :-

- (1) There shall be a Mayor-in-Council for the Corporation which shall be constituted by the Mayor from amongst the elected Councillors within fifteen days from the date of taking oath.
- (2) The Mayor-in-Council shall consist of the Mayor and the Deputy Mayor and seven members of elected Councillors, to be nominated by the Mayor. The members of the Mayor-in-Council shall hold office during the pleasure of the Mayor.

15B. Removal of Mayor or Deputy Mayor or Presiding Officer or Deputy Presiding Officer or Chairman of a Committee :-

- (1) The Government may at any time remove a Mayor or Deputy Mayor or Presiding Officer or Deputy Presiding Officer or Chairman of any Committee, if his continuance as a Mayor or Deputy Mayor or Presiding Officer or Deputy Presiding Officer or Chairman of any Committee, as the case may be, is not, in the opinion of the Government, desirable in the public interest or in the interest of the Corporation or if it is found that he is incapable of performing his duties or he is working against the provisions of this Act or rules made thereunder.
- (2) As a result of the order of removal of Mayor or Deputy Mayor or Presiding Officer or Deputy Presiding Officer or Chairman of any Committee, as the case may be, has been removed from the office of Councillor also. At the time of passing order under sub-section (1), the Government may also pass such order that the Mayor or Deputy Mayor or Presiding Officer or Deputy Presiding Officer or Chairman of any Committee, as the case may be, shall be disqualified to hold the office of Mayor or Deputy Mayor or Presiding Officer or Deputy Presiding Officer or Chairman of any Committee, as the case may be, for the next term :

Provided that no such order under this section shall be passed unless a reasonable opportunity of being heard is given."

Amendment of section 17

6. In the principal Act, in section 17, after sub-section (2), a new sub-section (3) shall be inserted, namely :-
“(3) The Mayor shall, for convenient transaction of the business of the Corporation, allocates among the members of the Mayor-in-Council, such business and in such a manner as he thinks fit.”

Substitution of section 18

7. In the principal Act, for section 18, the following shall be substituted, namely :-
“18. **Functions of Mayor and Presiding Officer :-**

- (1) The Mayor or in his absence, the Deputy Mayor, shall preside over all the meetings of the Mayor-in-Council of the Corporation and his decisions and rulings in conducting the proceedings of the meetings shall be final.
- (2) The Presiding Officer or in his absence, the Deputy Presiding Officer, shall preside over all the meetings of the Corporation and shall be solely responsible for maintenance of discipline in the meetings of the Corporation .”

Amendment of section 20

8. In the principal Act, in section 20, after the existing clause (V), the following new clauses shall be inserted, namely:-
“(VI) Planning and Development including matters related to Disaster management, building permission, license etc.

“(VII) Any other matter related to the Corporation.”

- Amendment of section 21 9. In the principal Act, in section 21 :-
 (i) sub-sections (1) and (2) shall be omitted ;
 (ii) for sub-section (3), the following shall be substituted, namely :-
 "21. Filling up of vacancy in Mayor-in-Council :-
 When a vacancy occurs in Mayor-in-Council the Mayor shall fill up the vacancy as soon as may be by the nomination of another Councillor."
- Omission of sections 24, 26, 27 and 28 10. In the principal Act, sections 24, 26, 27 and 28 shall be omitted.
- Amendment of section 48 11. In the principal Act, in section 48, in the title, after the word "as" and in sub-section (1), after the letter "a", the words " Mayor, Deputy Mayor, Presiding Officer and Deputy Presiding Officer" shall be inserted.
- Amendment of section 49 12. In the principal Act, in section 49, in sub-section (1), after the word "ward", full stop shall be omitted and thereafter the following shall be inserted, namely :-
 "Mayor and Deputy Mayor from Guwahati City. "
- Amendment of section 50 13. In the principal Act, in sub-section (1), after the existing provision, the following shall be inserted, namely :-
 " No person shall simultaneously contest for the post of Councillor, Mayor and Deputy Mayor."
- Amendment of section 71 14. In the principal Act, in section 71, -
 (i) in the first paragraph, after the existing provision, the signs " comma" and "hyphen" shall be omitted and thereafter the following shall be inserted, namely :-
 " by the Commissioner in all cases with the approval of the Mayor;"
 (ii) clauses (a) and (b) shall be omitted.
- Amendment of section 76 15. In the principal Act, in the section 76 :-
 (i) in sub-section (1), for the words " not less than once in a month" , the words " not less than once in four months" shall be substituted;
 (ii) in sub-section (2), for the words " Mayor" , "Deputy Mayor" and "any fifteen", the words " Presiding Officer" , "Deputy Presiding Officer" and " One third of the" respectively shall be substituted.
- Amendment of section 80 16. In the principal Act, in section 80, -
 (i) in sub-section (1), for the words " Mayor" and "Deputy Mayor" the words " Presiding Officer" and "Deputy Presiding Officer" respectively shall be substituted ;
 (ii) in sub-section (2), for the words "Mayor" and "Deputy Mayor", the words " Presiding Officer" and "Deputy Presiding Officer" respectively shall be substituted.
- Amendment of section 81 17. In the principal Act, section 81 shall be omitted.
- Amendment of section 84 18. In the principal Act, in Section 84, -
 (i) in sub-section (1), for the words " Mayor" and " Deputy Mayor", the words " Presiding Officer" and "Deputy Presiding Officer" respectively shall be substituted;
 (ii) in sub-section (2),-
 (a) in the first paragraph, for the words " one half" the words " one third" shall be substituted ;
 (b) clause (vi) shall be omitted ;

- (iii) sub-section (3) shall be omitted ;
- (iv) in sub-section (4), for the word "Mayor", the words "Presiding Officer" shall be substituted.
- Amendment of section 88 19. In the principal Act, in section 88,-
- (i) in sub-section (1), for the words "Chairman" and "Deputy Chairman", the words " Mayor" and "Deputy Mayor" respectively shall be substituted ;
- (ii) sub-section (2) shall be omitted.
- Omission of section 89 20. In the principal Act, section 89 shall be omitted.
- Omission of section 90 21. In the principal Act, Section 90 shall be omitted.
- Substitution of section 95 22. In the principal Act, for Section 95, the following shall be substituted, namely :-
- " 95. Power of Commissioner, Mayor, Mayor-in-Council and Corporation :-
- (1) The Commissioner may sanction any estimate for a particular work , the amount of which does not exceed Rs. 10.00 Lakhs of rupees.
- (2) The Commissioner may sanction any estimate which exceeds Rs. 10.00 Lakhs and does not exceed Rs. 50.00 Lakhs, with the approval of the Mayor.
- (3) The Commissioner may sanction any estimate which exceeds Rs. 50.00 Lakhs and does not exceed Rs. 1.00 Crore, with the approval of the Mayor-in-Council.
- (4) The Commissioner may sanction any estimate which exceeds Rs. 1.00 Crore and does not exceed Rs. 5.00 Crore, with the approval of the Corporation.
- (5) The Commissioner shall refer the estimate project to the Government which exceeds Rs. 5.00 Crore with the suggestions, views and approval of the Corporation."
- Omission of section 96 23. In the principal Act, section 96 shall be omitted.
- Amendment of section 97 24. In the principal Act, the section 97, clause (c) and (d) shall be omitted.

Amendment of
section 147

25. In the principal Act, in section 147, after the existing clause (d), a new clause shall be inserted, namely :-

- “(e) The Corporation may levy a service charge on the occupiers of a building or a hut standing on the non-settled Government land equivalent to the property tax of a corresponding holding on the settled land and levying of such service charges on the occupants will not confer any right over the land to the occupant and any authority shall have full right to evict the occupants as per rules and procedure.”

Amendment of
section 438

26. In the principal Act, in section 438, in sub-section (2), -

(i) in the first paragraph, -

(a) after the words “such appeal”, the following shall be inserted, namely :-

“ in full compliance of rules and regulations for the time being in force.” ;

(b) for the words “ such decisions”, the words “ receipt of order” shall be substituted ;

(ii) in second paragraph, after the existing provisions, the following shall be inserted, namely :-

“ but if the decisions are in violation of the rules and regulations for the time being in force, then the Commissioner shall refer the matter to the Government.”

M. K. DEKA,

Commissioner & Secretary to the Govt. of Assam,
Legislative Department.