

**THE GUWAHATI MUNICIPAL CORPORATION (AMENDMENT) BILL,  
2021**

**A  
BILL**

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 No. 1  
of 1973

It is hereby enacted in the Seventy-second Year of the Republic of India as follows :-

Short title,  
extent and  
commencement

1. (1) This Act may be called the Guwahati Municipal Corporation (Amendment) Act, 2021.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of  
section 3


2. In the principal Act, in section 3, after clause (89), the following new clauses shall be inserted, namely:-
- “(90) “Mobile Tower” means any tower erected and maintained by any mobile service provider for transmission of signals for mobile networks;
- (91) “Compost” means a manure derived by chemical treatment of solid waste;
- (92) “RDF” means Refused Derived Fuel, extracted from solid waste;
- (93) “Scheduled Bank” means all the scheduled banks notified by Reserve Bank of India;
- (94) “Borrowed Officer” means the officer on deputation from the Government.”.

Amendment of  
section 5

3. In the principal Act, in section 5, in sub-section (1), in clause (a),-
- (i) for sub-clause (i), the following shall be substituted, namely:-
- “(i) The State Government, by notification in the Official Gazette, shall determine the number of wards into which the City shall be divided, the number of councillors to be elected to the Corporation and the number of seats to be reserved in favour of the Scheduled Caste, the Scheduled Tribes, the Backward Classes and the Women.”
- (ii) in sub-clause (v), in second proviso, in last line, in between the word “Corporation” and the punctuation mark colon “:” the words “in every ten years” shall be inserted.

Amendment of  
section 7

4. In the principal Act, in section 7, after sub-section (25), the following sub-sections shall be inserted, namely:-
- “(26) acquisition of modern mechanized vehicles, modern machineries for cleaning and desilting of drains;
- (27) establishment of solid waste processing plants for disposal of solid waste generated in the City;
- (28) sale and disposal of compost, RDF produced by solid waste

  
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- processing plants;
- (29) construction and maintenance of electric, gas based crematorium;
- (30) erection of substantial boundary marks of such description and in such positions as shall be approved by the Corporation for defining the limits of the City;
- (31) providing uniforms and safety equipment to the labourers engaged in drain cleaning and conservancy works;
- (32) maintenance of public monuments, statues, busts of historical persons installed in the City.”

Insertion of new section 7A

5. In the principal Act, after section 7, following new sections 7A and 7B shall be inserted namely:-

“Citizens 7A. Charter

The goal of the Guwahati Municipal Corporation shall be to provide effective and efficient services to the inhabitants of the municipal area while preserving the environment and rich heritage of Guwahati. It shall provide to the inhabitants of the municipal area the following services, namely:-

- (1) all important informations about the services being delivered by the Corporation and all its ongoing works with financial allocation issued from time to time shall be displayed in their website;
- (2) have a system which shall receive public grievances and redress the same qualitatively and in a time bound manner;
- (3) have consultation on all important issues affecting inhabitants rights;
- (4) speedy and time-bound disposal of Appeal preferred against any decision of the Corporation before the Appellate Authority where such Appeal is admissible by any provisions provided under this Act;
- (5) have services through e-governance mode with bare minimum requirement of visit to Corporation’s offices;
- (6) have better drainage system for a healthy and hygienic living;
- (7) have better roads;
- (8) have well maintained hygienic vegetable markets, meat markets and fish markets for acquiring essential vegetables and eatables, subjected to regular checks by health authorities of the Corporation;
- (9) have safe and encroachment free foot paths to commute ;
- (10) have parks for recreation of citizens and their children;
- (11) have facility of clean public toilets at public places for use of general public specially the senior citizens, differently abled and women;
- (12) procure food ,vegetables, meat, fish ,fruits which are safe for consumption and matching parameters set by accredited health authorities of the Nation ;

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- (13) have street lights in all lanes and by-lanes;
- (14) have pure drinking water;
- (15) have Pollution free atmosphere.

**Vision of the Corporation** 7B. The Guwahati Municipal Corporation shall work with a vision to make Guwahati a liveable and sustainable city with quality urban life and rich heritage. The Corporation shall provide to its inhabitants,-

- (1) transparency, accountability and efficiency in urban governance ;
- (2) high quality and responsive and time bound service delivery mechanism;
- (3) urban infrastructure requirements through integrated planning;
- (4) inclusive urban growth by strengthening community development and participation;
- (5) provision of basic services to the poor ;
- (6) a city economically vibrant and culturally rich.”

Amendment of section 15B

6. In the principal Act, in section 15B, for sub-section (3), the following shall be substituted, namely:-

“(3) The Mayor or Deputy Mayor or Presiding Officer or Deputy Presiding Officer or Chairman of any committee ,as the case may be, may be removed from his office by way of a no-confidence motion approved by two thirds of the elected Councillors in a meeting of the Corporation requisitioned for the purpose but not less than half of the total Councillors on the ground of his proved misbehavior or incapacity or corruption or financial irregularities or activities against the public interest or against the interest of the Corporation or activities contrary to the provisions of this Act or the rules made thereunder:

Provided that if the Corporation does not convene a meeting of the Councilors for consideration of no-confidence motion, against the Mayor or Deputy Mayor or both as the case may be, within a period of 15 days from the date of receipt of the notice, the Government on, being moved, may issue directions in this behalf to the Corporation to convene the meeting within 7 days on expiry of the period of 15 days from the date of notice.”

Substitution of section 43

7. In the principal Act, for section 43, the following shall be substituted, namely :-

- “43. (1) For the purpose of election of Councillors the Government may by order published in the Official Gazette constitute a Delimitation Board with such number of members as may be decided by the Department of Housing and Urban Affairs. The Delimitation Board shall prepare delimitation of wards of the city and shall submit it to the Government for consideration and accordingly notification may be issued as required under this Act.
- (2) Each ward shall return one Councillor and all the electors of a ward shall be entitled to vote for election of

a Councillor from that ward.”

- Substitution of section 67
8. In the principal Act, for section 67, the following shall be substituted namely :-
- “67. (1) The Corporation may appoint efficient persons, including officers on deputation from State Government to the posts like the Additional Commissioner, the Joint Commissioner, the Chief Engineer, the Collector, the Accounts and Audit Officer, the Medical and Health Officer, the Food Inspector, the Motor Vehicle Inspector, the Veterinary Officer, the Municipal Secretary and such other posts under the Corporation on such terms and conditions as may be determined in this behalf.
- (2) The qualifications, salary allowances, the period of service, the age of superannuation and all other conditions of service except for the officers referred to under sub-section (1) above shall be such as may be prescribed.
- (3) The appointment of every officer referred to in sub-section (1) shall be subject to the approval of the State Government.”

- Substitution of section 72
9. In the principal Act, for section 72, the following shall be substituted namely:-
- “72. (1) There shall be a Staff Selection Committee under the Corporation consisting of the Commissioner as Chairman, Additional Commissioner as Member Secretary, the Municipal Chief Accounts and Audit Officer as member, one officer to be nominated by the Government not below the rank of a Deputy Secretary as member and one Councillor to be selected by the Corporation as member. In case when the Corporation is superseded, the Administrator so appointed by the Government or his representative shall act as member in place of the elected Councillor for the superseded period. Selection shall be finalized after approval of the Government only.
- (2) Except the posts mentioned in sub-section (1) of section 67 and persons covered by any other service rules framed by the Corporation or Government, the Staff Selection Committee shall issue advertisements, hold written examinations and interviews for recruitment to all category of posts and staff as per qualifications and other requirements as per service rules framed by the Corporation and shall prepare select list equal to the number of posts advertised:
- Provided that till such time as service rules are not framed for a particular cadre, the Corporation may issue service orders prescribing qualifications, age etc. for particular posts. The age of entry into the Municipal Service, shall as far as practicable, be in conformity with such stipulations as are prescribed by the Personnel Department of the Government of Assam from time to

time.

- (3) The Corporation shall implement reservation for SC/ST/OBC/as prescribed in the Assam Scheduled Caste And Scheduled Tribes (Reservation of Vacancies in Services And Posts) Act, 1978 as amended from time to time together with reservation for backward classes, women, economically weaker section, persons with disabilities as prescribed by Government from time to time."

Omission of  
section 73

10. In the principal Act, section 73 shall be omitted.

Amendment of  
section 74

11. In the principal Act, section 74, in sub-section (1), the words "and the Municipal Service Commission" appearing between the words "Mayor-in Council" and "frame regulations" shall be deleted.

Substitution of  
section 111

12. In the principal Act, for section 111, the following shall be substituted namely:-

"Receipt of money and deposit in Bank 111. All moneys payable to the credit of the Municipal Fund shall forthwith be paid into the State Bank of India or any other Scheduled Bank to the credit of the account which shall be styled "the account of the Municipal Fund of the Corporation at Guwahati".

Substitution of  
section 144

13. In the principal Act, for section 144, the following shall be substituted, namely:-

"144 (1) For the purpose of this Act, the Corporation shall impose the following taxes, namely:-

- (a) property tax;
- (b) a tax on theaters, theatrical performance and other shows for public amusements;
- (c) a tax on advertisements, hoardings other than advertisement published in news papers;
- (d) a duty on transfer of property;
- (e) a tax on profession, trades and calling;
- (f) a tax on mobile towers;
- (g) a betterment tax on properties whose value may have increased as a result of town planning scheme undertaken in the city;
- (h) market dues on persons exposing goods for sale in any market or in any space belonging to or under the control of Government or of the Corporation;
- (h) a tax on passengers and goods carried by road or inland waterways;
- (i) any other tax with the prior approval of the Government;
- (j) a betterment tax on properties whose value may have increased as a result of town planning scheme undertaken in the city.

Amendment of  
section 147

14. In the principal Act, in section 147, in clause (a), for the punctuation mark ";" appearing at the end, the punctuation mark ":" shall be

substituted and thereafter the following proviso shall be inserted, namely:-

“Provided that the Corporation shall not assess or realize water tax from houses which are not connected through piped water supply scheme of the Corporation as provided under section 149 of the Act.”

Amendment of section 148 15. In the principal Act, in section 148, after clause (c), the following new clause shall be inserted namely:-

“(d) any building and lands used and occupied by Non Profitable Organisations for imparting training for skill development for the unemployed.”

Insertion of new section 148A and section 148B 16. In the principal Act, after section 148, following new sections shall be inserted namely:-

“148A. A tax at the rates not exceeding those prescribed by order in writing by the Government in this behalf from time to time shall be levied on mobile towers from the person, firm or Company engaged in providing telecommunication services through such mobile towers.

The Corporation shall from time to time, determine the rates at which the tax shall be levied.

148B. The Corporation may offer a rebate up to two percent to the public on payment of taxes through online portal of the corporation.”

Amendment of section 173 17. In the principal Act, in sub-section (1), in clause (d), for the punctuation mark and word “; or” appearing at the end, the punctuation mark “:” shall be substituted and thereafter the following proviso shall be inserted namely:-

“Provided that if in the advertisement along with the names of the building or shop, the name of other company or organisation not related to the ownership of the shop or building is mentioned, such display shall be treated as advertisement for realisation of Taxes as provided under this section.”

Amendment of section 180 18. In the principal Act, in section 180, after sub-section (5), the following sub-sections shall be inserted namely:-

“(6) The Corporation may, by notification in the Official Gazette, insert new trades or profession in the Fourth Schedule made under section 180 and provide rates of taxes for such trade or profession.

(7) The Corporation may refuse by a reasoned order to offer license under section 180 if such trade or profession is, in the opinion of the Commissioner upon a report of the Health Officer, appears injurious to the health of the community”.

Insertion of new section 204 A 19. In the principal Act, after section 204 the following heading and new section shall be inserted namely:-

“Appointment of Arbitrator

204A. (1) The State Government may appoint an arbitrator for determination of question on assessment for the purpose of levy of taxes on property and refusal for trade licenses if the award given by the Mayor in

Council is not acceptable to the Appellant. Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 shall apply to every arbitration under this Act.

Central  
Act 26 of  
1990

- (2) Where any person aggrieved by an order fixing or charging any rateable value or tax under this Act desires, for any matter of disagreement between him and the other parties interested in such order should be referred to arbitration, then if all such parties agree to do so, they may, at any time, within thirty days after the accrual of the cause of complaint, apply to the Mayor in Council for an order of reference on such matter and on such application being made, the provisions of the Arbitration and Conciliation Act, 1996, relating to arbitration in suits shall so far as they can be made applicable apply to such application.
- (3) The arbitrator while deciding the disagreement shall take into account the market value of land, the annual rents and the assessment arrived at by the Guwahati Corporation and shall pass appropriate orders which the Corporation shall accept as may be determined by the arbitrator."

Central  
Act 26 of  
1990

Amendment of  
section 272

20. In the principal Act, in section 272,-

- (i) in between the number "272." and the words "No person" the sub-section number "(1)" shall be inserted.
- (ii) after clause (b), a new sub-section (2), shall be inserted, namely:-
- "(2) The Commissioner or any officer of the Corporation may impose and realise a penalty which may range from Rupees Five Hundred to Rupees Two Thousand for first offence and Rs. Five Thousand for subsequent offences by the same person, firm or company".

Insertion of new  
section 293 A

21. In the principal Act, after section 293, the following new section shall be inserted namely:-

- "293A. (1) No person as proprietor, owner, licensee of any premises or land shall allow any accumulation of water in which mosquitoes breed or are likely to breed unless such collection has been so treated as effectively to prevent such breeding.
- (2) The Health Officer of the Corporation may by notice in writing, require the owner or the occupier of such land containing any collection of standing or flowing water in which mosquitoes breed or likely to breed, within such time not being less than twenty four hours, to take such measures with respect to the same, or to treat the same by such physical, chemical or biological method, being measures or a method, as the Health Officer may consider suitable in the circumstances.
- (3) If the person on whom a notice is served under sub-section (1) of section 294 fails or refuses to take the measures, or adopt the method of treatment specified in

such notice within the time specified in the notice, the Health Officer may himself take such measures or adopt such treatment, specified in such notice within the time specified therein, and recover the cost of doing so from the owner or occupier of the property, as the case may be, in the same manner as if it was a property tax.

- (4) The owner or occupier of any house, building shed or land shall not therein keep any bottle, vessel, can or any other container, broken or unbroken, in such manner that it is likely to collect and retain water which may breed mosquitoes”.

Amendment of section 301

22. In the principal Act, in section 301, after sub-section (5), the following new sub-section shall be inserted namely:-

“(6) No person shall allow dogs or any other pets to defecate or urinate or create any nuisance in any form in any public street, roads, failing which the dogs or pets may be confiscated by the Corporation and the owner may be subjected to a fine which may range from Rupees Five hundred to Rupees Two thousand.”

Amendment of section 318

23. In the principal Act, in section 318, after sub-section (4), the following sub-sections shall be inserted namely:-

“(5) No persons shall sell or vend any item of food, fish, flesh, poultry, vegetables on the roadside or other than the place designated by the Corporation in that respect.

(6) Every item of food in whatever form or by whatever name being sold shall be hygiene and fully covered to protect the said item from dust, filth so as to expose such items to contamination.

(7) No seller shall put up his shop of vending on public streets, foot paths blocking passage for pedestrians.”

Amendment of section 337

24. In the principal Act, in section 337,-

(i) in sub-section (1), in between the words “section 416(1)D” and “or without”, the following shall be inserted, namely:-  
“and any Building Bye-laws notified by the Government applicable to the Corporation area”

(ii) after sub-section (4), the following new sub-sections shall be inserted, namely:-

“(5) Any person aggrieved by a notice under sub-section (1) of section 337 may prefer an Appeal under section 438 of this Act.

(6) If any officer of the Corporation does not take any action against any building constructed in contravention of any requirement under the existing bye-laws, he/she shall be liable for penal action. The Commissioner shall file a criminal complaint against such officials of the Corporation in a Court of Law or in a Police Station.”



Substitution of  
section 404

25. In the principal Act, for section 404, the following shall be substituted namely:-

“404.(1) Whoever,-

(a) contravenes any provision of any of the sections, sub-sections or clauses mentioned in this Act or any bye-laws framed or of any regulation or order made thereunder, or

(b) fails to comply with any requisition lawfully made upon him under any of the said sections, sub-section or clauses, shall be punishable, for each such offence, disobedience, with fine, if not provided specifically under the said sections, sub-sections, clauses, which may extend up to Rupees Five thousand per day; and

(2) Whoever, after having been convicted of,-

(a) contravening any of the sections, sub-sections or clauses mentioned in this Act or bye-laws framed or any regulations, or

(b) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, or

(c) continues to contravene the said provision or to neglect to comply with the said requisition or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, or fails to vacate any premises shall be punished for each day that he continues so to offend, with fine which may extend to Rupees Five Thousand per day; and

(3) Whoever contravenes any provision of any of the sections sub-sections or clauses of this Act or any bye-laws framed under this Act and if such person have been asked to do certain act or to refrain from doing certain act fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be deemed to have committed an offence punishable under the appropriate sections of Indian Penal Code, 1860. The Commissioner or any officer may,-

(a) perform the act of closure and sealing of such premises where alleged violations or disobedience of the order taken place, or,


(b) carry out forthwith eviction of such persons from the premises where violations takes place, seize any material, tools, furniture, which is used in furtherance of such violation and the Corporation may realise such the expenses incurred for performing such act from the persons in the same way for realisation of unpaid property taxes.”

Central  
Act No. 45  
of 1860

Omission of  
section 405

26. In the principal Act, section 405 shall be omitted.

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VETTED BY THE  
LEGISLATIVE DEPARTMENT  
ON 4.12.2017

## STATEMENT OF OBJECTS AND REASONS

The amendments will enhance the effectiveness of the Corporation. The penal provisions incorporated were necessary since the Act provides that certain acts are not to be done by citizens, but when violations took place, there was no provision of penalty and if penalty was provided, it is too petty to give any deterrent to law violators.

**It has been provided in the amendment to give powers to the Government to increase the numbers of wards of the Guwahati Municipal Corporation as and when required by publication in the official gazette and for extension of tenure of women reservation upto ten years in direct elections to the Councillors of the Corporation with a view to encourage women to participate in democratic process.**

There was provision for constitution of Municipal Service Commission for recruitment of various categories of staff. Since key officials of the Corporation like Commissioner, Addl. Commissioner, Joint Commissioners, Chief Engineer are deputed from Government, for recruitment of officers and Grade III staff, requirement of such Commission is intended to be dispensed with and a Staff Selection Committee is provided for speedy recruitment to vacant posts in the Corporation. Selection will be finalized after approval of the Government only.

Introduction of new subjects like “acquisition of modern machinery” for drain cleaning, establishment and maintenance of electric and gas-based cremation grounds are being provided under section 7 of the Guwahati Municipal Corporation Act.

Further, introduction of new section 7(A) & 7(B), a citizen charter indicating effective and efficient services that shall be provided to the inhabitants of the municipal area while preserving the environment and rich heritage of Guwahati and indicating the vision of Corporation to make Guwahati a liveable and sustainable city with enhanced quality of life and for preserving its rich heritage respectively.

Introduction of new section 293A, empowering the Health Officer of the Guwahati Municipal Corporation to issue notice to any owner /occupier to take remedial measures against mosquito breeding.

Introduction of new Section 204A, for speedy disposal of litigation/regarding assessment of levy of taxes on property /refusal of trade licenses, a new section 204A has been inserted for appointment of an Arbitrator by State Government based on mutual consent of concerned parties. The provision of the Arbitration and Conciliation Act, 1996, relating to arbitration in suits shall be applicable to the extent possible.

The Bill seeks to amend the Guwahati Municipal Corporation Act, 1969 (Assam Act No.1 of 1973). It is proposed that department seek amendment, insertion, substitution and omission to some sections of the "Guwahati Municipal Corporation Act, 1969".

Hence, the Bill for amendment of following sections of the Act :-

**Preamble :**

**Section 3**

**Section 5**

**Section 7**

**Section 15B**

**Section 74**

**Section 147**

**Section 148**

**Section 173**

**Section 180**

**Section 272**

**Section 301**

**Section 318**

**Section 337**

Insertion of following new sections:-

**Section 7A**

**Section 7B**

**Section 148A**

**Section 148B**

**Section 204A**

**Section 293A**

Substitution of the following sections:-

**Section 43**

**Section 67**

**Section 72**

**Section 111**

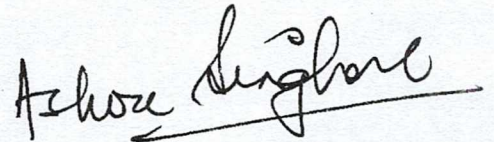
**Section 144**

**Section 404**

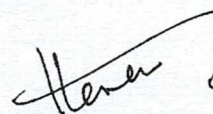
Omissions of the following sections :-

**Section 73**

**Section 405**



Minister,  
Department of Housing & Urban Affairs,  
Assam, Dispur



Principal Secretary  
Assam Legislative Assembly

## FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

*Ashou Singhal*

Minister,

Department of Housing & Urban Affairs,  
Assam, Dispur

## MEMORANDUM OF DELEGATED LEGISLATION

The present amendment will not create any delegated legislation.

*Ashou Singhal*

Minister,

Department of Housing & Urban Affairs,  
Assam, Dispur

**Extract of the existing section of the**  
**Guwahati Municipal Corporation Act, 1969**  
 (Assam Act 1 of 1973)

<b>Preamble</b>	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:-
<b>Section 3</b>	There are <b>existing 89 definitions</b> in the Guwahati Municipal Corporation Act, 1969
<b>Section 5</b>	There shall be one Councillor for every population of at least 20,000 subject to the maximum of 31 members.
<b>Section 7</b>	There are <b>existing 25 Matters</b> provided by Corporation in the Guwahati Municipal Corporation Act, 1969.
<b>Section 7A</b>	No existing provision, new section inserted
<b>Section 7B</b>	No existing provision, new section inserted
<b>Section 15B</b>	<p><b>Removal of Mayor or Deputy Mayor or Presiding Officer or Deputy Presiding Officer or Chairman of a Committee.-</b></p> <p>(3) The Mayor or Deputy Mayor or Presiding Officer or Deputy Presiding Officer or Chairman of any committee, as the case may be, may be removed from his office by way of a no-confidence motion approved by a simple majority of the elected Councillors in a meeting of the Corporation requisitioned for the purpose by not less than one third of the total Councillors on the ground of his proved misbehaviour or incapacity or corruption or financial irregularities or activities against the public interest or against the interest of the Corporation or activities contrary to the provisions of this Act or the rules made thereunder.</p>
<b>Section 43</b>	<p><b>Delimitation of wards.-</b></p> <p>(1) For the purposes of election of Councillors the Corporation with the approval of the Government shall,-</p> <p style="padding-left: 40px;">(a) divide the city into such number of wards as there are Councillors to be elected; and</p> <p style="padding-left: 40px;">(b) determine the extent of each ward.</p> <p>(2) Each ward shall return one Councillor and all the electors of a ward shall be entitled to vote for election of a Councillor from that ward.</p>
<b>Section 67</b>	<p><b>Appointment of officers of the Corporation.-</b> (1) The Corporation may appoint proper persons, including officers on deputation from State Government to be the Chief Engineer, the Collector the Chief Accounts and Audit Officer, the Chief Health Officer, the Municipal Secretary and such other posts, on such order terms and conditions as may be determined in this behalf.</p> <p>(2) An officer referred to in sub-section (1) may be appointed on probation before he is confirmed in the post.</p> <p>(3) The qualifications, salary, allowance, the period of service, the age of</p>

	<p>superannuation and all other conditions of service of the officers referred to in sub-section (1) shall be prescribed by rules made by the Corporation.</p> <p>(4) (a) The appointment of every officer referred to in sub-section (1) shall be subject to the approval of the State Government.</p> <p>(b) If the State Government does not communicate its approval to the appointment of any officer referred to in sub-section (1) within 45 days from the date of receipt of the communication from the Corporation, the appointment shall be deemed to have been approved.</p> <p>(c) If the State Government refuses to approve the appointment of any officer referred to in sub-section (1), the Corporation shall make a fresh appointment to the post of such officer within forty-five days from the date of receipt or the communication refusing such approval, and in the event of the failure of the Corporation to make a fresh appointment within such time, the State Government may appoint a person to the post of such officer:</p> <p style="padding-left: 40px;">Provided that pending the approval of the appointment by the State Government as aforesaid, the Corporation may appoint a person to such post for a temporary period on salary and allowances not exceeding those provided for such officer.</p>
<p><b>Section 72</b></p>	<p><b>Appointment to be made on the recommendation of the Municipal Service Commission.-</b> (1) Appointments to posts referred to in sub-section (1) of Section 67 and to posts carrying a maximum salary not below one thousand rupees per month should be made on the recommendation of the Assam Public Service Commission.</p> <p>(2) Appointments to posts carrying maximum salary not below five hundred rupees but below one thousand rupees per month shall be made on the recommendation of the Municipal Service Commission.</p> <p>(3) The Municipal Service Commission shall hold examination periodically for recommending candidates for appointment to posts mentioned in the schedule referred to in Section 69, the maximum salary of which is not below five hundred rupees but below one thousand rupees per month.</p> <p>(4) Notwithstanding anything contained in sub-section (2), if the appointment authority proposes that any particular vacancy, the maximum salary of which is not below two hundred and fifty rupees but below one thousand rupees for month, should be filled up by promotion from subordinate ranks, then the Municipal Service Commission shall decide whether such vacancy shall be filled up by promotion or by direct recruitment and in the latter case shall invite applications and take such other steps as it may consider necessary for the purpose of recommending candidates for appointment to the vacancy.</p> <p>(5) Notwithstanding anything contained in sub-section (1), (2), (3) and (4) it shall not be necessary to consult that Public Service Commission and the Municipal Service Commission, where a vacancy in a post is not likely to exceed four months or if the posts is created for a temporary period not likely to exceed six months.</p> <p>(6) Appointments to posts, the maximum salary of which is below five hundred rupees per month shall be made by the Commissioner with the approval of the</p>

	<p>Corporation subject to regulations relating to such appointment as may be framed by the Municipal Service Commission, and approved by the Corporation:</p> <p>[Provided that notwithstanding anything contained in the principal Act during the period of suppression, appointments to posts carrying any salary shall be made by the Commissioner with the approval of the State Government]</p>
<p><b>Section 73</b></p>	<p><b>Constitution of Municipal Service Commission.-</b> (1) The Corporation shall, as soon as may be after the commencement of this Act, constitute a Municipal Service Commission consisting of,-</p> <p>(a) a Chairman who shall be a member of the State Public Service Commission, deputed by such Commission from time to time;</p> <p>(b) the Secretary to the Government of Assam Municipal Administration Department or his nominee; and</p> <p>(c) two Councillors selected by the Corporation.</p> <p>(1-A) 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,-</p> <p>(i) When only one person is appointed as administrator, by such administrator and the Commissioner of the Corporation;</p> <p>(ii) When a council of administrators is appointed with only two persons, by these two administrators;</p> <p>(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.</p> <p>(2) The Corporation shall by rules made in this behalf provide for,-</p> <p>(a) the manner in which the Commission shall perform the duties imposed upon it by or under the Act; and</p> <p>(b) the number of members of the staff of the Commission and their conditions of service</p>
<p><b>Section 74</b></p>	<p><b>Powers of Mayor-in-Council to make regulations.-</b> (1) Subject to other provisions of this Act, the Corporation may, in consultation with the Mayor-in-Council and the Municipal Service Commission, frame regulations,-</p> <p>(a) Fixing the amount and nature of security, if any, to be furnished;</p> <p>(b) Regulating the grant of leave, leave allowance and officiating allowance;</p> <p>(c) Regulating the grant of pension, bonus and gratuities;</p> <p>(d) Regulating the grant of travelling allowance and house-rent allowance;</p> <p>(e) Regulating the fixation of initial pay on a time-scale of pay;</p> <p>(f) Regulating compassionate allowance and gratuities to municipal</p>

	<p>officers and staff and families of deceased municipal officers and staff;</p> <p>(g) Establishing and maintaining provident or annuity fund and making contributions thereto compulsory by both the municipal employees and the Corporation;</p> <p>(h) Prescribing the qualification for employment of municipal officer and staff;</p> <p>(i) Regulating conduct of municipal officer and staff; and</p> <p>(j) General prescribed the condition of service of municipal officers and staff;</p> <p>Provided that in framing regulations as aforesaid express provision shall be made so as to ensure that any money payable to a municipal officer or staff upon his retirement from any provident fund or annuity fund or as gratuity shall be paid to him within six months of such retirement.</p> <p>(2) The Corporation may, in accordance with the regulations framed under sub-section (1) grant —</p> <p>(a) Pensions, allowances, bonuses and gratuities to municipal officers and staff; and</p> <p>(b) Compassionate allowances and gratuities to members of the families of deceased municipal officers and staff and may also supplement contributions to a provident fund or an annuity fund in accordance with the said regulations.</p> <p>(3) Subject to any regulations framed under sub-section (1), the Commissioner may grant leave of absence to any municipal officer or staff:</p> <p>Provided that the Commissioner shall not grant leave of absence for any period exceeding one month to any municipal officer or staff <sup>1</sup> [the maximum of whose scale of pay is not below five hundred rupees] without obtaining the sanction of the <sup>2</sup> [Mayor - in- Council] to such leave.</p> <p><i>Explanation: —</i> For the purposes of this Chapter the family of a municipal officer or staff shall be deemed to include his wife, children, father, mother, brother or sister, dependent upon him for support.</p>
<p><b>Section 111</b></p>	<p>Receipt of moneys and deposit in bank.- All moneys payable to the credit of the Municipal Fund shall be forthwith paid into the State Bank of India to the credit of an account which shall be styled "the account of the Municipal Fund of the Corporation of Gauhati".</p>
<p>PART IV CHAPTER XI TAXATION <b>Section 144</b></p>	<p><b>Taxes to be imposed under this Act.</b>-(1) For the purposes of this Act, the Corporation shall impose following taxes, namely: —</p> <p>(a) Property taxes;</p> <p>(b) A tax on draught animals, vessels and vehicles other than those mechanically propelled;</p> <p>(c) A tax on theatres theatrical performance and other shows for public amusement;</p>



	<p>(d) A tax on advertisement other than advertisements published in the newspapers;</p> <p>(e) A duty on the transfer of property;</p> <p>(f) A tax on profession, trades and calling.</p> <p>(2) In addition to the taxes mentioned in sub-section (1), the Corporation may, for the purposes of this Act, levy any or all of the following taxes, namely,-</p> <p>(a) A betterment tax on properties whose value may have increased as a result of town planning scheme undertaken in the city;</p> <p>(b) A tax on dogs kept within the city;</p> <p>(c) A toll on vehicles and animals entering the city but not liable to taxation under clause (b) of sub-section (1);</p> <p>(d) Market dues on persons exposing goods for sale in any market or in any space belonging to or under the control of Government or of the Corporation;</p> <p>(e) A drainage tax where a system of drainage has been introduced;</p> <p>(f) A tax on pilgrims resorting periodically to a shrine within the limits of the Corporation;</p> <p>(g) A tax on passengers and goods carried by road or inland waterways;</p> <p>(h) A toll on new bridges constructed by the Corporation;</p> <p>(i) Octroi; and</p> <p>(j) Any other tax with the prior approval of the State Government.</p>
<b>Section 147</b>	(a) a water tax of such percentage of the rateable value of lands and buildings as the Corporation may deem reasonable for providing water supply in the city;
<b>Section 148</b>	<p><b>Exemption from general property tax.-</b> The Corporation may exempt the following properties from payment of property taxes,-</p> <p>(a) buildings and lands vesting in the Central Government without the prior approval of the Central Government except where the provision of clause (2) of Article 285 of the Constitution of India apply;</p> <p>(b) buildings and lands occupied and used for public worship or for charitable purposes, so declared by the Corporation;</p> <p>(c) buildings and lands the rental value of which does not exceed twenty rupees per month, provided that :</p> <p>(i) the building is occupied by the owner; and</p> <p>(ii) the owner does not possess any other building or land the rent whereof exceeds twenty rupees per month in the aggregate.</p>
<b>Section 148A</b>	No provision to tax mobile towers

<b>Section 148B</b>	No provision
<b>Section 173</b>	<b>Taxes on advertisement.</b> -1(d)relates to the name of the land or building upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or
<b>Section 180</b>	<p><b>Licence to be taken out annually.</b>—(1) Every person who exercises or carries in the city, either by himself or by an agent or representative, any of the professions, trades or callings indicated in the Fourth Schedule, shall annually take out a licence before the first day of April in each year or within one month of his taking up the profession, trade or calling, as the case may be, and pay for the same, such fee as is mentioned in that behalf in the schedule.</p> <p>Provided also that the grant of such a licence shall not be deemed to affect the liability of the licensee to take out a licence under any other section of this Act :</p> <p>Provided also that the Commissioner may,—</p> <p>(a) remit or refund any portion of the fee so payable in respect of the exercise or carrying on of any profession, trade or calling if he is satisfied that the profession, trade or calling has not been exercised or carried on for more than six consecutive months; or</p> <p>(b) exempt a person, who in the opinion of the Commissioner is unable to pay the fee due for a licence, from liability to take out such licence, or declare that he shall be entitled to take out a licence under a lower class than that under which he is chargeable according to the said schedule;</p> <p>(c) in any other case exempt any person from liability to take out a licence or declare that any person shall be entitled to take out a licence under a lower class than before.</p> <p>(2) The Commissioner may at any time grant a licence for any previous year for which no licence has been taken out, on payment of the fee which would have been payable thereof in the first instance :</p> <p>Provided that the production of such a licence shall not afford a valid defence if the licensee is prosecuted for failing to take a licence within the time required by this Act.</p> <p>(3) <i>Power of Commissioner to call for list of persons.</i>- The Commissioner may, by written notice, require the owner or occupier of any building or place of business to forward to him within seven days a list, signed by such owner or occupier of the names of all persons exercising or carrying on any professions, trades or calling therein, and of their respective professions, trades, and callings.</p> <p>(4) <i>Liability and class how to be determined.</i>- The liability of any person to take out a licence and the class under which he shall be deemed bound to take out licence shall be determined in accordance with the rules that may be made in</p>

	<p>this behalf by the Corporation.</p> <p>(5) The Corporation may, by notification in the Official Gazette, from time to time, increase the rates specified in the Schedule.</p>
<b>Section 204A</b>	New section for arbitration inserted. Earlier there was no provision for arbitration against the orders of Mayor-in-Council for Appeal.
<b>Section 272</b>	<p><b>Prohibition of accumulation of offensive matter.-</b> No person-</p> <p>(a) shall throw or place any rubbish, offensive mater or sewage on any street or in any place not provided or appointed for the purposes under the provisions of this Act; and</p> <p>(b) who is the owner or occupier of any land or building shall allow any sewage or offensive matter to flow, soak or be thrown therefrom or keep or suffer to be kept therein or thereupon anything so as to be a nuisance to any person or negligently suffer any receptacle or place for the deposit of offensive matter or rubbish, on his premises to be in such a state as to be offensive or injurious to health.</p>
<b>Section 293A</b>	No provision regarding disallowing accumulation of water.
<b>Section 301</b>	<p><b>Registration and control of dogs.-</b>(1) The Corporation may by bye-laws made in this behalf,-</p> <p>(a) require the registration by the registration authority appointed by the Commissioner in this behalf of all dogs, kept within the city;</p> <p>(b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority;</p> <p>(c) fix the fee payable for the issue of metal token referred to in (b) above;</p> <p>(d) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and</p> <p>(e) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week.</p> <p>(2) The Commissioner may,—</p> <p>(a) cause to be destroyed or to be confined for such period as he may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies; and</p> <p>(b) by public notice direct, that after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners if any may be destroyed and cause them to be destroyed accordingly.</p> <p>(3) No damages shall be payable in respect of any dog or other animal</p>

	<p>destroyed or otherwise disposed of under this section.</p> <p>(4) No one, being the owner or person in charge of any dog, shall allow it to be at large in any public street or public place without being muzzled and without being secured by a chain in any case in which,—</p> <p>(a) he knows that the dog is likely to annoy or intimidate any person; or</p> <p>(b) the Commissioner has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads.</p> <p>(5) No one shall,—</p> <p>(a) allow any ferocious dog which belongs to him or is in his charge to be at large without being muzzled; or</p> <p>(b) set on or urge any dog or other animal to attack, worry or intimidate, any person; or</p> <p>(c) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, fail or neglect to give immediate information of the fact to the Commissioner or give information which is false.</p>
<p><b>Section 318</b></p>	<p><b>Licence of dealing in flesh, fish and poultry.</b>-(1) No person shall without or otherwise than in conformity with a licence from the Commissioner deal in flesh, fish, poultry or import flesh intended for human food or used any place for the sale of flesh, fish or poultry intended for human food:</p> <p>Provided that no licence shall be required of any place used for the sale or storage for sale of preserved flesh, or fish contained in air-tight or hermetically sealed receptacles.</p> <p>(2) The Commissioner may by order or subject to such conditions as to supervision and inspection as he thinks fit to impose, grant a licence or may by order refuse, for reasons to be recorded, to grant the same.</p> <p>(3) Every such licence shall expire at the end of the year for which it is granted or at such earlier date as the Commissioner may, for special reasons, specify in the licence.</p> <p>(4) If any place is used for the sale of flesh, fish or poultry in contravention of the provisions of this section, the Commissioner may stop the use thereof by such means as he may consider necessary.</p>
<p><b>Section 337</b></p>	<p><b>Power to require removal or alteration of work not in conformity with bye-laws or executed notwithstanding rejection of plan, etc.</b>—(1) If any building is erected or re-erected in contravention of any development scheme mentioned under Section 322 or any building bye-laws made under Section 416 (1) D or without plans having been deposited, or notwithstanding the rejection of plans, or otherwise than in accordance with any requirements</p>

	<p>subject to which the Commissioner passed the plans, the Commissioner may, without prejudice to his right of taking proceedings in a Court of law for such contravention, by notice to the owner either require him to pull down or remove the work or if he so elects, to effect such alteration therein as may be necessary to make it comply with the said scheme or bye-laws or other requirements specified in the notice.</p> <p>(2) If any case in which the erection or re-erection of any building has been commenced or is being carried on unlawfully as mentioned in sub-section (1), the Commissioner may, by a written notice, require the building operation to be discontinued from the date of service of the notice.</p> <p>(3) If a person to whom a notice has been given under the foregoing provisions of this section fails to comply with the notice before expiry of [seven] days, the Commissioner may pull down or remove the work in question, or effect such alteration therein as he deems necessary, and may recover from him the expenses reasonably incurred by the Commissioner in so doing, and such dues shall be recoverable as arrears of municipal tax.</p> <p>(4) Where plans were approved, it shall not be open to the Commissioner to give such a notice on the ground that the building contravenes any scheme or bye-laws as the case may be or does not comply with his requirements under this Part.</p>
<p><b>Section 404</b></p>	<p><b>Punishment for certain offences.-</b> Whoever,-</p> <p>(a) Contravenes any provision of any of the sections, sub-sections, clauses, provisions, or other provisions of this Act; or</p> <p>(b) fails to comply with any order or direction lawfully given to him of any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provision or other provisions shall be punishable-</p> <p>(i) with fine which may extend to the amount or with imprisonment for a term which may extend to the period, to be specified in that behalf; and</p> <p>(ii) in the case of a continuing contravention or failure with an additional which may extend to the amounts specified in the third column of that table for everyday during which such contravention or failure continues after conviction for the first such contravention or failure.</p>
<p><b>Section 405</b></p>	<p><b>General penalty.-</b> Whoever, in any case in which penalty it not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to one hundred rupees, and in the case of continuing failure or contravention with an additional fine which may extend to twenty rupees for every day during which he has persisted in the failure or contravention.</p>

ଅମୟ ବିଧାନ ମନ୍ତ୍ରାଳୟ ।

ଅମୟ ବିଧାନ ମନ୍ତ୍ରାଳୟ  
୧୨/୧୧

ପୂର୍ଣ୍ଣ ଭୈରବୀ କର୍ମଚାରୀଙ୍କ କାର୍ଯ୍ୟାଳୟ ଓ ଉପସ୍ଥିତ ଉପାଧିକାରୀଙ୍କ ନିର୍ଦ୍ଦେଶ ଦିଆ ହେଲା ।

ଅତିରାଜ୍ୟ ପ୍ରଦାନ ଦିନ ସମ୍ବନ୍ଧରେ କାର୍ଯ୍ୟାଳୟର ଅଧିକାରୀଙ୍କ ସମ୍ପର୍କରେ ସମସ୍ତ ସୂଚନା ଯତ୍ନ ସତ୍ତ୍ୱେ ମଧ୍ୟ କରାଯାଇ ପାରି ନାହିଁ ।

ଅନ୍ୟତାରେ, ବିଧାନ ମନ୍ତ୍ରାଳୟର କର୍ମଚାରୀଙ୍କ କାର୍ଯ୍ୟାଳୟରେ ଯାହା ୧୧-୧୧-୨୦୨୨ ଓ ୧୨-୧୧-୨୦୨୨ ତାରିଖରେ

ଅମୟ ବିଧାନ ମନ୍ତ୍ରାଳୟର ଅଧିକାରୀଙ୍କୁ ନିର୍ଦ୍ଦେଶ ଦିଆଯାଇଛି ।

ପୂର୍ଣ୍ଣ ଭୈରବୀ କର୍ମଚାରୀଙ୍କ ଉପସ୍ଥିତ ଉପାଧିକାରୀଙ୍କୁ ନିର୍ଦ୍ଦେଶ ଦିଆଯାଇଛି ଯେ ଯେ ୧୧-୧୧-୨୦୨୨ ଓ ୧୨-୧୧-୨୦୨୨ ତାରିଖରେ ନିର୍ଦ୍ଦେଶ ଦିଆଯାଇଥିବା କର୍ମଚାରୀଙ୍କୁ

ପୂର୍ଣ୍ଣ ଭୈରବୀ କର୍ମଚାରୀଙ୍କୁ ଅନୁମତି ଦିଆଯାଇଥିବା କାର୍ଯ୍ୟାଳୟରେ ମଧ୍ୟ ଅନୁମତି ଦିଆଯାଇଥିବା କର୍ମଚାରୀଙ୍କୁ ନିର୍ଦ୍ଦେଶ ଦିଆଯାଇଛି ।

ନିର୍ଦ୍ଦେଶ ଦିଆଯାଇଛି, ୧୨-୧୧-୨୦୨୨

ନଂ.ଏଲ.ଏ.କି.୩/୧୦୦୧/୧୯୯୯/୧୯୯୯

ଅନୁମତି

ଅମୟ ବିଧାନ ମନ୍ତ୍ରାଳୟ