

পঞ্জীভুক্ত নম্বৰ - ৭৬৮ /৯৭

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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 11th January, 2022

No. LGL.172/2021/36.— The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 6th January, 2022 is hereby published for general information.

ASSAM ACT NO. XXXVIII OF 2021

(Received the assent of the Governor on 6th January, 2022)

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

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 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 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 Charter 7A.** 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 ;
- (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, 1979.

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.
- (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

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.”

Omission of
section 405

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

GEETANJALI DAS SAIKIA,
Secretary to the Government of Assam,
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