



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 520 Dispur, Wednesday, 6th September, 2017, 15th Bhadra, 1939 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 4th September, 2017

No. LLE 60/2017/271.- The following Bills introduced before the House on **4th September, 2017** together with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General information.

THE ASSAM MUNICIPAL (AMENDMENT) BILL, 2017

A BILL

further to amend the Assam Municipal Act, 1956.

Preamble

Whereas it is expedient to amend the Assam Municipal Act, 1956, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam
Act
No.XV
of 1957.

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows: -

Short title,
extent and
commencement.

1. (1) This Act may be called the Assam Municipal (Amendment) Act, 2017.
- (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 (1), --
 - (i) in clause (d), in the first paragraph, the punctuation ":" appearing at the end, the punctuation mark ";" shall be substituted and thereafter the following new clause (e) shall be inserted, namely : --

"(e) to categorize the municipalities into different categories on the basis of population, area and such other criteria, as may be prescribed :

Provided that the existing town committees constituted under section 335 of the principal Act prior to commencement of this Amendment Act, shall stand converted to Municipal Boards and shall be categorized in the appropriate category of Municipalities on the basis of population, area and such other criteria, as prescribed under this provision:"

- (ii) in the existing proviso, in between the words "Provided" and "that", the word "further" shall be inserted.

Amendment of
section 50

3. In the principal Act, in section 50, in sub-section (1), for the words "The Board at a meeting may", the words "Subject to the provisions of section 53, the Board at a meeting may" shall be substituted.

Amendment of
section 53

4. In the principal Act, for existing section 53, the following shall be substituted, namely:-

" **Creation of posts and appointment of officers in Municipality**

53. (1) Notwithstanding anything contained in this Act, the State Government shall create the following new services for the purpose of appointment in the Municipalities, namely :-

- (i) Assam Urban Administrative Service;
- (ii) Assam Urban Financial Service; and
- (iii) Assam Urban Engineering Service.

(2) (a) The State Government shall appoint an Executive Officer and such other officers, as may be required, for each and every Municipal Board from the cadre of Assam Urban Administrative Service and shall bear the expenditure in respect of pay and allowances of such officers:

Provided that till appointment of an Executive Officer is made in the Municipality from the cadre of Assam Urban Administrative Service, the State Government shall have the power to depute a Civil Service Officer from the State Government in the Municipality concerned:

Provided further that the State Government shall also have the power to put one Executive Officer in the charge of more than one Municipal Board if they are contiguously situated in the same District or Sub-division ;

(b) the State Government shall appoint a Finance and Accounts Officer and such other officers, as may be required, for each and every Municipal Board from the cadre of Assam Urban Financial Service and shall bear the expenditure in respect of pay and allowances of such officers:

Provided that till appointment of Finance and Accounts Officer is made in the Municipality from the cadre of Assam Urban Financial Service, the State Government shall have the power to depute an officer of the State Finance Service in the Municipality concerned from the State Government;

(c) the State Government shall appoint Executive Engineer or Assistant Executive Engineer or Assistant Engineer and such other officers, as may be required, for each and every Municipal Board from the cadre of Assam Urban Engineering Service and shall bear the expenditure in respect of pay and allowances of such officers:

Provided that till appointment of Executive Engineer or Assistant Executive Engineer or Assistant Engineer is made in the Municipality from the cadre of Assam Urban Engineering Service, the State Government shall have the power to depute an Executive Engineer or an Assistant Executive Engineer or Assistant Engineer from any technical Department of the State Government.

(3) The State Government, shall by notification in the Official Gazette, frame service rules under the proviso to Article 309 of the Constitution of India, laying down the qualification, conditions of service including pay and allowances etc. for different cadres of services specified in this section."

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend some of the provisions of the Assam Municipal Act, 1956. It has become necessary to bring certain amendments in the statute with the passage of time and the changing needs associated with it. Such needs necessitating the amendment of the said statute, include, having a dedicated cadre for municipal administration to transform the urban sector in Assam, conversion of existing Town Committees constituted to Municipal Boards and categorization of the municipalities into different categories on the basis of population, area and such other criteria. The Bill aims to achieve the above goals.

ATUL BORA,
Minister-in-Charge,
Urban Development Department, Assam.

M. K. DEKA,
Principal Secretary,
Assam Legislative Assembly.

MEMORANDUM OF DELEGATED LEGISLATION

The Government does not propose to delegate any legislative powers to any agency subordinate to it in this Bill except as per the Rules to be prescribed thereunder.

ATUL BORA,
Minister-in-Charge,
Urban Development Department, Assam.

FINANCIAL MEMORANDUM

Proposed categorization of Urban Local Bodies of Assam and Officers to be appointed category-wise would require additional financial implication and the same will be provided under the Annual Budget from time to time.

ATUL BORA,
Minister-in-Charge,
Urban Development Department, Assam.

**EXTRACT OF THE EXISTING PROVISIONS PROPOSED IN THE BILL FOR
AMENDMENT**

Sub- Section (1) of Section 4 of the Assam Municipal Act, 1956 :- The State Government may, by notification, in the official Gazette and by such other means as it may determine, declare its intention, -

- (a) to constitute any town together with or exclusive of any railway station, village, building or land contiguous to any such town, a municipality under this Act;
- (b) to include within a municipality any local area contiguous to the same;
- (c) to exclude from a municipality any local area comprised therein; or
- (d) to withdraw the whole area comprised in any municipality from the operation of this Act:

Provided that no municipality under this Act shall include any military cantonment of part of a military cantonment.

Sub- Section (1) of Section 50 of the Assam Municipal Act, 1956 :- The Board at a meeting may, from time to time determine and appoint the establishment [subject to the staffing pattern as may be determined by the Government from time to time] to be employed by it and may fix the salaries and allowances to be paid to such establishment :

Provided that subject to the scale of establishment approved by the Board, the Chairman may appoint such persons as he may think fit with the prescribed qualifications if the monthly salary of the office does not carry more than fifty rupees of a salary rising by periodical increments to more than fifty rupees. The Chairman may remove from time to time such persons for inefficiency, negligence of duty or misconduct :

Provided further that the appointment of any officer whose pay is wholly or partly contributed by the State Government shall not be created or abolished without the sanctioned of the State Government and that every nomination to, or dismissal from, any such appointment shall be subject to confirmation by the State Government.

Section 53 of the Assam Municipal Act, 1956 :-

(1) The State Government shall appoint an Executive Officer for each and every Municipal Board and Town Committee and shall bear the expenditure in respect of pay and allowances of such Executive Officers. In the Municipalities having a population of one lakh or more, an Officer of the level of Additional Deputy Commissioner shall be posted as Executive Officers and in all other cases, an Officer not below the rank of a Revenue Circle

Officer shall be posted as an Executive Officer. The Government may put one Executive Officer in the charge of more than one Municipal Board or a Town Committee, if contiguously situated in the same District or Sub-Division provided that the distance of the two should not be more than twenty kilometers.

(2) The Executive Officer shall function under the overall control of the Board and under the direct supervision of the Chairman. He shall be further subject to the directions issued to him by the Director or the State Government. All financial matters, particularly those relating to the implementation of schemes by the Municipality funded by the Government of India or the State Government, shall invariably be routed through him after due scrutiny and he shall remain responsible for any act of omission or commission. So far as the functions under the provisions of the Act are concerned, the Executive Officer shall render all assistance to the Chairman and the Board.

Section 335 of the Assam Municipal Act, 1956 :-

(1) There shall be established for each of the area notified under Section 334 (1) (defined as transitional area in Article 243 of the Constitution of India) a Committee for the purpose clauses (a) and (b) of sub-section (1) of Section 336 consisting of such numbers as may be fixed by the State Government from time to time.

(2) A committee established under this Section shall be called a Town Committee.

(3) The State Government may appoint any person whether a member of the Town Committee or not, to be its Chairman or Vice-Chairman, or may authorise any town committee to elect its Chairman or Vice-Chairman or both, and fix the term of office of member or Chairman or Vice-Chairman of the town committee.

M. K. DEKA,
Principal Secretary,
Assam Legislative Assembly.