



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 318 দিশপুৰ, বুধবাৰ, 31 জুলাই, 2019, 9 শাওণ, 1941 (শক)

No. 318 Dispur, Wednesday, 31st July, 2019, 9th Sravana, 1941 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 29th July, 2019

No. LLE 19/2019/167.— The following Bills introduced before the House on 29th July, 2019 along 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 REPEALING BILL, 2019

A BILL

to repeal the Assam Criminal Law Amendment
(Supplementary) Act, 1934.

Preamble	<p style="text-align: center;">Whereas it is expedient to repeal the Assam Criminal Law Amendment (Supplementary) Act, 1934;</p> <p style="text-align: center;">It is hereby enacted in the Seventieth Year of the Republic of India as follows:-</p>	Act 27 of 1934
Short title and commencement	<p>1. (1) This Act may be called the Assam Repealing Act, 2019.</p> <p>(2) It shall come into force at once.</p>	
Repeal and Saving	<p>2. (1) The Assam Criminal Law Amendment (Supplementary) Act, 1934 is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done, any action taken or any order passed under the Act so repealed shall be deemed to have been validly done, taken or passed under the corresponding provisions of the Act so repealed.</p>	Act 27 of 1934

STATEMENT OF OBJECTS AND REASONS

Govt. of India is reviewing the obsolete and redundant laws in the country with a view to repeal such laws which are redundant or have lost their significance. The Law Commission of India, in its 248th Report on "Obsolete Laws: Warranting Immediate Repeal (Interim Report)", inter-alia recommended repeal of 72 enactments, out of which 22 enactments have been identified for repeal by the respective State Legislature.

" Assam Criminal Law Amendment (Supplementary) Act, 1934" was also enlisted by the Law Commission with a recommendation that:

"Repeal. The purpose of this Act was to supplement the Assam Criminal Law Amendment Act, 1934(Chief Act). The Chief Act and the Code of Criminal Procedure, 1898 find mention in this Act. Neither of these legislations exist anymore. Further, the Code of Criminal Procedure, 1973 has replaced the Cr. P.C 1898. Hence, the Supplementary Act is redundant".

Assam Criminal Law Amendment (Supplementary) Act, 1934 is intended to be repealed by the present "The Assam Repealing Bill, 2019".

SARBANANDA SONOWAL,
Minister In-charge,
Home and Political Department.

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

FINANCIAL MEMORANDUM

The Bill does not entail any financial expenditure from the State Exchequer once it comes in to force.

SARBANANDA SONOWAL,
Minister In-charge,
Home and Political Department.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill does not propose delegated legislation.

SARBANANDA SONOWAL,
Minister In-charge,
Home and Political Department.

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

THE ASSAM PRIVATE PLACEMENT AGENCIES FOR RECRUITMENT OF WORKERS (REGULATION) BILL, 2019

A BILL

to provide for the regulation of Private Placement Agencies operating their business or willing to commence their business in the State of Assam for recruitment of workers and for matters connected therewith or incidental thereto.

Preamble

Whereas it is expedient to provide for the regulation of Private Placement Agencies operating their business or willing to commence their business in the State of Assam for recruitment of workers and for matters connected therewith or incidental thereto ;

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

Short title, extent and commencement

1. (1) This Act may be called the Assam Private Placement Agencies for Recruitment of Workers (Regulation) Act, 2019.
- (2) It extends to the whole of Assam.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions

2. (1) In this Act, unless the context otherwise requires,-
 - (a) "Appellate Authority" means an Officer of the State Labour Welfare Department, Government of Assam not below the rank of Secretary to the Government of Assam to hear appeal under this Act;
 - (b) "Controlling Authority" means Labour Commissioner, Assam or any other Officer of the State Labour Welfare Department, Government of Assam to be notified specifically for the purpose of this Act;
 - (c) "Establishment" means an Establishment as defined under section 2(8) of the Assam Shops And Establishments Act, 1971;
 - (d) "Government" means the Government of Assam;
 - (e) "Inspector" means the Inspector appointed under section 7;
 - (f) "License" means a license granted under section 5;
 - (g) "Notification" means a Notification published in the Official Gazette;
 - (h) "prescribed" means prescribed by rules made under this Act;
 - (i) "Private Placement Agency" means a person or body of persons other than a Government Agency, Department or

Assam Act
No. 21 of
1974

Organization engaged in the business of providing / supplying unskilled, semi-skilled, skilled and highly skilled workers to any person, Establishment, Government Department, Semi-Government Department and Government Undertaking and Semi-Government Undertaking within the State of Assam or in any other State of India or outside India;

(j) "Women" means a woman as defined under section 10 of the Indian Penal Code, 1860. No. 45 of
1860

(k) "Worker" means a person engaged, through Private Placement Agency, to do any unskilled, semiskilled, skilled and highly skilled works, which term shall also include Domestic Workers;

(2) The words "unskilled", "semi-skilled", "skilled" and "highly skilled" respectively, used in this Act shall mean and imply the same meanings to the said terms as determined by the Government, by order, from time to time.

(3) Words and expressions used in this Act and not defined shall have the same meanings as defined under any other corresponding law for the time being in force.

Appointment of the Controlling Authority

3. The State Government shall, by Notification in the Official Gazette appoint the Labour Commissioner, Assam to be the Controlling Authority for the purpose of this Act, and;

Persons or Private placement Agency not to operate without License

4. No person or Private Placement Agency shall carry out or commence the business of Private Placement Agency, unless he holds a License issued under this Act:

Provided that a Private Placement Agency which came into existence before the commencement of this Act, shall obtain a License as required under this Act within 90 (Ninety) days of the commencement of this Act.

Application for Grant of and Renewal of License

5. (1) Every application for Grant of License under section 4 shall be in such form and manner as may be prescribed and shall be accompanied by fee of rupees Two Thousand and Bank Guarantee of rupees Five Lakh only.

(2) Controlling Authority may make such inquiry in respect of the application received under sub-section (1) and for making such inquiry, the Controlling Authority shall follow such procedure as may be prescribed.

(3) A License shall be issued on such terms and on such conditions as may be prescribed.

(4) A License issued under this section shall remain valid for a period of one year and may be renewed from time to time on payment of such fees and on such condition as may be prescribed.

Cancellation and Suspension of License

6. (1) If the Controlling Authority is satisfied either on the reference made to him in this behalf or otherwise, that,-

- (a) a license issued under section 4 has been obtained by misrepresentation or suppression of material facts, or
- (b) the license holder has, without reasonable cause failed to comply with the conditions of license or contravened any of the provisions of this Act or rules made thereunder, then, without prejudice to any other penalty which the holder of the license is liable under this Act, the Controlling Authority may, after giving the holder of the license a reasonable opportunity of being heard by an order, in writing, revoke the license and forfeit the bank guarantee furnished under sub-section (1) of section 5 by him or any part thereof and communicate the order to the holder of the license provided that where the Controlling Authority considers it necessary so to do for special reasons, he may, pending such revocation or forfeiture, by order, suspend the License for such period as may be specified in the order and serve, by registered post, such order on the holder of the License.
- (2) Subject to any rules, that may be made in this behalf, the Controlling Authority may vary or amend a License issued under this Act.
- Appointment of Inspectors 7. (1) The State Government shall, by Notification in the Official Gazette,-
- (a) appoint the Officers of the Labour Welfare Department not below the rank of Labour Officer as Inspector for the purpose of this Act ; and
- (b) define the limit within which an Inspector shall exercise the powers conferred on him by or under this Act. Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.
- (2) Every Inspector appointed under this section shall be subject to the control of the Labour Commissioner-cum Controlling Authority.
- Powers of Inspectors 8. Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed,-
- (a) enter at all reasonable hours, with such assistance, if any, of persons in the service of the Government or any local or other public authority as he thinks fit, any premises or office of the Private Placement Agency, for the purpose of examining any register or record or notices required to be kept or exhibited by or under this Act, and require the production thereof for inspection;
- (b) examine any person whom he finds in any such premises or place and whom he has reasonable cause to believe, is a worker employed or engaged by the Agency, therein;

- (c) seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by the Private Placement Agency; and
- (d) exercise such powers as may be prescribed.
- Appeal 9. (1) Any person aggrieved by an Order of the Controlling Authority, made under section 5 or 6, may prefer an appeal, in such form and manner as may be prescribed, against the Order to the Appellate Authority within a period of 30(Thirty) days of the date of receipt of such Order:
- Provided that an appeal may be admitted after the expiry of the said period of 30 (thirty) days if the appellant satisfies the Appellate Authority that he was prevented by sufficient cause from preferring the appeal within the aforesaid period;
- (2) Before disposing of an Appeal, the Appellate Authority shall give the Appellant a reasonable opportunity of being heard.
- (3) Every Appeal under this section shall be disposed of within 3 months from the date of its filing.
- Function and Duties of Private Placement Agency 10. (1) The Private Placement Agency shall furnish the details of employment of worker to the Controlling Authority within 7(Seven) days from the date the worker has been employed within or beyond the boundaries of the State of Assam in the form and manner as may be prescribed.
- (2) No Private Placement Agency shall employ, engage or deploy any worker, if he / she is below 18(Eighteen) years of age.
- (3) Every Private Placement Agency shall display a signboard outside its office showing the name of Private Placement Agency and its License Number.
- (4) Every Private Placement Agency shall maintain a register containing the names sex, permanent and corresponding address, photo, nature of work and other details of workers, who are engaged by it, as may be specified through Government notifications from time to time and also names and addresses of person and establishment and other details, where the workers have been employed in the form and manner as may be prescribed.
- (5) Every Private Placement Agency shall ensure safe travel to and from place of work to the residence of the worker.

- (6) Every Private Placement Agency shall ensure payment of Government notified minimum wages vis-a-vis the scheduled employment applicable in the State where the worker is deployed through individual bank account of the worker.
- (7) Other functions and duties of Private Placement Agencies shall be such, as may be prescribed from time to time by the Government.
- Punishment for contravention of certain provisions** 11. (1) Any person who contravenes the provisions of section 4 of this Act shall be punishable with imprisonment for a term which may extend to 7(seven) years or fine which may extend to one lakh or both.
- (2) Any person who contravenes the provisions of section 10 or any of the rules made under this Act or any of the condition of License, shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to fifty thousand rupees or with both;
- (3) No court shall take cognizance of any offence punishable under this Act except on a complaint -
(i) made by the Controlling Authority appointed under this Act, or
(ii) made by an Inspector appointed under this Act;
- (4) No court inferior to that of a Judicial Magistrate of the first class shall try any offence punishable under this Act;
- Limitation** 12. No court shall take cognizance of an offence punishable under this Act unless the complaint thereof is made within 3 (three) months from the date on which the alleged commission of the offence came to the knowledge of the Controlling Authority or the Inspector, as the case may be.
- Application of Code of Criminal Procedure, 1973** 13. The provisions of the Code of Criminal Procedure, 1973 relating to any search or seizure shall be applicable to any search or seizure made under this Act.
- Act in addition to any other Laws** 14. This Act shall be in addition to and not in derogation to any other law for the time being in force.
- Powers to make Rules** 15. (1) The State Government may, by notification to be published in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) In particular and without prejudice to the generally of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the form and manner in which the License is to be issued under sub-section (1) of section 5;
- (b) the inquiry to be conducted under sub-section (2) of section 5;

- (c) terms and conditions subject to which such License is to be issued under sub-section (3) of section 5;
 - (d) fees and conditions of renewal under sub-section (4) of section 5;
 - (e) cancellation and suspension of License under section 6;
 - (f) the form and manner of appeal under sub-section (1)(a) of section 9;
 - (g) functions & duties of the Inspectors appointed under section 7;
 - (h) other functions and duties of Private Placement Agencies under section 10; and
 - (i) any other matter which may be necessary to achieve the objects of this Act.
- Suit and Proceedings
16. No suit, prosecution or other legal proceeding shall lie against Controlling Authority, Inspector or any other authority under this Act in respect of anything done or intended to be done in good faith, under the Act.
- Offences to be cognizable and non-bailable.
17. All the offences under this Act shall be cognizable and non-bailable.
- Power of interpretation and removal of difficulties.
18. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may be necessary for removing the difficulty:
- Provided that no such order shall be made after expiry of a period of two years from the commencement of this Act.
-

Statement of Objects & Reasons

The salient feature of the Act is to introduce the Assam Private Placement Agencies for Recruitment of Workers (Regulation) Bill, 2019 to provide for regulation of Private Placement Agencies operating their business or willing to commence their business in the State of Assam for recruitment of workers and for the matters connected therewith or incidental thereto.

Therefore, Labour Welfare Department proposed to introduce the Assam Private Placement Agencies for Recruitment of Workers (Regulation) Bill, 2019 in the proposed Bill.

Minister, (In-charge)
Labour Welfare, Assam

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

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed Bill

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative powers to the executive in the proposed Bill.

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

**THE ASSAM RIGHT TO PUBLIC
SERVICES (AMENDMENT) BILL, 2019**

**A
BILL**

further to amend the Assam Right to Public Services Act, 2012.

Preamble

Whereas it is expedient further to amend the Assam Right to Public Services Act, 2012, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam
Act IX of
2012

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

**Short title, extent
and
commencement**

1. (1) This Act may be called the Assam Right to Public Services (Amendment) Act, 2019.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

**Amendment of
section 3**

2. In the principal Act, in section 3,-
 - (i) after clause (b), the following new clauses (ba), (bb), and (bc), shall be inserted, namely: -

“(ba) “Chief Commissioner” or the “Commissioner” means the Chief Commissioner of the Assam State Commission for Right to Public Services or the Commissioner, Assam State Commission for Right to Public Services, as the case may be, appointed under sub-section (3) of section 8A;

(bb) “Commission” means the Assam State Commission for Right to Public Services constituted under sub-section (1) of section 8A;

(bc) “Competent Authority” means the Disciplinary Authority or the Controlling Officer of the Designated Public Servant; ”
 - (ii) in clause (f), for the existing provision, the following shall be substituted, namely :-

“ (f) “Public Authority” means --

 - (i) any Department or authority of the State Government;
 - (ii) any organization or authority or body or corporation or institution or a local authority, established or constituted,-

- (a) by or under the Constitution of India in the State, or
- (b) by any other law made by the State Legislature, or
- (c) by notification issued by the State Government;

(iii) and shall also include,-

- (a) an institution, a cooperative society, a Government Company or an authority owned, controlled or financed by the State Government; or
- (b) any non-Governmental organization receiving financial assistance from the State Government;”

(iii) in clause (k), the words “and Reviewing Authority” shall be deleted.

Substitution of section 4

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

“Notification of Services, Designated Public Servant, Appellate Authority, User Charges and Stipulated time limit

- 4. (1) The State Government shall notify the public services rendered by it including provisions for fast track service delivery, along with user charges and stipulated time limit.
- (2) Public Authority shall appoint Designated Public Servants in the administrative units/offices under it, as may be necessary to provide notified services to the persons requesting for the services notified under this Act.
- (3) Public Authority shall also notify an officer superior in rank than that of the Designated Public Servant to act as Appellate Authority to hear and decide the appeal filed by an eligible person against rejection of his application or delay in providing notified Public Services within the stipulated time limit.
- (4) The State Government shall endeavor and encourage the Public Authorities, to deliver notified Public Services electronically within the stipulated time limit.”

Substitution of section 8

4. In the principal Act, for section 8, the following shall be substituted, namely :-

“Appeal and Second Appeal

- 8. (1) Any person who, does not get notified service within the stipulated time limit specified under section 4 or is aggrieved by a decision of the Designated Public Servant, may, within 30 days from the expiry of the stipulated period or from the date of receipt of such decision, as the case may be, prefer an appeal to the Appellate Authority notified under sub-section (3) of section 4:

Provided that the Appellate Authority may admit the appeal after the expiry of 30 days if he or she is satisfied that the Appellant was prevented by sufficient cause from filing the appeal in time.

- (2) The Appellate Authority may order the Designated Public Servant to provide the notified service within the stipulated time limit as specified in the notification under section 4 for that service or may reject the appeal and in case of rejection of the appeal, the Appellate Authority shall record the reasons in writing for rejection of the appeal in his order:

Provided that, before deciding the appeal, the Appellate Authority shall give reasonable opportunity of being heard to the Appellant as well as the Designated Public Servant.

- (3) An appeal under sub-section (1) shall be disposed of within 30 days from the date of filing of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, for reasons to be recorded in writing, as the case may be.

- (4) The Applicant aggrieved by any order of the Appellate Authority, may make a Second Appeal within sixty days from the date of receipt of the order of the Appellate Authority in the appeal before the Commission.

- (5) The Commission shall dispose of the Second Appeal by following such procedure as may be prescribed:

Provided that the Commission may entertain the Second Appeal after the expiry of said sixty days, but in no case beyond ninety days from the date of receipt of the order of the Appellate Authority by the Appellant, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (6) In any appeal proceeding, the onus to prove that a denial of a service was justified shall be on the Designated Public Servant, who denied the service.

- (7) The decision of the Commission in a Second Appeal shall be binding on the Appellant and the Designated Public Servant,

- (8) The Appellate Authority and the Commission while deciding an appeal or a Second Appeal, as the case may be, under this section, have the same power as vested in a Civil Court while

same power as vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of any of the matters, namely :-

**Central
Act V of
1908**

- (a) requiring the production and inspection of documents;
- (b) issuing summons for hearing, to the Designated Public servant;
- (c) any other matter as may be prescribed."

Insertion of new sections 8A, 8B, 8C, 8D and 8E

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

"Assam State Commission for Right to Public Services

8A.(1)The State Government shall, by notification in the Official Gazette, constitute a body to be known as the Assam State Commission for Right to Public Services to exercise the powers conferred on, and to perform the functions assigned to it under this Act:

Provided that till the Commission is constituted, the Assam Administrative Tribunal shall exercise the powers and perform the functions of the Commission under this Act with effect from such date as may be notified by the State Government in this behalf in the Official Gazette.

- (2) The Commission shall consist of the following members, namely :-

- (a) the Chief Commissioner; and
- (b) such number of Commissioners not less than two and not exceeding four, as may be decided by the State Government, from time to time .

(3)The Chief Commissioner and the Commissioners shall be appointed by the State Government.

(4)The general superintendence, direction and management of the affairs of the Commission shall vest in the Chief Commissioner, who shall be assisted by the Commissioners.

(5)The Chief Commissioner shall be appointed from amongst the retired officers of the State Government who had held a post not lower in rank than that of an Additional Chief Secretary to the Government of Assam having wide range of experience in the field of Public Administration.

(6) Not less than two Commissioners shall be appointed from amongst the persons who have

held a post in the State Government not lower in rank than that of a Commissioner and Secretary to the Government of Assam and in case it is decided by the State Government to appoint more than two Commissioners, the rest of the Commissioners shall be appointed from persons of eminence in public life with wide knowledge and experience in the field of Law, Science and Technology or Social Services.

(7) The Chief Commissioner and the Commissioners shall not be a Member of Parliament or Member of the Legislature of any State or Union Territory or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

(8) The Head Office of the Commission shall be at Guwahati or at such other place as the State Government may notify, from time to time.

(9) The Commission shall be a body corporate, known by the name as mentioned in sub-section (1) having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable and to contract and shall, by the said name, sue or be sued.

Terms of Office
and conditions of
service

8B.(1) The Chief Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for re-appointment :

Provided that no Chief Commissioner shall hold office as such after he has attained the age of sixty-five years.

(2) Every Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for re-appointment as such Commissioner:

Provided that every Commissioner shall be eligible for appointment as the Chief Commissioner on vacating office by the Chief Commissioner, in the manner as specified in sub-section (3) of section 8A:

Provided further that where the Commissioner is appointed as the Chief Commissioner, his term of office shall not be more than five years in aggregate as the Commissioner and the Chief Commissioner.

(3) The Chief Commissioner or a Commissioner may, at any time, by writing under his hand resign from his office:

Provided that the Chief Commissioner or a Commissioner may be removed in the manner specified under section 8C.

- (4) The salaries and allowances payable to and other terms and conditions of service of,—
- (a) the Chief Commissioner shall be the same as that of the Chief Secretary of the State Government.
 - (b) the Commissioners shall be the same as that of the Commissioner and Secretary of the State Government:

Provided that if the Chief Commissioner or a Commissioner, as the case may be, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service rendered by him under the Government of India or the Government of a State, his salary in respect of the service as the Chief Commissioner or a Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity :

Provided further that, if the Chief Commissioner or a Commissioner, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government Company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Chief Commissioner or a Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the Chief Commissioner and the Commissioners shall not be varied to their disadvantage after their appointment.

- (5) The State Government shall provide the Chief Commissioner and the Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed as such for the purpose of this Act shall be such as may be prescribed.

Removal of the
Chief
Commissioner
and the
Commissioners.

- 8C. (1) The Chief Commissioner or a Commissioner shall be removed from his office only by order of the State Government on the ground of proved misbehavior or incapacity, if established by an enquiry conducted by a retired Judge of the High Court.
- (2) The State Government may suspend the Chief Commissioner and Commissioners from office, and if deem necessary prohibit them also from attending the office during inquiry.
- (3) Notwithstanding anything contained in subsection (1), the State Government may by order remove from office the Chief Commissioner or a Commissioner if the Chief Commissioner or a Commissioner, as the case maybe ,-
- (a) is adjudged an insolvent; or
 - (b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
 - (c) engages during his term of office in any paid employment outside the duties of his office; or
 - (d) is, in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body; or
 - (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Commissioner or a Commissioner.

Powers and
functions of the
Commission

- 8D.(1) It shall be the duty of the Commission to ensure proper implementation of this Act and to make suggestions to the State Government for ensuring better delivery of services. For this purpose, the Commission may,-
- (a) entertain and dispose of appeal under section 8;
 - (b) recommend Departmental action against any officer or employee of the State Government who has failed in due discharge of functions cast on him under this Act;
 - (c) recommend changes in procedures for delivery of services which shall make the delivery more transparent and easier:

Provided that before making such a recommendation, the Commission shall consult the Authority of the concerned Administrative Department which is to deliver the services;
 - (d) recommend steps to be taken by Public Authority for efficient delivery of Public Services.

(2) Subject to the previous approval of the State Government, the Commission shall frame regulations, not inconsistent with the provisions of this Act and rules made thereunder, for regulating its own procedure and disposal of its business.

(3) The regulations made under sub-section (2) shall be published in the Official Gazette.

Action by the Government on recommendations of the Commission

8E. The State Government shall consider the recommendations made by the Commission under clauses (b)(c) and (d) of sub-section (1) of section 8D and send information to the Commission of action taken within thirty days or such longer time as may be decided in consultation with the Commission. In case the Government decides not to implement any of the recommendations of the Commission, it shall communicate the reasons for not acting on such recommendations to the Commission.

Substitution of section 9

6. In the principal Act, for section 9, the following shall be substituted, namely:-

“ Penalty

9. (1) If the Commission is of the opinion that the Designated Public Servant has refused to receive an application for notified services or has failed to provide the notified public services within stipulated time as fixed under the Act or malafidely denied the request for notified Services or obstructed in any manner in providing the notified services without sufficient and reasonable cause, then the Commission shall impose a penalty of two hundred and fifty rupees for each day of delay after completion of the stipulated time limit for providing the particular notified service, provided however, that the total amount of such penalty shall not exceed twenty five thousand rupee in all :

Provided that the Designated Public Servant shall be given a reasonable opportunity of being heard before such penalty is imposed upon him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Designated Public Servant.

(2) Where the Commission, at the time of deciding any appeal is of the opinion that the Designated Public Servant has without any reasonable cause, persistently, failed to receive an application for notified Services or has not provided the service within the stipulated time limit or malafidely denied the request or obstructed in any manner in providing the service for notified services, it shall recommend for disciplinary action against the Designated Public Servant under the service rules applicable to him :

Provided that the Designated Public Servant shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

- Substitution of section 10
7. In the principal Act, for section 10, the following shall be substituted, namely :-
- “ Procedure for recovery of Penalty
10. The Commission shall communicate to the concerned Designated Public Servant as well as the Public Authority concerned about the amount of penalty imposed under section 9, in writing. The concerned Designated Public Servant shall pay the amount of penalty within a period of 30 days in the State Government Head of Account as may be specified by the State Government by notification in the Official Gazette in this behalf, failing which the Competent Authority shall recover the amount of penalty from the salary of the concerned Designated Public Servant by issuing necessary order in this regard.”

STATEMENT OF OBJECTS AND REASONS

The Assam Right to public Services Act, 2012 has been in force since 19th April 2013. During this period of its implementation; reports from various implementing authorities have been received regarding the problems that they have faced in the field as well as in the Administrative Departments. In the meantime, various States have enacted similar legislation and some states have also started online delivery of services. The State Government considers that it is desirable to make amendment to the Act, to suit the present day requirements.

Hence this Bill.

This Bill seeks to introduce the following:

1. The provisions for online delivery of notified services.
2. Provisions of extent of fines incorporated in the Bill. Earlier it was in the Rules which will be suitably modified.
3. The provision for setting up a full-fledged Commission namely Assam State Commission for Right to Public Services.

SARBANANDA SONOWAL,
Chief Minister, Assam
& Minister I/c Administrative Reforms and
Training Department.

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

FINANCIAL MEMORANDUM

There is a provision of financial implication which may be required for implementing “The Assam Right to Public Services (Amendment) Act 2019” in the State.

SARBANANDA SONOWAL,
Chief Minister, Assam
& Minister I/c Administrative Reforms and
Training Department.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill has not provided any delegation of Legislative power to any authority except that of the framing rules by Government.

SARBANANDA SONOWAL,
Chief Minister, Assam
& Minister I/c Administrative Reforms and
Training Department.

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

**THE ASSAM TAXATION (ON SPECIFIED LANDS)
(AMENDMENT) BILL, 2019**

**A
BILL**

further to amend the Assam Taxation (On Specified Lands) Act, 1990.

Preamble

Whereas it is expedient further to amend the Assam Taxation (On Specified Lands) Act, 1990, hereinafter referred to as the principal Act, in the manner hereinafter appearing ;

Assam
Act XII
of 1990

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

Short title,
extent and
commencement

1. (1) This Act may be called the Assam Taxation (On Specified Lands) (Amendment) Act, 2019.
- (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 sub-section (2A), the following new sub-section (2B), shall be inserted, namely :-
“(2B) Notwithstanding anything contained in sub-section (1), no tax shall be levied under sub-section (1) in respect of green tea leaves grown or bought by the tea estates for a period of three years on and from the 1st January, 2019.”

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend a provision of the Assam Taxation (On Specified Lands) Act, 1990 to give effect to the announcement made in Para 6 of Part II of the Budget Speech for the fiscal 2019-20 by the Hon'ble Finance Minister.

2. Clause 2 of the Bill seeks to insert a new sub-section (2B), in section 3 of the Assam Taxation (On Specified Lands) Act, 1990 in order to keep in abeyance the levy, collection and payment of tax on green tea leaves for a period of three years from 1st January, 2019 to 31st December, 2021.
3. The Bill seeks to achieve above objects.

HIMANTA BISWA SARMA,
Minister, Finance.

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

FINANCIAL MEMORANDUM

The Bill proposes to amend the Assam Taxation (On Specified Lands) Act, 1990.

There is no provision in the Bill which would involve the recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill does not involve the delegation of any legislative power to any agency subordinate to it in the bill.

THE ASSAM TAXATION (ON SPECIFIED LANDS) (AMENDMENT) BILL, 2019

Existing provision	Proposed Amended provision
<p>Section 3 (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of this Act a tax shall levied and collected annually on and from the commencement of Act in respect of all specified lands in the State on the annual productivity of such land.</p>	<p>Section 3 (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of this Act a tax shall levied and collected annually on and from the commencement of Act in respect of all specified lands in the State on the annual productivity of such land.</p> <p>“(2B) Notwithstanding anything contained, in sub- section (1), no tax shall be levied under sub-section (1) in respect of green tea leaves grown or bought by the tea estates for a period of three years on and from 1st January, 2019.”</p>

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

THE ASSAM ELECTRICITY DUTY (AMENDMENT) BILL, 2019**A
BILL**

further to amend the Assam Electricity Duty Act, 1964.

Preamble

Whereas it is expedient further to amend the Assam Electricity Duty Act, 1964, hereinafter referred to as the principal Act, in the manner hereinafter appearing ;

Assam Act
No. XXX
of 1964

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

Short title,
extent and
commencement

1. (1) This Act may be called the Assam Electricity Duty (Amendment) Act, 2019.

(2) It shall have the like extent as the principal Act.

(3) It shall be deemed to have come into force with effect from the 20th day of October, 2018, the date on which the Assam Electricity Duty (Amendment) Act, 2018, came into force.

Assam Act
No. XXIV
of 2018

Amendment of
section 3

2. In the principal Act, in section 3, in sub-section (1), after clause (c), the following Explanation shall be inserted, namely :-

“Explanation :- In case of electrical energy consumed by any person or any organization generating energy, the aggregate value of energy charges shall be determined at the rate per unit as may be notified by the Assam Power Distribution Company Limited (APDCL) or the Assam Electricity Regulatory Commission (AERC), as the case may be, from time to time, for similar category of consumers.”

....

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to clarify the value on which the electricity duty shall be levied in case of generation of electric energy for captive consumption by way of inserting an explanation in the Assam Electricity Duty Act, 1964.

2. Sub-section (1) of section 3 was earlier amended to provide for levy of electricity duty on *ad-valorem* basis at five per centum of the aggregate value of energy charges and fixed charges in lieu of specific duty of twenty paise per unit.

3. In case of generation of electric energy for captive consumption, the electricity duty shall be levied on aggregate value of energy charges determined on the basis of per unit rate notified by the Assam Power Distribution Company Ltd. or the Assam Electricity Regulatory Commission, as the case may be, for similar category of consumers and to clarify this position, Clause 2 of the Bill seeks to insert an 'Explanation', in sub section 1 of section 3 of the Assam Electricity Duty Act, 1964 in synch with the introduction of *ad-valorem* levy.

4. The Bill seeks to achieve above objects.

HIMANTA BISWA SARMA,
Minister, Finance.

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

FINANCIAL MEMORANDUM

The Bill proposes to amend the Assam Electricity Duty Act, 1964.

There is no provision in the Bill which would involve the recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill does not involve the delegation of any legislative power to any agency subordinate to it in the bill.

THE ASSAM ELECTRICITY DUTY (AMENDMENT) BILL, 2019

Existing provision	Proposed Amended provision
<p>3.(1) There shall be levied and paid to the State Government a duty, to be called the "electricity duty", "at five percentum of the aggregate value of energy charges and fixed charges",-</p> <p>(a) supplied by the Board to a consumer; or</p> <p>(b) supplied to the consumer by a licensee generating energy or procuring in bulk from the Board; or</p> <p>(c) consumed by any person or any organization generating energy.</p>	<p>3.(1) There shall be levied and paid to the State Government a duty, to be called the "electricity duty", "at five percentum of the aggregate value of energy charges and fixed charges",-</p> <p>(a) supplied by the Board to a consumer; or</p> <p>(b) supplied to the consumer by a licensee generating energy or procuring in bulk from the Board; or</p> <p>(c) consumed by any person or any organization generating energy.</p> <p>"Explanation: - In case of electrical energy consumed by any person or any organization generating energy, the aggregate value of energy charges shall be determined at the rate per unit as may be notified by the Assam Power Distribution Company Limited (APDCL) or Assam Electricity Regulatory Commission (AERC), as the case may be, from time to time, for similar category of consumers."</p>

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

THE SOCIETIES REGISTRATION (ASSAM AMENDMENT) BILL, 2019

A BILL

further to amend the Societies Registration Act, 1860, in its application to the State of Assam.

Preamble

Whereas it is expedient further to amend the Societies Registration Act, 1860, hereinafter referred to as the principal Act, in its application to the State of Assam, in the manner hereinafter appearing ;

Central
Act 21
of 1860

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

Short title,
extent and
commencement

1. (1) This Act may be called the Societies Registration (Assam Amendment) Act, 2019.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

Amendment of
section 3

2. In the principal Act, in section 3, for the words and punctuation marks "of fifty rupees, or such smaller fee as the State Government may, from time to time direct;", appearing in between the words "fee" and "and", the words and punctuation marks "at such rate, as the State Government may, by notification in the Official Gazette, fix, from time to time" shall be substituted.

Insertion of new
sections 3B,3C
and 3D

3. In the principal Act, after section 3A, the following new sections 3B, 3C and 3D shall be inserted, namely :-

"3B. Validity of Registration.- Subject to compliance with the provisions of section 4, a certificate of registration issued under section 3 shall remain valid for a period of three years from the date of issue, but shall be subject to renewal for further periods of three years at a time in accordance with the provisions of section 3C :

Provided that no such registration shall be renewed if the provisions of section 4 has not been complied with in full.

- 3C. **Renewal of registration.-** (1) A society registered under section 3 shall, on application made to the Registrar within the validity period of registration or within one month of the expiration of the validity period of registration referred to in section 3B and on payment of the fee as fixed under section 3, and on filing the required

documents as specified in the website <https://rfsfinance.assam.gov.in>, be entitled to have its certificate of registration renewed for three years at a time, subject to compliance of section 4.

(2) The Register may refuse to renew the registration of a society,-

(i) if such society files the application for renewal of registration beyond one month of the expiration of the validity period of registration as referred to in section 3B :

Provided that the Registrar may condone the delay in filing application for renewal by a society upto one year of the expiration of validity period of registration, if he is satisfied on an application for condonation of delay filed by the society and on payment by the Society an additional fee equal to the amount of fee fixed for renewal of registration as under sub-section (1) of this section that the society was prevented by sufficient cause in filing the application within the validity period of the registration :

Provided further that in case of rejection of the application for condonation of delay, the Registrar shall give the society concerned a reasonable opportunity of being heard and pass a speaking order;

(ii) if after giving an opportunity of being heard, he is satisfied that any of the grounds as mentioned in sections 3A and 4 exists for refusal of renewal of registration.

(3) There shall be paid to the Registrar with every application for renewal of the certificate of registration,-

(a) a fee equal to the registration fee payable under section 3 if such application is filed within the period specified in section 3C(1), which shall be accounted for to the State Government of Assam;

(b) an additional fee for delayed filing of application for renewal under the first proviso to clause (1) of sub-section (2) of this section, which shall be accounted for to the State Government of Assam.

(4) Every application for renewal of the certificate shall be accompanied by a list of the names, addresses and occupations of the Governors, councils, directors,

committees and other governing body then entrusted with the management of the affairs of the society, elected after the registration of the society or after the renewal of certificate sought to be renewed, unless dispensed with by the Registrar for sufficient cause to be recorded in writing.

- (5) In the event of refusal of renewal of registration of a society, by the Registrar under sub-section (2), the aggrieved society may prefer an appeal before the Government of Assam, in the Finance (Establishment- B) Department whose decision thereon shall be final.

- 3D. **Effect of failure to Renew Registration.**- A Society which fails to get its certificate of Registration renewed in accordance with section 3C, its Registration lapses, and it shall cease to be a registered society with effect from the actual date of expiration of its original registration or renewal thereof and its name and other particulars shall be struck off from the Register in which it was earlier registered or renewed :

Provided that no such registration shall be struck off before the expiry of twelve months from the date of expiry of the validity of the previous registration whether original or renewed.

Explanation :- For the purpose of calculating the twelve months period, the month in which the previous registration whether original or renewal, had expired shall be taken as one full month irrespective of the day of the month of such expiration of the registration or renewal."

Amendment of section 4B

4. In the principal Act, in section 4B, in sub-section (2), for the words "which may extend to five hundred rupees" appearing at the end, the words "which may extend to such amount as the State Government may, by notification in the Official Gazette, determine, from time to time", shall be substituted.

Amendment of sections 12A, 12B and 12C

5. In the principal Act, in sections 12A, 12B and 12C, for the words "name" wherever it occurs, the words and sign "name and/or address" shall be substituted:

Insertion of new sections 12D, 12E and 12F

6. In the principal Act, after section 12C, the following new sections 12D, 12E and 12F shall be inserted, namely :-

"12D **Fees for change of name and/or address of the society.**- At the time of filing the documents required for change of name and/or address of the society, there shall be paid to the Registrar a fee as the State Government may, by notification in the Official Gazette, fix, from time

to time, which shall be accounted for to the State Government of Assam.

- 12E. **Fees for issue of Duplicate Registration Certificate.-** At the time of filing documents for issue of duplicate registration certificate of a society, there shall be paid to the Registrar a fee as the State Government may, by notification in the Official Gazette, fix from time to time, which shall be accounted for to the State Government of Assam.
- 12F. **Refusal to change in name and/or address or issue duplicate Certificate by the Registrar.-** The Registrar may refuse to register the change in name and/or address or issue a duplicate registration certificate, as the case may be, to a society, if the society fails to submit the required documents as per instructions specified in the Government website <https://rfsfinance.assam.gov.in>, by a speaking order :

Provided that the society may prefer an appeal against this order before the State Government in the Finance (Establishment-B) Department whose decision thereon shall be final."

Amendment of section 19 7. In the principal Act, in section 19,-

- (i) for the words "of one rupee" appearing in between the words "fee" and "for each", the words "as the State Government may, by notification in the Official Gazette, fix, from time to time", shall be substituted;
- (ii) for the words "fifteen naye paise" appearing in between the words "payment of" and "for every hundred words", the words "such amount as the State Government may, by notification in the Official Gazette, fix, from time to time,", shall be substituted;
- (iii) in the existing provision, after the punctuation mark "." appearing at the end, the following sentence shall be inserted, namely :-
"The amount of fees collected under this section shall be accounted for to the State Government of Assam."

.....

STATEMENT OF OBJECTS AND REASONS

The objectives to introduce the Bill namely the Societies Registration (Assam Amendment) Bill, 2019. The present charges / fees were fixed many years back and are very low in value. Further, these activities involve significant effort and cost to the Government. Hence, it is decided to enhance the earlier rate of registration fee, renewal fee and additional fee for renewal year from the date of expiry of the original registration certificate under various sections of the said Act. At the same time, some new provisions related to registration are being incorporated in the Act.

The matter was also examined with reference to the amendments of other states (Uttar Pradesh, Delhi, Himachal Pradesh and Tamil Nadu) and accordingly the department proposes to empower the Government to notify fee structure from time to time. If the fees/fine is prescribed in the main Act itself, then the same can be changed only through amendment of the Act. Hence it is proposed to amend the Act in the light of the provision applicable in Uttar Pradesh, so that Govt. is empowered to change the fees/fines for time to time through Notification.

Hence this Bill.

HIMANTA BISWA SARMA,
Minister-in-charge, Finance Department.

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

FINANCIAL MEMORANDUM

The Bill does not entail expenditure from the Consolidated Fund of the State once it comes into force.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill does not proposes to delegate legislative power to the Executive.

ABSTRACT FROM THE SOCIETIES REGISTRATION ACT, 1860**ANNEXURE – A**

Section – 3 : Registration and fees: Upon such memorandum and certified copy being filed, the Registrar shall certify under his hand that the society is registered under this Act. There shall be paid to the Registrar for every such registration a fee of fifty rupees or such smaller fee ¹[the State Government] may, from time to time, direct; and all fees to paid shall be accounted for to ¹[the State Government].

STATE AMENDMENT

Assam – After section-3, insert the following section, namely:-

‘3A. Name of Society.- (1) No society shall be registered under a name which is identical with, or too nearly resembles, the name of any other society or any body corporate which has been previously registered or incorporated under this Act or any other law for the time being in force, as the case may be.

No society shall use in its nomenclature any of the words, names;-

‘Union’, ‘State’, ‘Land Mortgage’, ‘Gandhi’, ‘Reserve Bank’ or any word expressing or implying the sanction, approval or patronage of Central or any State Government or any word which suggest or is calculated to suggest connection with any local authority or any corporation or body constituted by the Government under any law for the time being in force except when the State Government signifies its consent to the use of such words as part of the name of a society by order in writing.’

[vide Assam Act, 13 of 1967, sec. 2 (w.e.f. 18-8-1967)]

Section -4. Annual list of, managing body to be filed. - Once in every year, on or before the fourteenth day succeeding the day on which, according to the rules of the Society, the annual general meeting of the society is held, or, if the rules do not provide for an annual general meeting in the month of January, a list shall be filed with the Registrar of Joint-Stock Companies, of the names, addresses and occupations of the governors, council, directors, committee, or other governing body then entrusted with the management of the affairs of the society.

State Amendment.-

Assam, Manipur, Tripura.- In section 4, for the words “Registrar of Joint-Stock Companies”, substitute “Registrar of Societies”.

[Vide Assam Act. 7 of 1957, sec. 2(ii) (w.e.f. 17-7-1957) and G.S.Rs. 85 and 86 of 1960 published in the Gazette of Indian, 1960. Pt. II, Sec. 3(i), pp. 145, 146.]

Section 4A and 4B

Assam.- (i) After section 4, insert the following sections, namely:-

‘4A. Changes in managing body and rules to be filed. – (1) Together with the list mentioned in section 4, there shall be sent to the Registrar of Societies a statement showing changes during the year to which the list relates in the personnel of the governors, council, directors, committee or other governing body to whom the management of the affairs of the Society is entrusted and also a copy of the rules of the society corrected up-to-date and certified to be a correct copy by not less than three of the members of the governing body.

(2) A copy of every alteration made in the rules of the society, certified to be a correct copy of not less than three members of the governing body, shall be sent to the Registrar of Societies within fifteen days of the making of such alteration.”

[Vide Assam Act 11 of 1952, sec. 2(w.e.f. 15-10-1952); Act 7 of 1957, sec. 2(ii) (w.e.f. 17-7-1957)]

Section “4B”.- Balance-sheet and auditor’s report to be forwarded to Registrar.- (1) Within thirty days after the holding of every annual general meeting there shall be filed with the Registrar of Societies a copy each of the balance-sheet and auditor’s report certified by the auditor under sub-section (2) of section 5A.

(2) If the President Secretary or any other person authorised in this behalf by a resolution of the governing body of the society fails to comply with the provisions of sub-section (1) he shall be punishable with fine which may extend to five hundred rupees.”

[Vide Assam Act 13 of 1967, sec. 3 (w.e.f. 18-8-1967).]

Section 12.- Societies enabled to alter, extend or bridge their purposes.- Whenever it shall appear to the governing body of any society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend, or abridge such purpose to or for other purposes within the meaning of this Act, or to amalgamate such society either wholly or partially with any other society, such governing body may submit the proposition to the members of the society in a written or printed report, and may convene a special meeting for the consideration thereof according to the regulations of the society;

But no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member of the society ten days previous to the special meeting convened by the governing body for the consideration thereof, nor unless such proposition shall have been agreed to by the votes of three-fifths of the members delivered in person or by proxy, and confirmed by the votes of three-fifths of the members present at a second special meeting convened by the Governing body at any interval of one month after the former meeting.

Assam.- After section 12, insert the following new sections, namely:-

“12A. Change of name.- Any society registered under this Act may, with the consent of not less than two-thirds of the total number of its members by a resolution at a general meeting convened for the purpose of subject to the provisions of section 12B, change in name.

12B. Notice of change of name.- (1) Notice in writing of every change of name, signed by the Secretary and by seven members of the society changing its name, shall be sent to the Registrar.

(2) If the proposed name is identical with that by which any other existing society has been registered or, in the opinion of the Registrar, nearly resembles such name as to be likely to deceive the public, the Registrar shall refuse to register the change of name.

(3) Save as provided in sub-section (2), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name and the change of name shall have effect from the date of such registration.

12C. Effects of change of name,- The change in the name of a society registered under this Act shall not affect any right or obligations of the society or render defective any legal proceeding by or against the society, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.”

[Vide Assam Act 14 of 1943, sec.2.]

Section -19.- Inspection of documents, certified copies.- Any person may inspect all documents filed with the Registrar under this Act on payment of a fee of one rupee for each inspection; and any person may require a copy or extract of any document or any part of any document, to be certified by the Registrar, on payment of two annas for every hundred words of such copy or extract; and such certified copy shall be prima facie evidence of the matters therein contained in all legal proceedings whatever.

Assam: Manipur: Tripura.- In its application to the State of Assam, in section 19, for the words “two annas” in between the words “payment of” and “for every hundred” words, substitute the words, “fifteen naye paise”.

[Vide Assam Act 11 of 1958, sec. 2 (w.e./f. 10401958) and G.S.Rs.85 and 86 of 1960, published in the Gazette of India, 1960, Pt. II, Sec. 3(i), pp. 144, 145]

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

**THE GUWAHATI MUNICIPAL CORPORATION
(AMENDMENT) BILL, 2019**

**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, for laying down certain provisions for disqualifications for councilorship of the Corporation and providing for provisions for non-application of the provisions of the Assam Nagara Raj Act, 2007, in respect of the areas covered under Guwahati Municipal Corporation Act, 1969, in the manner hereinafter appearing,

Assam
Act No. I
of 1973

Act No.
XXVI of
2007

It is hereby enacted in the Seventieth 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, 2019.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

**Deletion of
section 20A**

2. In the principal Act, section 20A shall be deleted.

**Amendment of
section 47**

3. In the principal Act, in section 47, in sub-section (1), after clause (k), for the punctuation mark “:” appearing at the end, the punctuation mark “;” shall be substituted and thereafter the following new clauses (l), (m) and (n) shall be inserted, namely:-

“ (l) if he/she has more than two living children from a single or multiple partners :

Provided that this provision shall not be applicable in respect of those persons, who have more than two children prior to the date of commencement of this Act;

(m) if he/she has not passed Bachelor’s degree or equivalent examination from any University recognized by the State or the Central Government, as the case may be:

Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC), the minimum educational qualification shall be H.S.S.L.C or passed equivalent examination under any Board or Council recognized by the State or the Central Government, as the case may be;

(n) if he/she does not have a functional sanitary toilet in his/her residence premises for the use of the family members. ”

Insertion of
new section
445

4. In the principal Act, after section 444, the following new section 445 shall be inserted, namely :-

“445. Notwithstanding anything contained in the Assam Nagara Raj Act, 2007, the provisions of the said Act shall not apply in respect of the areas covered under the Guwahati Municipal Corporation Act, 1969, and the relevant provisions of the Assam Nagara Raj Act, 2007, shall be deemed to have been amended accordingly. ”

Assam
Act No.
XXVI of
2007

Assam
Act No. I
of 1973

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Guwahati Municipal Corporation Act, 1969 (Assam Act No.1 of 1973) by insertion of Clauses (l), (m) & (n) under Section 47 (1) of the Guwahati Municipal Corporation Act, 1969 (Assam Act No.1 of 1973) for disqualifying a candidate for contesting for Councillorship in GMC elections and deletion of Section 20(A) of the Guwahati Municipal Act, 1969 (Assam Act No. 1 of 1973).

AND

Insertion of Section 445 exempting Guwahati Municipal Corporation (GMC) from the Assam Nagara Raj Act, 2007.

Dynamic growth of urban population needs proper attention and direction to improve the quality of life in urban areas. The urban local bodies (ULBs), have therefore, to improve their delivery system. It is necessary to build their capacity and capabilities in the areas of finance and technology management. It is also equally important to improve the quality of Urban Governance to make it sustainable. In order to cope up with the recent global changes, and to cope up with the paradigm shift to a digital world, a well qualified person is an urgent necessity to be able to formulate policies suitable to the changing urban scenario in a growing metropolis.

To incentivize families to limit the family size and allowing them the freedom to aspire for higher standards of living and thereby keeping the state's fast growing population within the critical limit and achievement of a stable population size is also the need of the hour.

The Swachh Bharat Mission was launched by the Govt. of India with an objective to eliminate open defecation through the construction of individual and cluster community toilets. One of the main objective of SBM is to bring about an improvement in the general quality of life by promoting cleanliness and hygiene and eliminating open defecation.

Keeping in mind the principle of leading by example the candidates willing to contest the GMC Elections should be Role Models for the citizens of Guwahati.

Further, it is observed that although the Assam Nagara Raj Act, 2007 has given duties and responsibilities to the Area Sabha Representatives, in practice no activities were noticed.

Hence the Bill for amendment of Guwahati Municipal Corporation Act, 1969 (Assam Act No.1 of 1973) by insertion of Clauses (l), (m) & (n) under Section 47 (1) of the Guwahati Municipal Corporation Act, 1969 (Assam Act No.1 of 1973) for disqualifying a candidate for contesting for Councillorship in GMC elections and deletion of Section 20(A) of the Guwahati Municipal Act, 1969 (Assam Act No. 1 of 1973).

AND

Insertion of Section 445 exempting Guwahati Municipal Corporation (GMC) from the Assam Nagara Raj Act, 2007.

SIDDHARTHA BHATTACHARYA,

Minister, Guwahati Development Department etc., Dispur.

M. K. DEKA,
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.

SIDDHARTHA BHATTACHARYA,
Minister, Guwahati Development Department etc.

MEMORANDUM OF DELEGATED LEGISLATION

The present amendment will not create any delegated legislation.

SIDDHARTHA BHATTACHARYA,
Minister, Guwahati Development Department etc.

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

**THE ASSAM LAND AND REVENUE
REGULATION (AMENDMENT) BILL, 2019**

**A
BILL**

further to amend the Assam Land and Revenue Regulation, 1886.

Preamble

Whereas it is expedient further to amend the Assam Land and Revenue Regulation, 1886, hereinafter referred to as the principal Regulation, in the manner hereinafter appearing ;

Regulation I
of 1886

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

Short title, extent and commencement

1. (1) This Act may be called the Assam Land and Revenue Regulation (Amendment) Act, 2019.
- (2) It shall have the like extent as the principal Regulation.
- (3) It shall come into force at once.

Insertion of new Chapter XI

2. In the principal Regulation, after Chapter X, the following new Chapter XI shall be inserted, namely :-

**“CHAPTER XI
PROTECTION OF LAND OF RELIGIOUS INSTITUTIONS**

172. Notwithstanding anything hereinbefore contained in this Regulation, the State Government may adopt such measures as it deems fit for the protection of land belonging to the Religious Institutions which have been in existence for not less than one hundred years.

Explanation : “ Religious Institution” means an institution, the primary purpose of which relates exclusively to religious teaching or worship or advancement of religion irrespective of denomination.

173. Notwithstanding anything to the contrary contained in this Regulation or any other Laws, for the time being in force in the State of Assam, no person, who has entered into possession unauthorizedly of any land belonging to or held by any Religious Institution, shall acquire any right or title in that land on the strength of his length of possession over the said land, whether adverse or not.

174. The Deputy Commissioner or the Subdivisional Officer as the case may be, having jurisdiction over the area, shall be competent to carry out the ejection of unauthorized occupants from the land, belonging to or held by the Religious Institution in the following manner :-

(a) Any person who has entered into possession unauthorizedly of any land allotted to or reserved in favour of the Religious Institutions, such unauthorized person shall be ejected forthwith by the Deputy Commissioner or the Subdivisional Officer, as the case may be, having jurisdiction over the area, on receipt of an application to that effect from the respective Religious Institution;

(b) In respect of unauthorized occupation by any person on any settled land belonging to or held by any Religious Institution, the Religious Institution may apply in writing to the respective Deputy Commissioner or the Subdivisional Officer, as the case may be, having jurisdiction over the area for ejection of such unauthorized occupants :

Provided that ejection from such settled land shall be preceded by serving a notice requiring the unauthorized occupants to vacate the land and to remove all buildings or other constructions erected and crops raised over the land within a period of one month from the date of receipt of such notice.

175. The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Chapter.”

STATEMENTS OF OBJECTS AND REASONS

In the principal Regulation named the Assam Land and Revenue Regulation, 1886 (Regulation 1 of 1886), there is no express provision for removal of unauthorized encroachment from the land belonging to the Religious Institutions like Satras etc.

The existing provisions in the Assam Land and Revenue Regulation, 1886 (Regulation 1 of 1886) empower the Deputy Commissioners of the District to remove unauthorized encroachment only from the Government land and land falling within the protected Belts and Blocks.

In Assam, various Religious Institutions are in existence which are more than hundred years old. It is reported that lands belonging to such Institutions have been encroached by various groups of person and such Institutions are not in a position to make free the encroached land on their own. There is a strong need to preserve and protect such historical Institutions from unauthorized encroachment.

Hence, the Assam Land and Revenue Regulation (Amendment) Bill, 2019.

BHABESH KALITA,

Minister of State,

Revenue & Diaster Management Department.

M. K. DEKA,

Principal Secretary,

Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There is no additional financial involvement for the Bill

Memorandum of delegated legislation

The Bill proposes for delegation of Legislative Power to the State Government to make Rules.

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

THE ASSAM MUNICIPAL (AMENDMENT) BILL, 2019**A
BILL**

further to amend the Assam Municipal Act, 1956.

Preamble

Whereas it is expedient further 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 Seventieth 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, 2019.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

**Amendment of
section 15**

2. In the principal Act, in section 15, in sub-section (1), after clause (x), the following new clauses (xi), (xii) and (xiii) shall be inserted, namely :-

“(xi) has more than two living children from a single or multiple partners:

Provided that this provision shall not be applicable in respect of those persons, who have more than two children prior to the date of commencement of this Act; or

(xii) does not have a functional sanitary toilet in his or her residence premises for the use of his or her family members or having it but not using it ; or

(xiii) has not passed the Class XII or equivalent examination under any Council or Board recognized by the State or the Central Government, as the case may be :

Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC), the minimum educational qualification shall be HSLC or equivalent examination passed under any Board or Council recognized by the Central or the State Government, as the case may be.”

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Assam Municipal Act, 1956 (Assam Act No. XV of 1957) by insertion of new clauses (xi), (xii) and (xiii) after clause (x) under Sub-Section (1) of Section 15 of the Act for disqualifying a candidate for contesting election as Commissioner of a Municipal Board.

Increasing population in the urban areas of the State has necessitated substantial improvement in the service delivery system of the Municipal Boards. It becomes necessary to build their capacity to improve the quality of Urban Governance for which a qualified person is an urgent need of hour.

Further, limitation of family size is of severe concern in order to have a stable population and also to have higher standards of living among the urban populace.

The Swachh Bharat Mission was launched by the Govt. of India with an objective to bring about an improvement in the general quality of life by promoting cleanliness, hygiene and elimination of open defecation.

The Bill aims at addition of three more disqualifications / ineligibility for a candidate contesting election as Commissioner of a Municipal Board of Assam viz. not more than 2 number of living children, minimum educational qualification, functional sanitary toilet so that the candidates become the role models for the citizens of the municipality.

PIJUSH HAZARIKA,

Minister of State (Independent 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.

PIJUSH HAZARIKA,

Minister of State (Independent Charge),
Urban Development Department, Assam

FINANCIAL MEMORANDUM

There is no financial burden on the State Exchequer on account of the Bill.

PIJUSH HAZARIKA,

Minister of State (Independent Charge),
Urban Development Department, Assam

EXTRACT OF THE EXISTING PROVISIONS IN THE ASSAM MUNICIPAL ACT, 1956
(ASSAM ACT NO. XV OF 1957) PROPOSED IN THE BILL FOR AMENDMENT

15. Ineligibility for election :

- (1) No person shall be eligible for election as Commissioner of a Municipal Board if such person -
- (i) is not entitled to vote at the election of Commissioners of the Municipal such person ;
 - (ii) has been adjudged by a competent Court to be of unsound mind, or
 - (iii) is an uncertificated bankrupt or an undischarged insolvent, or
 - (iv) has during the four years immediately preceding the date of the election been convicted by a Criminal Court of an offence involving a sentence of transportation or imprisonment for an offence under chapter IX-A of the Indian Penal Code, or served a portion of a sentence on such conviction or order has been set aside, or such offences pardoned by competent authority, or
 - (v) has been declared by notification to be disqualified for employment in the public service, or
 - (vi) has during the four years immediately preceding the date of election been debarred for practising as a legal practitioner by order of any competent authority, or
 - (vii) is a salaried servant of Government or is an employee of any Local authority, or
 - (viii) is in arca for more than three months on the date of submissions of nomination paper of any dues to the municipality including in respect of the holding of which he is a resident or occupant.
 - (ix) "if he is so disqualified by or under any law for the time being in force for the purpose of elections to the State Legislature or if he is so dissatisfied by or under any law made by the state Legislature for this purpose :
- [Provided that no person shall be disqualified on the ground that he is less than 25 years of age, if he has attained the age of 21 years.]
- (x) fails to furnish a declaration in the form of an Affidavit in the format, as appended in the Fourth Schedule, at the time of filling nomination paper containing the following information which shall be made public by the respective returning officers by displaying a copy of the Affidavit on the Notice Board of his office :
- (a) Whether the candidate had been convicted / acquitted / discharged of any criminal offence in the past and if convicted, whether he was punished with imprisonment or fine.
 - (b) Prior to six month of filling of nomination whether the candidate is accused in any pending case of any offence punishable with imprisonment for a term of two years or more, and in which charge is framed or cognizance has been taken by the Court. If so, the details thereof.
 - (c) the assets (immovable, movable, bank balance etc.) of a candidate and of his / her spouse and, that of dependants,
 - (d) liabilities, if any, particularly whether there are any overdues of any public Financial Institutions or Government dues ;
 - (e) the educational qualifications of candidate";

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