

THE ASSAM MUNICIPAL (AMENDMENT) BILL, 2021

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

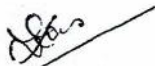
It is hereby enacted in the Seventy-second Year of the Republic of India as follows :-

Short title, extent and commencement

1. (1) This Act may be called the Assam Municipal (Amendment) Act, 2021.
- (2) It shall have the like extent as the principal Act.
- (3) It shall be deemed to have come into force on the 1st day of April, 2020.

Amendment of section 26

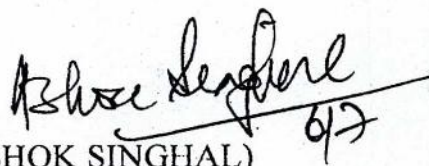
2. In the principal Act, in section 26, in sub-section (5), for the words "for a period not exceeding twelve months", appearing between the words "Board" and "from the date of expiry", the words "for a period not exceeding twenty four months" shall be substituted.


APPROVED BY THE
LEGISLATIVE DEPARTMENT
ON... 3.7.2024 ...

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Assam Municipal Act, 1956 (Assam Act No. XV of 1957) relating to section 26 (5) regarding General election and terms of office of Commissioners.

The Municipal Boards (MBs) in General areas of Assam have already completed a full term of stipulated 5 (five) year term in March, 2020. The general election to those MBs could not be held in time due to then first wave of COVID-19 pandemic and nationwide lockdown. The existing provision under Section 26 (5) as per the Assam Municipal (Amendment) Act, 2020 provides for running of MBs by Deputy Commissioners or the Sub-Divisional Officers (Civil) or by Officers nominated by them under respective jurisdictions for a period not exceeding 12 (twelve) months from the date of expiry of the term of the Office of the Commissioners. The said provision came into force w.e.f. 01.04.2020 and as such, the existing time limit has already expired in 31.03.2021. The Government had promulgated an ordinance namely The Assam Municipal (Amendment) Ordinance, 2021 for extension of the time by another 6 (six) months i.e. upto 30.09.2021. Now, in view of the ongoing second wave of COVID-19 pandemic, it is proposed for allowing taking over charge of MBs by Deputy Commissioners or the Sub-Divisional Officers (Civil) or by Officers nominated by them under respective jurisdictions for a period not exceeding 24 (twenty four) months instead of the current provision of 12 months through this amendment bill.



(ASHOK SINGHAL)

MINISTER,

URBAN DEVELOPMENT DEPARTMENT, ASSAM



(S. K. SHARMA)

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.

FINANCIAL MEMORANDUM

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

EXTRACT OF THE EXISTING PROVISION I.E. RELEVANT SECTION OF
THE ASSAM MUNICIPAL ACT, 1956 (PRINCIPAL ACT) PROPOSED IN
THE BILL FOR AMENDMENT

The Assam Municipal (Amendment) Act, 2020 :

Section 26 (5) : If the term of the office of the Commissioners expires and the election cannot be held for any exceptional circumstance, the State Government shall direct the Deputy Commissioner or the Sub-Divisional Officer (Civil), as the case may be, of the respective jurisdiction, to take over the charge of the Board for a period not exceeding twelve months from the date of expiry of the term of the Office of the Commissioners and all the powers and duties, which under this Act may be exercised and performed by the Board whether at a meeting or otherwise, shall be performed by the Deputy Commissioner or Sub-Divisional Officer (Civil) or by a Officer nominated by the Deputy Commissioner or the Sub-Divisional Officer (Civil) until the new Board is reconstituted after election of the Commissioners.

The Assam Municipal (Amendment) Ordinance, 2021:

Section 26 (5): In the principal Act, in section 26, in sub-section (5), for the words “for a period not exceeding twelve months”, appearing between the words “Board” and “from the date of expiry”, the words “for a period not exceeding twelve months at a time which may further be extended to another six months” shall be substituted.