



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 4th May, 2022

No. LGL.60/2022/216.— The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 27th April, 2022 is hereby published for general information.

ASSAM ACT NO. VIII OF 2022

(Received the assent of the Governor on 27th April, 2022)

THE ASSAM MUNICIPAL CORPORATION ACT, 2022

Reg (Tubern)
01.50
08/05/22

AN ACT

to provide constitution of Municipal Corporations in the State of Assam.

Preamble

Whereas it is expedient to make provisions for establishment and administration of Municipal Corporations in the State of Assam.

It is hereby enacted in the Seventy-third year of the Republic of India as follows:-

Chapter I

Preliminary

Short title, extent and commencement.

1. (1) This Act may be called the Assam Municipal Corporation Act, 2022.
- (2) It extends to the whole of the State of Assam excluding cantonment areas therein.
- (3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf, and different dates may be appointed for different Municipal Corporation areas in the State.

Definitions.

2. In this Act, unless the context otherwise requires,-
 - (1) "annual value" means the value of any land or building determined under the provisions of this Act;
 - (2) "Appellate Authority" means the Empowered Standing Committee as provided under section 12 of this Act;
 - (3) "Auditor" means an Auditor appointed by the Government for performing Audit of the accounts of the Corporation;
 - (4) "Authority" means any authority established under any Central or State Act for the time being in force;

- (5) "balance sheet" means the balance sheet prepared for the accounts of the Corporation;
- (6) "bio-medical waste" means any waste generated during diagnosis, treatment or immunization of human beings or animals or in research activities pertaining thereto or in the production or testing of biologicals;
- (7) "bridge" includes a culvert;
- (8) "budget estimate" means the budget estimate prepared for the probable receipt and expenditure of the Corporation;
- (9) "budget grant" means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the Corporation, and includes any sum by which such budget grant is increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the rules and the regulations made thereunder;
- (10) "building" means a structure constructed for whatever purpose and of whatever materials, and includes the foundation, plinth, walls, floors, roofs, chimneys, fixed platforms, verandas, balconies, cornices or projections or part of a building or anything affixed thereto or any wall (other than a boundary wall of less than three metres in height) enclosing, or intended to enclose, any land, sign or outdoor display-structure but does not include a tent, shamiana or tarpaulin shelter;
- (11) "carriage" means any wheeled vehicle, with springs or other appliances acting as springs, which is ordinarily used for the conveyance of human beings, and includes a jin-rickshaw, cycle-rickshaw, bicycle or tricycle, but does not include a perambulator or other form of vehicle designed for the conveyance of children or elderly, infirm or handicapped persons;

(12) "cart" means any cart, hackney or wheeled vehicle with or without springs, which is not a carriage, and includes a hand-cart, a cycle van and a push van, but does not include any wheeled vehicle which is propelled by mechanical power or its trailer;

(13) "Commissioner" means in relation to the Corporation, the Commissioner so appointed by the Government on deputation;

(14) "Corporation" means the Corporation established under this Act;

(15) "Councillor", in relation to the Corporation means a person chosen by direct election from a ward of that Corporation;

(16) "cubical extent", with reference to the measurement of a building, means the space contained within the external surface of its walls and roof and the upper surface of the floor of its lowest or only storey;

(17) "dangerous disease" means -

(a) cholera, plague, small-pox, cerebrospinal meningitis, diphtheria, tuberculosis, leprosy, influenza, encephalitis, poliomyelitis, or syphilis;
or

(b) any other epidemic, endemic, or infectious disease which the State Government may, by notification, declare to be a dangerous disease for the purposes of this Act;

(18) "Delimitation Board" shall mean the Delimitation Board constituted for the purpose of redefining the boundaries of wards;

(19) "Director of Local Bodies" means an officer appointed as such by the State

Government, and includes a Director, an Additional Director, a Joint Director, a Deputy Director, or any other officer of the State Government authorized by It to perform the functions of the Director of Municipal Administration;

(20) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel or any other device for carrying off sullage, sewage, offensive matter, polluted water, rain-water or sub-soil water;

(21) "drug" means any substance used as medicine or in the composition or preparation of medicine, whether for internal or external use, but does not include a drug within the meaning of clause (b) of section 3 of the Drugs and Cosmetics Act, 1940; Central Act 23 of 1940.

(22) "dwelling-house" means a masonry building constructed, used, or adapted to be used, wholly or principally for human habitation;

(23) "Empowered Standing Committee" means the Empowered Standing Committee referred to in section 12 of the Act;

(24) "financial statement" means the financial statement prepared under this Act;

(25) "food" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into, or is used in the composition or preparation of, human food, and also includes confectionery, flavouring and colouring matters, spices and condiments;

(26) "footpath" means a pavement for use by pedestrians;

(27) "habitable room" means a room constructed or adapted for human habitation;

(28) "hazardous process" means the hazardous process defined in clause (cb) of section 2 of the Factories Act, 1948;

Central Act 63
of 1948.

(29) "hazardous wastes" means the categories of wastes specified as such in the Environment (Protection) Act, 1986;

Central Act 29
of 1986.

(30) "house-drain" means any drain of one or more premises used for the drainage of such premises;

(31) "house-gully" means a passage or a strip of land constructed, set apart or utilized for the purpose of serving as a drain or affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter for municipal employees or for persons employed in the cleaning thereof or removal of such matter therefrom, and includes the air space above such passage or land;

(32) "hut" means any building, no substantial part of which, excluding the walls up to a height of fifty centimetres above the floor or floor level, is constructed of masonry, reinforced concrete, steel, iron or other metal;

(33) "industrial township" means such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by notification, specify to be an industrial township;

(34) "infectious disease" or "communicable disease" means any disease which may be transmitted from one person to another and declared as such by the State Government by notification;

(35) "land or building" includes a slum;

(36) "market" includes any place, by whatever name called, where persons assemble for the sale of meat, fish, fruit, vegetables, livestock, or any other article of food of a perishable nature, or any other article for which there is a collection of shops or warehouses or stalls, declared and licensed by the Corporation as a market;

(37) "masonry building" means any building, other than a hut, and includes any structure, a substantial part of which is made of masonry, reinforced concrete, steel, iron or other metal;

(38) "milk" includes cream, skimmed milk, separated milk, and condensed, sterilized, desiccated or toned milk;

(39) "Municipal Accounts Committee" means a Municipal Accounts Committee constituted under this Act;

(40) "municipality area" means an area constituted as a Municipal Corporation area under this Act;

(41) "municipal drain" means a drain vested in the Corporation;

(42) "Municipal Fund" means the Municipal Fund referred to in section 53 of the Act;

(43) "Municipal Magistrate" means the Municipal Magistrate appointed under this Act;

(44) "municipal market" means a market belonging to, or maintained by, the Corporation;

(45) "municipal slaughterhouse" means a slaughterhouse belonging to, or maintained by, the Corporation;

(46) "Municipal Valuation Committee" means the Municipal Valuation Committee constituted under this Act;

(47) "municipality" means the Municipal Corporation so notified under the provisions of this Act.

(48) "notification" means a notification published in the Official Gazette;

(49) "nuisance" includes any act, omission, place or thing which causes, or is likely to cause, injury, danger, annoyance or offence to the sense of sight, smell or hearing, or disturbance to rest or sleep, or which is, or may be, dangerous to life or injurious to health or property;

(50) "occupier" includes any person for the time being paying, or liable to pay, to the owner the rent or any portion of the rent of the land or the building in respect of which the word is used or for damages on account of the occupation of such land or building, and also includes a rent-free tenant:

Provided that an owner living in, or otherwise using, his own land or building shall be deemed to be the occupier thereof;

(51) "offensive matter" means kitchen or stable refuse, dung, dirt, putrid or putrefying substance, or filth of any kind which is not included in sewage;

(52) "other agency" means a company, firm, society, or body corporate in the private sector, or any institution, or government agency, or any joint sector agency, or any agency under any other law for the time being in force;

(53) "owner" includes the person for the time being receiving the rent of any land or building

or of any part of any land or building, whether on his own account or as an agent or trustee for any person or society or for any religious or charitable purpose or as a receiver who would receive such rent if the land or the building or of any part of the land or the building were let to a tenant;

(54) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(55) "premises" means any land or building or part of a building or any hut or part of a hut, and includes -

(a) the garden, ground and outhouses, if any, appertaining thereto, and

(b) any fittings or fixtures affixed to a building or part of a building or hut or part of a hut for the more beneficial enjoyment thereof;

(56) "prescribed" means prescribed by rules made under this Act or Bye-Laws made under this Act;

(57) "presiding officer" means in the case of the Municipal Corporation, the Mayor;

(58) "private drain" means any drain which is not a municipal drain;

(59) "private street" means any street, road, lane, gully, alley, passage or square which is not a public street, and includes any passage securing access to four or more premises belonging to the same or different owners, but does not include a passage provided in effecting a partition of any masonry building amongst joint owners where such passage is less than two metres and fifty centimetres wide;

(60) "public building" means a masonry building constructed, used, or adapted to be used, -

(a) as a place of public worship or as a school, college or other place of instruction (not being a dwelling-house so used) or as a hospital, workhouse, public theatre, public cinema, public hall, public concert-room, public ballroom, public lecture-room, public library or public exhibition room or as a public place of assembly, or

(b) for any other public purpose, or

(c) as a hotel, lodging-house, refuge or shelter, where the building, in cubical extent, exceeds seven thousand cubic metres or has sleeping accommodation for more than one hundred persons;

(61) "public street" means any street, road, lane, gully, alley, passage, pathway, square or courtyard, whether a thoroughfare or not, over which the public have a right of way, and includes-

(a) the access or approach to a public ferry,

(b) the roadway over any public bridge or causeway,

(c) the footpath attached to any such street, public bridge or causeway,

(d) the passage connecting two public streets, and

(e) the drains attached to any such street, public bridge or causeway, and, where there is no drain attached to any such street, shall be deemed to include also, unless the contrary is shown, all land up to the boundary wall, hedge or pillar of the premises, if any, abutting on the street, or, where a street alignment has been fixed, up to such alignment;

(62) "regulations" means the regulations made by the Corporation under this Act;

(63) "rules" means the rules made by the State Government under this Act;

(64) "sewage" means night-soil and other contents of privies, urinals, cesspools or drains, and includes trade effluents and discharges from manufactories of all kinds;

(65) "street" means a public street or a private street;

(66) "street alignment" means the line dividing the land comprised in, and forming part of, a street from the adjoining land;

(67) "water-course" includes a river, stream or channel, whether natural or artificial;

(68) "year" means a financial year beginning on the first day of April.

Chapter II

Constitution of the Corporation

Declaration of
intention to
constitute a
Municipal
Corporation area.

3. (1) The Governor may, after making such inquiry as he may deem fit, and having regard to the population of any urban area, the density of population therein, the revenue generated for the local administration of such area, the percentage of employment in non-agricultural activities in such area, the economic importance of such area, and such other factors as may be prescribed, by notification, declare such area to be a Municipal Corporation.

Publication of
Declaration.

- (2) The notification about the constitution of a Corporation shall be published in the Official Gazette and in at least two leading newspapers, at least one of which shall be in

vernacular language intelligible to the inhabitants of the local area concerned.

(3) A copy of the notification shall also be pasted in a conspicuous place in the office of the Deputy Commissioner of the district and, where there is a Municipal Board, also in the office of the Municipal Board, and such other public places as the State Government may direct.

Consideration of
Objection.

(4) Any inhabitant of the city, town or Panchayat area in respect of which a notification has been published under sub-section (2) of section 3 of the Act may, if he objects to anything contained in the notification, submit his objection in writing within fifteen days of the publication of notification to the State Government, through the Deputy Commissioner of the District and the State Government shall take such objection into consideration.

Constitution of
Municipal
Corporation areas.

(5) On the expiry of one month from the date of publication of the notification and after consideration of all or any of the objection which may be submitted, the Governor, may, by notification constitute such city, town or any specified part thereof as a Municipal Corporation.

Power to abolish
or alter limits of
Municipal
Corporation area.

4. (1) The Governor may, by notification,-
- (a) withdraw any Municipal Corporation area or part thereof from the operation of this Act, or
 - (b) exclude from a Municipal Corporation area any local area comprised therein and defined in the notification, or
 - (c) include within a Municipal Corporation area any local area contiguous to such Municipal Corporation area and defined in the notification, or

(d) unite two or more contiguous Municipal Corporation area so as to constitute one Municipal Corporation area, or

(e) revise the boundary of two or more contiguous Municipal Corporation areas:

Provided further that the procedure laid down for the constitution of a Municipal Corporation area under this Act shall be followed mutatis mutandis in each such case.

(2) The Municipal Corporation for the purpose of election to Councillors may re-determine the boundaries of existing wards. For this, Government may by order published in the Official Gazette constitute a Delimitation Board with such number of members as may be decided by Government. The Delimitation Board shall prepare delimitation of wards of the city and shall submit it to Government for consideration and accordingly notification may be issued as required under this Act:

Provided further that the provisions laid down for the constitution of a Municipal Corporation area under this Act shall be followed mutatis mutandis in this case also.

The Constitution
of Corporation.

5. (1) There shall be a Corporation charged with the Municipal Administration of a city notified to be a Municipal Corporation under this Act.
- (2) The State Government, by notification in the Official Gazette, shall determine the number of wards into which the city shall be divided, the number of Councillors to be elected to the Corporation and the number of seats to be reserved in favour of the Scheduled Castes, the Scheduled Tribes and the Women.
- (3) Fifty percent of the seats of the Councillors shall be reserved for women including the seats reserved for the Scheduled Castes and the Scheduled Tribes and such seats may be

allotted by rotation to different wards of the Corporation every ten years.

- (4) Reservation of seats in the Corporation for the Scheduled Castes and Scheduled Tribes and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the Corporation as the population of the Scheduled Castes in the Corporation area or the Scheduled Tribes in the Corporation bears to the total population of that area as per the latest census figures and such seats may be allotted by rotation to the different wards of the Corporation.

Incorporation of Corporation

6. (1) The Municipal Corporation shall be a body corporate with perpetual succession and a common seal.
- (2) All executive actions of the Empowered Standing Committee shall be expressed to be taken in the name of the Corporation.
- (3) Subject to the provisions of this Act, the Corporation shall have the power to acquire, hold and dispose off properties.

Composition of the corporation and election of Councillors

7. (1) The Councillors elected in a general election or a by-election of the Corporation in accordance with the provisions relating to municipal elections in the State, shall constitute the Corporation.
- (2) The Corporation shall, unless dissolved earlier, continue for a period of five years from the date of its first meeting after the general election and no longer.
- (3) An election to constitute the Corporation shall be completed, as the case may be, -
- (a) before the expiry of the period specified in sub-section (2) above,

(b) before the expiry of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold an election for constituting the Corporation for such period.

- (4) The Corporation constituted upon its dissolution before the expiration of the period specified in sub-section (2) above shall continue only for the remainder of the period for which the dissolved Corporation would have continued under sub-section (2) above had it not been so dissolved.**
- (5) If, for any reason, it is not possible to hold the general election of a Corporation before the expiry of the period of five years specified in sub-section (2) above, the Corporation shall stand dissolved on the expiration of the said period, and all the powers and functions vested in the municipal authorities under this Act or under any other law for the time being in force shall be exercised or performed, as the case may be, by such person or persons to be designated as Administrator or Board of Administrators as the State Government may, by notification, appoint.**
- (6) The Corporation shall consist of elected Councillors elected directly by the voters of each ward.**
- (7) Government may nominate not more than two persons having special knowledge or experience in Municipal Administration, as members who shall have the right to attend and speak at all meetings of the Corporation but shall not have the right to vote. Such persons shall not be deemed to be Councillors for the purpose of this Act.**

- (8) The members of the House of People and the members of the Assam Legislative Assembly representing the Constituencies which comprise fully or partly the Corporation Area, shall be the ex-officio members of the Corporation and who shall have the right to attend and speak at all meetings of the Corporation and shall have the right to vote.
- (9) The members of the Council of States registered as electors within the Corporation area shall be the ex-officio members of the Corporation and who shall have to attend and speak at all meetings of the Corporation and shall have the right to vote.

State Election
Commission.

8. (1) Notwithstanding anything contained in this Act, the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections of Councillors shall be vested in the State Election Commission constituted by the State Government under Article 243 -ZA of the Constitution of India.

Qualification of
Councillorship.

- (2) A person shall not be qualified to be chosen as a Councillor unless -
- (a) his name is registered as an elector in an electoral roll for any ward in the city; and
- (b) he furnishes a declaration in the form of an affidavit, in the format as may be prescribed, at the time of filing 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 -
- (i) whether the candidate has been convicted / acquitted / discharged of any criminal offence in the past and if convicted, whether he was punished with imprisonment or fine;

- (ii) prior to six months of filing 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, details thereof;
- (iii) the assets (immovable, movable, bank balances etc.) of a candidate and of his / her spouse and, that of dependents;
- (iv) liabilities, if any, particularly whether there are any overdues of any public Financial Institutions or Government dues;
- (v) the educational qualifications of candidate.

Oath of allegiance
to be taken by
Councillors.

- (3) Notwithstanding anything contained in the Indian Oaths Act, 1873, every person who is elected as a Councillor shall, before taking his seat, make and subscribe an oath or affirmation of his allegiance to the Constitution of India before the Secretary to the State Government in-charge of municipal affairs or his nominee not below the rank of a Deputy Secretary to the State Government.
- (4) The oath of allegiance shall be as per Form A provided in Schedule I of the Act.
- (5) Any person who, having been elected a Councillor, fails to make and subscribe, within three months of the date on which his term of office commences, the oath or affirmation under sub-section (3) above, shall cease to hold his office and his seat shall be deemed to have become vacant.
- (6) Disqualification for Councillorship of Corporation.- A person shall be disqualified for being chosen as, and for being, a Councillor,-

Central Act 10 of
1873.

- (a) if he is of unsound mind and stands so declared by a competent Court;**
- (b) if he is an undischarged insolvent;**
- (c) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to a foreign State;**
- (d) if he holds any office of profit under the Government or under the Corporation or under any other local authority;**
- (e) if he has in proceedings for questioning the validity or regularity of an election been found to be guilty of -**
 - (i) any corrupt practice; or**
 - (ii) any offence punishable under section 171-E or Section 171-F of the Indian Penal Code unless a period of five years has elapsed since the date of the finding or the disqualification has been removed either retrospectively or prospectively by the Government.**
- (f) if he has been sentenced on conviction by a criminal court to imprisonment for any of the offences referred to in clause (e) or to imprisonment for an offence involving moral turpitude unless in each case a period of five years has elapsed since the date of the conviction or the disqualification has been removed either retrospectively or prospectively by the Government;**
- (g) if he is directly interested in any subsisting contract made with, or any work being done for the Corporation except as a shareholder (other than a director) in an incorporated company or as a member of a co-operative society;**

- (h) if he is retained or employed in any professional capacity either personally or in the name of a firm of which he is a partner or with which he is engaged in a professional capacity in connection with any cause or proceedings in which the Corporation or any of the municipal authorities is interested or concerned;
- (i) if he fails to pay any arrears of any kind, due from him, otherwise than as an agent, receiver, trustee or an executor, to the Corporation within three months after a notice in this behalf has been served upon him;
- (j) if he is so disqualified by or under any law for the time being in force for the purpose of elections to the Assam Legislative Assembly:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one year;

- (k) if he is disqualified by or under any law made by the Assam Legislative Assembly;
- (l) if he or 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 or she has not passed Bachelors Degree or equivalent examination from any University recognised 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 HSSLC or passed equivalent examination under any Board or Council recognised by the State or the Central Government, as the case may be;

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

(o) if he or she had been disqualified previously for corruption or if he or she had been convicted for any act under any provision of Law;

(p) if he or she is an employee of the Corporation.

(7) Notwithstanding anything contained in clause (a) to (p) of sub-section (6) above-

(a) a person shall not be deemed to have incurred any disqualification under clause (d) of this sub-section by reason only of his receiving -

(i) Any pension; or

(ii) Any allowance or facility for serving as the Mayor or as a Councillor; or

(iii) Any fee for attending a meeting of any committee of the Corporation;

(b) a disqualification under clause (e) and (f) of sub-section (6) above shall not take effect until three months have elapsed since the date of such disqualification or if within the period of limitation for submitting an appeal or petition for revision is brought in respect of the conviction or sentence, until that appeal or petition is disposed of; or

(c) a person shall not be deemed to have any interest in a contract or work such as is

referred to in clause (h) of that sub-section by reason only of his having share or interest in -

- (i) any lease, sale, exchange or purchase of immovable property or any agreement for the same; or
 - (ii) any agreement for the loan of money or any security for the payment of money; or
 - (iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or
 - (iv) the sale to the Corporation or to any municipal authority or any employee of the Corporation on behalf of the Corporation of any article in which he regularly trades or the purchase from the Corporation or from any such authority, or any such employee on behalf of the Corporation, of any article of a value in either case not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work; or
 - (v) the letting out on hire to the Corporation or the hiring from the Corporation of any article of a value not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work; or
 - (vi) any agreement or contract with the Corporation or any municipal authority for taking water or electricity or any other thing which the Corporation may generally supply.
- (8) If a person sits or votes as a Councillor of the Corporation when he knows that he is not qualified or that he is disqualified to be a Councillor, he shall be liable in respect of each day on which he sits or votes to a penalty as prescribed by Government to be recovered as an arrear of tax under this Act.

Term of office of
Councillors of
Corporation.

9. Subject to the provisions of section 7 of the Act, a Councillor shall hold office for a period of five years from the date of the first meeting of the Corporation, in the case of a Councillor chosen to fill a casual vacancy, for the remainder of the term of office of his predecessor, unless -
- (a) the Corporation is dissolved earlier, or
 - (b) he resigns his office by notice, in writing, under his hand addressed to the Mayor, and, thereupon, his office shall become vacant from the date of the notice, or
 - (c) his election is void, or is declared to be void, under the provisions of any law relating to municipal elections in the State, or
 - (d) the entire area of the ward from which he has been elected is withdrawn from the operation of this Act.

Remuneration and
allowances of
Councillors.

10. The Mayor, the other members of the Empowered Standing Committee, and the other Councillors may receive such remuneration and allowances as may be prescribed by Government.

Chapter III

Municipal authorities

Municipal
authorities.

11. (1) The municipal authorities for the purposes of giving effect to the provisions of this Act shall be,-
- (i) The Corporation;
 - (ii) The Empowered Standing Committee;
 - (iii) The Mayor; and
 - (iv) The Commissioner.
- (2) The Presiding Officer of the Municipal Corporation shall be the Mayor.

Constitution of Empowered Standing Committee for the Corporation.

12. (1) The Corporation shall consist of an Empowered Standing Committee.
- (2) The Empowered Standing Committee shall consist of the Mayor, the Deputy Mayor, and seven other Councillors.
- (3) The Deputy Mayor of the Municipal Corporation and other members of the Empowered Standing Committee shall be nominated by the Mayor from among the Councillors within a period of seven days of his/her entering office and shall assume charge after taking oath of secrecy under section 8 of the Act.
- (4) The Mayor shall be the presiding officer of the Empowered Standing Committee.
- (5) The manner of transaction of business of the Empowered Standing Committee shall be such as may be prescribed.
- (6) The Empowered Standing Committee shall be collectively responsible to the Municipal Corporation.

Executive power of Corporation to be exercised by Empowered Standing Committee.

13. Subject to the provisions of this Act and the rules and the regulations made thereunder, the executive power of a Corporation shall be exercised by the Empowered Standing Committee.

Election of Mayor.

14. (1) The Councillors shall, in the first meeting under section 22 of the Act, elect in accordance with such procedure as may be prescribed one of the Councillors to be the Mayor, who shall assume office forthwith after taking the oath of secrecy under section 15 of the Act.
- (2) If the Councillors fail to elect a Mayor under sub-section (1) above, the State Government shall appoint by name one of the Councillors to be the Mayor.
- (3) In the case of any casual vacancy in the office of the Mayor caused by death, resignation,

removal or otherwise, the Councillors shall, in accordance with such procedure as may be prescribed, elect one of the Councillors to fill up the vacancy.

Oath of secrecy to be taken by Mayor and members of Empowered Standing Committee.

15. (1) The Mayor and the members of the Empowered Standing Committee of a Corporation shall assume office after taking the

oath of Secrecy as per Form B provided in the Schedule I of the Act.

- (2) The oath of secrecy shall be administered by the Secretary to the State Government in-charge of Municipal Affairs or his nominee not below the rank of a Deputy Secretary to the State Government.

Removal of Mayor.

16. (1) The Mayor may, at any time, by giving a notice, in writing, to the Corporation, resign his office, and the procedure for acceptance or otherwise of the resignation shall be such as may be prescribed.

- (2) The Mayor shall cease to hold office as such if he ceases to be a Councillor.

- (3) The Mayor may be removed from office by a resolution carried by a majority of two third of the total number of Councillors holding office for the time being at a special meeting to be requisitioned for this purpose by not less than one third of the elected Councillors in the manner prescribed:

Provided that no such resolution shall be moved before the expiry of six months from the date of entering office by the Mayor.

Deputy Mayor.

17. (1) The Deputy Mayor shall, in the absence of the Mayor, preside over the meetings of the Corporation.

- (2) When -

(a) the office of the Mayor falls vacant by reason of death, resignation, removal or otherwise; or

(b) the Mayor is, by reason of leave, illness or other cause, temporarily unable to exercise the powers, perform the functions, or discharge the duties, of his office, the Deputy Mayor shall exercise the powers, perform the functions, and discharge the duties, of the Mayor until a Mayor is elected under sub-section (1) of section 14 of the Act and enters office or until the Mayor resumes his duties.

(3) The Deputy Mayor shall, at any time, exercise such other powers, perform such other functions, and discharge such other duties, as may be delegated to him under the provisions of this Act.

Term of office of Mayor and members of Empowered Standing Committee.

18. The term of office of the Mayor and the members of the Empowered Standing Committee shall be co-terminous with the duration of the Corporation.

Delegation of powers and functions.

19. (1) The Corporation may, by resolution, delegate, subject to such conditions as may be specified in the resolution, any of its powers or functions to the Empowered Standing Committee.

(2) The Empowered Standing Committee may, by order in writing, delegate, subject to such conditions as may be specified in the order, any of its powers or functions to the Mayor or to the Commissioner.

(3) Subject to such standing orders as may be made by the Empowered Standing Committee in this behalf,-

(a) the Mayor may, by order, delegate, subject to such conditions as may be specified in the order, any of his powers or functions to the Deputy Mayor or the Commissioner;

(b) the Commissioner may, by order, delegate, subject to such conditions as may be specified in the order, any of his powers or

functions, excluding the powers or functions under sub-section (2) of section 271 or section 280 of this Act, to any officer or other employee of the Corporation; and

(c) any officer of the Corporation, other than the Commissioner, may, by order, delegate, subject to such conditions as may be specified in the order, any of his powers or functions to any other officer subordinate to him.

(4) Notwithstanding anything contained in this section, the Empowered Standing Committee, the Mayor, the Commissioner, or the other officer referred to in clause (c) of sub-section (3) above, shall not delegate-

(a) any of its or his powers or functions delegated to it or him under this section; or

(b) such of its or his powers or functions as may be specified by regulations.

Reservation of office of Mayor.

20.

The office of the Mayor in the Corporation shall be reserved for the Scheduled Castes, the Scheduled Tribes and women to such extent, and in such manner, as may be prescribed by the Government time to time.

Maintenance of Roster.

21.

The Government may for the purpose of reservation of the office of the Mayor, prescribe a roster indicating reservation for Scheduled Castes, the Scheduled Tribes and Women respectively.

First meeting of the Corporation.

22.

(1) The first meeting of the Corporation after the general election of Councillors to the Corporation shall be convened within 30 days from the date of publication of the names of elected Councillors to the Municipal Corporation in the Official Gazette under the provisions of this Act.

(2) Seven days notice shall be given for the meeting.