পঞ্জীভুক্ত নম্বৰ - ৭৬৮ /৯৭

Registered No.-768/97

অসম ৰাজপত্ৰ

সত্যমেব জয়তে

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্ত্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 676 দিশপুৰ, মঙ্গলবাৰ, 11 অক্টোবৰ, 2022, 19 আহিন, 1944 (শক)

No. 676 Dispur, Tuesday, 11th October, 2022, 19th Asvina, 1944 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 11th October, 2022

No. LGL.60/2022/3.– The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 7th October, 2022 is hereby published for general information.

ASSAM ACT NO. XXXVII OF 2022

(Received the assent of the Governor on 7th October, 2022)

THE ASSAM MUNICIPAL CORPORATION (AMENDMENT) ACT, 2022

AN
ACT

further to amend the Assam Municipal Corporation Act, 2022.

Preamble

Whereas it is expedient further to amend the Assam Municipal Corporation Act,2022 hereinafter referred to as the principal Act, in the manner hereinafter appearing; Assam Act No. VIII of 2022

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

Short title, extent and commencement.

1. (1) This Act may be called the Assam Municipal Corporation (Amendment) Act, 2022.

(2) It shall have the like extent as that of 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 (5) the following new sub-sections shall be inserted namely:-

"(6) When a notification is issued under sub-section (5) of section 3 of this Act to constitute a Municipal Corporation comprising a city or town where there is an elected Municipal Board, the elected Commissioners including the Chairman, shall complete the residue term of five years.

(7) When a Corporation is constituted under sub-section (5) of section 3 of this Act where there is existing Municipal Board, the existing elected Commissioners of existing Municipal Boards shall make and subscribe an oath or affirmation of his allegiance to the Constitution of India under sub-section(3) of Section 8 and under section 15 of this Act.

(8) When provisions of this Act is extended to an existing Municipal Board or Corporation under sub-section (3) of Section 1 of this Act, the elected Councillors shall complete the residue term of five years:

Provided that there will be no alteration in the area of existing wards of the Municipal Boards or Municipal Corporation when action is initiated under sub-section (6) and (8) of this section."

Insertion of new Section 3-A,

3

In the principal Act, after section 3,the following new sections shall be inserted namely;-

"Cessation of the Assam Municipal Act, 1956 and Guwahati Municipal Corporation Act, 1969"

3A .(1) With effect from the date of commencement of this Act as per sub-section (3) of Section 1, the existing Assam Municipal Act, 1956 and the Guwahati Municipal Corporation Act, 1969 shall cease to apply for any area constituted as Corporation area under this Act. Assam Act No.XV of 1957 Assam Act No. I of 1973

(2) Notwithstanding the provisions of sub-section (1) above, the Municipal Boards constituted under the Assam Municipal Act, 1956 and the Guwahati Municipal Corporation constituted under the Guwahati Municipal Corporation Act, 1969, as the case may be, shall with effect from the date of commencement of this Act, be deemed to have been constituted under this Act, and, in respect of such Corporation or Board- Assam Act No.XV of 1957 Assam Act No. I of 1973

(a) Every Councillor continuing in office as such immediately before the commencement of this Act shall be deemed to be a Councillor under this Act and shall hold office as such Councillor for the reside period of the term of office of the Councillor under any of these laws in force immediately before the commencement of this Act under which he was elected to be a Councillor or until he vacates, or is removed from his office, or a new Councillor is elected and assumes office under this Act, whichever is earlier;

(b) the Mayor, Mayor-in-Council, Ward Committee, Area Sabha, Commissioner and the Special Committees if any, continuing in office on the date immediately before the date of commencement of this Act shall be deemed to be the Mayor, Mayor-in-Council, Ward Committee, Area Sabha, Commissioner and the Special Committees, if any, under this Act;

(c) any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued under the Assam Municipal Act, 1956 and Guwahati Municipal Corporation Act, 1969 before commencement of this Act and establishment of the Corporation under this Act shall be deemed to have been made, issued or granted under the provisions of this Act, unless and until it is superseded by any order, scheme, rule, form, notice or bye-law made or issued under the provisions of this Act;

Assam Act No.XV of 1957
Assam Act No.I of 1973

(d) every budget passed, loan taken, assessment made, building plan sanctioned, license or permission or sanction granted or issued, or any other similar action taken under the Guwahati Municipal Corporation Act, 1969 and Assam Municipal Act, 1956, and in force immediately before the commencement of this Act, shall, at the date of commencement of this Act, shall, at the date of commencement of this Act, be deemed to have been passed, taken, made, sanctioned, granted or issued under this Act, and shall, unless altered, modified, cancelled, suspended, or withdrawn, as the case may be, under this Act, remain in force for the period, if any, for which it was so passed, taken, made, sanctioned, granted or issued;

Assam Act No.I of 1973
Assam Act No.XV of 1957

(e) all properties, movable or immovable and all rights and interest of whatever kind owned by, or vested in, any Municipal Board or Corporation, within the area of, or owned by, or vested in, the Guwahati Municipal Corporation or the Municipal Boards, as the case may be, under any law in force immediately before the commencement of this Act, be deemed to be owned by, or vested, in the Municipal Corporations;

(f) all debts, obligations and liabilities incurred, all contracts entered by any Municipal Boards or Corporation, within the area of, or made, or incurred, by the Guwahati Municipal Corporation or Municipal Boards, as the case may be, immediately before the commencement of this Act, shall pass on to the Municipal Corporations, as the case may be;

(g) all suits, prosecution and other legal proceedings instituted or which might have been instituted by or against any of the Municipal Boards or Corporation constituted under the Assam Municipal Act, 1956 and Guwahati Municipal Corporation Act, 1969 as the case may be at the date of commencement of this Act shall be deemed to be instituted by or against the Corporations established under this Act; and

Assam Act No.XV of 1957 Assam Act No.I of 1973

(h) all officers and other employees appointed under the Assam Municipal Act, 1956, or the Guwahati Municipal Corporation Act, 1969, as the case may be, and holding office on the date immediately before the date of commencement of this Act, shall , at the date of commencement of this Act, be deemed to have been appointed under this Act, and shall continue to hold office on the terms and conditions in force immediately before the commencement of this Act"

Assam Act No.XV of 1957 Assam Act No.I of 1973

GEETANJALI DAS SAIKIA,
Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.

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