



The Guwahati Municipal Corporation (Amendment) Act, 2003

Act 9 of 2003

Keyword(s):

Consumer, Municipal Fund

Amendments appended: 7 of 2004, 35 of 2005

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ASSAM ACT NO IX OF 2003

(Received the assent of the Governor on 3rd May, 2003)

THE GUWAHATI MUNICIPAL CORPORATION (AMENDMENT) ACT, 2003.

AN
ACT

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, in the manner hereinafter appearing;

Assam Act
No. 1 of 1973.

It is hereby enacted in the Fifty-fourth 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, 2003.

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

(3) It shall come into force at once.

Amendment of Section 95.

2. In the principal Act, in Section 95 -

(i) in sub-section (1), for the words "five thousand", appearing in between the words "exceed" and "rupees", the words "five lakhs" shall be substituted;

(ii) in sub-section (2), for the words "five thousand" and "fifty thousand" respectively appearing in between the words "exceed" and "rupees", the words "five lakhs" and "ten lakhs" respectively shall be substituted;

(iii) in the marginal note, for the words "five thousand" and "fifty thousand", the words "five lakhs" and "ten lakhs" respectively shall be substituted.

Amendment of Section 96. 3. In the principal Act, in Section 96, -

(i) in the marginal note, for the words "fifty thousand", appearing after the words "rupees", the words "ten lakhs" shall be substituted;

(ii) in sub-section (1), for the words "fifty thousand", appearing after the words "exceeds" and "rupees", the words "ten lakhs" shall be substituted;

(iii) in sub-section (2), in clause (a), for the words "five lakhs", appearing in between the words "exceeds" and "of", the words "fifteen lakhs" shall be substituted.

Amendment of Section 97. 4. In the principal Act, in Section 97, -

(i) in sub-section (1), in clause (c) for the words "ten thousand" appearing in between the word "exceeding" and "rupees", the words two lakhs shall be substituted;

(ii) in sub-section (1), in clause (d), for the words "fifty thousand" appearing in between the words "exceeding" and "rupees", the words "five lakhs" shall be substituted.

Amendment of Section 99. 5. In the principal Act, in Section 99, -

in sub-section (1), for the words "five thousand", appearing in between the words "exceeding" and "rupees", the words five lakhs shall be substituted;

Amendment of Section 104. 6. In the principal Act, in Section 104, -

(i) in clause (a) for the words "one thousand", appearing in between the word "exceeding" and "rupees", the words "ten thousand" shall be substituted;

(ii) in clause (b), in the 6th line, for the words "five thousand", appearing in between the words "exceeds" and "rupees", the words "thirty thousand" shall be substituted;

(iii) in clause (b), in the last line, for the words "three thousand", appearing in between the words "exceeds" and "rupees", the words "twenty thousand" shall be substituted.

Amendment of Section 146.

7. In the principal Act, in Section 146, in the proviso, the words "or increasing" appearing in between the words "reducing" and "the rates" shall be deleted.

Substitution of Section 151.

8. In the principal Act, for Section 151, the following shall be substituted, namely :-

Charge by measurement in lieu of water tax in certain cases.

151. (1) Notwithstanding anything contained in Sections 147 and 149, the Commissioner may, instead of levying water tax under Sections 147 and 149, charge for measured quantity of water at such rate and in such areas or localities as may be specified by him from time to time.

(2) The Commissioner shall give notice to the owners, tenants, occupants of buildings and lands of such areas and localities requiring them to get the metre installed within a period as may be specified by him in the notice.

(3) The Commissioner may fix such charges to be paid for water consumed while a metre is out of order or under repair or the metre is not installed on the expiry of the period specified under sub-section (2) as may be provided by regulation determining the average consumption of water on the basis of the pressure of water supply, the number and size of

water taps and the size of ferruls, if any, used in the premises and thus determining the amount payable on the basis of such average consumption :

Provided that no provisions of the regulation made under this sub-section shall be inconsistent with the provisions of this Act or the rules or the bye-laws made thereunder.

(4) If any consumer fails to pay any amount payable to the Corporation on account of water consumed, in due time, the amount shall be recoverable by the Commissioner in the same manner as an arrear of Municipal Tax.

Amendment of Section 223.

9. In the principal Act, in Section 223, in sub-section (2), the words "initially" out of Municipal Fund and shall be reimbursable", appearing in between the words "paid" and "by" shall be deleted.

ARVIND DAVE
GOVERNOR OF ASSAM,

K. D. PHUKAN,
Secretary to the Govt. of Assam,
Legislative Department.

(Received the assent of the Governor on 2nd March, 2004)

THE GUWAHATI MUNICIPAL CORPORATION (AMENDMENT)
ACT, 2003.

AN
ACT

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, in the manner hereinafter appearing ;
It is hereby enacted in the Fifty-fourth year of the Republic of India as follows :-

Assam
Act I
of 1973.

Short title, extent and commencement.

1.(1) This Act may be called the Guwahati Municipal Corporation (Amendment) Act, 2003.

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

(3) It shall come into force at once.

Amendment of section 46.

2. In the principal Act, for section 46, the following section shall be substituted, namely :-

Qualification for Councillorship.

46. A person shall not be qualified to be chosen as a Councillor unless-

(i) His name is registered as an elector in an electoral roll for any ward in the city, and

(ii) He furnishes a declaration in the form of an Affidavit, in the format as appended in the Sixth Schedule, 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 :-

(a) 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 ;

(b) Prior to six month of filing of nomination whether candidate is accused in any pending case, of offence punishable with imprisonment for a term two years or more, and in which charge is frame cognizance has been taken by the Court. If so, details thereof ;

(c) The assets (immovable, movable, bank balances e of a candidate and of his/her spouse and, that dependants;

(d) Liabilities, if any, particularly whether there are overdues of any public Financial Institutions Government dues ;

(e) The educational qualifications of candidate."

Insertion
of new
Schedule.

3. In the Principal Act, after the Fifth Schedule, following Schedule shall be inserted, namely :-

SIXTH SCHEDULE

Affidavit to be furnished by candidate along with nominal paper before the Returning Officer for election to Guwahati Municipal Corporation as a Councillor in District.....Ward No.....Name of any

I,.....son/daughter
wife of.....age.....years

resident of.....
candidate at the above election, do hereby solemnly affirm and state on oath as under :-

(Strike out whichever not applicable)

(1) I have in the past, been convicted of a criminal offence in the following case (s) and the details are as under :

(i) Case No.

(ii) Section of the Act and description of the offence in which convicted.

- (iii) Date (s) of conviction.
 - (iv) Court (s) by which convicted,
 - (v) Punishment imposed (indicate period of imprisonment awarded and/or quantum of fine imposed).
 - (vi) Details of appeals/revision, etc. filed against above conviction (s),
- (2) That I have in the past been discharged/acquitted in the following cases :-
- (i) Section of the Act and description of the offence with which charged.
 - (ii) Case No.
 - (iii) Name of the Court by which acquitted/ discharged,
 - (iv) Date of acquittal/discharge.
 - (v) Details of appeal(s)/ application(s) for revision/review, if any filed against above acquittal/discharge,
- (3) That I have, in the period ending six months prior to the date of filing the present nomination, been accused of the following offences punishable with imprisonment with two years or more, and in which a charge has been framed or cognizance taken by the Court as indicated hereunder :-

(Note : This excludes the cases mentioned in (1) and (2) above)

- (i) Section of the Act and description of the offence with which charged/cognizance taken :
- (ii) The Court which has framed the charge/taken cognizance :
- (iii) Case No.
- (iv) Date of the order of the Court framing charge/taking cognizance :
- (v) Details of appeal(s)/application(s) for revision, etc. if

any, filed against above order framing charge/taking cognizance

(4) That I give hereinbelow the details of the assets (Immovable, Bank balance, etc.) of myself, my spouse and dependents

A. Details of moveable assets :-

Assets in joint name indicating the extent of joint ownership will have to be given :-

Sl. No.	Description	Self	Spouse (s) Name(s)	Dependent-I Name:	Dependent-2 Name:	Independent Name:
1	2	3	4	5	6	7

- (i) Cash,
- (ii) Deposit in Banks, Financial Institutions and Non-Banking Financial Companies,
- (iii) Bonds, Debentures and Shares in Companies.
- (iv) Other Financial Instruments, NSS, Postal Savings, LIC Policies, etc.
- (v) Motor Vehicles (Details of make, etc.)
- (vi) Jewellery (give details of weight and value),
- (vii) Other assets, such as values of claims/ interests.

Note:- 1. Dependant here means a person substantially dependent on the income of the candidate.
 2. Value of Bonds/Shares/Debentures as per the latest market value on the Stock Exchange in respect of listed companies and as per book value in the case of non listed companies should be given,

B. Details of Immovable Assets :-

(Note :- Properties in joint ownership indicating the extent of joint ownership will also have to be indicated).

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Sl. No.	Description	Self	Spouse (s) Name(s)	Dependent-1 Name:	Dependent-2 Name:	Dependent-3 etc. Name:
1	2	3	4	5	6	7

- (i) Agricultural Land
 - Location(s)
 - Survey number (s)
 - Extent (Total measurement)
 - Current market value.
- (ii) Non-Agricultural Land -
 - Location (s)
 - Survey number (s)
 - Extent (Total measurement)
 - Current market value.
- (iii) Buildings (Commercial and residential)
 - Location (s)
 - Survey/door number (s)
 - Extent (Total measurement)
 - Current market value.
- (iv) Houses/Apartments, etc.
 - Location (s)
 - Survey /Door number (s)
 - Extent (Total measurement)
 - Current market value.
- (v) Other (Such as interest in property).

(5) I give hereinbelow the details of my liabilities/overdues to public financial institutions and Government dues :-

(Note :- Please give separate details for each item)

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Sl. No.	Description	Name and address of Bank/Financial Institution(s) Department(s)	Amount Outstanding as on
1	2	3	4

- (a) (i) Loans from Banks.
 - (ii) Loans from Financial Institutions.
 - (iii) Government dues (Other than income tax and wealth tax) (No. Due Certificate to be enclosed in case holding or having held any public office).
 - (b) (i) Income tax including surcharge (Also indicate the assessment year upto which income tax return filed. Give also Permanent Account Number (PAN).
 - (ii) Wealth Tax (Also indicate the assessment year upto which wealth tax return filed).
 - (iii) Sale tax (Only in case of proprietary business).
 - (iv) Property Tax.
6. My Educational Qualifications are as follows, (Give details of School and University education) (Name of School/College/University and the year in which the course was completed should also be given):

DEPONEN

VERIFICATION

I, the deponent abovenamed, do hereby verify and declare that the contents of this declaration are true correct to the best of my knowledge and belief ; no part of it is false and nothing materials has been concealed therefrom.

Verified at this the.....
..... day of200

DEPONENT:

Verified before me

Place..... (Signature of Verifying Authority
with Seal)"

Date.....

Repeal and Saving. 4. (1) The Guwahati Municipal Corporation Assam Ordinance IV of 2003. (Amendment) Ordinance, 2003 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

M. K. DEKA,
Commissioner & Secretary to the Govt. of Assam,
Legislative Department, Dispur.

ASSAM ACT NO. XXXV OF 2005

(Received the assent of the Governor on 7th September, 2005)

**THE GUWAHATI MUNICIPAL CORPORATION (AMENDMENT)
ACT, 2005**

AN

ACT

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, in the manner hereinafter appearing ;

**Assam
Act I
of 1973**

It is hereby enacted in the Fifty-sixth year of Republic of India as follows :-

**Short title,
extent and
commence-
ment.**

1. (1) This Act may be called the Guwahati Municipal Corporation (Amendment) Act, 2005.

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

(3) It shall come into force at once.

**Amendment of
section 20.**

2. In the principal Act, in section 20, -

(i) in clause (iii), the words and comma "Public Health", shall be omitted;

(ii) after clause (v), the following new clause (vi) shall be inserted, namely :-

"(vi) Public Health, Sanitation and Environment."

**Amendment of
section 94**

3. In the principal Act, in section 94, the punctuation mark ".", occurring at the end, shall be omitted and thereafter the following shall be inserted, namely :-

"or by Public-Private-Partnership (PPP) mode or Joint Venture."

M. K. DEKA,

**Commissioner & Secy. to the Govt. of Assam,
Legislative Department, Dispur.**