



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 15th March, 2024

No. LGL.05/2024/12.— The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 14th March, 2024 is hereby published for general information.

ASSAM ACT NO. VI OF 2024

(Received the assent of the Hon'ble Governor on 14th March, 2024)

THE ASSAM MUNICIPAL (AMENDMENT) ACT, 2024

AN ACT

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-fifth Year of the Republic of India as follows:-

- Short title and commencement** 1. (1) This Act may be called the Assam Municipal (Amendment) Act, 2024.
- (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, in section 46, in sub-section (2),
- (i) in clause (i), after the words “and salaries,” the words and punctuation mark “as per provisions of section 50 and section 51” shall be inserted.
- (ii) clause (iv) shall be deleted.
- Amendment of section 50** 3. In the principal Act, in section 50,
- (i) for sub-section (1), the following shall be substituted, namely:-
- “(1) (a) In addition to Officers appointed by the State Government under section 51, other employees and staff as may be necessary for proper and efficient discharge of the functions of the municipality may be appointed in the Board, in such manner and following such procedure as may be prescribed.
- (b) The appointment of officers and staff shall be as per prescribed staffing pattern and shall be as per provision of section 51 and no such post as may be specified by the State Government in this behalf shall be created or abolished and no appointment and dismissal and alteration in the emoluments thereof shall be made without the prior approval of the State Government.
- (c) The Board may, with prior permission of the State Government, engage subject specialists and personnel on contract for specified period in such manner and for such terms and conditions as may be prescribed.”
- (ii) for sub-section (2), the following shall be substituted, namely :-
- “(2) Every employee or officer of the Board, in consequence of any disciplinary action against him by the Executive officer, may appeal against such order to a competent authority as may be notified by the State Government. In all such cases the provisions of the discipline and appeal rules as applicable to all other Government employees shall be applicable.”

- Amendment of section 51
4. In the principal Act, for section 51, the following shall be substituted, namely :-
- “Service condition of employees of Municipality
51. (1) The State Government may make rules in respect of qualification, appointment, leave, scale of pay, all allowances, retirement, dismissal, removal and other service conditions of employees of Municipality and officers other than a member of the State Municipal Service.
- (2) Every officer or staff employed under this Act shall be governed by discipline and conduct rules which are made applicable to other State Government employees, unless separate rules are made by the State Government.
- (3) If the State Government is of the opinion that stoppage or the cessation of the performance of any of the essential services shall be prejudicial to the safety or health or the maintenance of services essential to the life of the community in the Municipality, it may, by notification, declare that an emergency exists in the Municipality and that in consequence thereof no member, officer and employee of such essential municipal services and for such period as may be specified in the notification shall,
- (a) withdraw or absent himself from his duties otherwise than on leave duly granted; or
- (b) neglect or refuse or refrain to perform his duties or willfully perform them in an inefficient manner.”
- Amendment of section 52
5. In the principal Act, for section 52, the following shall be substituted, namely:-
- “Appointment of Executive Officer
52. (1) There shall be an Executive Officer in every municipality who shall be appointed by the State Government and shall act as the Principal Municipal Officer of the Municipality and all other officers and employees of the Municipality shall be subordinate to him. The Executive Officer shall not be a member of the Board, but shall be a whole-time officer of the Board and shall have the right to attend all the meetings of the Board without any right of voting.
- (2) The executive power for the purpose of carrying out the provisions of this Act shall be vested in the Executive Officer, who shall perform such duties and exercise such powers as may be prescribed.
- (3) Any of the powers , duties or functions conferred or imposed upon or vested in the Executive Officer by this Act may be exercised, performed or discharged under the control of the Executive Officer and subject to his superintendence and also subject to such conditions and limitations, if any, as he may think fit to determine, and may delegate to any Municipal Staff whom the Executive Officer may generally or specially empower in writing in this behalf.

- (4) Subject to the provisions of section 53, the recruitment and conditions of service including pay and allowances of the Executive Officer shall be in such manner as may be prescribed.
- (5) The State Government may grant leave of absence to the Executive Officer as per leave rules. During any such leave of absence granted to the Executive Officer, the State Government may depute another person to act as an Executive Officer for carrying out the duties and functions of the Executive Officer as may be necessary.
- (6) The Executive Officer may in case of emergency direct the execution of any work or doing of any act which ordinarily requires the approval, sanction, concurrence or consent of the Board or the Chairman and the immediate execution or the doing of which is, in his opinion, necessary for the service or safety of the public, or for the prevention of extensive damage to any property of the Board, and may direct that expenses for executing the work or doing the act shall be paid from the Municipal Fund:

Provided that the Executive Officer shall report forthwith to the Chairman of the Board, the action taken under this section and the reason thereof.
- (7) The Executive Officer shall be responsible for the custody of all records of the Board including all papers and documents connected with the proceedings of the Board, the Standing Committees, and other Committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.
- (8) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Executive Officer shall prepare a detail administration report of the preceding year in such form as may be prescribed. The Board shall consider the report and forward the same to the Government with their resolution thereon if any. Copies of the administration report shall be made available in the website of the concerned municipality.”

Amendment of section 53	6.	In the principal Act, for the section 53, the following shall be substituted, namely:
“Constitution of the State municipal services	53.	(1) If, the State Government is of the opinion that it is necessary and expedient so to do for bringing about a uniform and a more efficient service of the municipalities for the purpose of carrying out the business and duties under this Act, notwithstanding contained in the Act may create, the municipal services namely:-

- (a) Assam Urban Administrative Service;
- (b) Assam Urban Financial Service; and
- (c) Assam Urban Engineering Service.
- (2) The State Government shall appoint Executive Officers and such other officers, as may be required for each and every municipality from the cadre of Assam Urban Administrative Service or appoint any person not below the rank of Sub Divisional Officer (Sadar):
- Provided that one Executive Officer may be appointed in charge of more than one Municipality.
- (3) The State Government shall appoint Urban Technical Officers and Financial Management Officers, as may be required for each and every Municipality from the Assam Urban Engineering Service and Assam Urban Financial Service respectively.
- (4) The qualification, recruitment, appointment, promotion and conditions of service including pay and allowances and other service conditions of different cadres of the services shall be in the manner as may be prescribed.
- (5) The salary, allowances, gratuity, retirement, pension contribution and other payments required to be made to the members of the State municipal cadre shall be paid by the State Government.
- (6) The State Government may transfer any member of the State municipal services of the State from one Municipality to another Municipality.
- (7) The power to appoint officers of any municipal service constituted under this section including promotions, transfers and powers in relation to all matters regarding their conditions of service shall vest in the state Government.”
- Amendment of section 61 7. In the principal Act, for the section 61, the following shall be substituted, namely:-
- “Financial power of the Municipality
61. (1) Unless otherwise specified by the State Government, all financial releases from Municipal Fund shall be signed by the Executive Officer and the Financial Management Officer.
- (2) The Board, Chairman and Executive Officer shall exercise such financial powers as may be prescribed.”
- Insertion of new sections 8. In the principal Act, after section 61, the following new section 61A shall be inserted, namely:-
- “Technical Power of Urban Technical Officer
- 61A. Urban Technical Officer shall be the Principal Technical Officer of the Municipality for all development works, who shall act under the supervision of the Executive Officer and shall exercise such technical powers in such manner as may be prescribed.”

- Amendment of section 64 9. In the principal Act, for section 64, the following shall be substituted, namely:-
- “64. (1) The Board may enter into and perform any contract necessary for the purpose of implementing the provisions of the Act in such manner as may be prescribed;
- (2) The Executive Officer shall execute and sign every contract on behalf of the Board.”
- Amendment of section 67A 10. In the principal Act, for section 67 A, the following shall be substituted, namely:-
- “67A. The Financial Management Officer shall be the Principal Financial Management Officer of the Municipality, who shall act under the supervision of the Executive Officer and prepare and maintain accounts of receipts and expenditure of the Municipality for a financial year in such form and in such manner, as may be prescribed.”
- Amendment of section 67 B 11. In the principal Act, in section 67 B, in sub-section (1), in the first line, for the words “Chief Municipal Officer” appearing in between the words “The” and “shall”, the words “Financial Management Officer under overall supervision of the Executive Officer” shall be substituted.
- Amendment of section 67 C 12. In the principal Act, in section 67 C, in sub-section (1), in the first line, for the words “Chief Municipal Officer” appearing in between the words “The” and “shall, within”, the words “Financial Management Officer under overall supervision of the Executive Officer” shall be substituted.
- Amendment of section 67 D 13. In the principal Act, in section 67 D, in third line, for the words “Chief Municipal Officer” appearing in between the words “by the” and “before the”, the words “Executive Officer” shall be substituted.
- Amendment of section 67 E 14. In the principal Act, in section 67 E, in sub-section (5), in the first line, for the words “Chief Municipal Officer” appearing in between the words “The” and “shall submit”, the words “Executive Officer” shall be substituted.
- Amendment of section 67 F 15. In the principal Act, in section 67-F, in sub-section (1), for the words “Chief Municipal Officer” appearing at the end, the words “Executive Officer” shall be substituted.
- Amendment of section 67 G 16. In the principal Act, in section 67 G,
- (i) in sub-section (1), in first line, for the words “Chief Municipal Officer” appearing in between the words “The” and “shall”, the words “Executive Officer” shall be substituted.
- (ii) in sub-section (2), in the first line, for the words “Chief Municipal” Officer appearing in between the words “The” and “shall remedy”, the words “Executive Officer assisted by Financial Management Officer” shall be substituted.

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| Amendment of section 67 H | 17. In the principal Act, in section 67 H, in sub-section (1), in first line, for the words “Chief Municipal Officer” appearing in between the words “The” and “shall”, the words “Executive Officer” shall be substituted. |
| Amendment of section 187 | 18. In the principal Act, in section 187, in the third line, in sub-section (1), the words “Health Officer” appearing in between the words “Health or” and “certifies”, shall be deleted. |
| Amendment of section 252 | 19. In the principal Act, in section 252, in sub-section (2), in the fourth line, the words “Health Officer” appearing in between the words “Surgeon or” and “to be”, shall be deleted. |

GEETANJALI DAS SAIKIA,

Secretary to the Government of Assam,
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