



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATIONS

The 20th December, 2021

No. LLE.158/2021/5858.- The following Bills were introduced in the House **on 20th December, 2021** along with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General information.

THE ASSAM CATTLE PRESERVATION (AMENDMENT) BILL, 2021

A

BILL

Preamble	<p>Whereas, it is expedient to amend the Assam Cattle Preservation Act, 2021, hereinafter referred to as the principal Act, in the manner herein after appearing :</p> <p>It is hereby enacted in the Seventy-second year of the Republic of India, as follows :-</p>	<p>Assam Act No. XXV of 2021</p>
Short title, extent and commencement	<p>1. (1) This Act may be called the Assam Cattle Preservation (Amendment) Act, 2021.</p> <p>(2) It shall have the like extent as the principal Act.</p> <p>(3) It shall come into force at once.</p>	
Amendment of section 6	<p>2. In the principal Act, in section 6,-</p> <p>(i) in fourth and fifth line for the words “or other premises”, appearing in between the words “hereunder” and “as” shall be omitted.</p> <p>(ii) in sixth line, for the punctuation mark “:” appearing after the word “Act” the punctuation mark “.” shall be substituted.</p> <p>(iii) the proviso shall be omitted.</p>	
Amendment of section 7	<p>3. In the principal Act, in section 7,-</p> <p>(i) in sub-section (2), in third line, in between the words “State” and “the”, the words “of Assam” shall be inserted.</p> <p>(ii) for sub-section (3), the following shall be substituted, namely:-</p> <p>“(3) No person shall transport or offer for transport or cause to be transported any cattle from any place within the State of Assam to any other place in a district within the State which shares international border with any foreign country, the slaughter whereof is punishable under this Act.”</p>	

- (iii) for sub-section (4), the following shall be substituted, namely:-

“(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), the competent authority may issue permit to any agency or farm, registered under the Animal Husbandry and Veterinary Department, Assam for transport of cattle for bona-fide agricultural or animal husbandry purposes or for transportation of cattle for trade for the said purposes as may be prescribed in the rules framed under this Act.”

- (iv) in sub-section (6), in clause (i), in third line, for the words and punctuation mark “particular district;” appearing after the word “the” , the word and punctuation mark “State:” shall be substituted and thereafter the following proviso shall be inserted, namely:-

“Provided that such exception shall be subject to the restrictions provided in sub-section (3) of section 7 of this Act.”

- (v) in clause (ii), in fourth line, for the words and punctuation mark “district.” appearing at the end, the word and punctuation mark, “State:” shall be substituted and thereafter the following proviso shall be inserted; namely:-

“Provided that such exception shall be subject to the restrictions provided under sub-section (3) of section 7 of this Act.”

Amendment of 4. (i) In the principal Act, in section 11,-
section 11

- (i) in sub-section (5), in eighth line, in between the words “vehicle/conveyance” and “to” the word “except” shall be omitted.
- (ii) after sub-section (9), the following new sub-sections shall be inserted, namely:-

“(10) The appropriate Court on being approached by the Police Officer, having the authority of seizer under sub-section (3) of this section, may make such order for sale of the seized vehicle/conveyance including boat, vessel etc., except cattle, through public auction, after being produced before the appropriate Court, during any inquiry or trial.”

“(11) No person and his/her family members, against whom a case has been registered under the provisions of this Act, shall alienate their moveable or immovable property in any manner and the Investigation Officer, in case having a prima-facie reason to believe that such moveable and immovable property has been acquired within six years prior to the registration of a case, from income earned through sale or transportation of cattle in violation of the provisions of this Act, shall have the authority to attach or seize documents relating to such moveable and immovable property:

Provided that the burden of proving that the property so attached or seized has not been illegally acquired through sale or transportation of cattle in violation of any of the provision under this Act, shall be on the person affected.”.

Amendment of section 19 5. In the principal Act, in section 19, in sub-section (1), in clause (ii) for sub-clause (c), the following shall be substituted, namely:-

“(c) belonging to the Central Government in the Ministry of Defense, in respect of which certificates have been issued by a Veterinary Officer of the Indian Army.”.

Amendment of section 22 6. In the principal Act, in section 22, in sub-section (2), the clause (v) and clause (xi) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The proposed "The Assam cattle Preservation (Amendment) Bill, 2021" seeks to amend certain provisions of the Assam Cattle Preservation Act, 2021 with a view to remove certain existing restrictions with the aim of facilitating utilization of cattle for animal husbandry and agricultural purpose. Further, to ensure strict implementation of the penal provisions of the Act, the Bill seeks to introduce new provisions regarding investigation procedure.

DR. HIMANTA BISWA SARMA,
Chief Minister,
and
Minister-in-charge,
Home & Political, Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed amendment.

MEMORANDUM OF DELEGATED LEGISLATION

No delegation of legislative power is sought in the proposed "*The Assam Cattle Preservation (Amendment) Bill, 2021*".

DR. HIMANTA BISWA SARMA,
Chief Minister,
and
Minister-in-charge,
Home & Political, Assam.

Extract of relevant sections of "The Assam Cattle Preservation Act, 2021" (The Principal Act) and The Assam Cattle Preservation (Amendment) Bill, 2021.		
Sections	The Assam Cattle Preservation Act, 2021.	The Assam Cattle Preservation (Amendment) Bill, 2021.
Section 6	"No cattle in respect of which a certificate has been issued under Section 5 shall be slaughtered in any place other than a slaughter house duly licensed or recognized under a Central or State Act or any rules or regulations made hereunder or other premises as may be specified in the certificate as per rules framed under this Act : Provided that the State Government may exempt certain places of worship or certain occasions for slaughter of cattle other than calf, heifer and cow for religious purposes."	"No cattle in respect of which a certificate has been issued under Section 5 shall be slaughtered in any place other than a slaughter house duly licensed or recognized under a Central or State Act or any rules or regulations made hereunder as may be specified in the certificate as per rules framed under this Act."
Section 7(2)	"No person shall transport or offer for transport or cause to be transported any cattle from any place of other State to any place within the State the slaughter whereof is punishable under this Act."	"No person shall transport or offer for transport or cause to be transported any cattle from any place of other State to any place within the State of Assam the slaughter whereof is punishable under this Act."
Section 7(3)	"No person shall transport or offer for transport or cause to be transported any cattle from any place within the State to any other place within the State, the slaughter whereof is punishable under this Act."	"No person shall transport or offer for transport or cause to be transported any cattle from any place within the State of Assam to any other place in a district within the State, which shares international border with any foreign country , the slaughter whereof is punishable under this Act."
Section 7(4)	"Notwithstanding anything contained in sub-sections (1), (2) and (3), the competent authority may issue permit for transport of cattle for bona-fide agricultural or animal husbandry purposes as prescribed in the rules framed under this Act;"	"Notwithstanding anything contained in sub-sections (1), (2) and (3), the competent authority may issue permit to any agency or Farm, registered under the Animal Husbandry & Veterinary Department, Assam for transport of cattle for bona-fide agricultural or animal

		husbandry purposes or for transportation of cattle for trade for the said purposes as may be prescribed in the rules framed under this Act."
Section 7(6)	"Exceptions:- (i) No permission shall be required for carrying cattle to grazing field or for agricultural or animal husbandry purposes within the particular district;	"Exceptions:- (i) No permission shall be required for carrying cattle to grazing field or for agricultural or animal husbandry purposes within the State :
	(ii) No permission shall be required for carrying cattle to and from registered Animal Market for the purpose of sale and purchase of such cattle within the district."	Provided that such exception shall be subject to the restrictions provided in sub-section (3) of section 7 of this Act. (ii) No permission shall be required for carrying cattle to and from registered Animal Market for the purpose of sale and purchase of such cattle within the State : Provided that such exception shall be subject to the restrictions provided under sub-section (3) of section 7 of this Act."
Section 11(5)	"On receipt of the report, the Judicial Magistrate 1 st Class may, on his being satisfied that there is enough material to presume that a prima-facie offence under this Act has been committed or intended to be committed, release the seized materials including vehicle/conveyance except cattle on furnishing of a bank guarantee, equal to the value of the material or vehicle/conveyance except , to the satisfaction of the court, pending disposal of the criminal proceedings instituted in respect of the alleged offence."	"On receipt of the report, the Judicial Magistrate 1 st Class may, on his being satisfied that there is enough material to presume that a prima-facie offence under this Act has been committed or intended to be committed, release the seized materials including vehicle/conveyance except cattle on furnishing of a bank guarantee, equal to the value of the material or vehicle/conveyance to the satisfaction of the court, pending disposal of the criminal proceedings instituted in respect of the alleged offence."

<p>Section 11(10)</p> <p>Power to enter, inspect, search, seizer, detain and attach.</p>	XXXXX	<p>"(10) The appropriate Court on being approached by the Police Officer, having the authority of seizer under sub-section (3) of this section, may make such order for sale of the seized vehicle/conveyance including boat, vessel etc., except cattle, through public auction, after being produced before the appropriate Court, during any inquiry or trial."</p>
<p>Section 11(11)</p> <p>Power to enter, inspect, search, seizer, detain and attach.</p>	XXXXX	<p>"(11) No person and his/her family members, against whom a case has been registered under the provisions of this Act, shall alienate their moveable or immovable property in any manner and the Investigation Officer, in case having a prima-facie reason to believe that such moveable and immovable property has been acquired within six years prior to the registration of a case, from income earned through sale or transportation of cattle in violation of the provisions of this Act, shall have the authority to attach or seize documents relating to such moveable and immovable property:</p> <p>Provided that the burden of proving that the property so attached or seized has not been illegally acquired through sale or transportation of cattle in violation of any of the provision under this Act, shall be on the person affected."</p>

Section (1)(ii)(c)	19 "(ii) any cattle, - (a)..... (b)..... (c) slaughter of cattle, not being a cow or heifer or calf, on such certain occasion as may be prescribed : Provided that in the case of a cattle belonging to the Central Government in the Ministry of Defense, Certificate may be issued by a Veterinary Officer of the Indian Army."	"(ii) any cattle, - (a)..... (b)..... (c) "belonging to the Central Government in the Ministry of Defense, in respect of which certificates have been issued by a Veterinary Officer of the Indian Army."
Section 22(2)	"(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for - (i).....; (ii).....; (iii).....; (iv).....; (v) the places of worship, or festival for slaughter of cattle in pursuance of this Act; (vi).....; (vii).....; (viii).....; (ix).....; (x).....; (xi) "premises" to be mentioned in the certificate; (xii)..... "	"(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for - (i).....; (ii).....; (iii).....; (iv).....; (v) [Omitted] ; (vi).....; (vii).....; (viii).....; (ix).....; (x).....; (xi) [Omitted] ; (xii)..... "

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

THE ASSAM POLICE (AMENDMENT) BILL, 2021**A****BILL**

further to amend the Assam Police Act, 2007.

Preamble

Whereas it is expedient further to amend the Assam Police Act, 2007, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

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

**Act No.
XX of
2007**

**Short title,
extent and
commencement**

1. (1) This Act may be called the Assam Police (Amendment) Act 2021.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

**Amendment of
section 76**

2. In the principal Act, in section 76, for sub-section (3), the following shall be substituted, namely:-

“(3) The staff of the Commission shall be placed by the State Government on deputation basis in consultation with the Commission.”

**Amendment of
section 78**

3. In the principal Act, in section 78,-
 - (i) in sub-section (1),-
 - (a) clause (d) shall be omitted .
 - (b) in explanation, the clauses (d), (e), (f) and (g) shall be omitted.
 - (ii) in sub-section (3),-
 - (a) in second line, for the word “misconduct”, appearing in between the words “of” and “against” the words “serious misconduct as defined in sub-section (1) above” shall be substituted
 - (b) the provision of Explanation shall be omitted.

- (iii) in sub-section (4), in sixth line, for the word “misconduct” appearing in between the words “ of” and “as” the word “serious misconduct as defined in sub-section (1) above” shall be substituted.
- (iv) in sub-section (5), in second line, for the word “misconduct” appearing in between the words “prevent” and “on” the word “serious misconduct as defined in sub-section (1) above” shall be substituted.

Amendment of section 83 4. In the principal Act, in section 83, in sub section (1),-

- (i) in clause (b), for the word “misconduct” appearing in between the word “of ” and “referred” the word “serious misconduct as defined in sub-section (1) above” shall be substituted.
- (ii) in clause (e), in first line, for the word “misconduct” the word “serious misconduct as defined in sub-section (1) above” shall be substituted.

Amendment of section 85 5. In the principal Act, in section 85,-

- (i) in sub-section (1), in clause (b), after the proviso the following Explanation shall be inserted, namely:-

“Explanation : “Misconduct” in this context shall mean any wilful breach or neglect by a police officer of any law, rule, regulation applicable to the police which adversely affects the rights of any member of the public, excluding what is defined by “serious misconduct” under sub-section (1) of section 78 of the Act.

STATEMENT OF OBJECTS AND REASONS

The proposed Assam Police (Amendment) Bill, 2021 seeks to amend the relevant sections of Assam Police Act, 2007 pertaining to power and functions of State-level Police Accountability Commission so that the provisions are in consonance with the judgement of Hon'ble Supreme Court of India dated September 22, 2006 passed in WP(C) No. 310 of 1996 - Prakash Singh & Others - Versus- Union of India and Others. It also seeks to remove the ambiguities in functioning of State-level Police Accountability Commission vis-a-vis other constitutional and statutory authorities.

DR. HIMANTA BISWA SARMA,
Chief Minister,
and
Minister-in-charge,
Home & Political, Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed amendment.

MEMORANDUM OF DELEGATED LEGISLATION

No delegation of legislative power is sought in the proposed "*The Assam Police (Amendment) Bill, 2021*".

DR. HIMANTA BISWA SARMA,
Chief Minister,
and
Minister-in-charge,
Home & Political, Assam.

**EXTRACT OF THE PROVISIONS OF THE PRINCIPAL ACT AND THE
CORRESPONDING AMENDMENT PROPOSED**

Amendment proposed in Sections	Principal Act Sections content	Proposed amendment
<p>Sec. 76 (3) The Staff of the Commission</p>	<p>(3) The staff shall be selected by the Commission, inter alia, on a contractual basis, through a transparent process</p>	<p>In the principal Act, in section 76, for sub-section (3) the following shall be substituted, namely:-</p> <p>“(3)The staff of the Commission shall be placed by the State Government on deputation basis in consultation with the Commission.”</p>
<p>Sec. 78 Functions of the Commission</p>	<p>(1) The Commission shall enquire into allegations of “serious misconduct” against police personnel, as detailed below, either suo moto or on a complaint received from any of the following:</p> <p>(a) a victim or any person on his behalf;</p> <p>(b) the National or the State Human Rights Commission;</p> <p>(c) the police; or</p> <p>(d) any other source.</p> <p>Explanation: “Serious misconduct” for the purpose of this Chapter shall mean any act or omission of a police officer that leads to or amounts to:</p> <p>(a) death in police custody;</p> <p>(b) grievous hurt, as defined in section 320 of the Indian Penal Code,</p>	<p>In the principal Act, in section 78:-</p> <p>(i) in sub-section (1),</p> <p>(a) clause (d) shall be omitted</p> <p>(b) in explanation, the clauses (d), (e), (f) and (g) shall be omitted.</p>

**EXTRACT OF THE PROVISIONS OF THE PRINCIPAL ACT AND THE
CORRESPONDING AMENDMENT PROPOSED**

	<p>1860;</p> <p>(c) molestation, rape or attempt to committing rape; or</p> <p>(d) arrest or detention without due process of law;</p> <p>(e) forceful deprivation of a person of his rightful ownership or possession of property;</p> <p>(f) blackmail or extortion;</p> <p>(g) non registration of First Information Report.</p> <p>Provided that the Commission shall enquire into a complaint of such arrest or detention, only if it is satisfied prima facie about the veracity of the complaint.</p>	
<p>Sec. 78 (3)</p>	<p>(3)The Commission may monitor the status of departmental inquiries or departmental action on the complaints of "misconduct" against Gazetted officer of and above the rank of Deputy/Assistant Superintendent of Police through a quarterly report obtained periodically from the Director General of Police of the State, and issue appropriate advice to the police department for expeditious completion of inquiry, if in the Commission's opinion the department inquiry or department action is getting unduly delayed in any such case;</p> <p>Explanation : "Misconduct" in this context shall mean any willfull breach or neglect by a police officer of any law, rule, regulation applicable to the police that adversely affects the rights of any member of the</p>	<p>-in sub-section (3),</p> <p>(a) in second line, for the word "misconduct", appearing in between the words "of" and "against" the words "serious misconduct" shall be substituted</p> <p>(b) the provision of Explanation shall be omitted.</p>

**EXTRACT OF THE PROVISIONS OF THE PRINCIPAL ACT AND THE
CORRESPONDING AMENDMENT PROPOSED**

	public, excluding "serious misconduct" as defined in sub-section (1).	
Sec. 78 (4)	(4)The commission may also call for a report from, and issue appropriate advice for further action or, if necessary, a direction for a fresh inquiry by another officer, to the Director General of Police of the State when a complainant, being dissatisfied by the outcome of, or inordinate delay in the process of departmental inquiry into his complaint of "misconduct" as defined above, by any police officer, brings such matter to the notice of the Commission; and	- in sub-section (4), in sixth line, for the word "misconduct" appearing in between the words " of" and "as" the word "serious misconduct" shall be substituted.
Sec. 78 (5)	(5)The commission may lay down general guidelines for the State police to prevent misconduct on the part of police personnel.	-in sub-section (5), in second line, for the word "misconduct" appearing in between the words "prevent" and "on" the word "serious misconduct" shall be substituted.
Sec. 83(1) Reports of the Commission	(1) The Commission shall prepare an annual report at the end of each calender year, inter alia, containing,- (a) the number and type of cases of "serious misconduct" inquired into by it; (b) the number and type of cases of "misconduct" referred to it by the complainants upon being dissatisfied by the department	In the principal Act, in Section 83, in sub section(1),- (i) in clause (b), for the word "misconduct" appearing in between the word "of" and "referred" the word "serious misconduct" shall be substituted. (ii) in clause (e), in first line, for the word "misconduct" the word "serious misconduct" shall be substituted.

**EXTRACT OF THE PROVISIONS OF THE PRINCIPAL ACT AND THE
CORRESPONDING AMENDMENT PROPOSED**

	<p>inquiry into his complaint;</p> <p>(c) the number and type of cases including those referred to in (b) above in which advice or direction was issued by it to the police for further action;</p> <p>(d) the number of complaints received by the District Accountability Authorities, and the manner in which they were dealt with;</p> <p>(e) the identifiable patterns of misconduct on the part of police in the State; and</p> <p>(f) recommendations on measures to enhance police accountability.</p>	
<p>Sec. 85</p> <p>Functions of District Accountability Authority</p>	<p>(1) The District Accountability Authority may perform the following functions as may be notified by the Government,-</p> <p>(a) forward the complaints of "serious misconduct", received directly by it, to the Commission for further action;</p> <p>(b) forward for further action, the complaints of "misconduct" received directly by it, to the District Superintendent of Police:</p> <p>Provided that if the complaint contains allegations against any police officer of or above the rank of Assistant/Deputy Superintendent of Police, the</p>	<p>In the principal Act, in Section 85,-</p> <p>(i) in sub-section (1), in clause (b), after the proviso the following Explanation shall be inserted, namely:-</p> <p>"Explanation : "Misconduct" in this context shall mean any wilful breach or neglect by a police officer of any law, rule, regulation applicable to the police which adversely affects the rights of any member of the public, excluding what is defined by "serious misconduct" under sub-section (1) of section 78 of the Act.</p>

**EXTRACT OF THE PROVISIONS OF THE PRINCIPAL ACT AND THE
CORRESPONDING AMENDMENT PROPOSED**

	<p>District Accountability Authority shall forward the same to the Director General of Police of the State under intimation to the Commission, for further action;</p> <p>(c) issue appropriate advice to the District Superintendent of Police for expeditious completion of inquiry, if, in the Authority's opinion, the inquiry is getting unduly delayed in any such case;</p> <p>(d) report cases to the Commission where departmental enquiry into "misconduct" is not concluded in time by the police department in spite of the Authority's advice(s) to the District Superintendent of Police.</p>	
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HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

THE ASSAM DIRECT RECRUITMENT COMMISSIONS FOR ANALOGOUS POSTS IN CLASS-III AND CLASS-IV BILL, 2021

A

BILL

for constitution of the Assam Direct Recruitment Commission for Analogous Posts in Class- III and the Assam Direct Recruitment Commission for Analogous Posts in Class- IV for bringing uniformity in selection procedure of candidates for technical and non technical Class III and Class IV posts and for matter connected and incidental therewith.

Preamble

WHEREAS, to provide for regulating the process of direct recruitment for appointment to Class-III and Class-IV posts in different offices under the Government of Assam, necessary eligibility conditions which are similar, by holding a common selection test through a Commission, with the objective to streamline and expedite the recruitment process, to curb expenditure due to holding of multiple recruitment for similar posts in different offices by different Boards and to give respite to the aspiring candidates from applying and appearing in different recruitment tests for similar posts under different Departments and matters connected therewith or incidental thereto.

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 Direct Recruitment Commissions for Analogous Posts in Class-III and Class-IV Act, 2021.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires,-
 - (a) 'Appointing Authority' means the Authority to whom the power of appointment is delegated as per existing laws, service rules, Executive Order, etc. ;
 - (b) 'Class- III posts' means posts under Group- C;
 - (c) 'Class- IV posts' means posts under Group- D;
 - (d) 'Commission' means two recruitment commissions to be constituted under section 5 of the Act;
 - (e) 'Chairman' means a member of the Commission, who is appointed as Chairman;
 - (f) 'Department' means various administrative Departments under the Government of Assam;

- (g) 'Executive order' or 'Service Order' means an order issued by the Governor for regulating the recruitment and other conditions of service of a person appointed to public services and posts in connection with the affairs of the State, rules for which are yet to be framed under the Constitution of India;
- (h) 'Governor' means the Governor of the State of Assam;
- (i) 'Government' means the Government of Assam in the Personnel Department;
- (j) 'Member' means a member of the 'Commission' and includes the Chairman thereof;
- (k) 'Non-Technical posts' means such posts for which eligibility conditions as to minimum educational qualification is Bachelor's degree, Higher Secondary passed or Class ten passed with or without computer skill;
- (l) 'Prescribed' means prescribed by rules under this Act;
- (m) 'Reserved categories' means and includes the Scheduled Castes, Scheduled Tribes (Plains), Scheduled Tribes (Hills) and OBC including MOBC, Ex-Serviceman, physically handicapped persons, women and any other category of persons declared as such by Government from time to time;
- (n) 'Service Rules' means rules made under the proviso to Article 309 of the Constitution of India regulating the recruitment, and the conditions of service of persons appointed to public services and posts in connection with the affairs of the State;
- (o) 'Specified' means as specified by rules under this Act;
- (p) 'Staff' means staff engaged to assist a Commission;
- (q) 'Technical posts' means such posts for which there are certain additional special or specified eligibility educational qualification/ condition, other than the general qualifications of Bachelor's degree, Higher Secondary passed or Class ten passed or computer skill;
- (r) 'Year' means the calendar year;

Applications

3. The provisions of this Act shall apply for direct recruitment to all Class-III posts, both technical and non-technical and Class-IV posts, under the Government of Assam:

Provided that the Government may, by specific or general notification, exclude certain posts or category of posts from the purview of this Act.

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|---|---|
| Direct Recruitment | 4. Direct recruitment to Class-III and Class-IV posts in the offices under the Government of Assam, other than the posts that are excluded from the purview of this Act under section 3, shall be made in accordance with the provisions of this Act. |
| Constitution of Commissions | <p>5. (1) The Governor shall, by notification, constitute two State Level Direct Recruitment Commissions as provided herein below to exercise the powers conferred on and to perform the functions assigned to them under this Act:-</p> <p>(a) The Commission for direct recruitment of candidates for Class-III posts shall be known as the State Level Recruitment Commission for Class-III Posts;</p> <p>(b) The Commission for direct recruitment of candidates for Class-IV posts shall be known as the State Level Recruitment Commission for Class-IV Posts;</p> <p>(2) The composition of the Commissions shall be as under:-</p> <p>(a) Each of the Commissions shall consist of a Chairman, who is serving in the rank of Additional Chief Secretary/ Principal Secretary to the Government of Assam and two members who are serving in the rank of Commissioner and Secretary/Secretary to the Government of Assam;</p> <p>(b) The Governor shall, by Notification, appoint the Chairman and Members partially placing their services at the disposal of the respective Commissions.</p> <p>(c) Offices of the Commissions shall be in Guwahati at a premises selected by the respective Commissions;</p> |
| Term of office of the Chairman and Members of the Commissions | <p>6. (1) The term of office of the Chairman and the Members of the Commissions shall be for a period to be notified by the Government from time to time;</p> <p>(2) Notwithstanding anything contained in sub-section (1) above, the Governor, when satisfied that the Chairman or any Member of any of these Commissions is/are unfit to continue in the Commission or his continuance is likely to adversely affect the functioning of the Commission, may, in the interest of the public service remove such Chairman or Member from the respective office of the Commission.</p> |
| Staff of the Commissions | <p>7. (1) The staff of a Commission shall include a Secretary and such number of officers and other staff as the Government from time to time determine.</p> |

- (2) The Governor shall, by notification, appoint an officer, not below the rank of a Deputy Secretary to the Government of Assam, as a Secretary to the respective Commissions placing his services partially at the disposal of the Commission normally for a period of three years or as otherwise decided by the Government;
- (3) The Government may, by notification, appoint a number of other officers as and when necessary to assist a Commission by placing their services partially at the disposal of the Commission;
- (4) Necessary staff for the Commissions shall be placed temporarily as additional charge or on secondment basis or appointed by the Government.
- (5) The Governor, when satisfied that the Secretary, any officer or any of the staff of a Commission is unfit to continue in the Commission or his continuance is likely to adversely affect the functioning of the Commission, may, in the interest of the public service remove such Secretary, officer or staff from the office of the Commission.
- Conditions of service of the Chairman, Members and other Officers and Staff of the Commissions
8. The pay and other conditions of service of the Chairman, Members, Secretary, other officers and staff of the two Commissions shall be as per the terms of service to which one belongs or as per the extant policy of the Government;
- Powers and Functions of the Commissions
9. (1) Notwithstanding anything contained in any other law for the time being in force, the respective Commissions shall be the competent authority to conduct the direct recruitment process and make recommendations for appointment to the categories of posts in Class-III and Class-IV, other than the posts that are excluded from the purview of this Act under section 3 of the Act:
- Provided that, the Commission may also conduct the direct recruitment process and make recommendations for appointment to Class III and Class IV posts to any State Public Sector Undertaking or State Society or State Mission, if requested subject to approval of the Government.
- (2) Notwithstanding anything contained in any other law for the time being in force, the respective Commissions:-
- (i) shall conduct the direct recruitment process and make recommendations for appointment to the categories of posts in Class-III and Class-IV, other than the posts that are excluded from the purview of this Act under section 3, against the vacancies intimated by the Departments.

- (ii) may conduct any part or the whole of the recruitment process themselves or through a University, Board of Secondary Education, Assam or any other agency/agencies as deemed to be competent with the approval of the Government.
- (3) On matters relating to methods of direct recruitment to, or any matter relating to the posts, other than the posts that are excluded from the purview of this Act under section 3, it shall be the duty of the respective Commissions to advise on such matters so referred to by any Government Department.
- (4) In case of any difference of opinion between a Commission and a Department on any matter, the concerned Department shall refer the matter to the Government for a decision.
- (5) A Commission may call for any record, report or information from any appointing authority or Department which, in the opinion of the Commission, is necessary for efficient discharge of its' functions and the concerned appointing authority or Department shall furnish the same to the Commission expeditiously.
- (6) The procedure for conduct of business of a Commission shall be such as may be provided for by regulations consistent with provisions of this Act and the rules made under this Act.
- (7) The Commissions shall have the power to engage any officer or staff as may be required for the conduct of particular examination advertised by the Commission and these officers and staff so engaged shall be deemed to be under deputation to the Commission for the said period;
- (8) The respective Commissions shall have the power of overall superintendence, direction and control over all the officers and staff engaged in the examination process.
- (9) The Commission may recommend, to the Disciplinary Authority, legal or Departmental action against the Secretary, other officers and staff of a Commission, including any officer or staff engaged in the examination process, for misconduct or for commission or omission of any act detrimental to the Commission or for conduct unbecoming of a Government servant.
- (10) Such recommendation shall be promptly acted upon by the Disciplinary Authority and the action taken shall be communicated to the Commission within a period of three months from the date of the Commission's recommendation.

Procedure for
Direct
Recruitment

10. (1) The eligibility conditions as to minimum educational qualification, essential experience, if any, age limit and reservations for the reserved categories, applicable for the vacant posts shall be as provided for in the respective Service Rules, Executive Orders and as per general or specified provisions:

Provided that the Government shall prescribe or modify the eligibility conditions as to minimum educational qualification, essential experience, if any, applicable in respect of any post or category of posts in the interest of streamlining and regulating the process of direct recruitment in consultation with respective Departments, where necessary, and in the event of such new prescribed/modified minimum essential qualifications, essential experience under the provision of this Act, these prescribed or modified eligibility conditions as to minimum educational qualification and essential experience shall prevail over such essential educational qualification and experience under the existing Service Rules, Recruitment Rules, Executive Orders/Service Orders or any other provision for the purpose of appointment under the provision of this Act.

- (2) Immediately after constitution, of the respective Commissions, they shall inform the Departments to submit requisition in prescribed form within a specified date in respect of the posts, other than the posts that are excluded from its purview as per section 3 of the Act, as per procedure prescribed by rules to be framed under the provision of this Act for selection and recommendation of candidates against vacant posts.

- (3) The Appointing Authorities shall make assessments regarding the existing and likely vacancies to be filled by direct recruitment and, within the date specified by the Commissions, shall through their administrative Departments, intimate the same to the respective Commissions together with all details including that of reservation for the reserved categories.

Thereafter, before the end of each year the Appointing Authorities shall make assessments regarding the existing vacancies and the likely number of vacancies to be filled by direct recruitment during the next twelve months and, through their administrative Departments, shall intimate the same to the respective Commissions together with the details about reservation for the reserved categories.

- (4) On receipt of the requisitions for selection of candidates, the Commissions shall check the details furnished by the respective Departments and on being satisfied as regard the correctness of the details furnished, shall publish advertisement/s through widely circulated local newspapers calling for applications from aspiring candidates and all details as to application forms and other requirements shall also be made available in the Commission's website, from which the application forms may be downloaded.

- (5) Any test, written examination, practical examination or interview to be held for the direct recruitment and the manner in which the direct recruitment shall be conducted, shall be such as may be prescribed by the Government in the rules to be framed under the provision of this Act.
- Effect of recommendation of the Commission 11. Notwithstanding anything contained in any other law for the time being in force, the appointments to the posts specified by this Act shall be made on the recommendation of the respective Commissions subject to following due procedure of appointment by the appointing authorities in concerned Offices, Directorates, or Departments or as the case may be.
- Fund for the Commissions 12. (1) The Government shall make available the necessary funds to the Commissions to meet the expenditures relating to office expenses, salary and allowances of officers and staff and conduct of recruitment process.
- (2) The Secretary to the Commission shall be the Drawing and Disbursing Officer and shall take the approval of the Commission on all financial matters.
- (3) The rules and regulations and any other provisions and guidelines of the Government of Assam shall be applicable to the Commission in respect of all financial matters.
- Furnishing of returns, keeping of records etc 13. (1) The Commissions shall furnish to the Government in the Personnel Department such returns, statistics, reports, accounts and other information with respect to conduct of their affairs or activities as may be required by the Government from time to time.
- (2) The Commissions shall furnish to the Government an annual report on their working in the month of March in such form and detail as may be prescribed.
- (3) On completion of every recruitment process, the Commissions shall keep all records and documents relating to the recruitment, properly catalogued and sealed under the signatures of the Chairman and the Members, under the custody of the Secretary.
- Authentication of orders and documents of Commission 14. All permissions, orders, decisions, notices and other documents of the Commission shall be authenticated by the signature of an officer authorised by the Commission in this behalf.
- Power of the Government to make rules 15. (1) The Government, may make rules for carrying out the purposes of this Act
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -

- (a) Specifying posts or category of posts in Class-III and Class-IV to which recruitment shall be made under section 3 of the Act;
 - (b) Prescribing procedure of direct recruitment under section 4 of the Act;
 - (c) Prescribing or modifying the minimum essential qualifications, essential experience, if any in respect of any post or category of posts under sub-section (1) of section 10;
 - (d) Prescribing a format for submitting requisition to the Commission regarding vacant posts to be filled up under sub-section (2) of section 10;
 - (e) Prescribing test, written examination, practical examination or interview to be held and manner of holding these for the direct recruitment under Sub-section (5) of section 10;
- Power of Commission to make regulation
16. (1) A Commission, may, with prior approval of the Government, by notification, make regulations not inconsistent with this Act and the rules made thereunder for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-
- (a) Manner of conducting written tests, examinations, practical examinations or interviews and selection of candidates for recommendation under sub-section (2) of section 9;
 - (b) The procedure for conduct of business of the Commission under sub-section (6) of section 9;
 - (c) Time limit and the manner in which the departments shall intimate the details of vacancies as per sub-section (2) of section 10;
 - (d) Specifying the mode of arranging the selected candidates in order of merit keeping in view the number of vacancies to be filled;
 - (e) Specifying the manner of forwarding the list of selected candidates arranged as per their merits to the appointing authorities.
 - (f) Specifying details of the manner and mode in which advertisements are to be issued for inviting and receiving applications under sub-section (4) of section 10;

- | | |
|--|--|
| Validation | 17. The proceedings of the Commission shall not be invalidated by reasons of any vacancy in the office of the Chairman or any other member. |
| Power to remove difficulties | 18. If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order not inconsistent with the provisions of this Act, remove the difficulty. |
| Protection of action taken in good faith | 19. No suit, prosecution, or other legal proceeding shall lie against the State Government or the Chairman/s and Members of the Commissions or any officer and staff appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made there under. |
| Act to override other laws | 20. The provisions of this Act shall have overriding effect, notwithstanding anything inconsistent therewith contained in other state laws for the time being in force. |
| Repeal and Savings | 21. The provisions for direct recruitment incorporated in any rules or orders in respect of the Class III and Class IV posts, other than such posts which are excluded from the purview of this Act under section 3, are hereby repealed:
Provided that:
(1) any recruitment process/es, for which advertisement/s has/ have been issued or, which is at any stage of recruitment/s shall be completed as per the existing provision under which advertisement/s was/ were made;
(2) all service conditions for all posts, shall continue to be governed as per the existing provisions in any rules or orders where these are incorporated;
(3) the provisions of direct recruitment to posts which are not under the purview of this Act shall continue to be governed as per the existing provisions in any rules or orders where these are incorporated. |

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to make special provision for the purpose of conducting examination and selection of candidates for appointments to the Class – III and Class- IV posts in different establishments and offices under different departments of the Government of Assam by two independent Commissions to be constituted.

There are many posts in Grade III and Grade IV in different offices under different departments of the State government requiring common minimum educational qualification. Such posts are in the State level, Directorate level and district level offices. For example, all the Deputy Commissioners are Appointing Authorities. The Directors of Directorates are also Appointing Authorities. Such different establishments/ offices of the different departments recruit candidates from time to time. As such candidates fulfilling the requisite qualification need to apply separately for posts under individual establishments/ offices and go through separate selection processes for respective establishments/ offices. This puts enormous stress on the resources because of different Recruitment Boards and leads to delay in appointments and wastage of public money.

The proposed recruitment through common Recruitment Commissions will streamline, regulate and expedite the recruitment process. Candidates will not have to apply against different advertisements as there will be a single advertisement for analogous posts requiring similar essential qualification. This will also curtail expenditure due to holding of multiple recruitment processes by various selection boards under different appointing authorities.

The Bill seeks to achieve the above objects.

DR. HIMANTA BISWA SARMA,
Chief Minister,
and
Minister-in-charge,
Personnel Department.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

FINANCIAL MEMORANDUM

The Bill will not require any expenditure from the consolidated fund of the State once it comes into force.

DR. HIMANTA BISWA SARMA,
Chief Minister,
and
Minister-in-charge,
Personnel Department.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Government to notify those Class III and Class IV posts under the Government of Assam to which the provisions of the Act will not be applicable.

Clause 9(4) of the Bill empowers the Government in the Personnel Department to decide on difference of opinion between a Commission and a Department on any matter.

Clause 10(1) of the Bill empowers the Government to specify/ modify the minimum essential qualifications, essential experience if any in respect of any post or category of posts.

Clause 15(1) of the Bill empowers the Government to make rules for carrying out the provisions of the Act.

Clause 15(2)(a) of the Bill empowers the Government to make rules to specify posts in Class III and Class IV to which recruitment shall be made under the provisions of this Act.

Clause 15(2)(b) of the Bill empowers the Government to make rules prescribing procedure of recruitment under the provisions of the Act.

Clause 15(2)(c) of the Bill empowers the Government to make rules prescribing or modifying the minimum essential qualifications, essential experience if any in respect of any post or category of posts.

Clause 15(2)(d) of the Bill empowers the Government to make rules prescribing a format for submitting requisition to the Commission regarding vacant posts.

Clause 15(2)(e) of the Bill empowers the Government to make rules prescribing test, written examination, practical examination or interview to be held and manner of holding these for the recruitment.

Clause 16(1) of the Bill empowers the Commissions, with prior approval of the Government, to make regulations not inconsistent with this Act and the rules made thereunder for carrying out the provisions of this Act.

Clause 16(2)(a) of the Bill empowers the Commissions, with prior approval of the Government, to make regulations on the manner of conducting tests, examinations, practical examinations or interviews and selection of candidates for recommendation.

Clause 16(2)(b) of the Bill empowers the Commissions, with prior approval of the Government, to make regulations on procedure for conduct of business of the Commission.

Clause 16(2)(c) of the Bill empowers the Commissions, with prior approval of the Government, to make regulations on time limit and the manner in which the departments shall intimate the details of vacancies.

Clause 16(2)(d) of the Bill empowers the Commissions, with prior approval of the Government, to make regulations specifying the mode of arranging the selected candidates in order of merit.

Clause 16(2)(e) of the Bill empowers the Commissions, with prior approval of the Government, to make regulations specifying the manner of forwarding the list of selected candidates arranged as per their merits to the appointing authorities.

Clause 16(2)(f) of the Bill empowers the Commissions, with prior approval of the Government, to make regulations specifying details of the manner and mode in which advertisements are to be issued for inviting and receiving applications.

Clause 18 of the Bill empowers the Government to issue order, not inconsistent with the provisions of this Act, to remove difficulty in giving effect to the provisions of the Act.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

THE ASSAM MOTOR VEHICLES TAXATION (AMENDMENT) BILL, 2021

A BILL

further to amend the Assam Motor Vehicles Taxation Act, 1936.

Preamble

Whereas it is expedient further to amend the Assam Motor Vehicles Taxation Act, 1936, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
No. IX of
1936

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 Motor Vehicles Taxation (Amendment) Act, 2021.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Insertion of new
section 4E

“ Motor
Vehicle Tax
on air
condition
sleeper
contract
carriage bus

2. In the principal Act, after section 4D, a new section 4E shall be inserted, namely:-
4E. Motor Vehicle Tax on Air Condition Sleeper Contract Carriage:-
There shall be charged, levied and paid to the Government the tax payable under section 4 of the Act, at the rate as described in Schedule-II for all fully built air conditioned sleeper contract carriage bus at the time of first registration in Assam, under ARTICLE No. I of Schedule-II appended to this Act.”

Amendment in
Schedule-II

3. In the principal Act, in Schedule-II, in ARTICLE No. I, after Sl. No. 11, the following shall be inserted, namely:-

“The rate of Motor Vehicle Tax for fully built air conditioned sleeper contract carriage bus at the time of First Registration:				
Sl. No.	Description of vehicles		Annual Tax	Quarterly Tax
12.	(i)	Berth/Sleeper Capacity upto 20	Rs. 9,000/-	Rs. 2,250/-
	(ii)	Berth/Sleeper Capacity more than 20	Rs. 12,000/-	Rs. 3,000/-
	(iii)	Combination of Seat and Berth total upto 20	Each Seat Rs. 4,620/- and each berth Rs. 9,000/-	Each Seat Rs. 1,155/- and each berth Rs. 2,250/-
	(iv)	Combination of Seat and Berth total above 20	Each Seat Rs. 6,000/- and each berth Rs. 12,000/-	Each Seat Rs. 1500/- and each berth Rs. 3000/-

STATEMENT OF OBJECTS AND REASONS

The objective is to introduce the bill, namely the Assam Motor Vehicle Taxation (Amendment) Bill, 2021 to further amend the Assam Motor Vehicle Taxation Act, 1936.

It may be mentioned that the registration of sleeper buses could not be done by the Registering Authority due to absence of specified rate of Motor Vehicle Taxes in respect of the sleeper buses in the existing Taxation Schedule which was notified in the year 2015. Due to absence of rate of Motor Vehicle Taxes in respect of Sleeper buses, the Transport Department is losing a considerable amount of legitimate Motor Vehicle Taxes.

Further, the State Transport Authority, Assam , in its meeting held on 05-09-2019 decided that Commissioner of Transport , Assam to submit a proposal relating to introduction of Motor Vehicle Taxes in respect of Sleeper buses.

In view of above, Amendment of Assam Motor Vehicle Taxation Act is proposed, so that the Govt. will earn substantial amount of revenue from sleeper buses in the form of Motor Vehicle Taxes at the time of registration of such vehicles and renewal thereof. This will also bring about reforms in public transport system thereby ensuring the convenience of travelling public.

Hence the Bill.

CHANDRA MOHAN PATOWARY,

Minister, Transport.

HEMEN DAS,

Principal Secretary,

Assam Legislative Assembly,

Dispur.

FINANCIAL MEMORANDUM

This Bill does not entail any expenditure from the Consolidated Fund of the State once it comes into force.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill does not propose to delegate legislative power to the Executive.

CHANDRA MOHAN PATOWARY,
Minister, Transport.

**EXTRACT OF SECTION 4(D) AND 4(E) OF THE ASSAM MOTOR VEHICLE
AMENDMENT ACT,1936**

UNDER AMENDMENT

Section 4(D) Refund of One Time Tax on removal of Vehicle to Other State or on
Cancellation of Registration.

Section 4(E) In the principal Act after section 4 (D) , a new section 4 (E) shall be
inserted namely : “ Motor Vehicle Tax on air condition sleeper contract
carriage bus”.

CHANDRA MOHAN PATOWARY,

Minister, Transport.

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly,
Dispur.

**THE ASSAM COOPERATIVE SOCIETIES
(AMENDMENT) BILL, 2021**

**A
BILL**

further to amend the Assam Cooperative Societies Act, 2007.

Preamble

Whereas it is expedient further to amend the Assam Cooperative Societies Act, 2007, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam
Act No.
IV of
2012

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 Cooperative Societies (Amendment) Act, 2021.
- (2) It shall have the like extent as the principal Act.
- (2) It shall come into force at once.

Amendment of
section 6

2. In the principal Act, in section 6, the sub-section (3), shall be deleted.

STATEMENT OF OBJECTIONS AND REASONS

The object of the proposed amendment is to bring Competitiveness and professionalism amongst cooperatives, there should be an end of monopoly and formation of more and more cooperative with similar objectives need to be encouraged. Therefore, it is necessary to delete the section 6(3) of the Assam Cooperative Societies Act, 2007.

ATUL BORA,

Minister,

Co-operation Department, Assam.

HEMEN DAS,

Principal Secretary,

Assam Legislative Assembly,

Dispur.

FINANCIAL MEMORANDUM

The bill not require any expenditure from the Consolidated Fund of the State once it comes into force.

ATUL BORA,
Minister,
Co-operation Department, Assam.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative powers proposed in the Bill.

ATUL BORA,
Minister,
Co-operation Department, Assam.

Extract of the existing section of the Assam Cooperative Societies Act, 2007.

Section 6 (3) No society shall be registered under this Act in an area where there already exists another Cooperative Society with similar objectives:

Provided that Registrar may allow registration of more than one Cooperative Societies in the same area of operation in case the need or necessity, demand for organisation of such types of societies requires registration of more such types of societies in the same area of operation e.g. transport cooperative, labour contract cooperative, trading cooperative, housing cooperative.

However, in doing so proper justification must be obtained before allowing registration of such societies.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

THE ASSAM TRIBAL DEVELOPMENT AUTHORITY (REPEAL) BILL, 2021

A BILL

to repeal the Assam Tribal Development Authority Act, 1983.

Preamble

Whereas it is expedient to repeal the Assam Tribal Development Authority Act, 1983

Assam Act
No. XI of 1983

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

Short title,
extent and
commencement

- (1) This Act may be called the Assam Tribal Development Authority (Repeal) Act, 2021.
- (2) It shall come into force on the date of their publication in the Official Gazette.

Repeal of
Assam Act
No. XI of 1983

- The Assam Tribal Development Authority Act, 1983, is hereby repealed.

Assam Act
No. XI of 1983

Savings

- Notwithstanding such repeal under section 2, the validity or effect or consequence of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect of any such right, title, obligation or liability or penalty, claim or demand etc. already enforced under the Act so repealed, shall be deemed to have been validly done or taken or passed under the corresponding provisions of the Act, so repealed.

STATEMENT OF OBJECTS AND REASONS

The bill proposes to Repeal of Assam Tribal Development Authority Act, 1983.

It is required as the area under the scope of development in the plains tribal areas by the ATDA has substantially reduced due to the establishment of various Autonomous Councils, BTC, Development Councils for the Scheduled Tribes and the Directorate of WPT & BC in conjunction with the Sub-Divisional Development Boards for ST are also implementing schemes similar in the area of jurisdiction of ATDA. As such, there is no need to run a parallel agency for the same purpose.

DR. RANOJ PEGU

Minister,
WPT & BC, Assam

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

FINANCIAL MEMORANDUM

The proposed bill will not have financial burden on the State Exchequer.

MEMORANDUM OF DELEGATED LEGISLATION

The proposed Bill provides for framing of Act by Executives. The delegation is however of normal nature.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

**THE ASSAM SCHEDULED CASTES AND SCHEDULED
TRIBES (RESERVATION OF POSTS IN SERVICES)
(AMENDMENT) BILL, 2021**

A

BILL

to amend the Assam Scheduled Castes and Scheduled Tribes
(Reservation of Posts in Services) Act, 1978.

Preamble

Whereas it is expedient further to amend the Assam Scheduled Castes and Scheduled Tribes (Reservation of Posts in Services) Act, 1978, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam
Act No.
XII of
1979

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 Scheduled Castes and Scheduled Tribes (Reservation of Posts in Services) (Amendment) Act, 2021.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of
section 5A

2. In the principal Act, in section 5A, for the existing clause (xi), provision the following shall be substituted, namely:-

“(xi) Every establishment shall prepare and notify the Roster Register for each cadre equivalent to the number of posts with the approval of the Senior-most Secretary of the Administrative Department:

Provided that the Administrative Department shall obtain the concurrence of Personnel Department and Welfare of Plain Tribes and Backward Classes Department for any clarification required regarding any interpretation of the provisions of reservation under the Act and rules framed thereunder while preparing the Roster Register”

STATEMENT OF OBJECTS AND REASONS

The bill proposes for amendment of Section 5A(xi) of the Assam Scheduled Castes and Scheduled Tribes (Reservation of Posts in Services) Act, 1978, as amended to allow every establishment to prepare and notify the Roster for each cadre equivalent to the number of post with the approval of Sr. Most Secretary of the Administrative Department concerned.

It is required to amend the above Section of the said Act, so that all Administrative Department can notify the Roster Registers from their end. Administrative Department shall obtain the concurrence of Personnel Department and Welfare of Plain Tribes and Backward Classes Department for any clarification required regarding any interpretation of the provisions of reservation under the Act and rules framed thereunder while preparing the Roster Register.

DR. RANOJ PEGU

Minister,
WPT & BC Department, Assam

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly,
Dispur.

FINANCIAL MEMORANDUM

The proposed bill will not have financial burden on the State Exchequer.

MEMORANDUM OF DELEGATED LEGISLATION

The proposed Bill provides for framing of Act by Executives. The delegation is however of normal nature.

Extract of the Assam Scheduled Castes and Scheduled Tribes (Reservation of Posts in Services), 1978 as amended in 2012

Existing provision of Section 5A(xi) of the Act	Proposed amendment of Section 5A(xi) of the Act
<p>“Every Establishment shall prepare and notify the roster for each cadre equivalent to the number of posts with the concurrence of the Personnel Department and Welfare of Plains Tribes and Backward Classes department.”</p>	<p>“Every establishment shall prepare and notify the Roster Register for each cadre equivalent to the number of posts with the approval of the Senior most Secretary of the Administrative Department:</p> <p>Provided that the Administrative Department shall obtain the concurrence of Personnel Department and welfare of Plain Tribes and Backward Classes Department for any clarification required regarding any interpretation of the provisions of reservation under the Act and rules frames thereunder while preparing the Roster Register”.</p>

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

THE SONOWAL KACHARI AUTONOMOUS COUNCIL (AMENDMENT) BILL, 2021

A

BILL

further to amend the Sonowal Kachari Autonomous Council Act, 2005.

Preamble

Whereas it is expedient further to amend the Sonowal Kachari Autonomous Council Act, 2005 hereinafter referred to as the principal Act, in the manner hereinafter appearing ;

Assam Act
No. XX
of 2005

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 Sonowal Kachari Autonomous Council (Amendment) Act, 2021.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

**Amendment of
section 6**

2. In the principal Act in section 6, for sub-section (1), the following shall be substituted, namely :-

“(1) The General Council shall consist of 36 (thirty six) members out of which 32 (thirty two) shall be elected members and 4 (four) members shall be nominated by the Government of Assam to give representation of those group/communities of the council area which are not otherwise represented in it. Out of 32 (thirty two) seats, 25 (twenty five) seats shall be reserved for Scheduled Tribes and 6(six) seats shall be reserved for women and 1(one)seat shall be reserved for general community.”

**Amendment of
section 15**

3. In the principal Act, for section 15, the following shall be substituted, namely :-

“15. The quorum necessary for transaction of business at a meeting of the General Council shall be 18 (eighteen) members and the decision of the General Council shall be by a single majority of votes of the members present.”

**Amendment of
section 48**

4. In the principal Act, in section 48, for sub-section (2), the following shall be substituted, namely :-

“(2) There shall be 32 (thirty two) constituencies covering the Council Area for electing members to the General Council. Each constituency shall be a single member constituency and territorial.”

STATEMENT OF OBJECTS AND REASONS

The Sonowal Kachari Autonomous Council (Amendment) Bill, 2021 is proposed with a view to increase the constituencies of elected members from the existing 26 to 32 members while keeping the number of Government nominee unchanged at 4.

The Bill is proposed to give due representation to the people of villages predominantly inhabited by Sonowal Kachari and other Schedule Tribes & to meet people's aspiration and development.

DR. RANOJ PEGU

Minister,
WPT & BC Department, Assam

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly,
Dispur.

FINANCIAL MEMORANDUM

The proposed Bill will involve additional financial burden on the State Exchequer amounting to Rs.1.50 lakh per month in honorarium.

An amount of Rs.3624.53 lakh (Rupees Thirty six crore twenty four lakh fifty three thousand) only has been proposed for Sonowal Kachari Autonomous Council in the budget 2021-22.

MEMORANDUM OF DELEGATED LEGISLATION

The proposed bill proposed for framing of rules by Executives. The delegation is however of normal nature.

DR. RANOJ PEGU

Minister,
WPT & BC Department, Assam

Amendments of provisions in respect of Sonowal Kachari Autonomous Council Act, 2005

Sl. No.	Provision	Existing	Proposed amendments
1.	Chapter-II Head-THE GENERAL COUNCIL Section 6- Constitution of the General Council Subsection (1)	“The General Council shall consist of 30 (thirty) members out of which 26 (twenty six) shall be elected members and 4 (four) members shall be nominated by the Government of Assam to give representation of those group/communities of the council area which are not otherwise represented in it. Out of 26 (twenty six) seats, 20 (twenty) shall be reserved for Scheduled Tribes and 5 (five) seats shall be reserved for women, and 1 (one) for general community.”	“The General Council shall consist of 36 (thirty six) members out of which 32 (thirty two) shall be elected members and 4 (four) members shall be nominated by the Government of Assam to give representation of those group/communities of the council area which are not otherwise represented in it. Out of 32 (thirty two) seats, 25 (twenty five) seats shall be reserved for Scheduled Tribes and 6 (six) seats shall be reserved for women and 1 (one) seat shall be reserved for general community.”
2.	Chapter-II Head-THE GENERAL COUNCIL Section 15- Quorum	“The quorum necessary for transaction of business at a meeting of the General Council shall be 15 (fifteen) members and the decision of the General Council shall be by a single majority of votes of the members present.”	“The quorum necessary for transaction of business at a meeting of the General Council shall be 18 (eighteen) members and the decision of the General Council shall be by a single majority of votes of the members present.”
3.	Chapter-VII Head-ELECTION Section 48- Delimitation Sub-section (2)	“There shall be 26 (twenty six) constituencies covering the Council Area for electing members to the General Council. Each constituency shall be a single member constituency and territorial.”	“There shall be 32 (thirty two) constituencies covering the Council Area for electing members to the General Council. Each constituency shall be a single member constituency and territorial.”

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

THE DEORI AUTONOMOUS COUNCIL (AMENDMENT) BILL, 2021

A

BILL

to amend the Deori Autonomous Council Act, 2005.

Preamble

Whereas it is expedient further to amend the Deori Autonomous Council Act, 2005, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
No. XXV
of 2005

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 Deori Autonomous Council (Amendment) Act, 2021.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force on such date as the State Government may, by a notification in the Official Gazette appoint.

Amendment of section 6

2. In the principal Act, in section 6, for sub-section (1), the following shall be substituted, namely :-

“(1) **Constitution of the General Council :-** The General Council shall consist of 26 (twenty-six) members of which 22 (twenty two) shall be directly elected and 4 (four) shall be nominated by the Government with the concurrence of the Autonomous Council from amongst the areas/groups/communities residing in the Council area and not otherwise represented in the General Council. Out of 22 (twenty-two) seats, 18 (eighteen) seats shall be reserved for Scheduled Tribe, 3(three) seats shall be reserved for women and 1(one) seat shall be reserved for General community.”

Amendment of section 15

3. In the principal Act, for section 15, the following shall be substituted, namely:-

“15. **Quorum:-** The quorum necessary for transaction of business at a meeting of the General Council shall be 13 (thirteen) members and the decision of the General Council shall be by a single majority of votes of the members present.”

Amendment of section 48

4. In the principal Act, in section 48, in sub-section (2), in first line, for the figure and word “26 (twenty-six)” appearing in between the words “shall be” and “constituencies” the figure and words “22 (twenty-two)” shall be substituted.

Repeal and
savings

5. (1) The Deori Autonomous Council (Amendment) Ordinance, 2021 (Assam Ordinance No. III of 2021) is hereby repealed.
- (2) Notwithstanding such repeal, any order passed, notification issued, 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 the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Deori Autonomous Council (Amendment) Bill, 2021 is proposed with a view to increase the constituencies of elected members from the existing 18 to 22 members and Government nominated members from 2 to 4.

The Bill is proposed to give due representation to the people of villages predominantly inhabited by Deori and other Schedule Tribes & to meet people's aspiration and development.

DR. RANOJ PEGU

Minister,
WPT & BC Department, Assam

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly,
Dispur.

FINANCIAL MEMORANDUM

The proposed Bill will involve additional financial burden on the State Exchequer amounting to Rs.1.50 lakh per month in honorarium.

An amount of Rs.2280.24 lakh (Rupees twenty two crore eighty lakh twenty four thousand) only has been proposed for Deori Autonomous Council in the budget 2021-22.

MEMORANDUM OF DELEGATED LEGISLATION

The proposed bill proposed for framing of rules by Executives. The delegation is however of normal nature.

DR. RANOJ PEGU

Minister,
WPT & BC Department, Assam

Amendments of provisions in respect of Deori Autonomous Council Act, 2005

Sl. No.	Provision	Existing	Proposed amendments
1.	Chapter-II Head-THE GENERAL COUNCIL Section 6- Constitution of the General Council Sub-section (1)	“The General Council shall consist of 20 (twenty) members out of which 18 (eighteen) shall be elected members and 2 (two) members shall be nominated by the Government of Assam to give representation of those group/communities of the council area which are not otherwise represented in it. Out of 18 (eighteen) seats, 14 (fourteen) shall be reserved for Scheduled Tribes and 3 (three) seats shall be reserved for women, and 1 (one) for general community.”	“The General Council shall consist of 26 (twenty-six) members of which 22 (twenty-two) shall be directly elected and 4 (four) shall be nominated by the Government with the concurrence of the Autonomous Council from amongst the areas/groups/communities residing in the Council area and not otherwise represented in the General Council. Out of 22 (twenty-two) seats, 18 (eighteen) seats shall be reserved for Scheduled Tribe, 3 (three) seats shall be reserved for women and 1 (one) seat shall be reserved for general community.”
2.	Chapter-II Head-THE GENERAL COUNCIL Section 15- Quorum	“The quorum necessary for transaction of business at a meeting of the General Council shall be 10 (ten) members and the decision of the General Council shall be by a single majority of votes of the members present.”	“The quorum necessary for transaction of business at a meeting of the General Council shall be 13 (thirteen) members and the decision of the General Council shall be by a single majority of votes of the members present.”
3.	Chapter-VII Head-ELECTION Section 48- Delimitation Sub-section (2)	“There shall be 26 (twenty six) constituencies covering the Council Area for electing members to the General Council. Each constituency shall be a single member constituency and territorial.”	“There shall be 22 (twenty-two) constituencies covering the Council Area for electing members to the General Council. Each constituency shall be a single member constituency and territorial.”

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

**THE MAHAPURUSHA SRIMANTA SANKARADEVA
VISWAVIDYALAYA (AMENDMENT) BILL, 2021**

**A
BILL**

further to amend the Mahapurusha Srimanta Sankaradeva Viswavidyalaya Act, 2013

Preamble

Whereas it is expedient to amend the Mahapurusha Srimanta Sankaradeva Viswavidyalaya Act, 2013, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
No.XIX of
2013

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 Mahapurusha Srimanta Sankaradeva Viswavidyalaya (Amendment) Act, 2021.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of the
Schedule

2. In the principal Act, in the Schedule , –
 - (i) in serial No.2, for the words, “Located at Village- Atuatika Pathar, PO.- Hatijujua, PS- Jajori, Dist.- Nagaon, Revenue Circle – Nagaon Sadar. Head Quarter at Nagaon”, the following shall be substituted namely :-

“Located at Village- Atuatika Pathar, PO- Hatijujua, PS- Jajori, District- Nagaon, Revenue Circle – Nagaon Sadar, Head quarter-Nagaon with its constituent units at Guwahati, Jorhat, Dibrugarh, Dhubri and Goalpara”.
 - (ii) in serial no.3, for the words, “Extending over the State of Assam”, the following shall be substituted namely :-

“It extends to the whole of Assam with its constituent units at Guwahati, Jorhat, Dibrugarh , Dhubri and Goalpara”.

**Statement of Objects and Reasons for Amendment of
Mahapurusha Srimanta Sankaradeva Viswavidyalaya Act, 2013**

Section	Amendment		Reasons or Benefits
	Original Act	To be changed	
2 (2)	Located at village Atuatika Pathar, PO- Hatijujua, PS- Jajari, Dist.- Nagaon, Revenue Circle – Nagaon Sadar, Headquarter at Nagaon	Located at Village – Atuatika Pathar, PO- Hatijujua, PS- Jajori, Dist.- Nagaon Revenue Circle – Nagaon Sadar, Head Quarter Nagaon with its constituent units at Guwahati, Jorhat, Dibrugarh, Dhubri and Goalpara.	In the principal Act, constituent units / centers were not included The University will have its constituent units at Guwahati, Jorhat, Dibrugarh, Dhubri and Goalpara and will act as a full –fledged Academic Facilitation Centre where in academic programme will be carried out .
2 (3)	Extending over the State of Assam	It extends to the whole of Assam with its constituent units at Guwahati, Jorhat, Dibrugarh, Dhubri and Goalpara	Same as above

DR. RANOJ PEGU

Minister,
Education, Assam

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly,
Dispur.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of State of Assam.

MEMORANDUM OF DELEGATED LEGISLATION

The present amendment will not create any delegated legislation.

DR. RANOJ PEGU

Minister,
Education, Assam

**Extract of the existing section of The Mahapurusha Srimanta Sankaradeva
Viswavidyalaya Act, 2013**

Schedule Sl.2	Located at village- Atuatika Pathar, PO – Hatijujua, PS- Jajori, Dist.- Nagoan, Revenue Circle – Nagoan Sadar, Head Quarter at Nagoan
Sl.3	Extending over the State of Assam

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

THE ASSAM EXCISE (AMENDMENT) BILL, 2021**A****BILL**

further to amend the Assam Excise Act, 2000

Preamble

Where it is expedient to amend the Assam Excise Act, 2000, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
XIV of 2000.

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 Excise (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 twentieth day of September, 2021.

Amendment of section 2

2. In the principal Act, in section 2, after clause (y), the following new clause (yy) shall be inserted, namely:-
“(yy) “transit” means to move from a place outside the state to another place outside the state through the state of Assam;”

Amendment of heading of Chapter - III

3. In the principal Act, in Chapter-III, for the existing heading, the following shall be substituted, namely: -
“IMPORT, EXPORT, TRANSPORT AND TRANSIT”

Insertion of new section 13A

4. In the principal Act, after section 13, the following new section 13A shall be inserted, namely: -

“Transit of intoxicants through Assam

- 13A. (1) No intoxicants shall be transited through the state of Assam except with a valid transit pass as may be prescribed subject to fees payable, if any.
- (2) In case the consignor, driver or the transporter, fails to comply with the provision of sub-section (1) above, they shall be liable for penalty and prosecution as per the provisions of the Act.”

Amendment of section 53

5. In the principal Act, in section 53,
 - (i) in the marginal heading, after the word and punctuation mark “transport,” the word and punctuation mark “transit,” shall be inserted;
 - (ii) in sub-section (1), in clause (a), after the word and punctuation mark “transports,” the word and punctuation mark “transits,” shall be inserted.

- Amendment of section 54 6. In the principal Act, in section 54, in the third line, after the word “transported,” the punctuation mark and word “transited,” shall be inserted.
- Amendment of section 60 7. In the principal Act, in section 60,
- (i) in the marginal heading, after the word and punctuation mark “transport,” the word and punctuation mark “transit,” shall be inserted;
- (ii) in sub-section (1),
- (a) in the second and seventh line, after the word and punctuation mark “transported,” the word and punctuation mark “transited,” shall be inserted;
- (b) in the fifth line, after the word and punctuation mark “transport,” the word and punctuation mark “transit,” shall be inserted;
- (iii) In sub-section (2), in the second line, after the word and punctuation mark “transports,” the word and punctuation mark “transits,” shall be inserted.
- Amendment of section 84 8. In the principal Act, in section 84, in clause (d), in the first line, after the word “transport” the punctuation mark and word “transit,” shall be inserted.
- Repeal and savings 9. (1)The Assam Excise (Amendment) Ordinance, 2021 is hereby repealed.
- (2)Notwithstanding such repeal, any order passed, notification issued, anything done or any action taken under the Ordinance shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend certain provisions of the Assam Excise Act, 2000 for replacing the Assam Excise (Amendment) Ordinance, 2021.

2. The Assam Excise Act, 2000 provides for state's control & regulation on manufacture, export, import, transport, sale and consumption of intoxicating liquors. The Act of 2000 provides for levy and collection of excise duty, fees, fines, etc. In view of long porous borders with neighbouring States, where prevailing Excise Duty structure is comparatively lower, the Excise Department has to constantly struggle to check the illegal transportation and smuggling of liquor. To monitor the movement of liquor transiting through Assam, it is essential to introduce a system of transit pass, as has been done by Bihar and some other States. The Assam Excise Act, 2000 is however silent about any provision of the transit pass. In view of the urgency involved, the provision of transit pass was introduced by way of promulgation of an ordinance with the approval of Cabinet. The Assam Excise (Amendment) Bill, 2021 are proposed to be made are explained broadly as follows:

1. Clause 1 provides for the short title, extent and commencement;
2. Clause 2 proposes to amend section 2 for inserting a new clause (yy) to define the word "transit";
3. Clause 3 seeks to amend the heading of chapter III to insert the word "transit";
4. Clause 4 seeks to insert a new section 13 A for regulating the movement/transit of liquor through Assam and introduce a mechanism of issue of transit pass;
5. Clause 5 seeks to amend section 53 to make consequential change for inserting the word "transit";
6. Clause 6 seeks to amend section 54 to make consequential change for insertion of the word "transit";
7. Clause 7 seeks to amend section 60 to make consequential change for inserting the word "transit"; and
8. Clause 8 seeks to amend section 84 to insert the word "transit" to enable the Government to frame rules for transit of liquor through Assam.

3. The Bill seeks to achieve above objects.

PARIMAL SUKLABAIIDYA

Minister, Excise.

HEMEN DAS,

Principal Secretary,

Assam Legislative Assembly,

Dispur.

**STATEMENT OF EXPLANATION UNDER RULE 69 OF THE RULES OF
PROCEDURE & CONDUCT OF BUSINESS IN ASSAM LEGISLATIVE ASSEMBLY**

In view of long porous borders with neighbouring States, where prevailing excise duty structure is comparatively lower, the Excise Department has to constantly struggle to check the illegal transportation and smuggling of liquor. To monitor the movement of liquor transiting through Assam, it is essential to introduce a system of transit pass:

However, since the house was not in session and in view of the urgency involved, the provision of transit pass was introduced by way of promulgation of an ordinance on 15/9/2021 with the approval of Cabinet.

With the winter session of Assembly scheduled on 20/12/2021, the ordinance is required to be replaced by enacting an Act & accordingly a draft bill namely, the Assam Excise (Amendment) Bill, 2021 is to be laid before the floor of the House for replacing the Assam Excise (Amendment) Ordinance, 2021.

PARIMAL SUKLABAIDYA

Minister, Excise.

FINANCIAL MEMORANDUM

The Assam Excise (Amendment) Bill, 2021 proposes to amend the Assam Excise Act, 2000. There is no provision in the Bill which would involve the recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

PARIMAL SUKLABAIIDYA

Minister, Excise.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill involves the proposals for delegation of power to the State Government.

2. The proposals for delegation of legislative power are, therefore, of a normal character.

PARIMAL SUKLABAIIDYA

Minister, Excise.

THE ASSAM EXCISE ACT, 2000

EXISTING PROVISION	PROPOSED AMENDMENT PROVISION
Silent	Insertion of clause 'yy' "TRANSIT" means to move from a place outside the state to another place outside the state through the state of Assam.
Silent	Insertion of new section 13 A as- (1) No intoxicants shall be transited through the state of Assam except with a valid transit pass as may be prescribed subject to fees payable, if any (2) In case of consignor, driver or the transporter, fails to comply with the provision of sub-suction (1) above, they shall be liable for penalty and prosecution as per the provisions of the Act.
Silent	In section 53 In the marginal heading, after the word and punctuation mark 'transport' the word and punctuation mark transit shall be inserted. In sub-section (1) in clause (a) after the word and punctuation mark "transports" the word and punctuation mark "transits", shall be inserted.
Silent	In section 54 In the third line after the word "transported" the punctuation mark and word "transited" shall be inserted.
Silent	In section 60 (1) In the marginal heading after the word and punctuation mark "transport", the word and punctuation mark "transit", shall be inserted. (2) In subsection (1) (a) In the second and seventh line after the word and punctuation mark "transported" the word and punctuation mark "transited" shall be inserted. (b) In the fifth line, after the word and punctuation mark "transport" the word and punctuation mark 'transit' shall be inserted. (3) In sub section (2) , in the second line after the word and punctuation mark "transports" the word and punctuation mark 'transits' shall be inserted.
Silent	In section 84 in clause (d) in the first line after the word "transport" the punctuation mark and word "transit" shall be inserted.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

THE ASSAM MUNICIPAL (THIRD 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
1956

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 (Third Amendment) Act, 2021.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of
section 11

2. In the principal Act, in section 11, in sub-section (3), in clause (d), for the existing second proviso the following shall be substituted, namely:-

“Provided further that fifty percent (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled up by direct election in any Municipality shall be reserved for women and such seats shall be allotted by rotation to different Constituencies in a Municipality in every ten years.”.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Assam Municipal Act, 1956 (Assam Act No.XV of 1957).

It is proposed that department seek amendment to a section of the “Assam Municipal Act, 1956”. In the principal Act, in section 11, in sub-section (3), in clause (d), for the existing second proviso the following shall be substituted, namely

“Provided further that fifty percent (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled up by direct election in any Municipality shall be reserved for women and such seats shall be allotted by rotation to different Constituencies in a Municipality in every ten years.”.

Providing women reservation for a ward for ten years will be an encouragement to women to participate in democratic process of elections and will enable women to bring sustainability of schemes implemented by the ULBs

Hence the Bill for the following amendment of section of the Act :-

Preamble:

Section 11(3)(d)

ASHOK SINGHAL,
Minister,
Department of Housing & Urban Affairs,
Assam, Dispur.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

ASHOK SINGHAL,
Minister,
Department of Housing & Urban Affairs,
Assam, Dispur.

MEMORANDUM OF DELEGATED LEGISLATION

The present amendment will not create any delegated legislation.

ASHOK SINGHAL,
Minister,
Department of Housing & Urban Affairs,
Assam, Dispur.

Extract of the existing section of the Assam Municipal Act, 1956

(Assam Act XV of 1957)

Preamble	Whereas it is expedient to make better provisions for the organization and administration of municipalities in Assam;
Section 11(3)(d)	<p>(d) Reservation of seats in every Municipality for the Scheduled Castes and the 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 that Municipality as the population of the Scheduled Castes in the Municipal area or the Scheduled Tribes in the Municipal area, bears to the total population of that area as per the latest census figures and such seats may be allotted by rotation to different constituencies in a Municipality:</p> <p>Provided that fifty percent of the total number of seats reserved under this sub-section shall be reserved for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes:</p> <p>Provided further that fifty percent (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in any Municipality shall be reserved for women and such seats may be allotted by rotation to different Constituencies in Municipality :</p> <p>Provided further that reservation of seats for the Scheduled Castes and Scheduled Tribes in the Municipalities and Town Committee shall continue for so long as special representation for the Scheduled Castes and the Scheduled Tribes continue to be provided for in the Constitution of India.</p>

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

THE GUWAHATI MUNICIPAL CORPORATION (AMENDMENT) BILL, 2021

A

BILL

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 Seventy-second Year of the Republic of India as follows :-	Assam Act No. 1 of 1973
Short title, extent and commencement	1. (1) This Act may be called the Guwahati Municipal Corporation (Amendment) Act, 2021. (2) It shall have the like extent as the principal Act. (3) It shall come into force at once.	
Amendment of section 3	2. In the principal Act, in section 3, after clause (89), the following new clauses shall be inserted, namely:- “(90) “Mobile Tower” means any tower erected and maintained by any mobile service provider for transmission of signals for mobile networks; (91) “Compost” means a manure derived by chemical treatment of solid waste; (92) “RDF” means Refused Derived Fuel, extracted from solid waste; (93) “Scheduled Bank” means all the scheduled banks notified by Reserve Bank of India; (94) “Borrowed Officer” means the officer on deputation from the Government.”.	
Amendment of section 5	3. In the principal Act, in section 5, in sub-section (1), in clause (a),- (i) for sub-clause (i), the following shall be substituted, namely:- “ (i) 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 Caste, the Scheduled Tribes, the Backward Classes and the Women.” (ii) in sub-clause (v), in second proviso, in last line, in between the word “Corporation” and the punctuation mark colon “:” the words “in every ten years” shall be inserted.	

- Amendment of section 7
4. In the principal Act, in section 7, after sub-section (25), the following sub-sections shall be inserted, namely:-
- “(26) acquisition of modern mechanized vehicles, modern machineries for cleaning and desilting of drains;
 - (27) establishment of solid waste processing plants for disposal of solid waste generated in the City;
 - (28) sale and disposal of compost, RDF produced by solid waste processing plants;
 - (29) construction and maintenance of electric, gas based crematorium;
 - (30) erection of substantial boundary marks of such description and in such positions as shall be approved by the Corporation for defining the limits of the City;
 - (31) providing uniforms and safety equipment to the labourers engaged in drain cleaning and conservancy works;
 - (32) maintenance of public monuments, statues, busts of historical persons installed in the City.”

- Insertion of new section 7A
5. In the principal Act, after section 7, following new sections 7A and 7B shall be inserted namely:-

“Citizens Charter 7A. The goal of the Guwahati Municipal Corporation shall be to provide effective and efficient services to the inhabitants of the municipal area while preserving the environment and rich heritage of Guwahati. It shall provide to the inhabitants of the municipal area the following services, namely:-

- (1) all important informations about the services being delivered by the Corporation and all its ongoing works with financial allocation issued from time to time shall be displayed in their website;
- (2) have a system which shall receive public grievances and redress the same qualitatively and in a time bound manner;
- (3) have consultation on all important issues affecting inhabitants rights;
- (4) speedy and time-bound disposal of Appeal preferred against any decision of the Corporation before the Appellate Authority where such Appeal is admissible by any provisions provided under this Act;
- (5) have services through e-governance mode with bare minimum requirement of visit to Corporation’s offices;
- (6) have better drainage system for a healthy and hygienic living;
- (7) have better roads;

- (8) have well maintained hygienic vegetable markets, meat markets and fish markets for acquiring essential vegetables and eatables, subjected to regular checks by health authorities of the Corporation;
- (9) have safe and encroachment free foot paths to commute ;
- (10) have parks for recreation of citizens and their children;
- (11) have facility of clean public toilets at public places for use of general public specially the senior citizens, differently abled and women;
- (12) procure food ,vegetables, meat, fish ,fruits which are safe for consumption and matching parameters set by accredited health authorities of the Nation ;
- (13) have street lights in all lanes and by-lanes;
- (14) have pure drinking water;
- (15) have Pollution free atmosphere.

Vision of the Corporation 7B. The Guwahati Municipal Corporation shall work with a vision to make Guwahati a liveable and sustainable city with quality urban life and rich heritage. The Corporation shall provide to its inhabitants,-

- (1) transparency, accountability and efficiency in urban governance ;
- (2) high quality and responsive and time bound service delivery mechanism;
- (3) urban infrastructure requirements through integrated planning;
- (4) inclusive urban growth by strengthening community development and participation;
- (5) provision of basic services to the poor ;
- (6) a city economically vibrant and culturally rich.”

Amendment of section 15B

6. In the principal Act, in section 15B, for sub-section (3), the following shall be substituted, namely:-

“(3) The Mayor or Deputy Mayor or Presiding Officer or Deputy Presiding Officer or Chairman of any committee ,as the case may be, may be removed from his office by way of a no-confidence motion approved by two thirds of the elected Councillors in a meeting of the Corporation requisitioned for the purpose but not less than half of the total Councillors on the ground of his proved misbehavior or incapacity or corruption or financial irregularities or activities against the public interest or against the interest of the Corporation or activities contrary to the provisions of this Act or the rules made thereunder:

Provided that if the Corporation does not convene a meeting of the Councilors for consideration of no-confidence motion, against the Mayor or Deputy Mayor or both as the case may be, within a period of 15 days from the date of receipt of the notice, the Government on, being moved, may issue directions in this behalf to the Corporation to convene the meeting within 7 days on expiry of the period of 15 days from the date of notice.”

Substitution of section 43 7. In the principal Act, for section 43, the following shall be substituted, namely :-

- “43. (1) For the purpose of election of Councillors the Government may by order published in the Official Gazette constitute a Delimitation Board with such number of members as may be decided by the Department of Housing and Urban Affairs. The Delimitation Board shall prepare delimitation of wards of the city and shall submit it to the Government for consideration and accordingly notification may be issued as required under this Act.
- (2) Each ward shall return one Councillor and all the electors of a ward shall be entitled to vote for election of a Councillor from that ward.”

Substitution of section 67 8. In the principal Act, for section 67, the following shall be substituted namely :-

- “67. (1) The Corporation may appoint efficient persons, including officers on deputation from State Government to the posts like the Additional Commissioner, the Joint Commissioner, the Chief Engineer, the Collector, the Accounts and Audit Officer, the Medical and Health Officer, the Food Inspector, the Motor Vehicle Inspector, the Veterinary Officer, the Municipal Secretary and such other posts under the Corporation on such terms and conditions as may be determined in this behalf.
- (2) The qualifications, salary allowances, the period of service, the age of superannuation and all other conditions of service except for the officers referred to under sub-section (1) above shall be such as may be prescribed.
- (3) The appointment of every officer referred to in sub-section (1) shall be subject to the approval of the State Government.”

Substitution of section 72 9. In the principal Act, for section 72, the following shall be substituted namely:-

“72. (1) There shall be a Staff Selection Committee under the Corporation consisting of the Commissioner as Chairman, Additional Commissioner as Member Secretary, the Municipal Chief Accounts and Audit Officer as member, one officer to be nominated by the Government not below the rank of a Deputy Secretary as member and one Councillor to be selected by the Corporation as member. In case when the Corporation is superseded, the Administrator so appointed by the Government or his representative shall act as member in place of the elected Councillor for the superseded period. Selection shall be finalized after approval of the Government only.

(2) Except the posts mentioned in sub-section (1) of section 67 and persons covered by any other service rules framed by the Corporation or Government, the Staff Selection Committee shall issue advertisements, hold written examinations and interviews for recruitment to all category of posts and staff as per qualifications and other requirements as per service rules framed by the Corporation and shall prepare select list equal to the number of posts advertised:

Provided that till such time as service rules are not framed for a particular cadre, the Corporation may issue service orders prescribing qualifications, age etc. for particular posts. The age of entry into the Municipal Service, shall as far as practicable, be in conformity with such stipulations as are prescribed by the Personnel Department of the Government of Assam from time to time.

(3) The Corporation shall implement reservation for SC/ST/OBC/as prescribed in the Assam Scheduled Caste And Scheduled Tribes (Reservation of Vacancies in Services And Posts) Act, 1978 as amended from time to time together with reservation for backward classes, women, economically weaker section, persons with disabilities as prescribed by Government from time to time.”

Assam
Act No.
12 of
1979

Omission of section 73

10. In the principal Act, section 73 shall be omitted.

- Amendment of section 74 11. In the principal Act, section 74, in sub-section (1), the words “and the Municipal Service Commission” appearing between the words “Mayor-in Council” and “frame regulations” shall be deleted.
- Substitution of section 111 12. In the principal Act, for section 111, the following shall be substituted namely:-
“Receipt of money and deposit in Bank 111. All moneys payable to the credit of the Municipal Fund shall forthwith be paid into the State Bank of India or any other Scheduled Bank to the credit of the account which shall be styled “the account of the Municipal Fund of the Corporation at Guwahati”.
- Substitution of section 144 13. In the principal Act, for section 144, the following shall be substituted, namely:-
“144 (1) For the purpose of this Act, the Corporation shall impose the following taxes, namely:-
 (a) property tax;
 (b) a tax on theaters, theatrical performance and other shows for public amusements;
 (c) a tax on advertisements, hoardings other than advertisement published in news papers;
 (d) a duty on transfer of property;
 (e) a tax on profession, trades and calling;
 (f) a tax on mobile towers;
 (g) a betterment tax on properties whose value may have increased as a result of town planning scheme undertaken in the city;
 (h) market dues on persons exposing goods for sale in any market or in any space belonging to or under the control of Government or of the Corporation;
 (h) a tax on passengers and goods carried by road or inland waterways;
 (i) any other tax with the prior approval of the Government;
 (j) a betterment tax on properties whose value may have increased as a result of town planning scheme undertaken in the city.
- Amendment of section 147 14. In the principal Act, in section 147, in clause (a), for the punctuation mark “;” appearing at the end, the punctuation mark “:” shall be substituted and thereafter the following proviso shall be inserted, namely:-
“Provided that the Corporation shall not assess or realize water tax from houses which are not connected through piped water supply scheme of the Corporation as provided under section 149 of the Act.”

- Amendment of section 148
15. In the principal Act, in section 148, after clause (c), the following new clause shall be inserted namely:-
“(d) any building and lands used and occupied by Non Profitable Organisations for imparting training for skill development for the unemployed.”
- Insertion of new section 148A and section 148B
16. In the principal Act, after section 148, following new sections shall be inserted namely:-
“148A. A tax at the rates not exceeding those prescribed by order in writing by the Government in this behalf from time to time shall be levied on mobile towers from the person, firm or Company engaged in providing telecommunication services through such mobile towers.
The Corporation shall from time to time, determine the rates at which the tax shall be levied.
148B. The Corporation may offer a rebate up to two percent to the public on payment of taxes through online portal of the corporation.”
- Amendment of section 173
17. In the principal Act, in sub-section (1), in clause (d), for the punctuation mark and word “; or” appearing at the end, the punctuation mark “:” shall be substituted and thereafter the following proviso shall be inserted namely:-
“Provided that if in the advertisement along with the names of the building or shop, the name of other company or organisation not related to the ownership of the shop or building is mentioned, such display shall be treated as advertisement for realisation of Taxes as provided under this section.”
- Amendment of section 180
18. In the principal Act, in section 180, after sub-section (5), the following sub-sections shall be inserted namely:-
“(6) The Corporation may, by notification in the Official Gazette, insert new trades or profession in the Fourth Schedule made under section 180 and provide rates of taxes for such trade or profession.
(7) The Corporation may refuse by a reasoned order to offer license under section 180 if such trade or profession is, in the opinion of the Commissioner upon a report of the Health Officer, appears injurious to the health of the community”.
- Insertion of new section 204 A
19. In the principal Act, after section 204 the following heading and new section shall be inserted namely:-

“Appointment of Arbitrator

204A. (1). The State Government may appoint an arbitrator for determination of question on assessment for the purpose of levy of taxes on property and refusal for trade licenses if the award given by the Mayor in Council is not acceptable to the Appellant. Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 shall apply to every arbitration under this Act.

Central
Act 26 of
1990

(2) Where any person aggrieved by an order fixing or charging any rateable value or tax under this Act desires, for any matter of disagreement between him and the other parties interested in such order should be referred to arbitration, then if all such parties agree to do so, they may, at any time, within thirty days after the accrual of the cause of complaint, apply to the Mayor in Council for an order of reference on such matter and on such application being made, the provisions of the Arbitration and Conciliation Act, 1996, relating to arbitration in suits shall so far as they can be made applicable apply to such application.

Central
Act 26 of
1990

(3) The arbitrator while deciding the disagreement shall take into account the market value of land, the annual rents and the assessment arrived at by the Guwahati Corporation and shall pass appropriate orders which the Corporation shall accept as may be determined by the arbitrator.”

Amendment of
section 272

20. In the principal Act, in section 272,-

(i) in between the number “272.” and the words “No person” the sub-section number “(1)” shall be inserted.

(ii) after clause (b), a new sub-section (2), shall be inserted, namely:-

“(2) The Commissioner or any officer of the Corporation may impose and realise a penalty which may range from Rupees Five Hundred to Rupees Two Thousand for first offence and Rs. Five Thousand for subsequent offences by the same person, firm or company”.

Insertion of new
section 293 A

21. In the principal Act, after section 293, the following new section shall be inserted namely:-

“293A. (1) No person as proprietor, owner, licensee of any premises or land shall allow any accumulation of water in which

mosquitoes breed or are likely to breed unless such collection has been so treated as effectively to prevent such breeding.

- (2) The Health Officer of the Corporation may by notice in writing, require the owner or the occupier of such land containing any collection of standing or flowing water in which mosquitoes breed or likely to breed, within such time not being less than twenty four hours, to take such measures with respect to the same, or to treat the same by such physical, chemical or biological method, being measures or a method, as the Health Officer may consider suitable in the circumstances.
- (3) If the person on whom a notice is served under sub-section (1) of section 294 fails or refuses to take the measures, or adopt the method of treatment specified in such notice within the time specified in the notice, the Health Officer may himself take such measures or adopt such treatment, specified in such notice within the time specified therein, and recover the cost of doing so from the owner or occupier of the property, as the case may be, in the same manner as if it was a property tax.
- (4) The owner or occupier of any house, building shed or land shall not therein keep any bottle, vessel, can or any other container, broken or unbroken, in such manner that it is likely to collect and retain water which may breed mosquitoes".

Amendment of section 301 22. In the principal Act, in section 301, after sub-section (5), the following new sub-section shall be inserted namely:-

“(6) No person shall allow dogs or any other pets to defecate or urinate or create any nuisance in any form in any public street, roads, failing which the dogs or pets may be confiscated by the Corporation and the owner may be subjected to a fine which may range from Rupees Five hundred to Rupees Two thousand.”

Amendment of section 318 23. In the principal Act, in section 318, after sub-section (4), the following sub-sections shall be inserted namely:-

“(5) No persons shall sell or vend any item of food, fish, flesh, poultry, vegetables on the roadside or other than the place designated by the Corporation in that respect.

(6) Every item of food in whatever form or by whatever name being sold shall be hygiene and fully covered to protect the said item from dust, filth so as to expose such items to contamination.

- (7) No seller shall put up his shop of vending on public streets, foot paths blocking passage for pedestrians.”

Amendment of section 337 24. In the principal Act, in section 337,-

- (i) in sub-section (1), in between the words “section 416(1)D” and “or without”, the following shall be inserted, namely:-
“and any Building Bye-laws notified by the Government applicable to the Corporation area”
- (ii) after sub-section (4), the following new sub-sections shall be inserted, namely:-
“(5) Any person aggrieved by a notice under sub-section (1) of section 337 may prefer an Appeal under section 438 of this Act.

(6) If any officer of the Corporation does not take any action against any building constructed in contravention of any requirement under the existing bye-laws, he/she shall be liable for penal action. The Commissioner shall file a criminal complaint against such officials of the Corporation in a Court of Law or in a Police Station.”

Substitution of section 404 25. In the principal Act, for section 404, the following shall be substituted namely:-

- “404.(1) Whoever,-
- (a) contravenes any provision of any of the sections, sub-sections or clauses mentioned in this Act or any bye-laws framed or of any regulation or order made thereunder, or
- (b) fails to comply with any requisition lawfully made upon him under any of the said sections, sub-section or clauses, shall be punishable, for each such offence, disobedience, with fine, if not provided specifically under the said sections, sub-sections, clauses, which may extend up to Rupees Five thousand per day; and
- (2) Whoever, after having been convicted of,-
- (a) contravening any of the sections, sub-sections or clauses mentioned in this Act or bye-laws framed or any regulations, or
- (b) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, or
- (c) continues to contravene the said provision or to neglect to comply with the said requisition or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, or fails to vacate

any premises shall be punished for each day that he continues so to offend, with fine which may extend to Rupees Five Thousand per day; and

- (3) Whoever contravenes any provision of any of the sections sub-sections or clauses of this Act or any bye-laws framed under this Act and if such person have been asked to do certain act or to refrain from doing certain act fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be deemed to have committed an offence punishable under the appropriate sections of Indian Penal Code, 1860. The Commissioner or any officer may,-
- (a) perform the act of closure and sealing of such premises where alleged violations or disobedience of the order taken place, or,
- (b) carry out forthwith eviction of such persons from the premises where violations takes place, seize any material, tools, furniture, which is used in furtherance of such violation and the Corporation may realise such the expenses incurred for performing such act from the persons in the same way for realisation of unpaid property taxes.”

Central
Act No. 45
of 1860

Omission of
section 405

26. In the principal Act, section 405 shall be omitted.

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STATEMENT OF OBJECTS AND REASONS

The amendments will enhance the effectiveness of the Corporation. The penal provisions incorporated were necessary since the Act provides that certain acts are not to be done by citizens, but when violations took place, there was no provision of penalty and if penalty was provided, it is too petty to give any deterrent to law violators.

It has been provided in the amendment to give powers to the Government to increase the numbers of wards of the Guwahati Municipal Corporation as and when required by publication in the official gazette and for extension of tenure of women reservation upto ten years in direct elections to the Councillors of the Corporation with a view to encourage women to participate in democratic process.

There was provision for constitution of Municipal Service Commission for recruitment of various categories of staff. Since key officials of the Corporation like Commissioner, Addl. Commissioner, Joint Commissioners, Chief Engineer are deputed from Government, for recruitment of officers and Grade III staff, requirement of such Commission is intended to be dispensed with and a Staff Selection Committee is provided for speedy recruitment to vacant posts in the Corporation. Selection will be finalized after approval of the Government only.

Introduction of new subjects like “acquisition of modern machinery” for drain cleaning, establishment and maintenance of electric and gas-based cremation grounds are being provided under section 7 of the Guwahati Municipal Corporation Act.

Further, introduction of new section 7(A) & 7(B), a citizen charter indicating effective and efficient services that shall be provided to the inhabitants of the municipal area while preserving the environment and rich heritage of Guwahati and indicating the vision of Corporation to make Guwahati a liveable and sustainable city with enhanced quality of life and for preserving its rich heritage respectively.

Introduction of new section 293A, empowering the Health Officer of the Guwahati Municipal Corporation to issue notice to any owner /occupier to take remedial measures against mosquito breeding.

Introduction of new Section 204A, for speedy disposal of litigation/regarding assessment of levy of taxes on property /refusal of trade licenses, a new section 204A has been inserted for appointment of an Arbitrator by State Government based on mutual consent of concerned parties. The provision of the Arbitration and Conciliation Act, 1996, relating to arbitration in suits shall be applicable to the extent possible.

The Bill seeks to amend the Guwahati Municipal Corporation Act, 1969 (Assam Act No.1 of 1973). It is proposed that department seek amendment, insertion, substitution and omission to some sections of the "Guwahati Municipal Corporation Act, 1969".

Hence, the Bill for amendment of following sections of the Act :-

Preamble :

Section 3

Section 5

Section 7

Section 15B

Section 74

Section 147

Section 148

Section 173

Section 180

Section 272

Section 301

Section 318

Section 337

Insertion of following new sections:-

Section 7A

Section 7B

Section 148A

Section 148B

Section 204A

Section 293A

Substitution of the following sections:-

Section 43

Section 67

Section 72

Section 111

Section 144

Section 404

Omissions of the following sections :-

Section 73

Section 405

ASHOK SINGHAL,

Minister,

Department of Housing & Urban Affairs,
Assam, Dispur.

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly,
Dispur.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

ASHOK SINGHAL,
Minister,
Department of Housing & Urban Affairs,
Assam, Dispur.

MEMORANDUM OF DELEGATED LEGISLATION

The present amendment will not create any delegated legislation.

ASHOK SINGHAL,
Minister,
Department of Housing & Urban Affairs,
Assam, Dispur.

Extract of the existing section of the
Guwahati Municipal Corporation Act, 1969
 (Assam Act 1 of 1973)

Preamble	Whereas it is expedient to constitute a Municipal Corporation for the City of Gauhati, be it enacted in the Twenty-second year of the Republic of India as follows:-
Section 3	There are existing 89 definitions in the Guwahati Municipal Corporation Act, 1969
Section 5	There shall be one Councillor for every population of at least 20,000 subject to the maximum of 31 members.
Section 7	There are existing 25 Matters provided by Corporation in the Guwahati Municipal Corporation Act, 1969.
Section 7A	No existing provision, new section inserted
Section 7B	No existing provision, new section inserted
Section 15B	<p>Removal of Mayor or Deputy Mayor or Presiding Officer or Deputy Presiding Officer or Chairman of a Committee.-</p> <p>(3) The Mayor or Deputy Mayor or Presiding Officer or Deputy Presiding Officer or Chairman of any committee, as the case may be, may be removed from his office by way of a no-confidence motion approved by a simple majority of the elected Councillors in a meeting of the Corporation requisitioned for the purpose by not less than one third of the total Councillors on the ground of his proved misbehaviour or incapacity or corruption or financial irregularities or activities against the public interest or against the interest of the Corporation or activities contrary to the provisions of this Act or the rules made thereunder.</p>
Section 43	<p>Delimitation of wards.-</p> <p>(1) For the purposes of election of Councillors the Corporation with the approval of the Government shall,-</p> <p style="padding-left: 40px;">(a) divide the city into such number of wards as there are Councillors to be elected; and</p> <p style="padding-left: 40px;">(b) determine the extent of each ward.</p> <p>(2) Each ward shall return one Councillor and all the electors of a ward shall be entitled to vote for election of a Councillor from that ward.</p>
Section 67	<p>Appointment of officers of the Corporation.- (1) The Corporation may appoint proper persons, including officers on deputation from State Government to be the Chief Engineer, the Collector the Chief Accounts and Audit Officer, the Chief Health Officer, the Municipal Secretary and such other posts, on such order terms and conditions as may be determined in this behalf.</p> <p>(2) An officer referred to in sub-section (1) may be appointed on probation before he is confirmed in the post.</p> <p>(3) The qualifications, salary, allowance, the period of service, the age of</p>

	<p>superannuation and all other conditions of service of the officers referred to in sub-section (1) shall be prescribed by rules made by the Corporation.</p> <p>(4) (a) The appointment of every officer referred to in sub-section (1) shall be subject to the approval of the State Government.</p> <p>(b) If the State Government does not communicate its approval to the appointment of any officer referred to in sub-section (1) within 45 days from the date of receipt of the communication from the Corporation, the appointment shall be deemed to have been approved.</p> <p>(c) If the State Government refuses to approve the appointment of any officer referred to in sub-section (1), the Corporation shall make a fresh appointment to the post of such officer within forty-five days from the date of receipt or the communication refusing such approval, and in the event of the failure of the Corporation to make a fresh appointment within such time, the State Government may appoint a person to the post of such officer:</p> <p style="padding-left: 40px;">Provided that pending the approval of the appointment by the State Government as aforesaid, the Corporation may appoint a person to such post for a temporary period on salary and allowances not exceeding those provided for such officer.</p>
<p>Section 72</p>	<p>Appointment to be made on the recommendation of the Municipal Service Commission.- (1) Appointments to posts referred to in sub-section (1) of Section 67 and to posts carrying a maximum salary not below one thousand rupees per month should be made on the recommendation of the Assam Public Service Commission.</p> <p>(2) Appointments to posts carrying maximum salary not below five hundred rupees but below one thousand rupees per month shall be made on the recommendation of the Municipal Service Commission.</p> <p>(3) The Municipal Service Commission shall hold examination periodically for recommending candidates for appointment to posts mentioned in the schedule referred to in Section 69, the maximum salary of which is not below five hundred rupees but below one thousand rupees per month.</p> <p>(4) Notwithstanding anything contained in sub-section (2), if the appointment authority proposes that any particular vacancy, the maximum salary of which is not below two hundred and fifty rupees but below one thousand rupees for month, should be filled up by promotion from subordinate ranks, then the Municipal Service Commission shall decide whether such vacancy shall be filled up by promotion or by direct recruitment and in the latter case shall invite applications and take such other steps as it may consider necessary for the purpose of recommending candidates for appointment to the vacancy.</p> <p>(5) Notwithstanding anything contained in sub-section (1), (2), (3) and (4) it shall not be necessary to consult that Public Service Commission and the Municipal Service Commission, where a vacancy in a post is not likely to exceed four months or if the posts is created for a temporary period not likely to exceed six months.</p> <p>(6) Appointments to posts, the maximum salary of which is below five hundred rupees per month shall be made by the Commissioner with the approval of the</p>

	<p>Corporation subject to regulations relating to such appointment as may be framed by the Municipal Service Commission, and approved by the Corporation:</p> <p>[Provided that notwithstanding anything contained in the principal Act during the period of suppression, appointments to posts carrying any salary shall be made by the Commissioner with the approval of the State Government]</p>
Section 73	<p>Constitution of Municipal Service Commission.- (1) The Corporation shall, as soon as may be after the commencement of this Act, constitute a Municipal Service Commission consisting of,-</p> <p>(a) a Chairman who shall be a member of the State Public Service Commission, deputed by such Commission from time to time;</p> <p>(b) the Secretary to the Government of Assam Municipal Administration Department or his nominee; and</p> <p>(c) two Councillors selected by the Corporation.</p> <p>(1-A) Whenever a Corporation is superseded under Section 425 of the principal Act, the office of membership held by the two Councillors under clause (c) of the preceding sub-section shall be held,-</p> <p>(i) When only one person is appointed as administrator, by such administrator and the Commissioner of the Corporation;</p> <p>(ii) When a council of administrators is appointed with only two persons, by these two administrators;</p> <p>(iii) When more than two persons are appointed as council of administrators, by such two of them as may be selected by the council of administrators in a meeting.</p> <p>(2) The Corporation shall by rules made in this behalf provide for,-</p> <p>(a) the manner in which the Commission shall perform the duties imposed upon it by or under the Act; and</p> <p>(b) the number of members of the staff of the Commission and their conditions of service</p>
Section 74	<p>Powers of Mayor-in-Council to make regulations.- (1) Subject to other provisions of this Act, the Corporation may, in consultation with the Mayor-in-Council and the Municipal Service Commission, frame regulations,-</p> <p>(a) Fixing the amount and nature of security, if any, to be furnished;</p> <p>(b) Regulating the grant of leave, leave allowance and officiating allowance;</p> <p>(c) Regulating the grant of pension, bonus and gratuities;</p> <p>(d) Regulating the grant of travelling allowance and house-rent allowance;</p> <p>(e) Regulating the fixation of initial pay on a time-scale of pay;</p> <p>(f) Regulating compassionate allowance and gratuities to municipal</p>

	<p>officers and staff and families of deceased municipal officers and staff;</p> <p>(g) Establishing and maintaining provident or annuity fund and making contributions thereto compulsory by both the municipal employees and the Corporation;</p> <p>(h) Prescribing the qualification for employment of municipal officer and staff;</p> <p>(i) Regulating conduct of municipal officer and staff; and</p> <p>(j) General prescribed the condition of service of municipal officers and staff;</p> <p>Provided that in framing regulations as aforesaid express provision shall be made so as to ensure that any money payable to a municipal officer or staff upon his retirement from any provident fund or annuity fund or as gratuity shall be paid to him within six months of such retirement.</p> <p>(2) The Corporation may, in accordance with the regulations framed under sub-section (1) grant —</p> <p>(a) Pensions, allowances, bonuses and gratuities to municipal officers and staff; and</p> <p>(b) Compassionate allowances and gratuities to members of the families of deceased municipal officers and staff and may also supplement contributions to a provident fund or an annuity fund in accordance with the said regulations.</p> <p>(3) Subject to any regulations framed under sub-section (1), the Commissioner may grant leave of absence to any municipal officer or staff:</p> <p>Provided that the Commissioner shall not grant leave of absence for any period exceeding one month to any municipal officer or staff ¹ [the maximum of whose scale of pay is not below five hundred rupees] without obtaining the sanction of the ² [Mayor - in- Council] to such leave.</p> <p><i>Explanation: —</i> For the purposes of this Chapter the family of a municipal officer or staff shall be deemed to include his wife, children, father, mother, brother or sister, dependent upon him for support.</p>
<p>Section 111</p>	<p>Receipt of moneys and deposit in bank.- All moneys payable to the credit of the Municipal Fund shall be forthwith paid into the State Bank of India to the credit of an account which shall be styled "the account of the Municipal Fund of the Corporation of Gauhati".</p>
<p>PART IV CHAPTER XI TAXATION Section 144</p>	<p>Taxes to be imposed under this Act.-(1) For the purposes of this Act, the Corporation shall impose following taxes, namely: —</p> <p>(a) Property taxes;</p> <p>(b) A tax on draught animals, vessels and vehicles other than those mechanically propelled;</p> <p>(c) A tax on theatres theatrical performance and other shows for public amusement;</p>

	<p>(d) A tax on advertisement other than advertisements published in the newspapers;</p> <p>(e) A duty on the transfer of property;</p> <p>(f) A tax on profession, trades and calling.</p> <p>(2) In addition to the taxes mentioned in sub-section (1), the Corporation may, for the purposes of this Act, levy any or all of the following taxes, namely,-</p> <p>(a) A betterment tax on properties whose value may have increased as a result of town planning scheme undertaken in the city;</p> <p>(b) A tax on dogs kept within the city;</p> <p>(c) A toll on vehicles and animals entering the city but not liable to taxation under clause (b) of sub-section (1);</p> <p>(d) Market dues on persons exposing goods for sale in any market or in any space belonging to or under the control of Government or of the Corporation;</p> <p>(e) A drainage tax where a system of drainage has been introduced;</p> <p>(f) A tax on pilgrims resorting periodically to a shrine within the limits of the Corporation;</p> <p>(g) A tax on passengers and goods carried by road or inland waterways;</p> <p>(h) A toll on new bridges constructed by the Corporation;</p> <p>(i) Octroi; and</p> <p>(j) Any other tax with the prior approval of the State Government.</p>
Section 147	(a) a water tax of such percentage of the rateable value of lands and buildings as the Corporation may deem reasonable for providing water supply in the city;
Section 148	<p>Exemption from general property tax.- The Corporation may exempt the following properties from payment of property taxes,-</p> <p>(a) buildings and lands vesting in the Central Government without the prior approval of the Central Government except where the provision of clause (2) of Article 285 of the Constitution of India apply;</p> <p>(b) buildings and lands occupied and used for public worship or for charitable purposes, so declared by the Corporation;</p> <p>(c) buildings and lands the rental value of which does not exceed twenty rupees per month, provided that :</p> <p>(i) the building is occupied by the owner; and</p> <p>(ii) the owner does not possess any other building or land the rent whereof exceeds twenty rupees per month in the aggregate.</p>
Section 148A	No provision to tax mobile towers

Section 148B	No provision
Section 173	Taxes on advertisement. -1(d)relates to the name of the land or building upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or
Section 180	<p>Licence to be taken out annually.—(1) Every person who exercises or carries in the city, either by himself or by an agent or representative, any of the professions, trades or callings indicated in the Fourth Schedule, shall annually take out a licence before the first day of April in each year or within one month of his taking up the profession, trade or calling, as the case may be, and pay for the same, such fee as is mentioned in that behalf in the schedule.</p> <p>Provided also that the grant of such a licence shall not be deemed to affect the liability of the licensee to take out a licence under any other section of this Act :</p> <p>Provided also that the Commissioner may,—</p> <p>(a) remit or refund any portion of the fee so payable in respect of the exercise or carrying on of any profession, trade or calling if he is satisfied that the profession, trade or calling has not been exercised or carried on for more than six consecutive months; or</p> <p>(b) exempt a person, who in the opinion of the Commissioner is unable to pay the fee due for a licence, from liability to take out such licence, or declare that he shall be entitled to take out a licence under a lower class than that under which he is chargeable according to the said schedule;</p> <p>(c) in any other case exempt any person from liability to take out a licence or declare that any person shall be entitled to take out a licence under a lower class than before.</p> <p>(2) The Commissioner may at any time grant a licence for any previous year for which no licence has been taken out, on payment of the fee which would have been payable thereof in the first instance :</p> <p>Provided that the production of such a licence shall not afford a valid defence if the licensee is prosecuted for failing to take a licence within the time required by this Act.</p> <p>(3) <i>Power of Commissioner to call for list of persons.</i>- The Commissioner may, by written notice, require the owner or occupier of any building or place of business to forward to him within seven days a list, signed by such owner or occupier of the names of all persons exercising or carrying on any professions, trades or calling therein, and of their respective professions, trades, and callings.</p> <p>(4) <i>Liability and class how to be determined.</i>- The liability of any person to take out a licence and the class under which he shall be deemed bound to take out licence shall be determined in accordance with the rules that may be made in</p>

	<p>this behalf by the Corporation.</p> <p>(5) The Corporation may, by notification in the Official Gazette, from time to time, increase the rates specified in the Schedule.</p>
Section 204A	New section for arbitration inserted. Earlier there was no provision for arbitration against the orders of Mayor-in-Council for Appeal.
Section 272	<p>Prohibition of accumulation of offensive matter.- No person-</p> <p>(a) shall throw or place any rubbish, offensive mater or sewage on any street or in any place not provided or appointed for the purposes under the provisions of this Act; and</p> <p>(b) who is the owner or occupier of any land or building shall allow any sewage or offensive matter to flow, soak or be thrown therefrom or keep or suffer to be kept therein or thereupon anything so as to be a nuisance to any person or negligently suffer any receptacle or place for the deposit of offensive matter or rubbish, on his premises to be in such a state as to be offensive or injurious to health.</p>
Section 293A	No provision regarding disallowing accumulation of water.
Section 301	<p>Registration and control of dogs.-(1) The Corporation may by bye-laws made in this behalf,-</p> <p>(a) require the registration by the registration authority appointed by the Commissioner in this behalf of all dogs, kept within the city;</p> <p>(b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority;</p> <p>(c) fix the fee payable for the issue of metal token referred to in (b) above;</p> <p>(d) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and</p> <p>(e) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week.</p> <p>(2) The Commissioner may,—</p> <p>(a) cause to be destroyed or to be confined for such period as he may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies; and</p> <p>(b) by public notice direct, that after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners if any may be destroyed and cause them to be destroyed accordingly.</p> <p>(3) No damages shall be payable in respect of any dog or other animal</p>

	<p>destroyed or otherwise disposed of under this section.</p> <p>(4) No one, being the owner or person in charge of any dog, shall allow it to be at large in any public street or public place without being muzzled and without being secured by a chain in any case in which,—</p> <p>(a) he knows that the dog is likely to annoy or intimidate any person; or</p> <p>(b) the Commissioner has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads.</p> <p>(5) No one shall,—</p> <p>(a) allow any ferocious dog which belongs to him or is in his charge to be at large without being muzzled; or</p> <p>(b) set on or urge any dog or other animal to attack, worry or intimidate, any person; or</p> <p>(c) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, fail or neglect to give immediate information of the fact to the Commissioner or give information which is false.</p>
<p>Section 318</p>	<p>Licence of dealing in flesh, fish and poultry.—(1) No person shall without or otherwise than in conformity with a licence from the Commissioner deal in flesh, fish, poultry or import flesh intended for human food or used any place for the sale of flesh, fish or poultry intended for human food:</p> <p>Provided that no licence shall be required of any place used for the sale or storage for sale of preserved flesh, or fish contained in air-tight or hermetically sealed receptacles.</p> <p>(2) The Commissioner may by order or subject to such conditions as to supervision and inspection as he thinks fit to impose, grant a licence or may by order refuse, for reasons to be recorded, to grant the same.</p> <p>(3) Every such licence shall expire at the end of the year for which it is granted or at such earlier date as the Commissioner may, for special reasons, specify in the licence.</p> <p>(4) If any place is used for the sale of flesh, fish or poultry in contravention of the provisions of this section, the Commissioner may stop the use thereof by such means as he may consider necessary.</p>
<p>Section 337</p>	<p>Power to require removal or alteration of work not in conformity with bye-laws or executed notwithstanding rejection of plan, etc.—(1) If any building is erected or re-erected in contravention of any development scheme mentioned under Section 322 or any building bye-laws made under Section 416 (1) D or without plans having been deposited, or notwithstanding the rejection of plans, or otherwise than in accordance with any requirements</p>

	<p>subject to which the Commissioner passed the plans, the Commissioner may, without prejudice to his right of taking proceedings in a Court of law for such contravention, by notice to the owner either require him to pull down or remove the work or if he so elects, to effect such alteration therein as may be necessary to make it comply with the said scheme or bye-laws or other requirements specified in the notice.</p> <p>(2) If any case in which the erection or re-erection of any building has been commenced or is being carried on unlawfully as mentioned in sub-section (1), the Commissioner may, by a written notice, require the building operation to be discontinued from the date of service of the notice.</p> <p>(3) If a person to whom a notice has been given under the foregoing provisions of this section fails to comply with the notice before expiry of [seven] days, the Commissioner may pull down or remove the work in question, or effect such alteration therein as he deems necessary, and may recover from him the expenses reasonably incurred by the Commissioner in so doing, and such dues shall be recoverable as arrears of municipal tax.</p> <p>(4) Where plans were approved, it shall not be open to the Commissioner to give such a notice on the ground that the building contravenes any scheme or bye-laws as the case may be or does not comply with his requirements under this Part.</p>
<p>Section 404</p>	<p>Punishment for certain offences.- Whoever,-</p> <p>(a) Contravenes any provision of any of the sections, sub-sections, clauses, provisions, or other provisions of this Act; or</p> <p>(b) fails to comply with any order or direction lawfully given to him of any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provision or other provisions shall be punishable-</p> <p>(i) with fine which may extend to the amount or with imprisonment for a term which may extend to the period, to be specified in that behalf; and</p> <p>(ii) in the case of a continuing contravention or failure with an additional which may extend to the amounts specified in the third column of that table for everyday during which such contravention or failure continues after conviction for the first such contravention or failure.</p>
<p>Section 405</p>	<p>General penalty.- Whoever, in any case in which penalty it not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to one hundred rupees, and in the case of continuing failure or contravention with an additional fine which may extend to twenty rupees for every day during which he has persisted in the failure or contravention.</p>

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.

**THE GUWAHATI METROPOLITAN DEVELOPMENT
AUTHORITY (AMENDMENT) BILL, 2021**

**A
BILL**

further to amend the Guwahati Metropolitan Development Authority Act, 1985.

Preamble

Whereas it is expedient further to amend the Guwahati Metropolitan Development Authority Act, 1985, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam
Act No.
XX of
1987

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 Guwahati Metropolitan Development Authority (Amendment) Act, 2021.
- (2) It shall have the like extent as the principal Act.
- (2) It shall come into force at once.

Amendment of
section 5

2. In the principal Act, in section 5, in sub-section (1), for the existing clause (l), the following shall be substituted, namely:-
“(l) Chief Engineer of the Guwahati Metropolitan Development Authority, not below the rank of Superintending Engineer (Civil) of any Department under the State Government to be appointed by the State Government.”

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Guwahati Metropolitan Development Authority Act, 1985. It is proposed to amend Section 5(1)(l) of the GMDA Act, 1985 by proposing changes as **“Chief Engineer of the Guwahati Metropolitan Development Authority, not below the rank of Superintending Engineer (Civil) of any Department under the State Government to be appointed by the State Government”**.

As per Section 5(1)(l) of the GMDA Act, 1985 (as amended), the Chief Engineer of the GMDA should not be below the rank of Superintending Engineer of the State PWD, to be appointed by the State Govt. In order to widen the scope of choice of a suitable person in the rank of Superintending Engineer for the post of Chief Engineer, GMDA, there is a need for further amendment so that a suitable person from any department of the Govt. of Assam can be deputed as the Chief Engineer of GMDA.

ASHOK SINGHAL,

Minister,
Department of Housing & Urban Affairs,
Assam, Dispur.

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly,
Dispur.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

ASHOK SINGHAL,
Minister,
Department of Housing & Urban Affairs,
Assam, Dispur.

MEMORANDUM OF DELEGATED LEGISLATION

The present amendment will not create any delegated legislation.

ASHOK SINGHAL,
Minister,
Department of Housing & Urban Affairs,
Assam, Dispur.

**Extract of the existing section of the Guwahati Metropolitan
Development Act, 1985**

Section 5(1)(I)	Chief Engineer of the Guwahati Metropolitan Development Authority, not below the rank of Superintending Engineer of the State PWD, to be appointed by the State Government.
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HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly,
Dispur.