

GAUHATI MUNICIPAL CORPORATION (AMENDMENT) ACT, 1983

Registered No. The Assam Gazette EXTRAORDINARY 318 129 No. 129 PVELiSICD BY AUTHORITY 10 1963, 18 Dispur, Monday, 10th October, 1983. 18th 1905 (S. E.) GOVERNMENT OF ASSAM ORDERS THE GOVERNOR 1905 Asvina, LEGISLATIVE DEPARTMENT : LEGISLATIVE BRANCH NOTIFICATIONS The 10th October 1983 No. LGL. 108/83/46.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for eneral information, 854 e THE ASSAM GAZETTE, EXTRAORDINARY, OCT* 10, 1983 ASSAM ACT NO. X OF 1983 (Received the assent of the Governor • on 8th October, 1983) THE GAUHATI MUNICIPAL CORPORATION (AMENDMENT) ACT, 1983, Act to amend the Gauhati Municipal Corpo- ration Act, 1969 (Assam Act L of 1973). Whereas it is expedient to amend Assam Act 1 of 1973. .1 the Gau- hati Municipal Corporatiãn Act, 1969 herein- after called the principal Act, in the manner hereinafter appearing ; It is hereby enact•ed in the Thirty-fourth Year of the Republic of India, as follows :---- 1. (i) This Act may be called the title, extent and rrence— A mend- Of men t Section, 72 of Assam 1 of i 973

2. Municipal Corporation (Amendment) Act, 1983.(ii) It shall have the like extent as the princibal Act. (iii) It shall 'be deemed to have come into force on first August, 1983. In the principal Act, in Section 72, in sub- section (6), the full stop appearing at the end shall be substituted by a colon and thereafter the following proviso shall be inserted, namely :- "Provided that notwithstanding anything contained in the principal Act, during the period of supersession, appointments to posts carrying any salary shall be made by the Commissioner with the approval of the State Government." ASSAM GAZETTE, OCT. IO, Am endment Of Section 150 of Assam Act of 1973. Amendment 3. In the principal Act,din Section 150, in sub-section (I), in the second proviso to "1951", the clause(b), for the figure figure et1972" shall be substituted

4. In the principal Act, in Section 425,- of Section appearing at 425 of Assam(a) in sub-section (I), the full stop Act 1 of the end of the existing proviso shall be sub" 1973.and thereafter the stituted by a colon following shall be inserted as a second proviso, namely "Provided further that at any time before the expiration of the period of supersession or the extended period• of supersessioM, as the case may be, the State Government may, from time to time, extend the period of supersession for such period as may be .determined, no such extension exceeding one year at a time and the total period of supersession not exceeding a continu- ous period of three vears (b) in sub-section (2), after clause (d) the fol- lowing shall be inserted as a new clause ft namely (e) (i) BiotwithStanding anything contained in the principal Act, during the period of superse- Sion, the Commissioner shall sanction amy esti- for a particular work the mate or contract amount of which does not exceed twenty thous- and rupees ; (ii) If the amount of estimate or contract exceeds twenty thousand rupees, the Commissioner shall sanction the estimate or contract with the ap.- proval of the State Government," Amendment 5. In the principal Act, in Section 438 -s Of Section 438 of A ssam Act I of 1973. (i) In sub-section (2), the 'full stop appearing at the end shaly be substituted by a colon and thereafter the following shall be inserted as a new proviso, namely 855 THE ASSAM GAZETTE. EXTRAORDINARY, OCT. 10, 193 "Provided that notwithstanding anything contained in the Act, during the period of superse- ssion, an appeal shall lie before the State Government against the decision of the Standing Appeal Committee." (ii) After sub-section (2), the following shall be inserted as a new sub-section (3) namely "(3) Notwithstanding anything contained in the principal Act, the State Government may, at any time, call for the records in any matter from the Corporation and give such order as may be deemed necessary after examination of such records. The order of the State Government, in this regard, shall be final"

6. In the principal Act, in Section 444 for the Amendmen t of Section figure ct1951", the figure "1972" shall be sub- 444 of Assam Act 1 of stituted.1973. 7. (1) The Gauhati Municipal Corporation R epeals and Savings. (Amendment) Ordinance, 1983 is hereby repealed. . (2) Notwithstanding such repeal any order passed, notification anything done or any action taken under the principal Act, as amended by the Gauhati Municipal Corporation, (Amend- ment) Ordinance, 1983 shall be deemed to have been passed, issued done or taken under the corresponding provisions Of the principal Act as amended by this Act. m e. SARMA, Secy. to the Govt. of Assam, Judicial & Legislative Deptt, ASSAM GAZETTE, OCT. The 10th October 1983 io, 1983 857 No. LGL. 161/81/104.—The following Act of the Assam Legislative Assembly

which received the assent of the Governor is hereby published for general information. ASSAM ACT NO. X1 OF 1983, (Received the assent of the Governor on 8th October, 1983) THE ASSAM TRIBAL DEVELOPMENT AUTHORITY ACT, 1983 Act to provide for the setting up of a Tribal Development Authority to accelerate development in the Plains Tribal Areas of the State of Assam. Preamble. Whereas it is expedient to provide for the setting up of a Tribal Development Authority to accelerate development in the Plains Tribal Areas of the State of Assam. It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :— Short title, extent and commencement. Definition. 1. (i) This Act may be called the Assam Tribal Development Authority Act, 1983. (ii) It shall come into force on such date as the State Government may, by notification in the official Gazette appoint. (iii) The Act shall apply to such area or areas as the State Government may by notification in the official Gazette from time to time specify

2. In this Act unless there is anything repugnant in the subject or context :— (a) "Authority" means the Tribal Development Authority of Assam. (b) "Government" means the State Government of Assam. (c) "Governor" means the Governor of Assam. THE ASSAM GAZETTE, EXTRAORDINARY, OCT. 10, 1983 (d) "Rules" mean the rules made under this Act. (e) CMLA and CMP mean the member of the The setting up of the Authority and its composition

3. Legislative Assembly of the State of Assam and the member of Lok Sabha or Rajya Sabha respectively

CHAPTER 11 (1) The Government shall set up a Tribal Development Authority for the Plains Tribal Areas of Assam immediately after the coming into force of this Act. (2) The Authority will be a corporate body with a perpetual succession and common seal. (3) The Authority, unless sooner dissolved, shall continue for five years from the date appointed for its first meetings : Provided that the said period may be extended by the Governor by notification in the Official Gazette for a period not exceeding one year at a time

4. The Authority shall consist of the following .0--- (1) (a) The Chairman of the Authority shall be the Chief Minister, Assam. (b) The Vice-Chairman shall be the Minister in-charge of the Welfare of Plains Tribes and Backward Classes Department. (c) All Plains Tribal M.L.As. and M.Ps. of the State representing the area in which the Act is applicable. ASSAM GAZETTE, EXTRAORDINARY, OCT. 10, 1983 859 (d) 8 (eight) members to be elected as (f) provided in sub-section (2) of this Section strictly by the limited voters belonging to the Plains Tribal Communities of the Gaon Panchayat areas, or a part of the Gaon Panchayat falling within the areas to which this Act is applied. An officer, not below the rank of a Divisional Commissioner nominated by the Government shall be the Member-Secretary of the Authority. 5 (five) Ex-officio members nominated by the Government from among the officers of, the Developmental Departments. (g) Not more than two representatives shall be nominated by the Central Government. (2) As soon as possible after the coming into force of the Act, the Government shall arrange to hold the elections for the members to be elected as provided under clause (d) above. The members of the Gaon Panchayat or a part of the Gaon Panchayat falling in the area to which the Act is applied shall form the Electoral College for the purposes. The procedure for the election shall be as laid down by the Rules

5. The tenure of the Vice-Chairman shall be for a period of five years. The terms of the members who are M.L.As or M.Ps shall be coterminous with their membership of the Legislative Assembly or Parliament as the case may be. The normal terms of the members elected under Section 4(1) (d) shall be for a period of five years, 860 THE ASSAM GAZETTE, EXTRAORDINARY, OCT. 10, 1983 Salary and allowances of Vice-Chairman. anything contained 6. Notwithstanding herein before the Governor may from time to time reconstitute the Authority

7. The Vice-Chairman (if nominated from members other than Minister) shall receive TAI DA as per rules and sitting fees as may be laid down by the Government

8. The non-official members of the Authority shall receive such TA/DA as per rules and sitting fees as the Government may decide : Provided that the Government may, while deciding the sitting fees payable to MPs. and MLAs., take into account the provisions of Articles 102 and 192 of the Constitution of India and also those of Parliament (Prevention of Disqualification) Act, 1959 and such Acts of State of Assam in respect of prevention and disqualifications of the members of the State Legislature

9. Any of the members of the Authority may •Resignation. resign his office by addressing a letter to the Chairman. Removal of 10. (1) The GOVERNMENT shall have the right members to remove the Vice-Chairman (if nominated from the members other than the Minister) or any other member of the Authority before the expiry of his term on any one or more of the following grounds :— (a) On his refusal to serve in the Authority (b) If he is incapable of holding the office due to disease or infirmity. (c) On absence from 5 (five) successive meetings of the Authority without sufficient reason. (d) If he has misused his office. THE ASSAM GAZETTE, EXTRAORDINARY, OCT. 10, 1983 861 (e) If his retention in the Authority is otherwise considered undesirable or against the interest of the Authority. (2) The order under sub-section (i) above shall not be passed until the Vice-Chairman or member concerned has been given an opportunity to show cause as to why the order should not be passed. (3) A person removed from the office under sub-section (i) shall be disqualified from holding any office under the authority for 5 years, commencing from the date of such removal. Power to fill 11. The Government shall have the power vacancies. to fill up the vacancies in accordance with the provisions of the Act, in case of the office of Vice-Chairman or a Member falls vacant due to resignation, removal death or any other cause before the expiry of term of such Vice-Chairman or members. The term of such Vice-Chairman or members shall be coterminous with the expiry of the term of the other regular members of the Authority. Staff of the 12. The Authority may have such staff as Authority. may be decided by the Authority with the approval of the Government. CHAPTER Procedure for the meeting of the Authority Meeting of 13. (1) The Authority shall meet at least once in three months provided that a meeting of the Authority may be called by the Chairman at shorter intervals if he considers it necessary. (2) The Chairman or in his absence the Vice-Chairman shall preside over the meeting of the Authority. In the absence of the Chairman and the Vice-Chairman the members present shall elect any member to preside over the meeting. 862 THE ASSAM GAZETTE, EXTRAORDINARY, OCT. 10, 1983 (3) The notice for the meeting of the Authority shall be issued by the Member Secretary and normally 10 days' notice will be necessary unless the requirement is waived by the Chairman

14. The Chairman may invite such person Special invitee to attend the meeting as he may consider necessary but such invitees shall have no voting power. Quorum. 15. (i) One-third of the total voting members of the Authority shall form a quorum for a meeting. (ii) In case the minimum number of the voting members forming a quorum are not present in a meeting, the meeting shall be postponed and reconvened after giving 7 days notice. No quorum shall be necessary, to transact any business of the reconvened meeting. 16. (1) The Authority shall have the following functions of the, Authority :- (a) To prepare short-term and long-term plans for all round socio-economic development of the areas to which this Act is applied. (b) To formulate schemes for the development of the area in the context and within the framework of the State Plans. (c) To recommend such other measures as may be considered necessary for accelerating the development of the area. (d) To review the schemes for the development of the area and their progress from time to time. THE ASSAM GAZETTE, EXTRAORDINARY, OCT. 10, 1983 863 (e) To call for the reports relating to the implementation of the development programmes in the area and to suggest measures for co-ordination and supervision of the Schemes. (2) The Authority may with the approval of the Government set up such agency at Sub-Divisional or block level as it may consider necessary for the effective discharge of its functions

CHAPTER IV Fund of the Authority Budget

17. The Authority shall have its own fund called "The Tribal Development Authority Fund" into which all the sums received from the Government for the development of the area will be credited. The fund shall be non-lapsable, - 18. The Government may frame rules for maintenance of the fund and for regulating the accounting procedure to be followed by the Authority

19. The Accounts of the Authority will be subject to Audit by such agencies as the Government may prescribe from time to time

20. The Authority shall adopt its budget before the commencement of the financial year and the budget will be operated with the approval of the Government. Power to

21. The Authority shall have the power to borrow. take loans from the Government on such terms and conditions as may be agreed upon. Submission 22. Within 3 months of the expiry of each of Annual Report the Authority shall submit a report to the Government indicating the activities,

864 ASSAM GAZETTE, EXTRAORDINARY, OC 10, 1983 revenue and expenditure' of the Authority during the course of the financial year. Authority to 23. The Authority shall submit reports and submit reports, etc. furnish such figures and data as may be required by the Government

CHAPTER V Miscellaneous Power of the 24. The Government shall have the State Government to power to issue from time to time such directives issue directives. to the Authority as it necessary and the Authority shall carry them out. Members of. 25.. The members. the staff and members Authority staff to of the -Authority- shall be deemed to be public servants within the meaning of Section 21. of servants. the Indian Penal Code. Protection 26. No Act or proceedings of the Authority of invalidation of Act shall be invalidated by reasons of any vacancy or Proceedings. In the Authority, any defect in the composition thereof or any irregularity in the procedure of the Authority. Protection 27. No suit shall lie against any public servant for acts done. Power to make rules

28. The Government shall have the power to make rules to give effect to the provisions of the Act as it may consider necessary : Provided that such rules shall be laid as soon as may be, after they are made, before the Assam Legislative Assembly While it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and it before the expiry of the session in which it is so laid. or in session immediately following. OCT, 40, the Legislative Assembly agreed in making any modification in the rule or the Legislative assembly agree no rules should be made, the rules shall thereafter, have effect only in such modified form or be of no effect, as the may be ; Provided that any such modification annulment shall be without prejudice to the validity of anything previously done under the rules, 29 (1) The Assam Tribal Development Authority Ordinance, 1903 is hereby repealed, (2) Notwithstanding such repeal anything done or any action taken under the ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act, D, e SARMA, Secy, to the Govt of Assam, Judicial Legislative Deptt, Gauhati printed and published by the SOPdt. i/c., Assam Govt. Printdgs Press