XXVI

পঞ্জীভূক্ত নম্বৰ - ৭৬৮ /৯৭ Registered No. 768/97

অসম ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্ত্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY AUTHORITY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : LEGISLATIVE BRANCH

NOTIFICATION

The 13th December, 2007

No. LGL. 146/2007/36.-- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XXVI OF 2007

(Received the assent of the Governor on 8th December, 2007

THE ASSAM NAGARA RAJ ACT, 2007

AN

ACT

to amend the laws relating to the Corporation and Municipalities in the State of Assam to institutionalize citizens participation in Corporation's and Municipal functions.

Preamble Whereas it is expedient to amend the laws relating the Corporation and Municipalities in the State of Assam to institutionalize citizens participation in Corporations and Municipal functions e.g. setting priorities, budgeting provisions etc. by setting up of Area Sabha and to provide for matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty eighth Year of the Republic of India as follows:

Part- I

PRELIMINARY

Short title, extent and commencement. 1. (1) This Act may be called the **Assam Nagara Raj Act, 2007**

(2) It extends to the whole of Assam excluding cantonment areas therein.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.

Definitions 2. In this Act, unless the context otherwise requires,

(a) "Area" means an area as determined in the manner as specified in Section 3;

(b) "Area Sabha" means, in relation to an area, the body of all the persons registered in the electoral rolls pertaining to every polling booth in the area, in the Corporation or a Municipality;

(c) "budget year" means the period from 1 st April of the year to next 31 st March of every calendar year;

(d) "Chairperson". means the Councillor of each ward who shall be the Chairperson of that Ward Committee;

(e) "Corporation" means the Guwahati Municipal Corporation;

(f) "Member" means the Area Sabha Representative, elected or appointed in the manner as provided under this Act, who shall be a Member of the Ward Committee;

(g) "Municipality" means the Municipalities of the State of Assam;

(h) "Ward Infrastructure Index" means a composite index generated by taking into account the condition of all public infrastructure elements in that Ward;

(i) "Ward Committee" means the committee constituted under section 12 of this Act;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "State Government" means the Government of Assam;

PART - II

AREA SABHA

Constitution and Governance of Area Sabhas.

Determination of Area

3. The State Government shall, by order, determine,-

(a) the Areas into which each Ward, the Corporation, or Municipality may be divided; and

(b) the territorial extent of each Area, which shall necessarily include the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory, or, if the Government so decides, two or more contiguous polling booths (not exceeding five such polling booths) in such territory, are ordinarily resident.

Area Sabha Representative

4. There shall be an Area Sabha Representative for each Area.

Disqualification for being an Area Sabha Representative

5 (1) Any registered voter in an Area may file his nomination for office of Area Sabha Representative, unless he is disqualified for being chosen as, and for being, an Area Sabha Representative,-

(a) by or under any law for the time being in force for the purposes of elections to the Legislature of the State, or for the purposes of elections to the Corporation or Municipality:

Provided that no person shall be disqualified on the ground that he is less than twenty five years of age, if he has attained the age of eighteen years; or

(b) if he is an elected representative under either the Representation of the People Act, 1951 or this Act. Central Act 43 of 1951

Election of Area Sabha Representative

6. (1) Any person eligible for contesting the elections to the office of Area Sabha Representative in that Area may file in accordance with the procedures that may be laid down under the rules framed by the State Government in this behalf, his nomination for contesting the elections to such post within a period of four weeks from the date of announcement of results of the elections to the Corporation or Municipality.

(2) Nomination papers for the office of Area Sabha Representative shall be available with the Ward Councillor, at all Corporation or Municipal offices and at other public places where the public can easily procure the same, one week after the undisputed results of Ward elections have been declared.

(3) Upon filing his duly completed nomination papers with the election officer notified in this behalf by the State Election Commission within the period stipulated in sub-section (1), the nominee shall be entitled to receive a due acknowledgement in respect of the same from the Election Officer.

(4) The election to the office of Area Sabha Representative in the various Areas within the Corporation or Municipality shall be conducted under the aegis of the State Election Commission or an Agency that may be appointed in its place by the State government, within a period of four weeks from the last date for filing of nominations for the post of Area Sabha Representative, in the manner prescribed in the rules framed in this behalf by the State Government.

Procedure for nomination of Area Sabha Representative

7. (1) In the event of the failure of the State Election Commission, or the agency appointed in its place by the State Government, for any reason whatsoever, to conduct elections to the office of Area Sabha Representative for the Area within the Corporation, or Municipality, each Ward Councillor shall, within a period of eight weeks from the last date on which the elections ought to have been held as described in section 6, call for nominations for the office of Area Sabha Representative for every Area in this Ward, in accordance with rules framed in this behalf.

(2) A "call for nominations", as described in sub-section (1) may be made by publication of an advertisement for the purpose in at least two prominent local newspapers in wide circulation, of which at least one shall be a regional language newspaper. Additionally every call for nominations must be notified on a prominent notice board in every Corporation or Municipal office or building in the ward.

(3) Nomination papers for the office of the Area Sabha Representative shall be available with the Ward Councillor, Corporation or Municipal offices and other public places where the public can easily procure the same, eight weeks from the last date on which the elections, as described in section 6, ought to have been held.

(4) A registered voter of the Area Sabha may nominate any registered voter of the Area Sabha for the office of Area Sabha Representative by filing the nomination papers in the manner prescribed in this behalf. The eligible nominee with the highest number of registered voter nominations from that Area shall be declared as the Area Sabha Representative for that Area, by the Ward Councillor.

(5) In the event of the failure of the Ward Councillor to call for nominations for the office of Area Sabha Representative for any or all of the Areas within the Ward in the time prescribed, the State Government shall, in accordance with the rules prescribed in this behalf, nominate such persons as it may deem fit to those offices of Area Sabha Representative not filled by the Ward Councillor; and it may also initiate such disciplinary or other action against the Ward Councillor as the rules prescribed in this behalf by the Government may allow.

Term of office

8. An Area Sabha Representative shall ordinarily hold office for a duration that is co-terminus with that of the Corporation or Municipality concerned:

Provided that no person shall continue to hold office as Area Sabha Representative if, at any time during his tenure, he incurs any of the disqualifications prescribed by or under any law for the time being in force for the purpose of elections to the Legislature of the State concerned:

Provided further that, no person shall be eligible to continue to hold office as Area Sabha Representative, if at any time, 6 months after his election to such post he is recalled by a written representation to the Ward Councillor or the Corporation or Municipality, as the case may be, supported by not less than one half of the total members of the Area Sabha concerned:

Provided further more that no person shall be entitled, or continue to be entitled, to hold office as Area Sabha Representative of an area in which, he is not ordinarily resident.

Functions and duties of the Area Sabha

9. An Area Sabha may, having regard to its managerial, technical, financial and organizational capacity, and the actual conditions obtaining in the Corporation or Municipal area, perform and discharge the following functions and duties, namely:-

(a) to generate proposals and determine the priority of schemes and development programmes to be implemented in the jurisdiction of the Area Sabha and forward the same to the Ward Committee, or in its absence, the Corporation or Municipality, for inclusion in the development plans of the Ward Committee or Corporation or Municipality, as the cases may be;

(b) to identify the most eligible persons from the jurisdiction of the Area Sabha for beneficiary-oriented schemes on the basis of criteria fixed by the Government and prepare list of eligible beneficiaries in order of priority and forward the same for inclusion in the development plans of the Ward or Corporation or Municipality;

(c) to verify the eligibility of persons getting various kinds of welfare assistance from Government such as pensions and subsidies;

(d) to suggest the location of streetlights, street or community water taps, public wells, public sanitation units, and such other public amenity schemes within the area of the Area Sabha;

(e) to identify the deficiencies in the water supply and street lighting arrangements in the Area Sabha jurisdiction and suggest remedial measures;

(f) to assist the activities of public health centers in the area, especially in disease prevention and family welfare and create arrangements to report on the incidence of epidemics, and naturals calamities;

(g) to provide and mobilize voluntary labour and contributions in cash and kind for development programmes, and to supervise such development works through volunteer teams;

(h) to undertake and support tax mapping and to remind Area Sabha members of their obligations to pay Corporation or Municipal taxes and user charges,

Rights and powers of the Area Sabha

10. An Area Sabha may, subject to the procedures that may be prescribed in this behalf, exercise the following rights and powers, namely:-

(i) to get information from the officials concerned as to the services they will render and the works they propose to do in the succeeding period of three months after the meeting;

(ii) to be informed by the Ward Committee about every decision concerning the jurisdiction of the Area Sabha, and the rationale of such decisions made by the Ward Committee or the Government;

(iii) to be informed by the Ward Committee of the follow up action taken on the decisions concerning the jurisdiction of Area Sabha;

(iv) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution;

(v) to promote harmony and unity among various groups of people in the area of the Area Sabha and arranging cultural festivals and sports meets to give expression to the talents of the people of the locality; and

(vi) to co-operate with the Ward Committee in the provision of sanitation arrangements in the area.

PART - III

Constitution and Governance of Ward Committees

Area Sabha Representative to be ex-officio member

11. The Area Sabha Representative of any Area shall be a member of the Ward Committee constituted for the ward within which that Area is situated.

Ward Committee

12. (1) There shall be a Ward Committee for each ward in a Corporation or Municipality, to be constituted within 6 months of the constitution of the Corporation or Municipality.

(2) Each Ward Committee shall consist of,-

(a) the member of the Corporation or Municipality representing the Ward, who shall be the Chairperson of the Ward Committee.

(b) not more than ten persons representing the civil society from the ward, nominated by the Corporation or Municipality:

Provided that, if the population of the Ward is not more than ten thousand, the number of nominated members shall be four, and thereafter, there shall be one additional member for every four thousand population or part thereof:

Provided further that in reckoning the number of additional members of the Ward Committee exceeding four, any part of less than two thousand population may be ignored:

Provided further that not less than two-thirds of the members of such Committee shall be the Area Sabha Representatives resident in that ward.

Explanation – For the purposes of this section, 'civil society' means any non-Government organization or association or persons, established, constituted, or registered under any law for the time being in force and working for social welfare, and includes any community-based organization, professional institution and civic, health, educational, social or cultural body or any trade or Area Sabha Representative to be ex-officio member of Ward Committee, industrial organization and such other association or body as the Corporation or Municipality may decide.

(3) A person shall be disqualified for being nominated as a member of the Ward Committee under clause (b) of sub-section (2) or to continue as such member, if under the provisions of this Act or any other law for the tome being in force, he would be disqualified for being elected as a member of a Corporation or Municipality.

(4) The Commissioner or the Zonal Officer shall be entitled to take part in the meetings and deliberations of the Ward Committee. The Chairman of the Ward Committee may request the representatives of concerned departments as special invitees to participate in the meetings, whenever problems respecting their departments are to be discussed.

(5) The Divisional Executive Engineer or the Zonal Engineer, wherever available, or any other official, as nominated by the Commissioner or Executive Officer, shall be the Secretary of the Ward Committee. The Secretary shall record all minutes of the proceedings of the meeting of the Ward Committee and he shall forward a copy of minutes of the proceedings of each meeting to the Corporation or Municipality.

(6) The term of office of the Ward Committee shall be co-extensive with the term of office of the Corporation or Municipality.

PART - IV
RIGHTS AND DUTIES OF WARD COMMITTEES

Functions of the Ward Committee

13. The Ward Committee shall discharge the following functions, namely:-

(a) provide assistance in solid waste management in the ward;

(b) supervision of sanitation works in the ward for ensuring an adequate level of hygiene;

(c) provide assistance for the preparation and encouragement of the development scheme for the ward;

(d) encourage and ensure harmony and unity among various groups of people in the ward;

(e) mobilize voluntary labour and donation by way of goods or money for social welfare programs;

(f) provide assistance in the implementation of development schemes relating to the ward:

(g) provide assistance for identification of beneficiaries for the implementation of development and welfare schemes;

(h) encourage and assist in the promotion of art and cultural activities as well as activities of sports and games;

(i) ensure people's participation in the voluntary activities necessary for successful implementation of the development activities of the Corporation or Municipality;

(j) assist in the timely collection of taxes, fees and other sums due to the Corporation or Municipality;

(k) ensure maintenance of parks in the ward;

(l) ensure maintenance of street lighting in the ward;

(m) perform such other function as may be assigned to it by the Corporation or Municipality.

Rights of the Ward Committee

14. (1) The Chairperson and the Members of the Ward Committee shall have the right to seek information from the Corporation or Municipality regarding any matter relating to the Ward.

(2) The Ward Committee shall make periodical reports to the Corporation or Municipality in respect of the matters specified.

(3) Every Ward Committee shall have the right to,-

(a) obtain full information about the District and Corporation or Municipal Plans;

(b) obtain the full Corporation or Municipal Budget, within such time as may be reasonable, to verify, seek clarifications and suggest changes that need to be incorporated;

(c) obtain the requisite financial and administrative support from the Corporation or Municipality in managing Bank accounts;

(d) be consulted in the development of land use and zoning regulations within its jurisdiction;

(e) obtain full details on all revenue items including taxes and budgetary allocations, which should be presented in a simplified manner, which is manageable by the Ward Committee;

(f) retain up to 50% of the Ward Revenues for local development, until a predefined minimum level of Ward Infrastructure index, which shall be notified by the State Government, has been created in the Ward;

(g) have a proportionate claim on Corporation or Municipal Development expenditures based on the Ward Infrastructure Index of that Ward compared to the other Wards in the Corporation or Municipality;

Duties of the Ward Committee

15. (1) Every Ward Committee shall have the duty to,-

(a) produce the Ward Plans in a manner consistent with the District Plans or Municipal Plans and complete this exercise within the time specified by the State Government;

(b) prepare the Ward budget in accordance with the Ward Plans and complete this exercise within the time specified by the State Government;

(c) encourage local-level alternatives for implementation in all the areas of the Ward committee has responsibility for;

(d) ensure optimal collection of all revenue sources as specified in the schedule;

(e) map the ward infrastructure index for the Ward;

PART – V
ACTIVITIES OF THE WARD COMMITTEE

Activities of the Ward Committee

16. The Ward Committees shall perform the following activities, namely :-

(1) Preparation of a Calendar:- At the first meeting of the Ward Committee for each budget year, the Ward Committee shall decide upon specific obligatory agenda for each of the monthly meetings of the Ward Committee , remaining in that Calendar year, in addition to the specific obligatory agenda for the first meeting of the following budget year :

Provided that nothing in this sub-section shall prevent,-

(a) the convenor of a Ward Committee from adding additional agenda for any meeting of the Ward Committee;

(b) any other member of the Ward Committee, at a meeting of the Ward Committee, from moving a resolution to add to the specific obligatory agenda decided upon in the meeting in question or any subsequent meeting;

(2) Preparation and Compilation of Plans: – The Ward committee shall prepare the Annual Ward Plan and forward the same to the Corporation or Municipality for its integration with the Annual Plan;

(3) Preparation of Ward budget:-

(a) A Ward level budget calendar shall be prepared annually in accordance with SCHEDULE appended to this Act. The Ward Committee shall ensure that the budget calendar is strictly adhered to and prepare the budget for their ward six weeks before the Corporation or Municipal budget. The Corporation or Municipality may suggest changes that may be effected into the Ward level Budget after discussion with the Ward Committee.

(b) The Corporation or Municipal budget shall,-

(i) aggregate all the ward budgets, which have been prepared in accordance with clause (a) above;

(ii) have additional account heads for specific receipts and expenditures at the Corporation or Municipality level.

(4) Maintenance of Accounts:-

(a) Constitution of the Ward Finance Committee:- A committee of three persons shall be constituted in every Ward as the Finance Committee in the following manner:-

(i) The constitution of the Ward Finance Committee shall be through nomination held within one month of the constitution of the Ward Committee. The Chairperson shall nominate the Ward Finance Committee.

(ii) The Ward Finance Committee shall also appoint from amongst themselves, one person as the Chairperson, who shall be the authorized signatory for maintenance and use of accounts.

(b) The accounts of the Ward Committee shall be audited at the same time and in the same manner as those of the Corporation and Municipality and appropriate action shall be taken on the basis of such audit report

(5) Functions and Duties of the Ward Finance Committee:- The Ward Finance Committee shall,-

(a) prepare the annual budget for the Ward and place it before the meeting of the Ward Committee, which will deliberate upon, and approve the budget. The Ward Finance Committee shall present the Budget within seven months from the closure of the previous financial year;

(b) maintain ward –level bank accounts for all the receipts and expenditure activities of the ward;

(c) ensure that all funds transfers shall be made out of this account to appropriate account heads of the Corporation or Municipality;

(d) present accounts every three months at the meeting of the Ward Committee;

(e) prepare a quarterly report of the financial transactions of the Ward Committee, which shall include details of its receipts and expenditures and also its projections and suggestions for the next quarter. This report shall be made available to every member of the Ward Committee one week prior to the designated meeting for discussion of the report;

(f) make the report of the Ward Finance Committee prepared under clause (e) above available for public scrutiny within fifteen days after discussion of the report in the designated meeting.

(6) Penalties: –

(a) For non-compliance of the provisions of clauses (a) and (b) of sub-section (5) above, the concerned defaulting member shall be liable to be penalized with such amount of fine as may be determined by the Ward Committee which shall not exceed rupees one thousand for the first such default and rupees one thousand for every subsequent defaults.

(b) The Chairperson of the Ward Committee shall take appropriate action, including penalty to the Ward Committee member after giving adequate notice in writing and after giving reasonable opportunity of being heard:

Provided that, the decision to impose a fine shall come into force only upon it being approved by a majority of vote at the meeting of the Ward Committee.

(7) Perusal of Bills: –

(a) For every expenditure, the members of the Ward Committee shall requisition the required amount from the Chairperson and shall present bills for the expenditure incurred.

(b) The Chairperson shall make available the sum so requisitioned in keeping with the budgetary allocation.

(8) Supervisory Mechanism:-

(a) The Corporation or Municipality shall take up the responsibility of providing administrative and infrastructure support to the Ward Committee for its proper functioning.

(b) The Ward Committee shall create mechanisms for checks and balances over the Government, Corporation or Municipal personal in their Ward. Ward Committees shall have the power to recommend to the competent authority for imposition of penalties in respect of a Government and Corporation or Municipal employee for misconduct and negligence of duties.

(9) Ward Development:-

There shall be a Ward information and Statistics Committee, which shall be formed for various developmental and planning works. The constitution and functions of the Committee are as given below.

(a) Constitution of the Ward Information and Statistics Committee,-

(i) A committee of three persons shall be constituted in every Ward as the Ward Information and Statistic Committee.

(ii) The constitution of the Ward Information and Statistics Committee shall be through nominations by the Chairperson held within one month of the constitution of the Ward Committee:

Provided that members of the Ward Finance Committee shall not be members of the Ward Information and Statistics Committee.

(iii) The Ward Information and Statistics Committee shall also appoint from amongst themselves, one person as the presiding member who will preside over the meetings of the Ward Information and Statistics Committee.

(b) Duties of the Ward Information and Statistics Committee:-

(i) It shall be the duty of the Ward Information and Statistics Committee to compile, maintain and update annually the following information about the ward in the format prescribed by the concerned Corporation or Municipality for this purpose. Such Information shall include,-

(A) economic Information including the number and nature of commercial establishments in the ward and employment data in these establishments;

(B) information relating to Land Use includes the changes in patterns of land use, data relating public spaces and civic amenity sites, traffic patterns and public transportation hubs and preservation and restoration of environment, natural resources and heritage sites;

(C) infrastructure Index including the extent of infrastructural development, current and pending projects, and the infrastructural requirements of the ward.

(ii) The report prepared in accordance with sub-section (9) (b) (i) (B) above shall be used by the Ward Committee in determining and enforcing the zoning provisions. It shall be made available on a quarterly basis to the meetings of the Ward Committee, reflecting changes since the presentation of the previous report.

(iii) The report prepared in accordance with sub-section (9) (b) (i) (C) above shall be used by the Ward Committee in allocation of development expenditure by the Ward Finance Committee. It shall be made available on a quarterly basis to the meetings of the Ward Committee, reflecting changes since the presentation of the previous report.

(iv) Special Planning: The Ward Committee shall,-

A. participate in development plans of the city;

B. enforce zoning and land use regulations;

C. participate in the creation and enforcement of new instruments like transferable development rights, etc.

(10) Penalties:-

(a) For non-compliance of the provisions of sub-clauses (i) to (iv) of clause (b) of sub-section (9) above the concerned defaulting member, shall be liable to be penalized with such amount of fine as may be determined by the Ward Committee which shall not exceed rupees one thousand for such default and rupees one thousand for every subsequent defaults.

(b) The Chairperson of the Ward Committee shall take appropriate action, including penalty to the Ward Committee member after giving adequate notice in writing and after giving reasonable opportunity of being heard:

Provided that, the decision to impose fine shall come into force only upon it being approved by a majority of vote at the meeting of the Ward Committee.

(11) Comprehensive intervention for urban poor activities:-

The Ward Committee shall be responsible for,-

(a) integrating all existing activities undertaken by the Government;

(b) to preparing and maintaining beneficiary list for all the programmes and schemes undertaken by the government in co-ordination with the relevant government agencies.

(c) preparing a report on the housing and public distribution system in each Ward.

(12) Ensure Universal access for selected public services:-

The Ward Committee shall be responsible in ensuring universal access in selected public services like education, health care, water supply and sanitation.

(13) Alternative Options:-

Without prejudice to the generality of the foregoing provisions,-

(a) the ward Committee shall be responsible for decentralized management of the following functions, namely:-

(i) Primary collection of Solid Waste Management and decentralized management of solid waste;

(ii) Desilting of drains;

(iii) Maintenance of streetlights;

(iv) Maintenance of parks;

(v) De-weeding of paths;

(vi) Road works including construction, maintenance and restoration of; and

(vii) General beautification of the locality.

(b) The Ward Committee shall be specifically empowered to examine various alternative implementation options in the above mentioned areas.

(c) The proposal with respect to the alternative implementation option by the local communities shall be submitted to the Ward Committee and shall be taken up for discussion at the next meeting of the Ward Committee.

Recovery of fine

17. (1) After determination of the amount of fine by the Ward Committee under sub-sections (6) and (10) of section 16 and clause (f) of section 21, the Chairperson shall issue notice to the concerned defaulting member to pay the fine within a period of three months from the date of receipt of the said notice and the concerned member shall pay the same within the time so stipulated.

(2) If the defaulting member refuses or fails to pay the amount of fine within the stipulated period mentioned in the notice, the Chairperson shall issue a certificate for the amount due to the Collector who shall proceed to recover the same as an arrear of land revenue and remit the same in favour of the concerned Ward Committee.

PART –VI
FUNCTIONING OF WARD COMMITTEES

Additional meetings of the Ward Committee

18. It shall be the duty of the Chairperson of the Ward Committee to convene Ward Committee meetings at least annually for consultation, on the following subjects:-

(a) Preparation of Ward Plan;

(b) Preparation of Ward Budget;

(c) Preparation of Ward maps, Ward infrastructure index and other alternate functions.

Agenda

19. The Chairperson shall set the agenda for each Ward Committee meeting.

Preparation of Ward Budget

20. To facilitate the proper preparation of the budget, a Ward Committee meeting shall compulsorily be held at least three weeks before the preparation of the Ward Budget. All reports presented by the Ward Finance Committee for the past year shall be discussed.

Procedure for conducting Ward Committee meetings

21. Following procedure shall be followed while conducting meetings of the Ward Committee:

(a) Reasonable notice of the Ward Committee meetings should be given at least one week in advance and placed in the notice boards of the Corporation or the Municipality offices and in other places in the Ward and office of the Ward Committee,

(b) All residents of the ward shall be entitled to participate in the Ward Committee. The media will be encouraged to actively participate in the proceedings.

(c) Minutes of the Ward Committee meetings shall be maintained. These minutes shall be made available to the general public for perusal. They shall be kept at the office of the Ward Committee.

(d) These minutes shall be presented at the next meeting of the Ward Committee and this information shall be made use of by the appropriate sub-committees in their functions.

(e) Grievances for not holding or improperly conducting Ward Committee shall be addressed to the Chairperson of the Ward Committee. The Chairperson shall take appropriate action, including penalty to the Ward Committee member after giving adequate notice in writing and reasonable opportunity to be heard to the nominee;

(f) The concerned defaulting member shall be liable to be penalized with such amount of fine as may be determined by the Ward Committee which shall not exceed rupees one thousand for such default and rupees one thousand for every subsequent defaults.

Provided that, the decision to impose a fine shall come into force only upon it is approved by a majority of vote at the meeting of the Ward Committee.

Power to make rules

22. (1) Subject to the provisions of this Act, the State Government may make rules to provide for any matter, which is to be or may be prescribed by rules made under 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) Procedure for election of the Chairperson of the Area Sabha;

(b) Convening and conducting the meetings of the Area Sabha and Ward Committee;

(c) Preparation and compilation of development plans for the ward;

(d) Preparation of annual budget of the ward; and

(e) Maintenance of Accounts.

(3) All rules made by the State Government under this Act shall, as soon as may be after they are made, be laid before the Assam Legislative Assembly, while it is in session, for a total period of not less that fourteen days which may be comprised in one session or in two or more succession sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette subject to such modifications or annulments as the Assam Legislative Assembly may, during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

Act to over ride other laws relating to Corporation and Municipalities and Saving of action

23. (1) The relevant sections of the Guwahati Municipal Corporation Act 1969 (Assam Act I of 1973) and Assam Municipal Act, 1956 (Assam Act IV of 1957) and rules made thereunder along with upto date amendments thereof inconsistent with the provisions of this Act, shall stand modified or amended, as the case may be, to the extent of such inconsistency with effect from the date on which the Assam Nagara Raj Act, 2007 comes into force.

(2) Notwithstanding such modification or amendment, as the case may be, anything done or anything purported to be done or any action taken under the provisions so modified or amended, as the case may be, shall be deemed to have been validly done under the corresponding provisions of this Act.

SCHEDULE

{ section – 16, (3) (a)}

BUDGET CALENDAR

Month	Primary Activity	Secondary Activity
April	Area Plan	
May	Ward Plan	
June	Ward Plan	
July	Ward Budget	
August	Area Budget	
September	Ward Budget	
October	Ward Budget	
November	Corporation or Municipal Budget	
December	Corporation or Municipal Budget	
January	Works Review	
February	Works Review	
March	Works Reviews	

MOHD. A. HAQUE,
Secretary to the Govt. of Assam,
Lagislative Department, Dispur.

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