

Assam Municipal (Amendment) Act, 2004

06 of 2005

[22 February 2005]

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PREAMBLE

An Act further to amend the Assam Municipal Act, 1956.

Whereas it is expedient further to amend the Assam Municipal Act, 1956 (Assam Act XV of 1965), hereinafter referred to as the principal Act, in the manner hereafter appearing;

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

1. Short title, extent and commencement :-

- (1) This Act may be called the Assam Municipal (Amendment) Act, 2004.
- (2) It shall have the like extent as the principal Act.
- (3) It shall be deemed to have come into force on and from the 20th October, 2003.

2. Insertion in section 15 :-

In the principal Act, in section 15, in sub-section (1), after clause (IX), the following clause shall be inserted, namely:-

"(X) fails to furnish a declaration in the form of an Affidavit in the format, as appended in the Fourth Schedule, at the time of filling nomination paper containing the following information which shall be made public by the respective returning officers by displaying a

copy of the Affidavit on the Notice Board of his office:

(a) Whether the candidate had been convicted/acquitted/discharged of any criminal offence in the past and if convicted, whether he was punished with imprisonment or fine.

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

(c) the assets (immovable, movable, bank balance etc.) of a candidate and of his/her spouse and, that of dependants,

(d) liabilities, if any, particularly whether there are any over dues of any public Financial Institutions or Government dues;

(e) the educational qualifications of candidate";

3. Insertion a new Schedule :-

In the principal Act, after the existing "The third Schedule" the following "Fourth Schedule" shall be inserted, namely:-

"FOURTH SCHEDULE"

Affidavit to be furnished by candidate along with nomination paper before the Returning Officer for election as Commissioner of a Municipal Board.

District.....Ward No.....Name, if any.....

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

a g e y e a r s , resident of.....

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

(Strike out whichever not applicable)

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

(i) Case No.

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

(iii) Date(s) of conviction.

(iv) Court(s) by which convicted,

(v) Punishment imposed (indicate period of imprisonment awarded

and/or quantum of fine imposed).

(vi) Details of appeals/revision, etc. filed against above conviction (s),

(2) That I have in the past been discharges/acquitted in the following cases:-

(i) Section of the Act description of the offence with which charges.

(ii) Case No.

(iii) Name of the Court by which acquitted/discharged,

(iv) Date of acquittal/discharge,

(v) Details of appeal (s)/application (s) for revision/review, if any, filed against above acquittal/discharge.

(3) That I have, in the period ending six months prior to the date of filling the present nomination, been accused of the following offences punishable with imprisonment with two years or more, and in which a charge has been framed or cognizance taken by the Court as indicated hereunder

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

(i) Section of the Act and description of the offence with which charges/cognizance taken.

(ii) The Court which has framed the charge/taken cognizance.

(iii) Case No.

(iv) Date of order of the Court framing charge/taking cognizance.

(v) Details of appeal (s)/application (s) for revision, etc., if any, filed against above order framing charge/taking cognizance.

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

A. Details of moveable assets:-

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

Sl. No.	Description	Self	Spouse(s) Name(s)	Dependent-1 Name:	Dependent-2 Name:	Dependent-3 etc. Name:
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(i) Cash, (ii) Deposit in Banks, Financial Institutions and Non-Banking Financial Companies, (iii) Bonds Debentures and shares in companies, (iv) Other Financial Instruments, NSS, Postal Savings, LIC Policies, etc., (v) Motor Vehicles (Details of make etc), (vi) Jewellery (give details of weight and value), (vii) Other assets such as values of claim/ interests.						

Note:-

1. Dependent here means a person substantially dependents on the income of the candidate.

2. Value of bonds/Shares/Debentures as per the latest market value in Stock Exchange in respect of listed Companies and as per books in the cases of non-listed companies should be given,

B. Details of Immovable Assets:-

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

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Sl. No.	Description	Self	Spouse(s)	Dependent-1 Name:	Dependent-2 Name:	Dependent-3 Name:
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Agricultural Land Location(s) Survey number(s) Extent (Total measurement) Current market value). 9 (ii) None-Agricultural Land -Location(s) -Survey/door number(s) -Extent (Total measurement) -Current market value. (iii) Building (Commercial and residential, Location (s) Survey/door number (s) -Extent (Total measurement) -Current market value, (iv) Houses/Apartments, etc. -Location (s) -Survey/door number (s) -Extent (Total measurement) -Current market value. (v) Other (Such as interest in property).						

5. I give herein below the details of my liabilities/over dues to public financial institutions and Government dues:-

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

Sl. No.	Description	Name and address of Bank/Financial Institution (s) Department (s)	Amount Outstanding as on
1	2	3	4
(a) (i) Loans from Bank (ii) Loans from Financial Institutions. (iii) Government dues (Other than income tax and wealth tax) (No. Due Certificate to be enclosed in case holding or having held any public office). (b)(i) Income tax including surcharge (Also indicate the assessment year upto which income tax return filed. Give also permanent Account Number (PAN). (ii) Wealth Tax (Also indicate the assessment year upto which wealth tax return filed. (iii) Sale tax only in case of Proprietary business). (iv) Property Tax. 6. My Educational Qualifications are as follows: (Give details of school and university education) (Name of School/College/University and the year in which the course was completed should also be given).			

6. My Educational Qualifications are as follows:

(Give details of school and university education)

(Name of School/College/University and the year in which the course was completed should also be given).

**DEPONENT
VERIFICATION**

I, the deponent above-named, do hereby verify and declare that the contents of this declaration are true/correct to the best of my knowledge and belief, no part of its false and nothing materials has been cancelled there-from.

**Verified at.....this
the.....day of.....200.....**

**DEPONENT
Verified before me
(Signature of Verifying Authority with seal)
Place.....
Date.....**