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ASSAM ACT V OF 1944

THE ASSAM MUNICIPAL (AMENDMENT) ACT, 1944

[Passed by the Assam Legislature]

[Received the assent of the Governor on the 6th April 1944.]

[Published in the *Assam Gazette* of the 12th April 1944.]

An Act further to amend the Assam Municipal Act, 1923 (Assam Act I of 1923).

Preamble.

WHEREAS it is expedient further to amend the Assam Municipal Act, 1923, in the manner hereinafter appearing ;

Assam Act
I of 1923.

It is hereby enacted as follows :—

Short title
and com-
mencement.

1. (1) This Act may be called the Assam Municipal (Amendment) Act, 1944.

(2) It shall come into force on such date as the Provincial Government may, by notification in the Official Gazette, appoint.

Amendment
of section
236A of
Assam Act I
of 1923.

2. In section 236A of the Assam Municipal Act, 1923, hereinafter referred to as the said Act—

(i) For sub-section (2) the following sub-section shall be substituted, namely :—

“(2) No place within the municipality shall be used for the purpose of public cinematographic performances, circuses, variety shows, or as a place of public resort for similar recreations or amusements, otherwise than for the purpose of regular gain, unless a license has been granted for such purpose by the Board and in accordance with such conditions as the Board, subject to rule, may think fit to impose :

Provided, firstly, that such conditions shall not be inconsistent with the terms of any license which may be required for such premises under any other Act ;

Provided, secondly, that this sub-section shall not apply to private amateur performances or to performances held wholly for the benefit of a charity, in any such place ; and

Provided, thirdly, that notwithstanding the provisions of sub-section (2) of section 59, the Board may charge a fee for such license not exceeding such maximum amount as the Provincial Government may from time to time prescribe.”

(ii) For sub-section (3) the following sub-section shall be substituted, namely :—

“(3) If within a period of three months following the receipt of an application for license under sub-section (1) or (2) of this section the Board at a meeting or the

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Board, as the case may be, has not passed orders thereon, either granting or refusing a license, it shall be deemed to have granted the license."

Amendment of section 236B of Assam Act I of 1923. 3. For sub-section (1) of section 236B of the said Act, the following sub-section shall be substituted, namely:—

"(1) Subject to the provisions of section 236D any license granted under section 236A by the Board at a meeting or the Board, as the case may be, may, at any time, be suspended or revoked by the authority granting the license, if any of the restrictions, limitations, or conditions attached to the license be evaded or infringed by the grantee, or if the grantee be convicted of a breach of any of the provisions of the Act or of any rule or bye-law made thereunder in any matter to which such license relates, or if the grantee has obtained the same by misrepresentation or fraud."

Substitution of section 236C of Assam Act I of 1923. 4. For section 236C of the said Act, the following section shall be substituted, namely:—

"236C. Every order granting, refusing, suspending, revoking or modifying a license under section 236A or section 236B, as the case may be, shall be in writing, shall state the grounds on which it proceeds, shall be published on the notice board of the Board's Office, and shall be served on the owner of the premises concerned within fourteen days."

Substitution of section 236D of Assam Act I of 1923. 5. For section 236D of the said Act, the following section shall be substituted, namely:—

"236D. Any person aggrieved by an order granting, refusing, suspending or revoking a license under section 236A or section 236B, as the case may be, may, notwithstanding anything contained elsewhere in this Act, appeal—

(a) to the Provincial Government in the case of an order passed by the Board at a meeting;

(b) to the Deputy Commissioner in the case of an order passed by the Board:

Provided that no such appeal shall be entertained unless it is received within thirty days of the date of the order complained of.

The decision of the Provincial Government, or the Deputy Commissioner as the case may be, shall be final, and shall not be questioned in any Court."