

## **ASSAM PANCHAYAT (ADMINISTRATIVE) RULES, 2002**

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## **ASSAM PANCHAYAT (ADMINISTRATIVE) RULES, 2002**

### **ASSAM PANCHAYAT (ADMINISTRATIVE) RULES, 2002**

#### **1. Short Title and Commencement :-**

(1) These Rules may be called the Assam Panchayat (Administrative) Rules, 2002.

(2) They shall come into force on such date<sup>1</sup> as may be fixed by

the State Government in this behalf by Notification in the Official Gazette.

## **2. Staffing Pattern for Gaon Panchayat, Anchalik Panchayat and Zilla Parishad :-**

(i) The following shall be the staffing pattern for Zilla Parishad, Anchalik Panchayat and Gaon Panchayat

(ii) Against the pattern under sub-rule (i), as far as practicable, posts shall be manned by the Provincialised Panchayat employees at all levels as under Section 30(1), Section 62(2) and Section 102(5) of the Assam Panchayat Act, 1994 within the limit of sanctioned strength of various categories of Provincialised Panchayat employees of the State.

(iii) Except the post of Head Assistant, Upper Division Assistant, Accountant, which are promotional posts and are required to be filled up from out of the existing Provincialised employees both regular and Ex-cadre, the posts which could not be filled up from out of the Provincialised ones, shall be filled up by re-deploying excess staff of this Department and other Departments having requisite qualification. If posts still remain vacant the same shall be recruited in the manner provided under Section 140(1) of the Assam Panchayat Act, 1994. The State Government shall exercise such powers of redeployment, transfer of posts with incumbents to districts outside the original district cadre. (iv) In the execution of the provisions under sub-section (7) of Section 102 of the Assam Panchayat Act, 1994 the case of Head Assistants working in different Mahkuma Parishads within the jurisdiction of a Zilla Parishad concerned, the provision under sub-section (6) of Section 102 of the Assam Panchayat Act, 1994, shall be applied. By applying the said provision, the junior person working as Head Assistant shall be transferred as such to the nearest Zilla Parishad where vacancy exists. In case of nonexistent of person in position in the post of Head Assistant under the jurisdiction of the Zilla Parishad concerned, the senior most Upper Division Assistant of the Mahkuma Parishads within the jurisdiction of the concerned Zilla Parishad shall be promoted to the post of Head Assistant of the Zilla Parishad.

(v) The post of Gaon Panchayat Secretaries to the extent of sanctioned strength, the provision under sub-section (1) of Section 30 of the Assam Panchayat Act, 1994 shall be applicable : Provided

that the appointment/engagement of Gaon Panchayat Secretaries against non-sanctioned posts, shall be made in the manner prescribed under sub-section (1) of Section 140.

(vi) The ex-cadre technical and non-technical Provincialised Panchayat employees shall be re-deployed in the Panchayat according to their status.

### **3. Engagement of Tax Collectors in Zilla Parishad, Anchalik Panchayat and Gaon Panchayat :-**

As far as practicable, the post of Tax-Collector as indicated under sub-rule (1) of Rule 2 for each Zilla Parishad, Anchalik Panchayat and Gaon Panchayat shall be filled up from out of the Provincialised Panchayat employees to the extent of sanctioned strength :

Provided that in case of non-availability of such employees respective Panchayat may engage person in one of the two posts on commission basis at the rate of 30% on the tax collected by such engaged persons. Under no circumstances the provision under sub-section (1) of Section 140 of the Assam Panchayat Act, 1994 shall be applied in this respect.

### **4. Salary, TA/DA and other allowances of Provincialised Panchayat Employees and Panchayat Employees :-**

(1) The salary of provincialised Assam Panchayat employees placed under Zilla Parishad, Anchalik Panchayat and Gaon Panchayat shall be paid by the State Government.

(2) The salary, TA/DA and other allowances of Panchayat employees appointed/engaged in the manner as under sub-section (1) of Section 140 of the Panchayat Act, 1994 shall be borne by the respective Zilla Parishad, Anchalik Panchayat and Gaon Panchayat concerned out of their own resources : Provided that the pay scale and other allowances of such staff shall be equal to that of a State Government employee working in the district cadre in the corresponding grade : Provided further that such employees of different grades in Zilla Parishad or Anchalik Panchayat or Gaon Panchayat within the jurisdiction of a Zilla Parishad, shall form a Unit of District cadre of Panchayat employees and their promotion from lower rank to higher rank, shall be considered, inter alia, according to inter se seniority of such employees within the district. The Chief Executive Officer of respective Zilla Parishad shall cause to prepare an inter se seniority list of Panchayat employees recruited under the provision of sub-section (1) of Section 140 of

the Assam Panchayat Act, 1994 and circulate it among the employees.

**5. Controlling and Disciplinary Authority in respect of the employees other than Provincialised Panchayat Employees :-**

(1) The Chief Executive Officer of Zilla Parishad shall be the controlling and disciplinary authority in respect of Panchayat employees appointed under sub-section (1) of Section 140 of the Assam Panchayat Act, 1994 for Zilla Parishad or Anchalik Panchayat or Gaon Panchayat. In respect of disciplinary action against any of such employees, the decision of the Chief Executive Officer shall be final.

(2) Transfer of Panchayat Employees other than Provincialised Panchayat Employees.

(a) The Chief Executive Officer of Zilla Parishad shall be the authority to cause transfer of Panchayat employees appointed as under Section 140(1) of the Assam Panchayat Act, 1994 from Zilla Parishad to Anchalik Panchayat or to Gaon Panchayat and from the Anchalik Panchayat to another Gaon Panchayat and vice-versa.

(b) When such a Panchayat employee is transferred on his/ her own request, he/she shall not be entitled to any transfer allowances.

(c) No such Panchayat employees shall be transferred or given promotion to higher rank out side the jurisdiction of his/ her original district cadre.

(3) Educational Qualification of Panchayat Staff other than Provincialised Panchayat Employees. The educational qualification for recruitment to any category of post of Panchayat staff under any level of Panchayat as specified under sub-rule (1) of Rule 2 shall be the same as the required for appointment in the Government Department for such category of posts.

(4) Grievances of panchayat Employees other than Provincialised Panchayat Employees -- The Chief Executive Officer of the Zilla Parishad concerned shall be the authority for hearing and disposing of the grievances of such Panchayat employees of Zilla Parishad, Anchalik Panchayat and Gaon Panchayat under the respective Zilla Parishad. Any such Employees by passing the authority of the Chief Executive Officer shall attract disciplinary action.

## **6. Granting of leave to Panchayat Employees other than Provincialised Panchayat Employees :-**

(1) The authority of granting earned Leave to the Panchayat employees appointed in the manner as under Section 140(1) of the Assam Panchayat Act, 1994 under Gaon Panchayat, Anchalik Panchayat and Zilla Parishad shall be the Chief Executive Officer of the Zilla Parishad.

(2) The President of Gaon Panchayat the Executive Officer/ Ex-Officio Secretary of the Anchalik Panchayat and the Chief Executive Officer of the Zilla Parishad shall be the authority of granting Casual Leave to both Provincialised and Panchayat employees under their respective Panchayat.

(3) The leave Rules applicable to Government employees shall also be applicable to the Panchayat employees while granting leave as under sub-rule (i) and (ii).

## **7. Power to Change Staffing Pattern :-**

Subject to prior approval of the State Government and in consideration of financial resources and work load of different Panchayats, the staffing pattern prescribed under sub-rule (1) of Rule 2 in respect of Panchayat employees appointed in the manner as under subsection (1) of Section 140 of the Assam Panchayat Act, 1994 may be changed.

## **8. Placing of Additional Staff :-**

(i) As under Section 140 (1) of the Assam Panchayat Act, 1994 the State Government may post for time to time additional staff of Grade-I, Grade-II, Grade-III and Grade-IV to Zilla Parishad or Anchalik Panchayat or Gaon Panchayat as it may deem necessary.

(ii) The additional staff appointed as under sub-rule (i) shall not be treated as deputed staff and they shall enjoy all other benefits as they would have enjoyed in their respective parent department.

(iii) The Zilla Parishad or the Anchalik Panchayat or the Gaon Panchayat as the case may, shall utilise the services of the staff posted under sub-rule (i) as may deem necessary.

(iv) The salary and other allowances of the staff posted under sub rule (i) shall be borne by their respective department.

(v) Leave other than casual leave in respect of staff posted under

sub rule (i) shall be granted by the concerned authorities of their respective departments with due intimation to the Zilla Parishad or Anchalik Panchayat or Gaon Panchayat, as the case may be whereas their casual leave shall be granted by the Chief Executive Officer in case of staff under Zilla Parishad and Executive Officer in case of staff under Anchalik Panchayat and President in respect of staff of Gaon Panchayat.

**9. Payment of TA/DA etc., to Additional Staff placed under Zilla Parishad, Anchalik Panchayat and Gaon Panchayat :-**

A member of additional staff posted to a Zilla Parishad or an Anchalik Panchayat or a Gaon Panchayat as under sub-rule (i) of Rule 9 while on tour in the interest of the works of the concerned Panchayat shall be entitled to such TA/DA as are admissible to an employee of the State Government in the equivalent cadre and rank and such TA/DA shall be paid from the own resources of a Zilla Parishad or an Anchalik Panchayat or a Gaon Panchayat, as the case may be.

**10. The Benefit of Home or All India L.T.C. :-**

(i) The Panchayat employees appointed as under Section 140(1) shall not be entitled Home or All India L.T.C. benefits.

(ii) The staff under sub-rule (i) of Rule 8 shall have the benefit of Home or All India L.T.C. from their respective department as per existing Government norms.

**11. Head of Office :-**

The Chief Executive Officer in respect of Zilla Parishad, or the Executive Officer/Ex. Officio Secretary in respect of Anchalik Panchayat or the Gaon Panchayat President in respect of Gaon Panchayat, as the case may be, shall be the Head of the respective Officers.

**12. Other Advances :-**

(i) The Zilla Parishad or the Anchalik Panchayat or the Gaon Panchayat may grant to any employee or employees appointed in the manner as provided under Section 140(1) by a resolution. Festival or By-Cycle or Rehabilitation advance or House Building Loan under such terms and conditions as may be laid down in the Resolution.

(ii) Advance and loan as specified under sub-rule (i) shall be paid

out of the own resources of Zilla Parishad or Anchalik Panchayat concerned.

**13. Remuneration of Non-Officials of Zilla Parishad and Sitting Allowances to Members :-**

(i) As under Section 71(1) of the Assam Panchayat Act, 1994 the President of Zilla Parishad shall be entitled to a monthly remuneration of Rs. 2,000/- (Rupees two thousand) out of the own resources of the Zilla Parishad.

(ii) The Vice-President of the Zilla Parishad shall be entitled to a monthly remuneration of Rs. 1,500/- (Rupees fifteen hundred) out of the own resources of the Parishad.

(iii) Each member of the Zilla Parishad shall be entitled to a monthly remuneration of Rs. 700/- (Rupees seven hundred) out of the own resources of the Zilla Parishad.

(iv) As under sub-section (2) of Section 71 of the Assam Panchayat Act, 1994, each member of the Zilla Parishad shall be entitled to a daily sitting allowance at the rate equivalent to the amount admissible to him/her as daily allowance on tour. But the President and the Vice-President of Zilla Parishad shall not be entitled to such sitting allowance. Such allowances shall be met from the own resources of the Zilla Parishad.

**14. Remuneration to the Non-Officials of Anchalik Panchayat and Sitting Allowance of Members :-**

(i) As under Section 39(1) of the Assam Panchayat Act, 1994 the President of the Anchalik Panchayat shall be entitled to a monthly remuneration of Rs. 1,500/- (Rupees fifteen hundred) out of its own resources.

(ii) The Vice-President of the Anchalik Panchayat shall be entitled to a monthly remuneration of Rs. 1,000/- (Rupees one thousand) out of its own resources.

(iii) Each member of the Anchalik Panchayat shall be entitled to a monthly remuneration of Rs. 500/- (Rupees five hundred) out of its own resources.

(iv) As under sub-section (2) of Section 39 of the Assam Panchayat Act, 1994, each member other than the President and the Vice-President of the Anchalik Panchayat shall be entitled to a daily

sitting allowance out of its own resources at the rate equivalent to the amount admissible to him/her as daily allowance on tour.

**15. Remuneration of Non-Officials of Gaon Panchayat and Sitting Allowance of Members :-**

(i) As under Section 12(2) of the Assam Panchayat Act, 1994, the President of the Gaon Panchayat shall be entitled to a monthly remuneration of Rs.1,000/- (Rupees one thousand) out of its own resources.

(ii) The Vice-President of a Gaon Panchayat shall be entitled to a monthly remuneration of Rs. 600/- (Rupees six hundred) out of its own resources.

(iii) Each member of the Gaon Panchayat shall be entitled to a monthly remuneration of Rs. 300/- (Rupees three hundred) out of its own resources.

(iv) Each member other than the President and Vice- President of the Gaon Panchayat shall be entitled to a daily sitting allowance out of its own resources at the rate equivalent to the amount admissible to him/her as daily allowance on tour.

**16. Bar on Payment of Sitting Allowance :-**

Such sitting allowance as under sub-rule (4) of Rule 14 and sub-rule (iv) of Rule 15 and sub-rule (iv) of Rule 16 shall be admissible only for attending a full meeting of the Zilla Parishad or Anchalik Panchayat or Gaon Panchayat as the case may be.

**17. Travelling Allowance of the President and Vice-President of Zilla Parishad, Anchalik Panchayat and Gaon Panchayat :-**

(1) Subject to the conditions laid down in the S.R. and the F.R. of the State Government, the President and Vice-President of the Zilla Parishad, shall be entitled to such rate of TA and DA on tour as are meant for Class-I Govt., Officer and the President and Vice-President of Anchalik Panchayat/Gaon Panchayat shall be entitled for such rate of TA and DA on tour as are meant for Class-II Govt., Officer.

(2) The members other than the President and Vice- President of Zilla Parishad, the Anchalik Panchayat and the Gaon Panchayat shall be entitled to TA and DA on tour as a Grade-II Officer of the State Government is entitled to :



Provided that the members perform such tour with prior approval of the President of the Zilla Parishad or the Anchalik Panchayat or the Gaon Panchayat as the case may be.

(3) The monthly TA and DA as under sub-rules (1) and (2) shall not exceed the amount of monthly remuneration earmarked under Rules 13, 14 and 15.

(4)

(i) Bill concerning TA Bills of the President of Anchalik Panchayat, before payment, shall be countersigned by the President of the concerned Zilla Parishad.

(ii) Bill concerning TA Bills of the President of Gaon Panchayat, before payment shall be countersigned by the President of the Anchalik Panchayat concerned.

(iii) Bill concerning the TA Bills of the Vice-President and the members of the Zilla Parishad or the Anchalik Panchayat or the Gaon Panchayat as the case may be, before payment shall be countersigned by the President of the respective Panchayat Body.

(5) 50% of the TA in advance may be paid subject to subsequent adjustment after countersignature from the concerned authority responsible for countersigning of TA/DA as specified in the foregoing provisions :

Provided that no advance shall be paid pending adjustment of the previous advance.

(6) A Register on TA including inter alia, a column for advance TA shall be maintained.

(7) Final Advance TA shall be drawn in Form Prescribed for the Gazetted or Non-Gazetted Officers respectively of the State Government.

(8) The expenditure on TA and DA of the President, the Vice-President and the members of Zilla Parishad, the Anchalik Panchayat and the Gaon Panchayat shall be met out of the own resources of the concerned Panchayats subject to availability of budget provision.

### **18. Departmental Internal Auditors :-**

(1) The Director of Panchayat and Rural Development shall utilise

the services of the Departmental Internal Auditors in guiding and helping the Zilla Parishad, and Anchalik Panchayat and Gaon Panchayat in proper and correct maintenance of accounts. They shall be responsible to report to the Director of Panchayat and Rural Development and the Chief Executive Officer of the concerned Zilla Parishad on any irregularity in such accounts within fifteen days from the date of completion of audit.

(2) For each month, the Auditors shall submit a tour programme to be approved by the Director of Panchayat and Rural Development.

(3) The services of the Auditors shall be utilised fully matters connected with audit.

**19. Accounts Training :-**

The Director of Panchayat and Rural Development shall arrange from time to time a District wise training programme on accounts for the concerning staff of the Zilla Parishad, the Anchalik Panchayat and the Gaon Panchayat.

**20. Training for Non-Official Members of Panchayat Bodies :-**

The Director of Panchayat and Rural Development shall arrange training programme for the non-official members of the Zilla Parishad, the Anchalik Panchayat and the Gaon Panchayat on the responsibilities and duties and functions under the Panchayat system of Administration.