

## **ASSAM PANCHAYAT ACT, 1994**

**18 of 1994**

**[5th May, 1994]**

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## **ASSAM PANCHAYAT ACT, 1994**

**18 of 1994**

**[5th May, 1994]**

An Act to amend and consolidate laws relating to Panchayat in Assam Preamble. Whereas it is expedient to amend and consolidate laws relating to Panchayats in Assam ; It is hereby enacted in the Forty-fifth year of Republic of India as follows :

## CHAPTER 1

### Preliminary

#### **1. Short title, extent and commencement :-**

(1) This Act may be called the Assam Panchayat Act, 1994.

(2) It shall extend to the whole of Assam in the rural areas except the Autonomous Districts under the Sixth Schedule of the Constitution of India and shall exclude any area which has been or thereafter may be included in a Municipality or a Town Committee or a Cantonment constituted under the Assam Municipal Act, 1956 and the Cantonment Act, 1924 respectively or by any other Act.

(3) It shall come into force at once.

#### **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context

(1) "Gaon Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of "Gaon Panchayat" ;

(2) "Gaon Panchayat" means a Gaon Panchayat established under this Act;

(3) "Anchalik Panchayat" means an Anchalik Panchayat established under this Act ;

(4) "Zilla Parishad" means Zilla Parishad established under this Act ;

(5) "Local authority" includes Gaon Sabha, Gaon Panchayat, Anchalik Panchayat, Zilla Parishad, Municipal Corporation, Municipal Board and Town Committee ;

(6) "Notification" means a notification published in the official Gazette ;

(7) "Panchayati Raj Bodies" means the Gaon Panchayat, Anchalik Panchayat and Zilla Parishad ;

(8) "Adult" means a person male or female having completed his or her eighteen years of age ;

(9) "Village" means any local area, recorded as a village in the revenue record of the District in which it is situated and includes any area which the State Government may, by general or special order, declare to be a village for the purpose of this Act,;.

(10) "Co-operative societies" means a society registered or deemed to be registered under the Assam Co-operative Societies Act, 1949 or under any Central Act regulating the registration of co-operative societies ;

(11) "Member" means a member of a Gaon Panchayat or of an Anchalik Panchayat or of a Zilla Parishad ;

(12) "Ex-officio member" means a member who is appointed to be a member by virtue of his office, and for the purpose of Gaon Panchayat or Anchalik Panchayat or Zilla Parishad and may include local Members of Parliament, local Members of Legislative Assembly, State Government officials, representatives of local co-operative societies and representatives of local scheduled or non-scheduled banks ;

(13) "Co-opted member" means a person co-opted to be a member of a Gaon Panchayat or Anchalik Panchayat or Zilla Parishad ;

(14) "Scheduled Caste" means .such caste, race or tribe or part of or group within such caste, race or tribe as is deemed to be Scheduled Caste-in relation to the State of Assam under Art. 341 of the Constitution of India ;

(15) "Scheduled Tribe" means such tribe or tribal community as is deemed to be Scheduled Tribe in relation to the State of Assam under Art. 342 of the Constitution of India .'

(16) "Public servant" means a public servant as defined in S. 21 of the Indian Penal Code, 1860 ;

(17) "Public property" means any property belonging to Government or any local authority ;

(18) "District" means a district in a State ;

(19) "Bazar, hat or market" means any place within the administrative control of the local authority where persons assemble daily or bi-weekly or periodically for sale or purchase of articles of human or animal consumption or of livestock or of other merchandise ;

(20) "Carriage" means any wheeled vehicle with springs or other appliances acting as spring or a kind ordinarily used for conveyance of human beings and includes bicycles, tricycles, rickshaws of all kinds and country boat whether operated with or without engine

but does not include motor vehicle and perambulators ;

(21) "Cart" means any cart, hackney or wheeled vehicle with or without springs which is not a carriage as defined in subS. 20 ;

(22) "Cattle" includes such quadrupeds as are included in the Cattle Trespass Act, 1881 ;

(23) The expression "complaint" and ' "offence" shall have the same meaning as in S. 2 of the Code of Criminal Procedure, 1973

(24) "Bye-law" means bye-law made and approved under the provision of this Act ;

(25) The expression "decree holder", "judgement-debtor", "legal representative" and "moveable property" shall have the same meaning as in S. 2 of the Code of Civil Procedure, 1908 ;

(26)

(i) "Financial year" means the year commencing on the first day of April every year and ending on the thirty-first day of March next year ;

(ii) "Panchayat year" means the year commencing on the first day of July or on such other date as the State Government may by notification appoint ;

(27) "Household" means a house or houses used by a family for dwelling purposes (house includes building) ;

(28) "Prescribed" means prescribed by the State Government by rules made under this Act;

(29) "Proceedings" means any proceeding specified under this Act, other than 'case', 'action' or 'suit' ;

(30) "Water course" includes river, stream, channel, tank, well and aqueduct ;

(31) "Surcharge" means an additional charge or payment;

(32) "Development departments" under the provision of this Act shall include such departments as may be notified by the State Government from time to time ;

(33) "State Government" means the Government in the Panchayat and Rural Development Department Assam ;



(34) "President" means a non-official who is elected as the President of Gaon Panchayat or Anchalik Panchayat or Zilla Parishad ;

(35) "Vice-President" means a non-official who is elected as the Vice-President of Gaon Panchayat or Anchalik Panchayat or Zilla Parishad ;

(36) "Chairperson" means the elected non-official head, either male or female, as the case may be, of Gaon Panchayat or Anchalik Panchayat or a Zilla Parishad or a District Planning Committee ;

(37) "Block Development Officer" means an officer who is notified as such for a development block ;

(38) "Chief Executive Officer" means the executive head of the office of Zilla Parishad ;

(39) "Executive Officer" means the Block Development Officer, who shall function as Executive Officer of an Anchalik Panchayat, the boundary of which is co-terminus with that of the Development Block ;

(40) "Secretary" means the Secretary of a Gaon Panchayat;

(41) "Deputy Commissioner" means the Deputy Commissioner of a district so notified by the Government. The term 'Deputy Commissioner' shall mean and include an Additional Deputy Commissioner and a Sub-Divisional Officer of an outlying sub-division ;

(42) "Moral turpitude" means an act that gravely violated the moral sentiment or accepted moral standard of community or fellowmen ;

(43) "Uncertified bankrupt" means bankrupts who are not granted Certificate of discharge from their existing debt;

(44) "Undischarged insolvent" means insolvent who are not discharged from future liability for debt then existing.

## CHAPTER 2

### Constitution of District Planning Committee

### **3. Constitution of District Planning Committee :-**

(1) The Government shall constitute in every district a District Planning Committee to consolidate the plans prepared by Zilla Parishad, Anchalik Panchayats, Gaon Panchayats, Town

Committees, Municipal Corporations, in the district and to prepare draft development plan for the district as a whole.

(2) The District Planning Committee shall consist of

(a) the members of the House of People who represent the whole or part of the district ;

(b) the members of the Assam Legislative Assembly whose major part of the constituencies fall within the district ;

(c) the President of Zilla Parishad ;

(d) the Mayor or the Chairperson of the Municipal Corporation/ Municipal Board/Town Committee, as the case may be, having jurisdiction over the headquarter of the district ;

(e) such number of persons not less than two-third of the total number or members as may be specified by the Government, elected in 'the prescribed manner from amongst the members of the Zilla Parishad, councillors of Municipal Corporation or the Municipalities, as the case may be, and the members of the Town Committees in the districts on rotation annually and in proportion to the ratio between the population of the rural areas and of the urban areas of the district ;

(f) the Minister-in-charge of the district to be notified by the Government.

(3) The Deputy Commissioner shall be a permanent invitee of the Committee as an ex-officio member.

(4) The Chief Executive Officer of the Zilki Parishad shall be the ex-officio Secretary of the Committee.

(5) The Minister-in-charge of the respective district, to be notified by the Government, shall be the Chairman of the District Planning Committee and the President of the concerned Zilla Parishad shall be the Vice-Chairman of the District Planning Committee.

### **3A. Duties and functions of the District Planning Committee**

:-

(1) The District Planning Committee shall consolidate the plan prepared by the Zilla Parishad, Anchalik Panchayats and Gaon Panchayats, Town Committees, Municipalities and Municipal Corporation in the district and prepare a draft development plan for

the district as a whole.

(2) Every District Planning Committee shall, in preparing the draft development plan, have regard to

(i) the matter of common interest between Zilla Parishad, Anchalik Panchayats, Gaon Panchayats, Municipalities or Municipal Corporation, as the case may be, and Town Committee in the district including sectoral planning, sharing of water and other physical and natural resources, the integrated development of infrastructures and environmental conservation ;

(ii) the extent and type of available resources whether financial or otherwise ;

(iii) consult such instructions and organisations as the Governor may, by order, specify.

(3) The Chairperson of every District Planning Committee shall forward the district plan, as recommended by such committee, to the Government for approval within a specified period as may be prescribed by the State Government.

#### CHAPTER 3

#### Gaon Sabha

### **4. Gaon Sabha :-**

(1) Subject to the general orders of the Government

(i) the Gaon Sabha shall meet from time to time but a period of three months shall not intervene between any two meetings ;

(ii) the Gaon Sabha shall consist of persons registered in electoral rolls relating to a village or a group of villages comprised within the area of the Gaon Panchayat ;

(iii) the Gaon Sabha shall consider the following matters and may make recommendations and suggestions to the Gaon Panchayat

(a) the report in respect of development programme of the Gaon Panchayat relating to the preceding year and development programme proposed to be undertaken during the current year ;

(b) the promotion of unity and harmony among all sections of society in the villages ;

(c) such other matters as may be prescribed.

(2) The Gaon Panchayat shall give due consideration to the recommendations and suggestions of the Gaon Sabha.

(3) Every meeting of the Gaon Sabha may be presided over by the President of the concerned Gaon Panchayat and in his absence by the Vice-President or any person to be selected by the majority of the Gaon Sabha member for that meeting.

(4) The meeting of the Gaon Sabha shall be convened by the Secretary of the Gaon Panchayat with due approval of the President of the Gaon Panchayat and in consultation with the Block Development Officer concerned provided wide publicity is given fifteen days ahead of the date for holding the Gaon Sabha meeting.

(5) If the President fails to approve the convening of the Gaon Sabha, the Secretary of the Gaon Panchayat shall convene the Gaon Sabha in time in consultation with the B. D. O. Whenever, Anchalik Panchayat direct for holding such Gaon Sabha for the purpose for selection of beneficiary or rural development programmes, the Secretary of the Gaon Panchayat shall convene the meeting within twenty days' time from the date of such direction.

(6) Quorum

(i) The quorum for a meeting of the Gaon Sabha shall be one-tenth of the total members or one hundred number of voters of the village/villages whichever is less.

(ii) If at the time of appointment for the meeting, a quorum is not present, the presiding authority shall wait for thirty minutes, and if with in such period, there is no quorum, the presiding authority shall adjourn the meeting to some day of the following week or any other date or time which shall not be less than twenty-four- hours and more than seven days. The adjourned meeting shall not require quorum for taking up the business which should not be considered at the meeting so fixed.

(7) Resolution. Any resolution to the matter entrusted to the Gaon Sabha under this Act, shall have to be passed by a majority of votes of the members present.

(8) Functions. The Gaon Sabha shall perform the following functions namely :

(a) mobilising, voluntary labour and contribution in -kind and cash

for the Community Welfare Programmes ;

(b) identification of beneficiaries for the implementation of development schemes pertaining to the villages :

Provided that in case the Gaon Sabha fails to identify the beneficiaries within a reasonable time, the Secretary of the Gaon Panchayat in consultation with the President of the Gaon Panchayat and the Block Development Officer concerned will identify the beneficiaries including the beneficiaries under Integrated Rural Development Programme ;

Provided further that if the Secretary fails to convene the Gaon Sabha in time for selection of beneficiaries for Rural Development Programme, the Block Development Officer shall convene the Gaon Sabha for such specific purpose ;

(c) rendering all kinds of assistance in the implementation of development schemes pertaining to villages and rendering services in the villages.

(9) The President, Vice-President and the members of the Gaon Panchayat/Anchalik Panchayat shall not be entitled to any sitting allowance for attending the Gaon Sabha.

#### CHAPTER 4

Establishment and constitution of Gaon Panchayat

### **5. Establishment of Gaon Panchayat :-**

(1) The State Government may, by notification, declare any local area comprising a revenue village or a group of revenue villages or a forest village or a Tea Garden area or hamlets forming part of revenue village or forest village or Tea Garden area or other such administrative unit or part thereof to be a Gaon Panchayat with population of its territory not less than six thousand and not more than ten thousand :

Provided that, where a group of revenue villages or forest villages or Tea Garden areas or hamlets or other such administrative units or part thereof is declared to be a village, the village shall be known as of revenue village, hamlet, administrative unit or part thereof, as the case may be, having the largest population ;

Provided further that the local area of Gaon Panchayats declared under the provisions of the Assam Act, 1994 (Assam Act XVIII of 1994) with a population less in number or more in number than

the population earmarked in this section shall continue to be valid for the purposes of this Act.

(2) After consultation with the Gaon Panchayat, if it had already been established, the Government may, by similar notification, at any time

(a) include within or exclude from any village, any local area or otherwise, from the limit of any village ; or

(b) declare that any local area shall cease to be a village and thereupon the local area shall be so excluded from the limit of the village so altered.

(3) Every Gaon Panchayat shall be a body corporate by the name of..... Gaon Panchayat having perpetual succession and a common seal, with power to acquire and hold property both movable and immovable, whether within or without the limits of the village over which it has authority and may in its corporate name sue and be sued.

## **6. Constitution of Gaon Panchayat :-**

(1) The Gaon Panchayat shall consist of

(a) Ten members to be directly elected by the voters of the territorial constituencies of the Gaon Panchayat area one from each constituency in the manner prescribed.

(b) President of the Gaon Panchayat who shall be elected directly by the voters of the territorial constituencies of the Gaon Panchayat area in the manner prescribed.

(2) For the convenience of election, the prescribed authority shall, in accordance with such rules as may be prescribed in this behalf by the Government, divide the area of the Gaon Panchayat into ten territorial constituencies and allot one seat for each constituency.

(3) When the Gaon Panchayat is constituted under this section, the Deputy Commissioner or an officer. authorised by the Deputy Commissioner for this purpose shall • call a meeting of the Gaon Panchayat (which shall be hereinafter called the first meeting of the Gaon Panchayat) for election of a Vice-President from amongst the members in the manner prescribed.

## **7. Duration of Gaon Panchayat :-**

Every Gaon Panchayat, save as otherwise provided in this Act, shall

continue for a term of five years from the date appointed for its first meeting :

Provided that the term of the office fixed under this sub-section shall be held to include any period which may elapse between the expiration of the said period and the date of the first meeting of the Gaon Panchayat newly constituted in which a quorum shall be present when a Gaon Panchayat shall stand dissolved.

#### **8. Election to constitute a Gaon Panchayat :-**

(1) The election to constitute a Gaon Panchayat shall be completed

(a) before the expiration of its duration specified in S. 7 ;

(b) in case of dissolution, before the expiration of a period of six months from the date of its dissolution :

Provided that where the remainder of the period for which the dissolved Gaon Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Gaon Panchayat for such period.

(2) Gaon Panchayat constituted upon the dissolution of a Gaon Panchayat before the expiration of its duration shall continue only for remainder of the period for which the dissolved Gaon Panchayat would have continued under S. 7 had it not been so dissolved.

#### **9. Reservation of seats of Gaon Panchayat :-**

(1) In every Gaon Panchayat seats shall be reserved for

(a) Scheduled Castes, and

(b) Scheduled Tribes, and the number of seats so reserved shall bear, as nearly as may be, the same proportion of the total number of seats to be filled up by direct election in that Panchayat as the population of the Scheduled Castes in that Gaon Panchayat area or of the Scheduled Tribes in that area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Gaon Panchayat in such manner as may be prescribed.

(2) Not less than one-third of the total number of seats reserved under sub-S. (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved

for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled up by direct election in every Gaon Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in the Gaon Panchayat in such manner as may be prescribed.

(4) The offices of the Chairpersons in the Gaon Panchayats shall be reserved for the Scheduled Castes, Scheduled Tribes and women in such manner as may be prescribed ;

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes or Scheduled Tribes in the Gaon Panchayats shall bear as nearly as may be the same proportion to the total number of such offices in the Gaon Panchayats as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State :

Provided further that not less than one-third of the total number of offices of Chairpersons in the Gaon Panchayats shall be reserved for women ;

Provided also that the number of offices reserved under this subsection shall be allotted by rotation to different Gaon Panchayats.

#### **10. Election of President and Vice-President of Gaon Panchayat :-**

(1) After the election of the President of the Gaon Panchayat under S. 6 (1) (b) and the Vice-President under S. 6 (3), if any vacancy occurs by reason of death, resignation or removal in the office of the President or the Vice-President, as the case may be, the Gaon Panchayat shall elect the President under S. 6 (1) (b) or the Vice-President under S. 6 (3), as the case may be :

Provided that no election shall be held if the vacancy is for a period of less than one month.

(2) Subject to the general or special order of the Government, the Deputy Commissioner shall reserve

(a) such number of the President and the Vice-President of Gaon Panchayats in the district for the Scheduled Castes and the Scheduled Tribes and the number of such offices bearing as nearly as may be the same proportion to the offices in the district on the population of the Scheduled Castes in the district or of the



Scheduled Tribes in the district bears to the total population of the district ;

(b) not less than one-third of the total number of offices of President and Vice-President of Gaon Panchayat in the district from each of the categories which are reserved for persons belonging to the Scheduled Castes and Scheduled Tribes and of those which are not reserved for women ;

Provided that the offices reserved under this sub-section shall be allotted by rotation to different Gaon Panchayats in such manner as may be prescribed ;

provided that the principle of rotation for purpose of reservation of offices under this section shall commence from the first election to be held after the commencement of this Act.

**11. . :-**

Any dispute relating to the validity of the election of the Vice-President of the Gaon Panchayat under this Act shall be decided by the Deputy Commissioner.

**12. Term of office and conditions of service of President and VicePresident of Gaon Panchayat :-**

(1) The term of office of every President and every Vice-President shall, save as otherwise provided in this Act, cease on the expiry of his term of office as amended by the Gaon Panchayat.

(2) Allowances and other conditions of service of President and Vice-President shall be as may be prescribed.

**13. Powers, functions and duties of President and Vice-Prsident of Gaon Panchayat :-**

(1) The President shall--

(a) be responsible for convening the meeting of Gaon Sabha ;

(b) be responsible for convening the meeting of the Gaon Panchayat and preside over its meetings ;

(c) be responsible for the maintenance of the records of the Gaon Panchayat ;

(d) have the general responsibility for the financial and executive administration of the Gaon Panchayat ;

(e) exercise administrative supervision and control over work of the staff of the Gaon Panchayat and the officers and employees whose services may be placed at the disposal of the Gaon Panchayat by any other authority ;

(f) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions or discharge such duties as may be prescribed or discharged by the Gaon Panchayat under this Act or the rules made thereunder :

Provided that the President shall not exercise such powers, perform such functions and discharge such duties as may be required by the rules made under this Act ;

(g) exercise such other powers, perform such other functions and discharge such other duties as the Gaon Panchayat may, by general or special resolution, direct or as the Government may by rules made in this behalf, prescribe.

(2) The Vice-President shall

(a) exercise such of the powers, perform such of the functions and discharge such of the duties of President as the President may from time to time, subject to rules made in this behalf by the Government, delegate to him by order in writing :

Provided that the President may at any time withdraw all or any of the powers, functions and duties so delegated to the VicePresident ;

(b) during the absence of the President, exercise all the powers, perform all the functions and discharge all the duties of the President with the approval of the President of the Gaon Panchayat ;

(c) exercise such other powers, perform such other functions and discharge such other duties as the Gaon Panchayat may, by general or special resolution, direct or as the Government may, by rules made in this behalf, prescribe ;

(d) exercise all the powers, perform all the functions and discharge all the duties of the President as provided under subsection (I) of S. 13, if the President be removed, and/or dies or resigns,- till the office of the President is filled up in the manner as provided under sub-S. (1) (b) of S. 6.

#### **14. Resignation and removal of President and Vice-President :-**

(1) The President or the Vice-President of Gaon Panchayat may resign his office by writing under his hand addressed to the Deputy Commissioner and to the President of the Gaon Panchayat, as the case may be.

(2) Every resignation under sub-S. (1) shall take effect on the expiry of fifteen days from the date of its receipt by the authority unless within this period of fifteen days he withdraws such resignation by writing under his hand addressed to the Deputy Commissioner in case of President and 'to the President of the Gaon Panchayat in respect of Vice- President.

(3) Every President or Vice-President shall vacate the office if he ceases to be a member of Gaon Panchayat.

#### **15. No-confidence motion against the President and Vice-President :-**

(1) Every President or Vice-President shall be deemed to have vacated his office forthwith when resolution expressing want of confidence in him is passed by a majority of two-third of the total number of members of the Gaon Panchayat. Such a meeting shall be specially convened by the Secretary of the Gaon Panchayat with approval of the President of the Gaon Panchayat. Such meeting shall be presided over by the President if the motion is against the Vice-President, and by the Vice-President, if the motion is against the President. In case, such a meeting is not convened within a period of fifteen days from the date of receipt of notice, the Secretary of the Gaon Panchayat shall, within three days, refer the matter to the President of the concerned Anchalik Panchayat, who shall convene the meeting within seven days from the date of receipt of the information from the Secretary of the Gaon Panchayat and preside over such meeting. In case, the President of the Anchalik Panchayat does not take action as above within the specified seven days' time, the concerned Gaon Panchayat Secretary shall inform the matter to the Deputy Commissioner/Sub-Divisional Officer (Civil), as the case may be, within three days after the expiry of (he stipulated seven days' time and the concerned Deputy Commissioner/Sub-Divisional Officer (C) shall convene the meeting within seven days from the date of receipt of the information with intimation to the Zilla Parishad and the

Anchalik Panchayat and preside over the meeting so convened :

Provided that the concerned Deputy Commissioner/Sub-Divisional Officer (C), as the case may be, in case of his inability to preside over the meeting, may depute one Gazetted officer under him not below the rank of Class I Gazetted officer to preside over such meeting ;

Provided further that when a no-confidence motion is lost, no such motion shall be allowed in the next six months.

(2) The requisition for such a special meeting under sub-S. (1) shall be signed by not less than one-third of the total number of members of the Gaon Panchayat and shall be delivered to the President or VicePresident, as the case may be, of the concerned Gaon Panchayat with intimation to the Deputy Commissioner of the district.

(3) Without prejudice to the provision under this Act a President or a Vice-President of a Gaon Panchayat may be removed from office by the concerned Anchalik Panchayat with the approval of the Zilla Parishad for misconduct of his/her duties or neglects or incapacity to perform his/her duties or for being persistently remiss in the discharge of, or guilty of any disgraceful conduct and President or Vice-President so removed shall-not be eligible for re-election as President or VicePresident during the remaining term of office either as President or VicePresident of such Gaon Panchayat ;

Provided that no such President or Vice-President of a Gaon Panchayat shall be removed from office unless he is given reasonable opportunity to furnish explanation to the Anchalik Panchayat.

(4) A Vice-President so removed from his office under sub-S. (3) may also be removed from membership of the Gaon Panchayat by the Government after giving the member a reasonable opportunity to furnish his explanation.

(5) If under sub-S. (1), the members of the Gaon Panchayat express want of confidence both in the President and Vice-President of the Gaon Panchayat at the same time and issue notices, the Secretary of the Gaon Panchayat, within seven days from the date of receipt of such notices, shall report the matter to the President of the concerned Anchalik Panchayat who shall arrange to convene the meetings within fifteen days from the date of receipt of the

intimation separately to consider the motion against the President first and to consider the motion against the Vice-President next day and shall preside over both the meetings. The President of the concerned Anchalik Panchayat presiding the meetings shall have no vote. In case, the President of the concerned Anchalik Panchayat does not take action as above, the Secretary of the Gaon Panchayat, within three days after the expiry of the stipulated fifteen days' time, shall refer the matter to the concerned Deputy Commissioner or the Sub-divisional Officer (C), as the case may be. On receipt of the information, the Deputy Commissioner or the Sub-divisional Officer, as the case may be, shall convene both the meetings in the manner as above, within fifteen days from the date of receipt of the information with intimation to the concerned Anchalik Panchayat and Zilla Parishad and preside over such meetings :

Provided that the concerned Deputy Commissioner or the Subdivisional Officer, as the case may be, in case of his inability to preside over the meeting, may depute a Gazetted officer not below the rank of Class I Gazetted officer to preside over such meetings ;

Provided further that if it is not possible to hold the meeting for a situation due to non-attendance of the requisite number of members in such meeting or meetings, as the case may be, the no-confidence motion shall automatically stand cancelled and motion shall be deemed to have lost, in the event of which no such motion shall be allowed within the next six months.

#### **16. Resignation of members :-**

A member of a Gaon Panchayat may resign his membership in writing under his hand addressed to the President of the Gaon Panchayat.

#### **17. Meeting of Gaon Panchayat :-**

(1) A Gaon Panchayat shall meet for the transaction of business at least once in two months at the office of the Gaon Panchayat and at such time as the President may determine.

(2) The President, whenever he think fit and shall upon the written request of not less than one-third of the total number of members and on a date within fifteen days from the receipt of such request, call a special meeting.

(3) Seven clear days' notice of an ordinary meeting and three clear

days' notice of a special meeting specifying the place, date and time of such meeting and the business to be transacted therein shall be given by the Secretary of the Gaon Panchayat and fix the notice on the notice board of the Gaon Panchayat office.

(4) The officers to whom notice is given under sub-S. (3) and other Government officers having jurisdiction over the Gaon Panchayat area or any part thereof shall be entitled to attend every meeting of the Gaon Panchayat and take part in the proceedings but shall not be entitled to vote.

(5) If the President fails to call a special meeting under sub-S. (2), the Vice-President or in his absence, one-third of the total number of members may call such a meeting on a day not more than fifteen days thereafter and require the Secretary of the Gaon Panchayat to issue notice to the members and to take such action as may be necessary to convene the meeting.

### **18. Quorum and procedure :-**

(1) The quorum for a meeting of Gaon Panchayat shall be one-third of the total number of members.

(2) If at the time appointed for the meeting a quorum is not present the presiding authority shall wait for thirty minutes, and if within such period there is no quorum, the presiding authority shall adjourn the meeting to such time on the following day or such future date as he may fix but not beyond fifteen days from the date of the adjourned meeting. However, the adjourned meeting shall require no quorum.

(3) The business which could not be considered at the meeting so adjourned for want of quorum, shall be brought before and disposed of at the meeting so fixed.

(4) Save as otherwise provided by or under this Act, at every meeting of Gaon Panchayat, the President or in his absence, the Vice-President shall preside.

(5) The voting in any meeting of Gaon Panchayat, if required, shall be by raising of hands, except in the meeting where no-confidence motion is discussed the matter will be decided by secret ballot.

(6) All questions shall, unless otherwise specifically provided, be decided by a majority of votes of the members present. The President/ Vice-President presiding, as the case may be, unless he

refrains from voting shall give his vote before declaring the number of votes for and against a question and in the case of equality of votes, he may give his casting vote.

(7) No member of a Gaon Panchayat shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of Gaon Panchayat, if the question is one in which apart from its general application to the public, he has any pecuniary interest, and if the person presiding has such an interest, he shall not preside over the meeting when such question comes up for consideration.

(8) If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect is carried, he shall not preside at the meeting during such discussion or vote on or take part in it. Any member of the Gaon Panchayat may be chosen to preside at the meeting during its continuance of such discussion.

### **19. Functions of Gaon Panchayat :-**

Subject to such conditions as may be specified by the Government from time to time, the Gaon Panchayat shall perform the functions specified below :

#### **I. General Functions :**

- (1) Preparation of annual plans for the development of the Gaon Panchayat area.
- (2) Preparation of annual budget of Gaon Panchayat.
- (3) Mobilisation of reliefs in natural calamities.
- (4) Removal of encroachments on public properties.
- (5) Organising voluntary labours and contribution for community works.
- (6) Maintenance of essential statistics of villages.

#### **II. Agriculture including agriculture extension :**

- (1) Identification and implementation of various agricultural schemes amounting not exceeding rupees fifty thousand for agricultural development in the Gaon Panchayat area with technical assistance from agriculture, co-operation, irrigation and other concerned departments.

(2) Development of waste lands.

(3) Development and maintenance of village grazing lands and preventing their unauthorised alienation and use.

III. Animal husbandry, dairy development and poultry :

(1) Improvement of breed of cattle, poultry and other livestock.

(2) Promotion of dairy farming, poultry and piggery.

(3) Grassland development.

IV. Fisheries :

(1) Development of fisheries in the villages.

V. Social and Farm Forestry/Minor forest produce, fuel and fodder :

(1) Planting and preservation of trees on the sides of roads and other public land under its control.

(2) Plantation of firewood trees and fodder development.

(3) Promotion of farm forestry.

(4) Development of social forestry.

VI. Khadi, Village and Cottage Industries :

(1) Promotion of rural and cottage industries.

(2) Organisation of awareness camps, seminar and training programme, agricultural and industrial exhibition for the benefit of the rural people.

VII. Rural housing :

(1) Distribution of house sites within its jurisdiction.

(2) Maintenance of records relating to the houses, sites and other private/public properties.

VIII. Drinking water :

(1) Construction, repair and maintenance of drinking water wells, tanks and pounds and tube-wells.

(2) Prevention and control of water pollution.

(3) Maintenance of rural water supply scheme.



IX. Roads, Buildings, Culverts, Bridges, Ferries, waterways and other means of communication.

(1) Construction and maintenance of village roads, drains and culverts.

(2) Maintenance of buildings under its control or transferred to it by the Government or any public authority.

(3) Maintenance of boats, ferries and water ways.

X. Rural Electrification : Including identification of locality for distribution of electricity, providing for and maintenance of lighting of public streets and other places.

XI Non-conventional energy sources :

(1) Promotion and development of non-conventional energy sources.

(2) Maintenance of community non-conventional energy device, including bio-gas plants.

(3) Propagation of improved chulhas and other efficient energy devices.

XII. Poverty alleviation programme :

(1) Promotion of public awareness and participation in implementation of poverty alleviation programme for fuller employment and creation of productive assets for the community.

(2) Selection of beneficiaries under various programmes including I.R.D.F. through Gaon Sabha.

(3) Participation in effective implementation of various schemes and monitoring thereof.

XIII. Education including primary schools :

(1) Promotion of public awareness and participation in Primary and Secondary Education.

(2) Ensuring full enrolment and attendance in primary schools and its management including the attendance of the primary school teachers.

XIV. Adult and non-formal education :

(1) Promotion of adult literacy.

XV. Libraries :

(1) Organisation of village library and reading rooms.

XVI. Cultural activities :

(1) Promotion of social and cultural activities.

XVII. Markets and fairs :

(1) Regulation of fairs including cattle fairs and festivals.

XVIII. Rural sanitation :

(1) Maintenance of general sanitation, cremation and burial grounds.

(2) Clearing of public roads, drains, tanks, ponds, wells and other public places.

(3) Maintenance and regulation of burning and burial grounds.

(4) Construction and maintenance of public latrines.

(5) Disposal of unclaimed corpses and carcasses.

(6) Management and control of washing and bathing ghats.

XIX. Public health and family welfare :

(1) Implementation of family welfare programme.

(2) Prevention and remedial measures against epidemics.

(3) Regulation of sale of meat, fish and other perishable food articles.

(4) Participation in programmes of human and animal vaccination.

(5) Licensing of eating and entertainment establishment.

(6) Destruction of stray dogs.

(7) Regulation of curing, tanning and dyeing of skins and hides.

(8) Regulation of offensive and dangerous trades.

(9) Issue of birth and death certificate within the jurisdiction of the Gaon Panchayat.

XX. Women and child development :

(1) Participation in the implementation of women and child welfare programme.

(2) Promotion of school health and nutrition programme.

XXI. Social welfare, including welfare of handicapped and mentally retarded :

(1) Participation in the implementation of the social welfare programme, including welfare of the handicapped, mentally retarded destitutes and distribution of foodstuff for social welfare programmes.

(2) Selection of beneficiaries and monitoring of the old age and widows pension schemes.

XXII. Welfare of the weaker sections and in particular the Scheduled Castes and Scheduled Tribes :

(1) Promotion of public awareness with regard to welfare of Scheduled Castes and Scheduled Tribes and other weaker sections.

(2) Participation in the implementation of the specific programmes for the welfare of the weaker section.

XXIII. Public distribution system :

(1) Promotion of public awareness with regard to the distribution of essential commodities.

(2) Monitoring the public distribution system including keeping sharp vigilance to ensure full and equitable distribution of essential commodities allotted by the State Government.

XXIV. Maintenance of community assets :

(1) Maintenance of community assets.

(2) Preservation and maintenance of other community assets.

XXV. Construction and maintenance of Dharamshala and similar institutions.

XXVI. Construction and maintenance of cattlesheds, pounds and cart stands.

XXVII. Maintenance of public parks and playgrounds.

XXVIII. Construction and maintenance of Slaughter houses.

XXIX. Maintenance and regulation of manure.

XXX. Such other functions as may be entrusted from time to time by order of the Government in the Department of Panchayat and Rural Development.

**20. Assignment of functions :-**

(1) The Government may, by notification and subject to such conditions as may be specified therein,

(a) transfer to any Gaon Panchayat the management and maintenance of a forest situated in the Panchayat area ;

(b) make over to the Gaon Panchayat the management of waste lands, pasture lands or vacant lands belonging to the Government situated within the Panchayat area ;

(c) Provided that when any transfer of the management and maintenance of a forest is made under Cl. (a) the Government shall direct that any amount required for such management and maintenance of an adequate portion of income from such forest be placed at the disposal of the Gaon Panchayat.

(2) The Government may, by notification, modify any functions assigned in this section.

**21. General powers of Gaon Panchayats :-**

A Gaon Panchayat shall have powers to do all acts necessary for or incidental to the carrying out of the functions entrusted, assigned or delegated to it and, in particular and without prejudice to the foregoing powers, to exercise all powers specified in this Act.

**22. Standing Committees :-**

(1) Every Gaon Panchayat shall constitute the following Standing Committees by election from amongst the elected members of the Gaon Panchayat

(i) Development committee for performing functions relating to agricultural production, animal husbandry and rural industries -and poverty alleviation programmes,

(ii) Social justice committee for performing functions relating to

(a) promotion of educational, economic, social, cultural and other interest of Scheduled Castes and Scheduled Tribes and Backward Classes ;

(b) protection of such castes and classes from social injustice and any form of exploitation ;

(c) welfare of women and children ;

(iii) Social welfare committee to perform functions in respect of education, public health, public works and other functions of the Gaon Panchayat.

(2)

(a) Each committee shall consist of not less than three or more than four members including the President or the Vice-President, as the case may be. The President of the Gaon Panchayat shall be ex-officio member and Chairman of all the three committees :

Provided that the social justice committee shall consist of one member who is a woman and one member belonging to Scheduled Caste or Scheduled Tribe, as the case may be.

(b) The Gaon Panchayat shall be competent to co-opt to each committee the members of Agriculture Field Management Committee, Mahila Samittee, Yuvak Samittee and other similar bodies recognised by the Government. Such co-option should be decided by the Gaon Panchayat by resolution with majority support.

(c) A representative of co-operative societies in the Panchayat area shall beco-opted to the Development Committee :

Provided that the co-opted members shall have the right to take part in the deliberation but shall have no right to vote.

(3) The Standing Committees shall perform the functions referred to above, to the extent the powers are delegated to them by the Gaon Panchayat.

### **23. Property and fund of Gaon Panchayat :-**

(1) A Gaon Panchayat shall have power to acquire, hold and dispose of property and to enter into contract :

Provided that in all cases of acquisition or disposal of immovable property by the Gaon Panchayat, it shall obtain the approval of the Government.

(2) All properties, within the local limit of the jurisdiction of Gaon Panchayat, of the nature hereafter in this section specified, other

than property maintained by the Central or State Government or a local authority or any other Gaon Panchayat, shall vest in and belong to the Gaon Panchayat, and shall, with all other properties of whatsoever nature or kind it may become vested in the Gaon Panchayat, be under its direction, management and control, that is to say

(a) all common properties ;

(b) all public streets, including the soil, stones and other material thereof and all drains, bridges, culverts, trees, erection, materials, implements and other things provided for such streets ;

(c) all public channels, water courses, springs, tanks, ghats, reservoirs, wells, pipes, pumps and other water works whether made, laid or erected at the cost of the Gaon Panchayat or otherwise, and all bridges, buildings, engine, works, materials connected therewith or pertaining thereto and also any adjacent land (not being private property) pertaining to any public tank :

Provided that water pipes and water works connected therewith or pertaining thereto which with the consent of the Gaon Panchayat are laid or set up in any street by the owner of any mill, factory, workshop or the like, primarily for the use of their employees shall not be deemed to be public water works by reason of their use by the public ;

(d) all sewage, rubbish and offensive matter deposited on streets or collected by the Gaon Panchayat from streets, latrines, urinals, sewers and other places ;

(e) all public lamps, lamp posts and apparatus connected therewith or pertaining thereto ; and

(f) all buildings erected by the Gaon Panchayats and all lands and building's or the property transferred to the Gaon Panchayat by the Central or the State Government or acquired by gift, purchase or otherwise for local public purposes.

(3) The State Government may exclude any street, bridge or drain from the operation of this Act or of any specified section of this Act :

Provided that construction and maintenance of such items are done by other agency/Government from resources other than Gaon Panchayat fund ;

Provided further that if the cost of the construction of the work had been paid from the Gaon Panchayat fund, such work shall not be excluded from the operation of this Act or any special section of this Act except after consideration of the views of the Gaon Panchayat at a meeting.

(4) The Government may allocate to a Gaon Panchayat any public property situated within its local jurisdiction, and thereupon such property shall vest in and come under the control of the Gaon Panchayat.

#### **24. Gaon Panchayat fund :-**

(1) For every Gaon Panchayat there shall be constituted a Gaon Panchayat fund bearing the name of the Gaon Panchayat and there shall be placed to the credit thereof

(a) contribution and grants, if any, made by the Central or the State Government ;

(b) contribution and grants, if any, made by the Zilla Parishad, Anchalik Panchayat or any other local authority ;

(c) loans, if any, granted by the Central or the State Government ;

(d) all receipts on account of taxes, rates and fees levied by it ;

(e) all receipts in respect of any schools, hospitals, dispensary, buildings, institutions or works vested in, constructed by or placed under the control and management of the Gaon Panchayat ;

(f) all sums received as gifts or contribution and all income from any trust or endowment made in favour of the Gaon Panchayat ;

(g) such fines and penalties imposed or realised under the provisions of this Act as may be prescribed ;

(h) all other sums received by or on behalf of other Gaon Panchayat.

(2) Every Gaon Panchayat shall set apart and apply annually such sum as may be required to meet the cost of its own administration including payment of wages and purchase of furniture and other office equipment and stationery articles and to meet the charges on electricity, post and telegraphs, P. O. L. etc. and other incidental charges :

Provided that the total expenditure on establishment shall not

exceed one-third of the total expenditure of the Gaon Panchayat in a year.

(3) Every Gaon Panchayat shall have the power to spend such sums as it thinks fit for carrying out the purposes of this Act.

(4) The Gaon Panchayat fund shall be vested in the Gaon Panchayat and the balance to the credit of the fund shall be kept in the custody of the Gaon Panchayat Secretary.

## **25. Taxation :-**

(1) Subject to such rules as may be made in this behalf, a Gaon Panchayat shall impose yearly

(a) tax on houses and structures within the local limits ;

(b) on trades and callings carried on or held within the local limits of its jurisdiction, a tax on the basis of the total annual income accrued from such trades and calling.

(2) Subject to such rules as may be made in this behalf, a Gaon Panchayat shall levy

(a) a duty in the shape of an additional stamp duty on all payments for admission to any entertainments ;

(b) a fee for providing sanitary arrangement at such places of workshop or pilgrimage, fairs and melas within its jurisdiction as may be specified by the Government ;

(c) a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Gaon Panchayat within its jurisdiction ;

(d) a lighting rate, where arrangement for lighting of public streets and places is made by the Gaon Panchayat within its jurisdiction ;

(e) a conservancy rate, where arrangement for clearing private latrines, urinals is made by the Gaon Panchayat within its jurisdiction.

(3) Subject to (the rules and bye-laws framed in this behalf, a Gaon Panchayat may impose tax on the following :

(a) sale of firewood and thatch, conservance and slaughter houses ;

(b) private hat, and private fisheries ;



(c) shops, pharmacies, tailoring, laundry, hair cutting saloon. carpentry works and automobile workshops, TV., V.C.R., radio and tape recorder repairing shops ;

(d) cultivable land lying fallow for two consecutive years at a rate not exceeding twenty five paise per bigha for every year, being payable jointly or severally by the owners of such land.

(e) a cess or fee on

(i) registration of cattle sold within the local area ;

(ii) licence for starting tea stall, hotel, sweetmeat stall, restaurants ;

(iii) carts, carriages, bicycles, boats and rickshaws of any kind.

(4) The taxes etc. shall be imposed, assessed and realised at such time and in such manner as may be prescribed.

(5) Any person aggrieved by assessment, levy or imposition of any tax or fee may appeal to the Anchalik Panchayat. Any person aggrieved by the order of the Anchalik Panchayat, may appeal before the Zilla Parishad, whose decision in this regard shall be final.

(6) The State Government may suspend the levy or imposition of any tax or fee at any time and rescind such imposition in consultation with the Zilla Parishad.

(7) Subject to such rules as may be made in this behalf by a Gaon Panchayat. a Gaon Panchayat may levy taxes on a particular trade or commerce with a view to utilise the fund so collected for the improvement of the facilities for development of that particular trade or commerce with the approval of the Anchalik Panchayat concerned.

## **26. Financial assistance to Gaon Panchayat :-**

Subject to the provision of this section, every Gaon Panchayat shall be entitled to receive share of land revenue and local rates grants-in-aid as prescribed from the consolidated fund of the State as recommended by the State Finance Commission constituted under S. 113 of this Act.

## **27. . :-**

(1) Every Gaon Panchayat shall, at such time and in such manner

as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year and shall submit the budget to the Anchalik Panchayat having jurisdiction over the Gaon Panchayat.

(2) The Anchalik Panchayat may, within such time as may be prescribed, either approve the budget or return it to the Gaon Panchayat for such modification as it may direct. On such modification being made the budget shall be re-submitted within such time as may be prescribed for approval of the Anchalik Panchayat.

(3) No expenditure shall be incurred unless the budget is approved by the Anchalik Panchayat. If the Anchalik Panchayat fails to convey its approval within the time prescribed for the purpose, the budget shall be deemed to have been approved by the Anchalik Panchayat.

## **28. Accounts of the Gaon Panchayat :-**

(1) Accounts of income and expenditure of every Gaon Panchayat shall be kept in such form and manner as may be prescribed and the Secretary of the Gaon Panchayat shall be responsible for maintaining the accounts of the Panchayat properly.

(2) The Secretary of the Gaon Panchayat shall not incur any expenditure without the approval of the President of the Gaon Panchayat.

## **29. Audit :-**

(1) The audit of the accounts of the Gaon Panchayat shall be carried out by the authority as may be prescribed by the Government and a copy of the audit report shall be forwarded to the Gaon Panchayat within one month of the completion of the audit.

(2) On receipt of the audit report referred to in sub-S. (1), the Gaon Panchayat shall either remedy the defects or irregularities which have been pointed out in audit and send to the Anchalik Panchayat and the Director of Panchayat and Rural Development, Assam within three months, an intimation of its having done so or shall, within the said period, supply any further explanation to the Anchalik Panchayat and the Director of Panchayat and Rural Development, Assam in regard to such defects or irregularities as it

may wish to furnish.

### **30. Staff of Gaon Panchayat :-**

(1) There shall be a Secretary, and other staff as may be prescribed by Government in every Gaon Panchayat who shall be appointed as provided in S. 140 (1) and/or deputed by Government from time to time. In respect of the provincialised employees, the Director of Panchayat and Rural Development shall be the appointing authority.

(2) The Secretary shall be in charge of the office of the Gaon Panchayat and shall perform and exercise all the powers and duties imposed or conferred upon him by or under this Act, any rules or bye-laws made thereunder.

(3) The salaries etc., of the employees of the Gaon Panchayat shall be paid in the manner as may be prescribed by the State Government.

(4) The Gaon Panchayat shall not appoint or engage any person for any post in the Gaon Panchayat,

(5) Regarding discipline and control, the Secretary shall act in all matters under the control of the President of the Gaon Panchayat through whom he shall be responsible to the Gaon Panchayat.

### **CHAPTER 5**

Establishment and constitution of Anchalik Panchayat

### **31. Establishment of Anchalik Panchayat area of Anchalik Panchayat :-**

(1) For each Development Block there shall be an Anchalik Panchayat having jurisdiction, save as otherwise provided in this Act, over the entire Development Block jurisdiction excluding such portion of the block as are included in a Town Committee and as are included in a Municipality/or under the authority of Municipal Corporation, a Sanitary Board or cantonment area or a notified area constituted under any law for the time being in force :

Provided that a block may comprise of such villages as are not contiguous or have no common boundaries and are separated by an area to which this Act does not extend or in which the remaining sections of this Act have not come into force.

(2) Every Anchalik Panchayat shall be a body corporate by the

name of Anchalik Panchayat and shall have perpetual succession and a common seal and subject to such restrictions as are imposed by or under this Act or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, or acquiring, holding and transferring property, movable or immovable whether without or within the limits of the area over which it has authority of entering into contracts or doing all things, necessary, proper and expedient for the purpose for which it is constituted.

### **32. Constitution of Anchalik Panchayat :-**

(1) Every Anchalik Panchayat shall consist of

(a) one member from each Gaon Panchayat to be directly elected from the territorial constituencies of the Gaon Panchayats under the jurisdiction of the Anchalik Panchayat ;

(b) the Presidents of the Gaon Panchayats falling within the jurisdiction of the Anchalik Panchayat ;

(c) the Members of the House of People and the Members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Anchalik Panchayat.

(2) Every member shall have the right to vote whether or not chosen by direct election in the meetings of the Anchalik Panchayat.

### **33. Election of members :-**

(1) One Gaon Panchayat area shall form a constituency for electing one member directly to the Anchalik Panchayat.

(2) The allotment of seat under sub-S. (1) for directly elected members shall be the same throughout the entire State.

### **34. Reservation of seats :-**

(1) Seats shall be reserved in an Anchalik Panchayat for the Scheduled Castes and Scheduled Tribes ; and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Anchalik Panchayat as the population of the Scheduled Castes in that Anchalik Panchayat area or of the Scheduled Tribes in that Anchalik Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in an Anchalik Panchayat in such manner as may be prescribed.

(2) Not less than one-third of the total number of seats reserved under Cl. (1) shall be reserved for women belonging to Scheduled Castes, or as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election in every Anchalik Panchayat, shall be reserved for women and such seats may be allotted by rotation to different territorial constituencies of an Anchalik Panchayat, in such manner as may be prescribed.

**35. Duration of Anchalik Panchayat :-**

Every Anchalik Panchayat, save as otherwise provided in this Act, shall continue for a term of five years from the date appointed for its first meeting.

**36. Election process for Anchalik Panchayat :-**

(1) The election to constitute an Anchalik Panchayat shall be completed

(a) before the expiry of its duration specified in S. 35 ;

(b) in case of dissolution, before the expiration of a period of six months from the date of its dissolution :

Provided that where the remainder of the period for which the dissolved Anchalik Panchayat would have continued, is less than six months, it shall not be necessary to hold any election under this clause for constituting the Anchalik Panchayat for such period.

(2) An Anchalik Panchayat constituted upon the dissolution before the expiration of its duration, shall continue only for the remainder of the period for which the dissolved Anchalik Panchayat would have continued under S. 35 had it not been dissolved.

**37. Election of President and Vice-President of Anchalik Panchayat :-**

(1) The directly elected members of the Anchalik Panchayat shall elect from amongst the directly elected members as President and Vice-President respectively of the Anchalik Panchayat in a meeting (which shall be called the first meeting of the Anchalik Panchayat) to be convened by and presided over by the Deputy Commissioner of the District in the manner prescribed. The Deputy Commissioner may delegate the powers of presiding over such meeting to any

officer not below the rank of Class I Gazetted officer.

(2) If there occurs casual vacancy in the office of the President or the Vice-President the members shall elect another member from amongst the members as hereinafter provided, as the President or the Vice-President, as the case may be, in the manner prescribed :

Provided that no election shall be held if the vacancy is for a period of less than one month.

**38. Reservation for the offices of the President and Vice-President of Anchalik Panchayat :-**

(1) There shall be reserved by the Government in the prescribed manner

(a) such number of offices of the President of Anchalik Panchayats in the district for the person belonging to Scheduled Castes and Scheduled Tribes and the number of such offices bearing as nearly as may be the same proportion to the total number of offices in the district -or of the Scheduled Tribes in the district bears to the total population of the district;

(b) not less than one-third of the total number of offices of President and Vice-President of the Anchalik Panchayats in the district for each of the categories reserved for persons belonging to the Scheduled Castes, Scheduled Tribes and those which are not reserved for women :

Provided that the offices reserved under this sub-section shall be by rotation in different Anchalik Panchayats ;

Provided further that the principle of rotation for the purpose of reservation of offices under this sub-section shall commence from the first election to be held after the commencement of the Act.

(2) Save as otherwise provided in this Act, the President and Vice-President of the Anchalik Panchayat shall hold office for the term of office of the members of the Anchalik Panchayat.

**39. Allowance of President and Vice-President and other members of Anchalik Panchayat :-**

(1) The allowances of President and Vice-President and members of Anchalik Panchayat shall be as may be prescribed.

(2) Every member of Anchalik Panchayat other than the President

and the Vice-President shall be entitled to receive sitting allowances as may be prescribed.

**40. Powers, functions and duties of the President of Anchalik Panchayat :-**

The President shall

- (a) convene, preside over and conduct meeting of Anchalik Panchayat;
- (b) discharge all duties imposed and exercise all the powers conferred on him under this Act, and the rules made thereunder and perform such functions entrusted to him by the Government from time to time ;
- (c) exercise supervision over the Executive Officer for securing implementation of the resolutions or decisions of the Anchalik Panchayat or of the Standing Committees which are not inconsistent with the provisions of this Act, or any general or special direction issued under this Act ;
- (d) exercise overall supervision over the financial and executive administration of the Anchalik Panchayat and place before the Anchalik Panchayat all questions connected therewith which shall appear to him to require its orders and for this purpose may call for records of Anchalik Panchayat.

**41. Powers, functions and duties of Vice-President of Anchalik Panchayat :-**

The Vice-President of an Anchalik Panchayat shall

- (a) in the absence of the President, preside at the meeting of the Anchalik Panchayat ;
- (b) exercise such powers and perform such duties of the President of the Anchalik Panchayat as the President, from time to time, may, subject to the rules made by the Government in that behalf, delegate to him by an order in writing ; and
- (c) pending the election of the President or during the absence of the President from the Panchayat area or by reason of leave for a period exceeding thirty days, exercise the powers and perform the duties of the President ;
- (d) exercise all the powers and discharge all the duties and functions of President as provided under sub-Ss. (a) to (d) of S. 40,

if the President be removed and/or dies or resigns until the effect of the President is filled up in ,the manner under the provisions of sub-S. (1) of S. 37.

**42. Resignation or removal of the President and Vice-President of Anchalik Panchayat :-**

(1) A member holding the office as President of the Anchalik Panchayat may resign his office at any time by writing under his own hand addressed to the Deputy Commissioner of the concerned district and Vice-President may resign his office at any time by writing under his hand addressed to the President of the Anchalik Panchayat and in the absence of the President to the Deputy Commissioner of the concerned district.

(2) Every President and Vice-President of Anchalik Panchayat shall vacate office, if he ceases to be a member of the Anchalik Panchayat.

**43. No-confidence motion against the President and the Vice-President of Anchalik Panchayat :-**

(1) Every President and Vice-President of the Anchalik Panchayat shall be deemed to have vacated his office forthwith, if by a resolution express want of confidence in him is passed by a majority of two-third of total number of the directly elected members of the Anchalik Panchayat. Such a meeting shall be specially convened with the approval of the President of the Anchalik Panchayat, Such meeting shall be presided over by the President if the motion is against the Vice-President and by the Vice-President if the motion is against the President. In case such a meeting is not convened by the Anchalik Panchayat within a period of fifteen days from the date of receipt of the notice, the Secretary of the Anchalik Panchayat shall refer the matter to the President of the Zilla Parishad with intimation to the Deputy Commissioner. The President of the ,Zilla Parishad shall then arrange for convening the meeting within fifteen days from the date of receipt of intimation. The Zilla Parishad President shall preside over such meeting but shall have no vote.

(2)

(a) In case the President of the Zilla Parishad does not convene the meeting within fifteen days from the date of receipt of intimation, the ex-officio Secretary of the Anchalik Panchayat v/ithin three



days from the date of expiry of the date of stipulated fifteen days' time shall report to the concerned Deputy Commissioner or the Sub-divisional Officer, as the case may be. On receipt of the information, the Deputy Commissioner or the Sub-divisional Officer, as the case may be, shall convene the meeting within fifteen days from the date of receipt of the information with intimation to the Zilla Parishad concerned and also shall preside over such meeting. In case of his inability to preside over such meeting, the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall depute an officer under him not below the rank of Class I Gazetted officer to preside over such meeting.

(b) If, under sub-S. (1) of S. 43, the members express want of confidence both in the President and the Vice-President of Anchalik Panchayat at the same time and issued notices, the ex-officio Secretary of concerned Anchalik Panchayat shall report the matter to the President of the concerned Zilla Parishad within three days from the date of receipt of the notice who shall arrange to convene the meeting, within fifteen days from the date of receipt of the information separately, to consider the motion against the President first and to consider the motion against the Vice-President next day and shall preside over such meeting but shall have no vote. In case the President of the Zilla Parishad concerned does not take action as above, the ex-officio Secretary of the Anchalik Panchayat shall refer the matter to the concerned Deputy Commissioner or the Sub-divisional Officer, as the case may be, within three days from the date of expiry of the date of the stipulated fifteen days' time. On receipt of the information, the concerned Deputy Commissioner or the Sub-divisional Officer, as the case may be, shall convene both the meetings simultaneously within fifteen days from the date of receipt of the information and shall preside over both the meetings :

Provided that the Deputy Commissioner or the Sub-divisional Officer, as the case may be, in case of his inability to preside over the meeting, may depute a Class I Gazetted officer under him to preside over such meetings ;

Provided further that if it is not possible to hold the meeting for a situation due to non-attendance of requisite number of members in such meeting or meetings, as the case may be, the no-confidence motion shall automatically stand cancelled and the motion shall be deemed to have lost, in the event of which no such motion shall be

allowed within the next six months.

(3) The requisition for such a special meeting shall be signed by not less than one-third of the total number of members of Anchalik Panchayat and shall be delivered to the President of the Zilla Parishad with intimation to the Deputy Commissioner. The President of the Zilla Parishad shall within seven days from the date of receipt of the requisition, convene a special meeting of the Anchalik Panchayat. The meeting shall be held on a date not later than fifteen days from the date of issue of the notice of the meeting.

(4) In the event of removal either of the President or the Vice-President of the Anchalik Panchayat, the Anchalik Panchayat shall elect, from amongst the members in the same manner as under subS. (2) of S. 37 a President or a Vice-President, as the case may be :

Provided that such member shall not be eligible for re-election as President or Vice-President during the remaining terms of office as member of the Anchalik Panchayat.

(5) Every President or Vice-President of the Anchalik Panchayat shall, after an opportunity is afforded for hearing him, be removeable from his office as President or Vice-President by the Zilla Parishad with the approval of the Government for misconduct in the discharge of office duties, for being persistently remiss in the discharge of his duties and a President or a Vice-President so removed shall remain in the office of the member.

(6) A President or a Vice-President removed from his office under sub-S. (5) may also be removed by the Government from membership of the Anchalik Panchayat.

#### **44. Resignation of members of Anchalik Panchayat :-**

A member of an Anchalik Panchayat may resign his membership in writing under his hand addressed to the President of the Anchalik Panchayat and his seat shall become vacant immediately.

#### **45. Meeting of Anchalik Panchayat :-**

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(1) An Anchalik Panchayat shall hold a meeting for the transaction of business at least once in two months (hereinafter in this section called the ordinary meeting) and shall subject to the provisions of

the following sub-sections make regulations not inconsistent with the provisions of this Act or with any rules made thereunder with respect to the date, hour, notice, management and adjournment of its meetings and generally with respect to transaction of business thereto.

(2) Every meeting of the Anchalik Panchayat shall ordinarily be held at the headquarter of the Anchalik Panchayat.

(3) The date of the first meeting of the Anchalik Panchayat, after the first constitution or re-constitution, shall be fixed by the Deputy Commissioner of the district and date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Anchalik Panchayat ;

provided that the President may, for sufficient reasons, alter the day of the meeting to a subsequent date. The President may, whenever he thinks fit shall, upon the written request of not less than one-third of the total number of members and on a date within fifteen days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called. If the President fails to call the special meeting, the Vice-President or one-third of the total number of members may call the special meeting for a day not more than fifteen days after presentation of such request and require the Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting.

(4) Ten clear days' notice of an ordinary meeting and seven clear days' notice of a special meeting specifying the time at which the meeting is to be held and the business to be transacted thereat, shall be sent to the members and pasted up at the office notice board of the Anchalik Panchayat. Such notice shall include, in the case of a special meeting, any motion or proposition mentioned in the written request made for such meeting.

#### **46. Quorum of the Anchalik Panchayat meeting :-**

(1) One-third of the total number of members of the Anchalik Panchayat shall form a quorum for transacting business at a meeting of the Anchalik Panchayat. If at the time appointed for a meeting a quorum is not present, the person presiding shall wait for thirty minutes, and if within such period, there is a quorum, proceed with the meeting, but if within such period, there is no quorum, the person presiding shall adjourn the meeting to such

hour on some future date as he may fix. He shall similarly adjourn the meeting at any time after it has begun, if his attention is drawn to the want of quorum. At such adjourned meetings, no quorum shall be necessary and the business which would have been brought before the original meeting shall be transacted.

(2) Every meeting shall be presided over by the President or if he is absent, by the Vice President and if both are absent or if the President is absent and there is no Vice-President, the members present shall elect one from among themselves to preside.

(3) All questions shall, unless otherwise specifically provided, be decided by a majority of votes of the members present and voting and shall be by raising of hands. The Presiding member, unless he refrains from voting, shall give vote before declaring the number of votes for or against a question and in case of equality of votes, he may give his casting vote.

(4) No member of an Anchalik Panchayat shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the Anchalik Panchayat or any committee, if the question is one in which apart from its original application to the public he has any direct pecuniary interest.

(5) If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect is carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Anchalik Panchayat may be chosen to preside over the meeting during the continuance of such discussion.

(6) No proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or in the case of a special meeting, in the written request for such meeting. A member may propose any resolution connected with or incidental to the subjects included in the list of business. The President may propose any urgent subject of a routine nature not included in the list of business if no member objects to it. No permission shall be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof except in accordance with sub-S. (8). The order in which any business or proposition shall be brought forward at such meeting shall be determined by presiding authority who, in case it

is proposed by any member to give particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(7) Any ordinary meeting may, with the consent of a majority of the members present, be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed at the meeting for which the adjournment took place.

(8) No resolution of Anchalik Panchayats shall be modified or cancelled within six months after the passing thereof except by a resolution passed by not less than one half of the total number of members at an ordinary or special meeting, and notice thereof shall have been given fulfilling the requirements of sub-S. (4) and setting forth fully the resolution which it is proposed to modify fully or cancel at such meeting any motion or proposition for the modification or cancellation of such resolution.

**47. Proceedings of Anchalik Panchayat meetings and minutes book of Anchalik Panchayat :-**

The proceedings of every meeting shall be recorded in the minutes book immediately after the deliberations of the meeting and shall, after being read over by the presiding authority of the meeting, be signed by him. The action taken on the decision of the Anchalik Panchayat shall be reported at the next meeting of the Anchalik Panchayat. The minutes book shall not be taken outside the Anchalik Panchayat office under any circumstances. The Executive Officer shall be the custodian of the minutes book.

**48. Presence of Government officer in Anchalik Panchayat meetings :-**

The Anchalik Panchayat may require the presence of Government officers at the meetings. If it appears to an Anchalik Panchayat that the attendance of any officer of the Government having jurisdiction over an area of a district or less than a district and not working under the Anchalik Panchayat, is desirable at a meeting of the Anchalik Panchayat, the Executive Officer shall, by a letter addressed to such officer not less than fifteen days before the intended meeting, request that officer to be present at the meeting and the officer shall, unless prevented by illness or other reasonable cause, attend the meeting :

Provided that the officer on receipt of such letter may, if he, for any

of the causes aforesaid, is unable to be present there by himself, instruct his deputy or other competent subordinate officer to represent him at the meeting.

**49. General functions of Anchalik Panchayat :-**

(1) The general functions of the Anchalik Panchayats shall be

(a) preparation of annual plans in respect of the schemes entrusted to it by virtue of the Act and those assigned to it by the Government or the Zilla Parishad and submission thereof to the Zilla Parishad within the prescribed time for integration with the District Plan ;

(b) consideration and consolidation of the annual plans of all Gaon Panchayats under the Anchalik Panchayat and submission of consolidated plan to the Zilla Parishad ;

(c) preparation of annual budget of the Anchalik Panchayat and submission to Zilla Parishad for approval within the prescribed time ;

(d) performing such functions and executing such works as may be entrusted to it by Government or the Zilla Parishad ;

(e) to assist the Government in relief operation in natural calamities ;

(2) Agriculture including agricultural extension, (a) Identification and implementation of scheme not exceeding rupees two lakhs and not below rupees fifty thousand for the agricultural development of the Anchalik Panchayat area with technical assistance and supervision from the Department of Agriculture, Co-operation and Irrigation etc.

(b) Maintenance of agricultural seed farms and horticultural nurseries.

(c) Storing and distribution of insecticides and pesticides.

(d) Propagation of improved methods of cultivation.

(e) Promotion of cultivation and marketing of vegetables, fruits and flowers.

(f) Training of farmers and extension activities.

(3) Land improvement and soil conservation. (a) Assisting the

Government and Zilla Parishad in the implementation of land improvement and soil conservation programmes of the Government.

(4) Minor irrigation, water management, watershed development.

(a) Assisting the Government and the Zilla Parishad in construction and maintenance of minor irrigation works.

(b) Implementation of individual irrigation works.

(c) Assisting the Government and the Zilla Parishad in the implementation of schemes on development of ground water resources and watershed development programmes.

(5) Poverty alleviation programme,

(a) Planning and supervision of implementation of poverty alleviation programmes and schemes and providing guidance therefor.

(6) Animal husbandry, dairying and poultry,

(a) Maintenance of veterinary and animal husbandry services.

(b) Improvement of breed of cattle, poultry and other livestock.

(c) Promotion of dairy farming, poultry and piggery.

(d) Prevention of epidemics and contagious disease.

(7) Fisheries, (a) Promotion of fisheries development.

(8) Khadi, village and cottage industries,

(a) Promotion of rural and cottage industries.

(b) Organisation of conference, seminars and training programmes, agricultural and industrial exhibitions.

(9) Rural housing, (a) Implementation of housing scheme and distribution of issue sites in villages.

(10) Drinking water,

(a) Establishment, repairs and maintenance of rural water supply scheme.

(b) Prevention and control of water pollution,

(c) Implementation of rural sanitation schemes.

(11) Social and farm forestry, minor forest produce, fuel and fodder.

(a) Planting and preservation of trees on the sides of roads and other public land under its control.

(b) Fuel plantation and fodder development.

(c) Promotion of farm forestry.

(12) Roads, buildings, bridges, ferries, waterways and other means of communication,

(a) Construction and maintenance of public roads, drains, culverts and other means of communication which are not under the control of any other local authorities of the Government.

(b) Maintenance of buildings or other properties vested in the Anchalik Panchayat.

(c) Maintenance of boats, ferries and waterways not under the Government or any other local bodies.

(13) Non-conventional energy sources, (a) Promotion and development of non-conventional energy sources.

(14) Education, including primary and secondary schools,

(a) Promotion of Primary and Secondary Education.

(b) Construction, repair and maintenance of Primary School Buildings.

(c) Promotion of Social Education through Youth Clubs and Mahila Mandals.

(15) Technical training and vocational education, (a) Promotion of rural artisan and vocational training.

(16) Adult and non-formal education. Implementation of adult literacy programme.

(17) Cultural activities. Promotion of social and cultural activities.

(18) Market and fair a.

(a) Regulation of markets, fairs and festivals.

(19) Health and family welfare,



(a) Promotion of health and family welfare programme.

(b) Promotion of immunisation and vaccination programme.

(c) Health and sanitation at fairs and festivals.

(20) Women and child development,

(a) Promotion of programmes relating to development of women and children.

(b) Promotion of school health and nutrition programme.

(c) Promotion of participation of .voluntary organisations in women and child development programme.

(21) Social welfare including welfare of handicapped, mentally retarded,

(a) Promotion of social welfare programmes including welfare of handicapped, mentally retarded and destitutes ; procurement and supervision of distribution of foodstuff in social welfare programmes.

(b) Monitoring the old age and widows pensions and pensions of the hadicapped.

(22) Welfare of the weaker section and in particular of the Scheduled Castes and Scheduled Tribes.

(a) Promotion of welfare of Scheduled Castes, Scheduled Tribes and other weaker sections.

(b) Preventing such castes and classes from social injustice and exploitation.

(23) Maintenance of community assets,

(a) Maintenance of all community assets vested in it or transferred by the Government or any local authority or organisation.

(b) Preservation and maintenance of other community assets.

(24) Public distribution system,

(a) Promotion of dis tribution of essential commodities through fair price shops in the villages. Panchayat will also keep sharp vigilance over fair and equitable distribution of essential commodities. Panchayat will educate the people about consumer's rights and

assist in redressal of consumer's grievances.

(25) Rural electrification,

(a) Promotion of rural electrification.

(26) Co-operation.

(a) Promotion of co-operative activities.

(27) Libraries,

(a) Promotion of libraries.

(28) Such other functions that may be entrusted by the Government or the Zilla Parishad.

### **50. General powers of Anchalik Panchayat :-**

The Anchalik Panchayat shall have power to do all acts necessary for or incidental to the carrying out of the functions entrusted or delegated to it and, in particular and without prejudice to the foregoing powers, to exercise all powers specified in this Act.

### **51. Delegation of powers :-**

Anchalik Panchayat may, by notification, delegate to the Executive Officer or any other officer, the powers conferred by or under this Act.

### **52. Standing Committees of Anchalik Panchayat :-**

(1) The Anchalik Panchayat shall have the following standing committees :

(a) General Standing Committee ;

(b) Finance, Audit and Planning Committee ;

(c) Social Justice Committee.

(2) Each standing committee shall consist of such number of members not exceeding six including the Chairman, as may be specified by the Anchalik Panchayat from amongst its members.

(3) The President of the Anchalik Panchayat shall be the Chairman of the General Standing Committee and Finance, Audit and Planning Committee. The Vice-President of the Anchalik Panchayat shall be the Chairman of the Social Justice Committee.

(4) No member of the Anchalik Panchayat shall be eligible to serve in more than one standing committee and the term of the

membership will not exceed one year at a time.

(5) The Executive Officer of the Anchalik Panchayat shall be the ex-officio Secretary of every standing committee.

### **53. Functions of the Standing Committee :-**

(1) The General Standing Committee shall perform the functions relating to the establishment matters, communication, buildings, rural housing, relief against natural calamities, water supply and all miscellaneous residuary matters.

(2) The Finance, Audit and Planning Committee shall perform the functions relating to the finance of the Anchalik Panchayat, training, budget, scrutinising proposals for increase of revenue, examination of receipts and expenditure statement, consideration of all proposals affecting the finance of the Anchalik Panchayat and general supervision of the revenue and expenditure of the Anchalik Panchayat and planning and consolidating the Anchalik Panchayat Plans, co-operation, small saving scheme and any other functions relating to the development of Anchalik Panchayat areas.

(3) The Social Justice Committee shall perform functions relating to

(a) promotion of educational, economic, social, cultural and other interests of the Scheduled Castes, Scheduled Tribes and Backward Classes ;

(b) protecting them from social injustice and all other forms of exploitation ;

(c) amelioration of the Scheduled Castes, Scheduled Tribes and Backward Classes ;

(d) securing social justice to the Scheduled Castes, Scheduled Tribes, women and other weaker sections of the society.

(4) The standing committees shall perform the functions referred to above to the extent the powers are delegated to them by the Anchalik Panchayat.

### **54. Procedure of committees :-**

(1) The Anchalik Panchayat may frame regulations relating to selection of members of committees, conduct of business therein and all other matters relating to them.

(2) The Chairman of every committee shall, in respect of the work

of the committee, be entitled to call for any information, return, statement, account or report from the office of the Anchalik Panchayat and to enter into and inspect any immovable property of the Anchalik Panchayat or works in progress connected with the works of the committee.

(3) Each committee shall be entitled to require attendance at its meetings of any officer of the Anchalik Panchayat who is connected with the work of the committee. The ex-officio Secretary [referred to in sub-S. (5) of S. 52] shall under instruction of the committee, issue notices and secure the attendance of the officer.

#### **55. Power to acquire, hold or dispose of property :-**

(1) An Anchalik Panchayat shall have the power to acquire, hold and dispose of property and to enter into contract :

Provided that in all cases of acquisition or disposal of immovable property, the Anchalik Panchayat shall obtain the previous approval of the Government through Zilla Parishad.

(2) All roads, buildings or other works constructed by an Anchalik Panchayat with its own fund shall vest in it.

(3) The State Government may allocate to an Anchalik Panchayat any public property situated within its jurisdiction, and thereupon such property shall vest in and come under the control of the Anchalik Panchayat.

(4) Where an Anchalik Panchayat requires land to carry out any of the purpose of this Act, it may negotiate with the persons having interest in the said land, and if it fails to reach at an agreement, it may make an application to the Deputy Commissioner of the district for acquisition of land, who may, if he is satisfied that the land is required for a public purpose, take steps where permitted by law to acquire the land under the provisions of the relevant Land Acquisition Act, and such land shall, on acquisition, vest in the Anchalik Panchayat.

#### **56. Anchalik Panchayat Fund :-**

(1) For every Anchalik Panchayat, there shall be constituted an Anchalik Panchayat fund bearing the name of the Anchalik Panchayat and there shall be placed to the credit thereof

(a) contribution and grants, if any, made by Central or State

Government, including such part of the land revenue collected in the State as may be determined by the Government ;

(b) contribution and grant, if any, made by the Zilla Parishad or any other local authority ;

(c) loans, if any, granted by the' Central or the State Government or raised by the Anchalik Panchayat on security of its assets ;

(d) all receipts on account of tolls, rates and fees levied by it ;

(e) all receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works, vested in, constructed by or placed under the control and management of the Anchalik Panchayat;

(f) all sums received as gifts or contributions and all income from any trust or endowment made in favour of the Anchalik Panchayat;

(g) such fines and penalties imposed and realised under the provisions of this Act, or of the bye-laws made thereunder, as may be prescribed, and all other sums received by or on behalf of the Anchalik Panchayat.

(2) Every Anchalik Panchayat shall set apart and apply annually such sums as may be required to meet the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees. The total expenditure on establishment shall not exceed one-third of the total expenditure of the Anchalik Panchayat without prior approval of the Government.

(3) Every Anchalik Panchayat shall have power to spend such sums as it thinks fit for carrying out the purpose of this Act.

(4) The Anchalik Panchayat fund shall be vested in the Anchalik Panchayat.

(5) Subject to such general control, as the Anchalik Panchayat may exercise from time to time, all orders and cheques for payment from the Anchalik Panchayat fund shall be signed by the Executive Officer.

## **57. Taxes :-**

(1) Subject to such maximum rate as the Government may prescribe, an Anchalik Panchayat may

(a) levy tolls on persons, vehicles or animals or any class of them at

any toll-bar established by it on any road other than a katcha road or any bridge vested in it or under its management :

(b) levy tolls in respect of any ferry established by it, or under its management ;

(c) levy a surcharge on land revenue at the rate of 0-02 (two paise) per rupee ;

(d) levy a cess or water rate for recovery of cost of minor irrigation works taken up within the jurisdiction of an Anchalik Panchayat and such cess as may be necessary for the purpose of maintenance and repair of such works ;

(e) levy a tax on supply of water and lighting ;

(f) levy a tax on profession, trades, calling, manufacture and production save and except those levied under any provision of this Act or under any enactment for the time being in force ;

(g) levy fee for cinema halls, bricks or tile kilns, saw mills, timber depots, rice mills and hullers, fairs, confectionery and bakery, private fisheries or vegetable gardens used for commercial purposes.

(2) The taxes etc. shall be imposed, assessed and realised at such time and in such manner as may be prescribed.

(3) Any person aggrieved by the assessment, levy or imposition of any tax or fee may appeal to the Zilla Parishad. The decision of Zilla Parishad in this respect shall be final.

(4) The State Government may suspend the levy or imposition of any tax or fee and may at any time rescind such imposition in consultation with the concerned Panchayat in period of natural calamities.

(5) The scale of tolls, fees or rates and the terms and conditions for the imposition thereof, shall be such as may be provided by bye-laws. Such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

(6) Subject to such rules as may be made in this behalf by an Anchalik Panchayat, an Anchalik Panchayat may levy taxes on, a particular trade or commerce with a view to utilise the fund so collected for improvement of the facilities for development of that particular trade or commerce with approval of the Zilla Parishad.

## **58. Loans and sinking fund :-**

(1) An Anchalik Panchayat may, subject to the provisions of any law relating to the raising of loan by local authorities for the time being in force, raise from time to time, with the approval of the Government, loans for the purpose of this Act, and create a sinking fund for the repayment of such loans,

(2) An Anchalik Panchayat may borrow from the Government, or with the previous sanction of the Government, from bank or other financial institution for furtherance of its objectives on the basis of specific schemes as may be drawn up by the Anchalik Panchayat for the purpose.

## **59. Budget of Anchalik Panchayat :-**

(1) Every Anchalik Panchayat shall, at such time and in such manner as may be prescribed, prepare in each year, a budget of its estimated receipts and disbursements for the following year and submit the budget to the Zilla Parishad.

(2) The Zilla Parishad, within such time as may be prescribed, either approve the budget or return it to the Anchalik Panchayat for such modifications as it may direct. On such modification being made, the budget shall be submitted within such time as may be prescribed by the Zilla Parishad. If the approval of the Zilla Parishad is not received by the Anchalik Panchayat by the last date of the year, the budget shall be deemed to be approved by the Zilla Parishad.

(3) No expenditure shall be incurred unless the budget is approved by the Zilla Parishad.

(4) The Anchalik Panchayat may prepare in each year a supplementary estimate providing for any modification of its budget and may submit to the Zilla Parishad for approval within such time and in such manner as may be prescribed.

## **60. Accounts of Anchalik Panchayat :-**

An Anchalik Panchayat shall keep such accounts and in such form as may be prescribed.

## **61. Auditing :-**

(1) The audit of the accounts of the Anchalik Panchayat shall be carried out by the authority as may be prescribed by the

Government and a copy of the audit report shall be forwarded to the Anchalik Panchayat, to the Zilla Parishad and to the Director of Panchayat and Rural Development, Assam within one month of the completion of the audit.

(2) On receipt of the audit report referred to in sub-S. (1), the Anchalik Panchayat shall either remedy any defects or irregularities which have been pointed out in the audit and send to the Zilla Parishad and to the Director of Panchayat and Rural Development, Assam, within three months and the intimation of its having done so or shall, within the said period, supply any further explanation to the authorities mentioned herein, in regard to such defects or irregularities as it may deem fit.

## **62. Staff of Anchalik Panchayat :-**

(1) An Anchalik Panchayat being coterminous to a Development Block shall have an Executive Officer appointed by Government who shall be the ex-officio Secretary :

Provided that the Block Development Officer or such other officer as may be appointed by the Government shall hold the post of the Executive Officer and Secretary of the Anchalik Panchayat.

(2) The other staff of the Anchalik Panchayat shall be appointed as provided in S. 140 of the Act. In respect of the provincialised Panchayat employees working under the Anchalik Panchayat, the Director of Panchayat and Rural Development shall be the appointing authority.

(3) The Government may post/depute staff, if considered necessary from time to time, to work in Anchalik Panchayat in addition to the staff of Grade I and II to serve under the Anchalik Panchayat.

(4) Notwithstanding anything contained in this Act, or any of the laws for the time being in force the Government or the Director of Panchayat and Rural Development, Assam, as the case may be, shall have the power to effect transfer of the concerned officers and the provincialised staff in consultation with the Zilla Parishad concerned.

## **63. Powers and functions of the Executive Officer of the Anchalik Panchayat :-**

(1) Save as otherwise expressly provided by or under this Act, the Executive Officer shall,



- (a) exercise all powers specifically imposed or conferred upon him by or under this Act, or any other law for the time being in force ;
- (b) lay down the duties of and supervise the works of the officers and officials holding office under the Anchalik Panchayat in accordance with rules made by the Government ;
- (c) supervise and control the execution of all works of the Anchalik Panchayat ;
- (d) take necessary measures for the speedy execution of all works and development schemes of Anchalik Panchayat ;
- (e) have custody of all papers and documents connected with the proceedings of the meetings of the Anchalik Panchayat;
- (f) draw and disburse money out of the Anchalik Panchayat fund ; and
- (g) exercise such other powers and discharge such other functions as may be prescribed.

(2) The Executive Officer shall attend every meeting of the Anchalik Panchayat and shall have the right to attend the meetings of the committees thereof and to take part in the discussion but shall not have the right to move any resolution or to vote. If in the opinion of the Executive Officer any proposal before the Anchalik Panchayat is violative of or inconsistent with the provisions of this Act, or any other law, rule or order made thereunder, it shall be his duty to bring the same to the notice of the Anchalik Panchayat.

#### CHAPTER 6

Establishment and constitution of Zilla Parishad

#### **64. Establishment of Zilla Parishad :-**

(1) For every district there shall be a Zilla Parishad having jurisdiction, save as otherwise provided in this Act, over the entire district excluding such portions of the district as are included in a Municipality or a Municipal Corporation, as the case may be, or under the authority of Town Committee or Sanitary Board or Cantonment area or any Notified Area contrary to it under any law for the time being in force :

Provided that a Zilla Parishad may have its office in any area comprised within the excluded portion as above of the district and in such area which is notified by Government for such office, may

exercise its powers and functions over institutions under its control and management.

(2) Every Zilla Parishad shall be a body corporate by the name of ".....Zilla Parishad" and shall have perpetual succession and a common seal and subject to such restrictions as are imposed by or under this or any other enactment with the capacity of suing and being sued in its corporate name, of acquiring, holding and transferring property movable or immovable, whether without or within the limit of the area over which it has authority of entering into contracts and doing all things necessary, proper or expedient for the purpose for which it is constituted.

### **65. Constitution of Zilla Parishad :-**

(1) The Zilla Parishad shall consists of

(i) the members directly elected from the territorial constituencies of the district : Provided that the State Government may, by notification in the official Gazette, determine the territorial constituencies in the district keeping in view the overall population of the district at a rate of one member for a population of not less than thirty thousand and that each territorial constituency shall elect one member to the Zilla Parishad through direct election in the manner prescribed ;

Provided further that every Legislative Assembly constituency shall have four territorial constituencies and in case of a part of the Legislative Assembly constituency with a population less than thirty thousand falling within the district then this part shall form a territorial constituency ;

Provided furthermore that the Legislative Assembly constituency which has urban population included in a Municipality or a Municipal Corporation, as the case may be, or under the authority of Town Committee or Sanitary Board or Cantonment area or any notified area deemed to be urban area under any law for the time being in force, may have less than four territorial constituencies and if the rural population of this Legislative Assembly constituency is less than thirty thousand, this may form a territorial constituency ;

(ii) the Presidents of the Anchalik Panchayats ;

(iii) the Members of the House of People and the Members of the State Legislative Assembly representing part or whole of the district

whose constituencies lie within the district.

(2) All the members shall have the right to vote except in the motion of no-confidence in which only the directly elected members and members nominated by the Government shall exercise such rights.

**66. Reservation of seats for Scheduled Castes and Scheduled Tribes :-**

(1) Seats shall be reserved for the Scheduled Castes and Scheduled Tribes in every Zilla Parishad and the number of seats shall bear, as nearly as may be, the same proportion to the total number of seats to be filled up from amongst the directly elected members in that Zilla Parishad as the population of the Scheduled Castes in the Zilla Parishad area or of the Scheduled Tribes in that Zilla Parishad area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in Zilla Parishad in the manner prescribed.

(2) Reservation of seats for women belonging to Scheduled Castes and Scheduled Tribes. Not less than one-third of the total number of seats reserved under sub-S. (1) shall be reserved for women belonging to the Scheduled Tribes, or as the case may be, the Scheduled Castes.

**67. Reservation of seats for women :-**

(1) Not less than one-third, including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes under sub-S. (2) of S. 66, of the total number of seats to be filled up from amongst the directly elected members under sub-S. (1) of S. 65 shall be reserved for women and such seats may be allotted by rotation to different constituencies under the Zilla Parishad as may be prescribed.

(2) If women from Scheduled Castes and Scheduled Tribes category and women from general category are not represented in Zilla Parishad, the Government may, by notification in the official Gazette, nominate one member from such category.

**68. Term of Zilla Parishad :-**

Every Zilia Parishad except as provided in the Acts, shall continue for a period which shall not exceed five years from the date of holding the first meeting.

**69. Election to dissolved Zilla Parishad :-**

(1) Election to constitute the Zilla Parishad shall be completed

(a) before the expiry of its duration, as specified in S. 68 ;

(b) in case of dissolution, before the expiration of a period of six months from the date of such dissolution :

Provided that where the remainder of the period for which the dissolved Zilla Parishad would have continued, is less than six months, it shall not be necessary to hold any election under this clause for constituting the Zilla Parishad for such period.

(2) A Zilla Parishad constituted upon dissolution before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Zilla Parishad would have continued under sub S. (1) had it not been dissolved.

**70. Election of President and Vice-President of the Zilla Parishad :-**

(1) When the Zilla Parishad is constituted under S. 64, the Deputy Commissioner shall call a meeting of the Zilla Parishad (which shall be called the first meeting of the Zilla Parishad) for the election of a President and a Vice-President by and from amongst the members directly elected under S. 65 (1) (i).

(2) The election of the President or the Vice-President of the Zilla Parishad and filling up vacancies in the said office and the determination of disputes relating to such election shall be in accordance with such rules as may be prescribed by the State Government/State Election Commission.

**71. Allowances of the President and Vice-President and sitting fee and allowances of the member :-**

(1) The allowances of the President and the Vice-President shall be as may be prescribed by the Government.

(2) Every member of the Zilla Parishad except the President and the Vice-President shall be entitled to receive such sitting fee and allowances as may be prescribed by the Government.

**72. Resignation or removal of the President and Vice-President :-**

(1) A member holding the office as President of the Zilla Parishad

may resign his office at any time by writing and send it to Government through the Deputy Commissioner and the Vice-President of the Zilla Parishad may resign his office at any time by writing and send to the President of the Zilla Parishad and in the absence of the President, to the Government through the Deputy Commissioner and the office shall become vacant on the expiry of fifteen days from the date of such resignation unless within the said period of fifteen days he withdraws such resignation by writing and send it to Government in respect of the President and to the President in respect of the Vice-President, as the case may be.

(2) Every President or the Vice-President of Zilla Parishad shall vacate office if he ceases to be a member of Zilla Parishad.

**73. No-confidence in the office of the President and Vice-President of Zilla Parishad :-**

(1) Every President and every Vice-President of Zilla Parishad shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of two-third of the total number of members elected directly as Zilla Parishad member at a meeting specially convened for this purpose and presided over by the Vice-President if the motion is against the President and the President of the Zilla Parishad shall preside over such meeting if the motion is against the Vice-President.

(2) If there is no Vice-President the members present shall choose one from among them to preside over such meeting :

Provided that one-third of the total number of members shall sign the notice for such a motion and deliver it to the President and the President shall convene the meeting within seven days from the date of receipt of the notice. The meeting shall be held on a day not later than fifteen days from the date of issue of the notice of the meeting. If the President fails to convene the meeting within the specified time, the members shall request the Deputy Commissioner for the purpose, who shall direct the Chief Executive Officer of the Zilla Parishad to convene the meeting ;

Provided further that the Deputy Commissioner shall direct the Chief Executive Officer to convene the meeting within seven days from the date of receipt of the request of the . members and the Chief Executive Officer shall convene the meeting within fifteen days from the date of receipt of the direction. The Deputy Commissioner shall preside over such meeting. In case of his

inability, the Deputy Commissioner shall depute one of the officers not below the-rank of Additional Deputy Commissioner to preside over such meeting. If under sub-S. (1), the members express want of confidence both in the President and the Vice-President of the Zilla Parishad at the same time and issue notices, the Chief Executive Officer of the Zilla Parishad shall report the matter to the concerned Deputy Commissioner within three days from the date of receipt of the notices and the concerned Deputy Commissioner shall direct the Chief Executive Officer of the Zilla Parishad to convene the meeting within fifteen days from the date of receipt of the direction, separately, to consider the motion against the President first and to consider the motion against the Vice-President next day and preside over such meetings. In case of the inability to preside over, the Deputy Commissioner shall depute one of the officers not below the rank of Additional Deputy Commissioner under him to preside over such meeting ;

Provided also that if it is not possible to hold the meeting for a situation due to non-attendance of the requisite number of members in such meeting or meetings, as the case may be, the no-confidence motion shall automatically stand cancelled and the motion shall be deemed to have lost, in the event of which no such motion shall be allowed within the next six months.

#### **74. Removal of President and Vice-President of Zilla Parishad :-**

(1) Without prejudice to the provision under this Act a President or a Vice President or a member of a Zilla Parishad may be removed from office by the State Government for misconduct in the discharge of his duties or neglect or incapacity to perform his duties or for being persistently remiss in the discharge of or guilty of any disgraceful conduct. Once so removed, a President, Vice-President or member shall not be eligible during the remaining term of office to be elected either as President, Vice-President or member of such Zilla Parishad :

Provided that no such President, Vice-President or member of a Zilla Parishad shall be removed from office unless he/she is given reasonable opportunity to furnish explanation to the State Government.

(2) A President or a Vice-President removed from his office under sub-S. (1) may also be removed by the Government from

membership of the Zilla Parishad after an opportunity is afforded for hearing him.

**75. Meeting of the Zilla Parishad :-**

Every Zilla Parishad shall hold meeting at least once in every three months, at such time and at such place within the local limits of the district concerned as the Zilla Parishad may fix at the immediately preceding meeting :

Provided that the first meeting of a newly constituted Zilla Parishad shall be held at such time and at such place within the local limits of the district concerned, as the State Government may fix ;

Provided further that the President when required in writing by one-third of the members of the Zilla Parishad, to call a meeting, shall do so within 10 (ten) days, failing which the aforesaid members may call a meeting after giving intimation to the Government and 7 (seven) clear days' notice to the President and other members of the Zilla Parishad.

**76. Quorum of Zilla Parishad meeting :-**

(1) One-third of the total number of members of the Zilla Parishad shall form a quorum for transacting business at a meeting of the Zilla Parishad.

(2) Ten clear days' notice of an ordinary meeting and seven clear days' notice of a special, meeting specifying the time at which meeting is to be held and the business to be transacted thereat, shall be sent to the members and pasted up at the office Notice Board of the Zilla Parishad. Such notice shall include in the case of a special meeting any motion or proposition mentioned in the written request made for such meeting.

(3) If at the time appointed for the meeting, quorum is not present, the person presiding shall wait for thirty minutes, and if within such period there is a quorum, proceed with the meeting but if within such period there is no quorum, the person presiding shall adjourn the meeting to such hour on some future date which should not exceed more than thirty days. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of quorum. At such adjourned meetings no quorum is required and the business which would have been brought before the original meeting shall be transacted.

(4) No resolution of the Zilla Parishad shall be modified or cancelled within six months after the passing thereof except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting. Any notice thereof shall be given fulfilling the requirement of sub-S. (2) and setting forth fully the resolution which is proposed to modify fully or cancel at such meeting and motion or proposition for the modification or cancellation of such resolution.

(5) The proceedings of every meeting shall be recorded in the minutes book immediately after the deliberation of the meeting and shall after being read over by the Chairman of the meeting be signed by him. The action taken on the decisions of the Zilla Parishad shall be reported at the next meeting of the Zilla Parishad. The minutes book shall, at all reasonable times, be open for inspection by any member of the Zilla Parishad. The minutes book shall always be kept in the office of the Zilla Parishad and it shall be in the custody of the Chief Executive Officer,

(6) A copy of every resolution passed by the Zilla Parishad at a meeting shall, within ten days from the date of the meeting, be forwarded to the Government.

(7) All questions coming before the Zilla Parishad shall be decided by a majority of votes :

Provided that in case of equality of votes, the President or the member presiding shall have a casting vote.

(8) Every meeting shall be presided over by the President or if he is absent, by the Vice-President and if both the President and the Vice-President are absent or the President is absent and there is no Vice-President, the members present shall elect one from among themselves to preside.

**77. Powers, functions and duties of President and Vice-President of Zilla Parishad :-**

(1) The President shall

(a) perform all the duties imposed and exercise all the powers conferred on the Zilla Parishad under this Act and rules made thereunder ;

(b) convene, preside over and conduct meetings of the Zilla Parishad ;



(c) exercise administrative supervision over the Chief Executive Officer and through him, all officers and the employees whose services may be placed at the disposal of the Zilla Parishad by the Government ;

(d) exercise such other powers, perform such other functions and discharge such other duties as the Zilla Parishad may, by general resolution, direct or the Government may by rules made in this behalf prescribe ;

(e) exercise overall supervision over the financial and executive administration of the Zilla Parishad and place before the Zilla Parishad all questions connected therewith which shall appear to him to require its orders and for this purpose may call for records of the Zilla Parishad.

(2) The Vice-President shall

(a) in absence of the President, preside over the meeting of Zilla Parishad ;

(b) exercise such powers and perform such duties of the President, as the President from time to time may, subject to the rules as may be prescribed, delegate to him by order in writing ; and

(c) pending the election of the President or during the absence of the President from the district, or by reason of leave for a period exceeding 30 (thirty) days, exercise the powers and perform the duties of the President.

### **78. Presence of Government officers at Zilla Parishad meeting :-**

If it appears to a Zilla Parishad that the attendance of any District Officer of the Government having jurisdiction in the district is desirable at a meeting of the Zilla Parishad, the Chief Executive Officer shall, by a letter addressed to such officer, not less than fifteen days before the intended meeting, request that officer to be present at the meeting, and the officer shall unless prevented by reasonable cause, attend the meeting :

Provided that the officer on receipt of such letter may, if he, for any unavoidable cause as aforesaid is unable to be present thereby himself, instruct his deputy or other departmental subordinate officer to represent him at the meeting.

### **79. Functions of Zilla Parishad :-**

Subject to such conditions as may be specified by the Government from time to time, the Zilla Parishad shall perform the functions specified in S. 90.

**80. Assignment of functions to Zilla Parishad :-**

(1) The Government may assign to a Zilla Parishad functions in relation to any matters to which the executive authority of the Government extends or in respect of functions which have been assigned to the State Government by the Central Government.

(2) The Government may, by notification, withdraw or modify the function assigned under this section.

**81. Standing committees :-**

The Zilla Parishad shall have the following standing committees, namely :

- (a) General Standing Committee,
- (b) Finance and Audit Committee,
- (c) Social Justice Committee,
- (d) Planning and Development Committee.

**82. Chairman of the standing committee :-**

(1) Each standing committee shall consist of such number of members not exceeding five including the Chairman as specified by the Zilla Parishad and elected by the members of the Zilla Parishad from amongst its members whose terms will be one year at a time.

(2) The President of the Zilla Parishad shall be the Chairman of the General Standing Committee and the Finance and Audit Committee.

(3) The other standing committees shall elect the Chairman from among their members.

(4) No member of the Zilla Parishad shall be eligible to serve on more than two standing committees.

(5) The Chief Executive Officer of the Zilla Parishad shall be the ex-officio Secretary of the General Standing Committee and the Finance, Audit and Planning Committee and he shall nominate one of the Deputy Secretaries as ex-officio Secretary for each, of the remaining standing committees. The Chief Executive Officer shall

be entitled to attend the meetings of all the standing committees,

### **83. Functions of the standing committees :-**

(1) The General Standing Committee shall perform functions relating to the establishment matters and functions relating to communications, buildings, rural housing, village extensions, relief against natural calamities, rural development programme of Government of India and allied matters and all miscellaneous residuary matters.

(2) The Finance and Audit Committee shall perform the functions relating to

(a) the finance of the Zilla Parishad, framing of budgets, scrutinizing proposals for increase of revenue, examination of receipts and expenditure, consideration of proposals effecting the finance of Zilla Parishad and general supervision of the revenue and expenditure of the Zilla Parishad ;

(b) the plan priorities, allocation of outlays to developments, horizontal and vertical linkages, implementation of guidelines issued by Government, regular review of planning programmes, evaluation of important programmes and small saving schemes.

(3) The Social Justice Committee shall perform functions relating to

(a) promotion of educational, economic, social, cultural and other interests of the Scheduled Castes and Scheduled Tribes and Backward Classes ;

(b) protecting them from social injustice and all other forms of exploitation ;

(c) amelioration of the difficulties of the Scheduled Castes and Scheduled Tribes and Backward Classes ;

(d) securing social justice to the Scheduled Castes and Scheduled Tribes, women and other weaker sections of the society.

(4) The Planning and Development Committee shall perform the following functions :

(a) be incharge of all educational activities of the Zilla Parishad ;

(b) undertake the planning of education in the district within the framework of the national policy and the national and State plan ;

(c) survey and evaluate the educational activity of the Zilla Parishad ;

(d) perform such other duties pertaining to education, adult literacy and cultural activity as the Zilla Parishad may assign to it;

(e) health service, hospital, water supply, family welfare and other allied matters ;

(f) agricultural production, animal husbandry, co-operation, contour bunding and reclamation ;

(g) village and cottage industries ;

(h) promotion of industrial development of the district,

**84. Delegation of powers and functions to standing committees :-**

(1) The standing committees shall perform the functions inferred to in sub-Ss. (1), (2), (3) and (4) of S.83 to the extent the powers are delegated to them by the Zilla Parishad.

(2) The committees shall perform, in respect of matters assigned to them, such additional duties as may be prescribed.

**85. Procedure of committees :-**

(1) The Zilla Parishad may frame regulations relating to election of members of committees, conduct of business therein, and all other matters relating to them.

(2) The Chairman of every committee shall, in respect of the work of that committee, be entitled to call for any information, return, statement or report from the Zilla Parishad and to enter in and inspect any immovable property of the Zilla Parishad or any work in progress concerning the committee.

(3) Each committee shall be entitled to require attendance at its meetings any officer of the Zilla Parishad who is concerned with the work of the committee. The Chief Executive Officer shall under instruction of the committee, issue notices and secure the attendance of the officer.

**86. Delegation of powers to Chief Executive Officer and other officers :-**

The Zilla Parishad may by notification delegate to the Chief Executive Officer or other officers any of the powers conferred by or

under this Act, on the Zilla Parishad.

**87. Power to acquire, hold and dispose of property :-**

(1) A Zilla Parishad shall have the power to acquire, hold or dispose of property and to enter into contracts :

Provided that in all cases of acquisition or disposal of immovable property, the Zilla Parishad shall obtain the previous approval of the Government.

(2) All roads, buildings or other works constructed by a Zilla Parishad with its own funds shall vest in it.

(3) The Government may allocate to a Zilla Parishad any public property situated within its jurisdiction, and thereupon, such property shall vest in and come under the control of the Zilla Parishad.

(4) Where a Zilla Parishad requires land to carry out any of the purposes of this Act, it may negotiate with the person or persons having interest in the said land, and if it fails to reach an agreement, it may make an application to the Deputy Commissioner for the acquisitions of the land and the Deputy Commissioner may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land under the provisions of the Land Acquisition Act, and such land shall, on acquisition, vest in the Zilla Parishad.

**88. Power to divert, discontinue or close road :-**

The Zilla Parishad may, by notification, turn, divert, discontinue or permanently close any road, which is under the control and administration of, or is vested in, the Zila Parishad.

**89. General powers of Zilla Parishad :-**

(1) The Zilla Parishad shall have powers (o do all acts necessary for or incidental to, the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing powers, to exercise all powers specified under this Act.

(2) Subject to the general or special orders of the Government, a Zilla Parishad may

(a) incur expenditure on education or medical relief outside its jurisdiction ;

(b) provide for carrying out any work or measure likely to promote the health, safety, education, comfort, convenience, social or economic or cultural well being of the inhabitants of the district ;

(c) contribute to association at All India, State or Inter-State level concerned with the promotion of local self Government and to exhibition, seminar and conference within the District related to the activities of Gaon Panchayats, Anchalik Panchayat and Zilla Parishad, and

(d) render financial or other assistance to any person for carrying on in the District any activity which is related to any of the functions of the State.

### **90. Functions and powers of Zilla Parishad :-**

(1) It shall be the functions of a Zilla Parishad to prepare plans for economic development and social justice of the district and ensure the co-ordinated implementation of such plan in respect of matters including those enumerated below : (1) Agricultural

(i) promotion of measures to increase agricultural production and to popularise the use of improved agricultural implement and the adoption of improved agricultural practices ;

(ii) opening and maintenance of agricultural farms and marketing agencies/infrastructure ;

(iii) establishment and maintenance of godowns and cold storages ;

(iv) conducting agricultural fairs and exhibitions ;

(v) management of agricultural and horticultural extension training centres ;

(vi) training of farmers ;

(vii) land improvements and soil conservation ;

(2) Irrigation, ground water resources and watershed development.

(i) construction, renovation, maintenance of minor irrigation works and lift irrigation ;

(ii) providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of the Zilla Parishad ;

(iii) development of ground water resources ;

(iv) installation of pump sets ;

(v) watershed development programme.

(3) Horticulture.

(i) rural parks and gardens ;

(ii) cultivation of fruits and vegetables ;

(iii) farms.

(4) Statistics,

(i) publication of statistical and other information relating to activities of Gaon Panchayats, Anchalik Pan- chayats and Zilla Parishad ;

(ii) co-ordination and use of statistics and other information required for the activities of the Gaon Panchayats, Anchalik Panchayats and Zilla Parishad ;

(iii) periodical supervision and evaluation of project and programme entrusted to the Anchalik Panchayats and Zilla Parishad.

(5) Rural electrification, to assist in implementation and maintenance of rural electrification schemes.

(6) Soil conservation,

(i) soil conservation measures ;

(ii) land reclamation and land development works.

(7) Marketing,

(i) development of regulated markets and marketing yards ;

(ii) grading and quality control of agriculture products.

(8) Social forestry,

(i) organise campaign for tree planting ;

(ii) planting and maintenance of trees.

(9) Animal husbandry and dairying,

(i) establishment of veterinary hospitals and dispensaries ;

(ii) setting up of mobile diagnostic and clinical laboratories ;

- (iii) breeding farms for cows and pigs ;
  - (iv) poultry farms, duck farms and goat farms ;
  - (v) common cold storage facilities for dairying, poultry and fishery products ;
  - (vi) fodder development programmes;
  - (vii) promotion of dairy farming, poultry and piggery ;
  - (viii) prevention of epidemics and contagious diseases.
- (10) Minor forest produce and fuel and fodder, (i) promotion of social and farm forestry, fuel plantation and fodder development ;
- (ii) management of minor forest produces of the forests raised in community land ;
- (iii) development of waste land.
- (11) Fisheries,
- (i) fish seed production and distribution ;
  - (ii) development of fisheries in private and community tanks ;
  - (iii) development of inland fisheries ;
  - (iv) fish curing and drying ;
  - (v) assistance to traditional fishing ;
  - (vi) organising fish marketing co-operatives ;
  - (vii) welfare schemes for the uplift and development of fishermen.
- (12) Household and small scale industries including food processing
- (i) identification of traditional skills in the locality and developing household industries ;
  - (ii) assistance of raw material requirement so as to ensure timely
  - (iii) design and production to suit the changing the consumer de-
  - (iv) organisation of training programme for craftsmen and artisans ;
  - (v) liaison to tap bank credit for this programme ;
  - (vi) popularising and marketing of finished products ;



(vii) industrial estates ;

(viii) organising khadi, handloom, handicraft and village and cottage industries.

(13) Rural roads and inland waterways.

(i) Construction and maintenance of roads other than national and State highways;

(ii) construction and culverts coming under roads other than national and State highways;

(iii) construction and maintenance of office building of the Zilla

(iv) identification of major link roads connecting markets educational institutions, health centres ; markets, educational

(v) organising voluntary surrender of land for new roads and widening of existing roads.

(14) Health and hygiene

(i) establishment and maintenance of hospitals, primary health centres and dispensaries except Civil Hospital Medical College Hospital, T B. Sanatorium Leprosy Hospitals and Mental Hospitals.

(ii) implementation of immunisation and vaccination programme ;

(iii) health education activities ;

(iv) maternity and child health activities ;

(v) family welfare activities ;

(vi) organising health camps with Anchalik and Gaon Panchayats;

(vii) measure against environment pollution.

(15) Rural housing,

(i) identification of houseless families ;

(ii) implementation of house building programmes in the district ;

(iii) popularising low cost housing.

(16) Education,

(i) promotion of educational activities including the establishment and maintenance of primary and secondary schools ;

- (ii) planning of programmes for Adult Education and library facilities ;
- (iii) extension work of propagation of science and technology to rural areas;
- (iv) survey and evaluation activities ;
- (v) establishment and maintenance of general hostels, ashrams, schools and orphanages.

(17) Social welfare and welfare of weaker sections,

- (i) extension of educational facilities to the Scheduled Castes, Scheduled Tribes and Backward Classes by giving scholarships, stipends, boarding grants and other grants for purpose of books and other accessories ;
- (ii) managing hostels for benefit of Scheduled Castes and Scheduled Tribes ;
- (iii) organising nursery schools, Balwadies, High schools and libraries to eradicate illiteracy and impart general education ;
- (iv) conduct of model welfare centres to train Scheduled Castes and Scheduled Tribes in cottage and rural industries ;
- (v) managing residential basic schools for Scheduled Castes and Scheduled Tribes ;
- (vi) providing facilities for marketing of goods produce by members of the Scheduled Castes and Scheduled Tribes ;
- (vii) organising co-operative societies of Scheduled Castes and Scheduled Tribes ;
- (viii) other welfare schemes for the uplift and development of Scheduled Castes and Scheduled Tribes.

(18) Poverty alleviation programme,

- (i) planning, supervision, monitoring and implementation of poverty alleviation programme.

(19) Social reform activities,

- (i) womens' organisation and Welfare
- (ii) local vagrancy relief;

- (iii) children's organisation and welfare ;
- (iv) maintenance of social welfare institutions such as Poor Home, Orphanages, Rescue Shelters ;
- (v) sanctioning and distributing of pension for widows, old and physically disabled, destitutes and allowances for unemployed and couples of inter-caste marriages in which one party is member of a Schedule Caste or Scheduled Tribe ;
- (vi) control of fire outbreaks ;
- (vii) campaign against superstitions, casteism, untouchability, alcoholism, expensive marriages, social functions, dowry and conspicuous consumption ;
- (viii) encouraging community marriages and inter-caste marriages ;
- (ix) vigilance against economic offences such as smuggling, tax evasion, food adulteration ;
- (x) assistance for developing land assigned to landless labourers ;
- (xi) identify, free and rehabilitate bonded labourers ;
- (xii) organise cultural and recreation activities ;
- (xiii) encouragement of sports and games ; and
- (xiv) give new form and social content to traditional festivals ;
- (xv) verification of weights and measures in (shopping) establishments.

(20)

(1) Promotion of thrift and savings through,

- (a) promotion of saving habits ;
- (b) small saving campaign ;
- (c) fight against illegal money lending practices and rural indebtedness.

(2) In addition, the Zilla Parishad may

- (a) manage or maintain any work of public utility or any institution vested in it or under its control and management;
- (b) acquire and maintain village hats and markets ;

- (c) make grants to Anchalik Panchayat and Gaon Panchayats ;
  - (d) co-ordinate and integrate the development plans and schemes prepared by Anchalik Panchayat in the District ;
  - (e) adopt measures for the relief to the people in distress ;
  - (f) examine and sanction the budget estimates of Anchalik Panchayats in the district ;
  - (g) undertake or execute any schemes extending to more than one Block ;
  - (h) take over the maintenance and control of any rural bridge, tank, ghat, well, channel or drain belonging to private owner or any other authority on such terms as may be agreed upon.
- (4) The Zilla Parishad may be vested by the State Government with such power under any Act as the Government may deem fit.
- (5) The Zilla Parishad of two or more adjacent districts may jointly undertake and execute any development schemes on such terms and conditions as may be mutually agreed upon.

**91. Zilla Parishad Fund :-**

There shall be for every Zilla Parishad a fund called the Zilla Parishad Fund and the following shall form part of or be paid into the Zilla Parishad Fund, namely :

- (i) the amount transferred to the Zilla Parishad Fund by appropriation from out of the consolidated fund of the State ;
- (ii) all grants, assignments, loans and contributions made by the Government ;
- (iii) all fees and penalties paid to or levied by or on behalf of the Zilla Parishad under this Act and all fines imposed under this Act ;
- (iv) all rents from land or other properties of the Zilla Parishad ;
- (v) all interests, grants and other money acquired by gifts, grants, assignments or transfers from private individual or institutions ;
- (vi) all proceeds of land securities and other properties sold by the Zilla Parishad ;
- (vii) all sums received by or on behalf of the Zilla Parishad by virtue of this Act :

Provided that sums received by way of endowments for any specific purpose shall not form part of or be paid into the Zilla Parishad Fund.

**92. Custody and investment of Zilla Parishad Fond :-**

(1) The amounts at the credit of the fund shall be held in a current account with the nearest branch of the State Bank of India or any other Nationalised Bank or Assam Co-operative Apex Bank.

(2) It shall be lawful for Zilla Parishad to deposit at interest, with the approval of the Government, with the State Bank of India or any other Nationalised Bank or Co-operative Apex Bank in the State, any surplus fund in the hand which may not be required for current charges and with like sanction to invest such fund in securities of the Government of India or the State Government or in such other securities as the Government may, from time to time, approve in this behalf and to vary such investment for dispute or such securities with like sanction.

**93. Application of Zilla Parishad fund and property :-**

(1) Subject to the provisions of this Act and the rules made thereunder and such general or special orders as the Government may make, all property owned by or vested in the Zilla Parishad under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purposes specified in S. 90 and S. 92 (2) and for all other purposes for which by or under this Act or any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Parishad :

Provided that no expenditure shall be incurred out of the Zilla Parishad Fund unless provision thereof has been made in the budget or funds are obtained by re-appropriation duly approved, except in such cases as may be prescribed by the Government;

Provided further that - not less than twenty per cent of the funds meant for welfare activities shall be utilised for the welfare of the Scheduled Castes and Scheduled Tribes.

(2) The Zilla Parishad fund and all property held or vested in the Zilla Parishad under this Act shall be applied, subject to the provisions of this Act for the payment of

(a) allowances to the President and Vice-President and travelling

and daily allowances to the President and the Vice-President for tour within or outside the district and travelling and daily allowances to the members of the Zilla Parishad or any Committee thereof, subject to such rules as may be made in this behalf by the Government ;

(b) the salaries and allowances, pension and gratuity etc. of its officers and employees other than those whose salaries and allowances are paid from the consolidated fund of the State ;

(c) for the purpose specified in the Act ;

(d) any amounts falling due on any loans contracted by Zilla Parishad ;

(e) all other purposes for which by or under this Act or the rules and regulations made thereunder, or any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Parishad ;

(f) with the previous sanction of the Government, for any other purpose for which the application of such property of fund is necessary in public interest :

Provided that any amount granted to the Zilla Parishad by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify either generally or specially in this behalf.

#### **94. Rent and fees :-**

Save as otherwise provided in this Act and subject to the regulations made in this behalf, a Zilla Parishad may charge fees for any licence or permission issued by it under this Act and the rules made thereunder and levy rent and fee for the occupation or use of land or other property placed under its control or vested in it or maintained out of the Zilla Parishad Fund.

#### **95. Taxation :-**

(1) Subject to such, maximum rate as the Government may prescribe, a Zilla Parishad may

(a) levy tolls in respect of any ferry established by it under its management ;

(b) levy the following fees and rates, namely :

- (i) fee on the registration of boat or vehicle ;
  - (ii) a fee for providing sanitary arrangement at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the Government by notification ;
  - (iii) a fee for licence for fair or mela ;
  - (iv) a lighting rate where arrangement for lighting public streets and places is made by the Zilla Parishad within its jurisdiction, and
  - (v) water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Zilla Parishad within its jurisdiction.
- (2) The Zilla Parishad shall undertake registration of any vehicle or levy fee therefor and shall not provide sanitary arrangement at places of worship or pilgrimage, fairs and melas within its jurisdiction or levy fee therefor if such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangements has already been made by any other local authority.
- (3) The scale of tolls, fees and rates and the terms and conditions for the imposition thereof, shall be such as may be provided by bye-laws and may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

#### **96. Budget of Zilla Parishad :-**

- (1) Every Zilla Parishad shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipt and disbursements for the following year and submit it to the Government through the Director of Panchayat and Rural Development, Assam.
- (2) The Government may within such time as may be prescribed, either approve the budget or return it to the Zilla Parishad for such modifications as it may direct. On such modifications being made, the budget shall be re-submitted within such time as may be prescribed for approval of the Government. If the approval of the Government is not received by the Zilla Parishad within thirty days from the date of submission or re-submission, as the case may be, the budget shall be deemed to be approved by the Government.
- (3) No expenditure shall be incurred unless the budget is approved

by the Government.

(4) The Zilla Parishad may prepare in each year a supplementary estimate providing any modification of its budget and may submit it to the Government for approval within such time and in such manner as may be prescribed.

**97. Accounts :-**

A Zilla Parishad shall keep such accounts in such a manner as may be prescribed by the Government.

**98. Audit :-**

(1) The audit of the accounts of the Zilla Parishad shall be carried out by the authority as may be prescribed by the Government and a copy of the audit note shall be forwarded to the Zilla Parishad within one month of completion of the audit.

(2) On receipt of the audit report referred to in sub-S. (1), the Zilla Parishad shall either remedy any defects or irregularity which have been pointed out in the audit and send to the Government within three months or intimation of its having done so or shall, within the said period, supply any further explanation to the prescribed authority in regard to such defects or irregularities as it may wish to give.

**99. Power to raise loans and forming of a sinking fund :-**

A Zilla Parishad may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Act and form a sinking fund for the payment of such loan.

**100. Prohibition of expenditure not covered by the budget :-**

Except as hereinafter provided, payment of any sum shall be made out of the Zilla Parishad Fund unless the expenditure of the same is covered by a budget grant except in the following cases, namely :

(a) refund of moneys which Zilla Parishad is authorised to make under this Act or the rules and regulations made thereunder ;

(b) payment of moneys belonging to the contractors or other persons held in deposit and of moneys credited to the Zilla Parishad fund by mistake ;



(c) sums which the Zilla Parishad is required or empowered by this Act to pay by way of compensation ;

(d) every sum payable

(i) under this Act by order of the Government ;

(ii) under a decree or order of a Civil Court; and

(iii) under a compromise of any suit or other legal proceedings or claim.

**101. Governments power to place other property with Zilla Parishad :-**

It shall be lawful for the Government from time to time to direct, by notification that any road, bridge, channel, building or other property, movable or immovable or which is vested in the Government and which is situated in the district shall, with the consent of the Zilla Parishad and subject to such exceptions and conditions as the Government make and impose, be placed under the control and administration of the Zilla Parishad for the purpose of the Act and thereupon such road, channel, building, bridge and other property shall be under the control and administration of the Zilla Parishad, subject to all exceptions and conditions so made or imposed and to all charges and liabilities affecting the same :

Provided that the Government by notification may resume any property placed under the control of Zilla Parishad under sub-S. (1) on such terms as the Government may determine.

**102. Staff of Zilla Parishad :-**

(1) The Government shall appoint an officer not below the rank of the Additional Deputy Commissioner of a district as Chief Executive Officer of the Zilla Parishad.

(2) The Government shall also appoint a Chief Accounts Officer and a Chief Planning Officer for each Zilla Parishad.

(3) The Government shall post from time to time to work under every Zilla Parishad such number of other officers of the State Government (including any officer appointed to such services from amongst persons employed by existing local authorities) as the Government consider necessary.

(4) Notwithstanding anything contained in this Act or any other law for the time being in force, the Government or any other officer or

other authority authorised by it in this behalf shall have powers to effect transfer of the officers so posted either within the district or from one district to another district.

(5) Under every Zilla Parishad there shall be such number of Grade III and Grade IV staff including technical staff as per staffing pattern prescribed by the Government. The Class I post of the Zilla Parishad shall be appointed/deputed by Government as per S. 140 (1). In respect of the provincialised Panchayat employees the Director of Panchayat and Rural Development shall be the appointing authority.

(6) Notwithstanding anything contained in this Act or any other law for the time being in force, the Director of Panchayat and Rural Development, Assam have powers to effect transfer of the provincialised staff so appointed either within the district or from one district to another district.

(7) The staff as under sub-Ss. (5) and (6) in position in the Makhuma Parishads comprising the district immediately prior to the enactment of this Act shall be absorbed in the Zilla Parishad concerned.

(8) The Government may, from the specified date, constitute such services for each Zilla Parishad as may be prescribed.

### **103. Functions of the Chief Executive and other officers of the Zilla Parishad :-**

(1) Save as otherwise expressly provided by or under this Act, the Chief Executive Officer shall

(a) carry out the policies and directions of the Zilla Parishad and take necessary measures for the speedy execution of all works and development schemes of Zilla Parishad ;

(b) discharge the duties imposed upon him, by or under this Act, or the rules and regulations made thereunder ;

(c) supervise works of the officers and officials of the Zilla Parishad under the general superintendence of the President of the Zilla Parishad and under such rules as may be prescribed ;

(d) have custody of all papers and documents relating to Zilla Parishad ; and

(e) draw and disburse money out of the District Rural Development

funds and exercise such other powers and perform such other functions as may be prescribed.

(2) The Chief Executive Officer shall be the ex-officio Secretary of the Zilla Parishad and may take part in the discussion but shall not have right to move any resolution or to vote. If in the opinion of the Chief Executive Officer any proposal before the Zilla Parishad is violative of or inconsistent with the provisions of this Act or any other law or the rules or order made thereunder, it shall be his duty to bring the same to the notice of the Zilla Parishad.

(3) The Chief Accounts Officer shall advise the Zilla Parishad in matters of financial policy and shall be responsible for all matters relating to the accounts of the Zilla Parishad including preparation of annual accounts and the budget.

(4) The Chief Accounts Officer shall ensure that no expenditure is incurred except under proper sanction and in accordance with this Act and the rules and regulations thereunder and shall disallow any expenditure not warranted by the Act or rules and regulations or for which no provision is made in the budget.

(5) The Chief Planning Officer shall advise the Zilla Parishad in matters of plan formulation and shall be responsible for all matters relating to planning of the Zilla Parishad including the preparation of plan of economic development and social justice and annual plan for the district.

#### **104. Right to requisition record :-**

(1) Every person in possession of money, accounts, records or other property pertaining to a Gaon Panchayat or Anchalik Panchayat or Zilla Parishad shall on the requisition in writing of the Chief Executive Officer for this purpose, forthwith handover such money, or deliver up such accounts, records or other property to the Chief Executive Officer or the person authorised in the requisition, to receive the same.

(2) The Chief Executive Officer may also take steps to recover any money due by such person in the same manner and subject to the same provisions as in the relevant Land Revenue Act for the recovery of the arrear of land revenue from defaulters, and for the purpose of recovering the accounts, records or other property, pertaining to the Gaon Panchayat or Anchalik Panchayat or Zilla Parishad may issue a search warrant and exercise all such powers

with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure (Central Act 2 of 1974).

(3) Every person knowing where any money, accounts, records or other property pertaining to a Gaon Panchayat or an Anchalik Panchayat or Zilla Parishad are concealed, shall be bound to give information of the same to the Chief Executive Officer.

(4) An appeal shall lie from an order of the Chief Executive Officer under this section to the Government.

#### CHAPTER 7

Settlement of hats, ghats, ferry, etc. and distribution of proceeds and maintenance and regulation thereof

### **105. Settlement of hats by Anchalik Panchayats :-**

(1) All hats within the territorial jurisdiction of the Anchalik Panchayat shall be settled in the manner prescribed for a period coinciding with and not exceeding one Panchayat financial year by inviting tenders at the office of the Anchalik Panchayat.

(2) Detailed procedure for inviting, and submission of such tenders shall be such as may be prescribed.

(3) The powers of examination and final acceptance of such tenders shall be vested in the Standing Committee referred to in S. 52 (1) (a).

(4) All settlement made under sub-S. (1) shall be subject to the confirmation of the Zilla Parishad :

Provided that in case of any dispute, the Anchalik Panchayat may refer such case to the Government and the aggrieved party may appeal to Government whose decision in this regard shall be final.

(5) Failure to settle any hat for want of adequate value, the Anchalik Panchayat, as may be decided by the Zilla Parishad, may be entrusted with the direct management of such flat by the Anchalik Panchayat.

(6) All sale proceeds of hats shall be deposited in the Anchalik Panchayat fund and distributed in the manner hereinafter prescribed :

(a) an amount equivalent to twenty per cent of the total sale proceeds of hats shall be made over to the Zilla Parishad funds ;

and

(b) an amount equivalent to forty per cent of the sale proceeds of hats shall be equally distributed to all the Gaon Panchayats under the Anchalik Panchayat and remaining forty per cent retained in the Anchalik Panchayat Fund :

Provided that the amount due, if any, on account of annual instalment for repayment of the loan with interest incurred by the erstwhile Mahkuma Parishad, Anchalik Panchayat and Gaon Panchayat for improvement of hats falling within the jurisdiction of the Anchalik Panchayat and Gaon Panchayat concerned shall be paid out of the forty per cent share of sale proceeds of hats made over to the Anchalik Panchayat or Gaon Panchayat, as the case may be.

**106. Settlement of public ferries and distribution of sale proceeds thereof :-**

(1) All public ferries other than Government ferries within the territorial jurisdiction of the Anchalik Panchayat shall be settled in the manner prescribed for a period coinciding with and not exceeding one Panchayat financial year by inviting tenders at the office of the Anchalik Panchayat by its President.

(2) Detailed procedures for inviting and submission of such tenders shall be such as may be prescribed by the Government.

(3) The powers of examination and final acceptance of such tenders shall be vested in the Standing Committee as under S. 52 (1) (a).

(4) All settlements made under sub-S. (3) shall be subject to the confirmation of the Zilla Parishad : Provided that in case of any dispute the Anchalik Panchayat may refer such cases to the Government and the aggrieved party may appeal to Government whose decision in this regard shall be final ;

Provided further that as and when deemed necessary, the Government may intervene in the matter of a particular settlement and its decision in this regard shall be final ;

Provided further that the State Government may issue order to Anchalik Panchayat for the settlement of a public ferry falling within the jurisdiction of more than one Anchalik Panchayat or Zilla Parishad.

(5) All sale proceeds of public -ferry shall be deposited in the Anchalik Pauchayat Fund and thereafter the proceeds of inter-Anchalik Panchayats public ferry, if there be any, shall be equitably distributed to the Anchalik Panchayat concerned and thereafter the proceeds remaining in an Anchalik Panchayat Fund shall be distributed in the manner hereinafter provided :

(a) an amount equivalent to twenty per cent of the sale proceeds of public ferry shall be made over to the Zilla Parishad Fund ;

(b) an amount equivalent to forty per cent of the sale proceeds of public ferries shall be retained in the Anchalik Panchayat Fund :

Provided that the Anchalik Panchayat shall meet all expenses, if there be any, for maintenance and improvement of the public ferries from out of the forty per cent share of sale proceeds of public ferries received by it ;

Provided further that if any Anchalik Panchayat fails to make improvement of or neglect to maintain the portion of the inter-Anchalik Panchayats public ferries falling within the jurisdiction of the Anchalik Panchayat, such expenditure incurred for maintenance and improvement shall be deducted from the share of the defaulting Anchalik Panchayat;

(c) an amount equivalent to forty per cent of the sale proceeds of public ferries shall be equally distributed among all the Gaon Panchayats falling within the jurisdiction of the Anchalik Panchayat.

(6) The sale of all public ferries falling within two or more Anchalik Panchayats shall be conducted by the Anchalik Panchayats by rotation every year. In case of dispute between two Anchalik Panchayats the matter shall be referred to the Zilla Parishad/Government, whose decision shall be final.

**107. Settlement of private hat, ghat and fisheries etc.by the Gaon Panchayat :-**

The powers of settlement of private hats, ghats and fisheries etc. under the jurisdiction of the Gaon Panchayat shall be vested in the Standing Committee as under sub-S. (1) (i) of S. 22.

**108. Transfer of Government fisheries to the Gaon Panchayat and Anchalik Panchayat :-**

(1) Notwithstanding anything in any law for the time being in force, the State Government shall transfer such Government fishery which

has fetched an income of rupees twenty-five thousand or less in a year to the Gaon Panchayat within the jurisdiction of which the fishery is situated ;

Provided that a transfer under this sub-section shall be given effect from the next following year on such income.

(2) The Government shall transfer Government fisheries whose annual sale value is more than rupees twenty-five thousand and less than rupees one lakh with power of their control and administration to the Anchalik Panchayat within the jurisdiction of which such fisheries are situated.

**109. Settlement of fisheries and distribution of proceeds thereof :-**

(1) Save as otherwise provided in this Act or rules framed thereunder, all fisheries of an Anchalik Panchayat shall be settled by the Anchalik Panchayat in the manner prescribed for a period coinciding with or not exceeding one Panchayat financial year by inviting tender at the office of the Anchalik Panchayat by the President.

(2) Detailed procedure for inviting and submission of such tenders shall be such as may be prescribed.

(3) The powers of examination and final acceptance of such tenders shall be vested in the Standing Committee referred to in S. 52 (i) (a).

(4) All settlements made under sub-S. (3) shall be subject to the confirmation of Zilla Parishad :

Provided that in case of any dispute, the Anchalik Panchayat may refer such cases to the Government and the aggrieved party may appeal before Government whose decision in this regard shall be final ;

Provided further that as and when deemed necessary, the Government may intervene in the matter of a particular settlement and its decision in this regard shall be final.

(5) All sale proceeds of public fisheries shall be deposited in the Anchalik Panchayat fund and shall be distributed in the manner hereinafter provided :

(a) twenty per cent of the total sale proceeds of Anchalik Panchayat

fisheries shall be made over to the Zilla Parishad fund ;

(b) forty per cent of the total sale proceeds of the Anchalik Panchayat fisheries shall be retained with the Anchalik Panchayat fund ;

(c) forty per cent of the total sale proceeds of Anchalik Panchayat fisheries shall be distributed equally among the Gaon Panchayats falling within the jurisdiction of the Anchalik Panchayat.

(6) The hats, ferries and fisheries falling under any Anchalik Panchayat within the jurisdiction of Zilla Parishad, the yearly sale value of which is more than rupees one lakh shall be settled by the Zilla Parishad concerned for a period coinciding with and not exceeding one Panchayat financial year as under Ss. 105, 106 and 109 in the manner prescribed. The powers of examination and final acceptance of such tenders shall be vested in the Standing Committee as under S. 81 (1) (a). The distribution of sale proceeds shall be in the manner as prescribed in the foregoing sections.

**110. Hats situated in the area excluded from a Gaon Panchayat and included in Town Committees or Municipality :-**

(1) Notwithstanding anything contained in the Assam Municipal Act, 1956 the sale proceeds of any hat situated in the area which has been excluded after commencement of this Act from the territorial jurisdiction of the Gaon Panchayat and included in the territorial jurisdiction of the Town Committee or Municipality, shall be equally apportioned by the State Government for three succeeding years following the year, of such transfer of the area.

(2) For any loan incurred by a local authority for improvement of a hat situated in the area which has been excluded from the territorial jurisdiction of Town Committee or Municipality, the liability of repayment of such loan with interest, shall be transferred to such Town Committee or Municipality, under order of the Government.

**CHAPTER 8**

Disqualification of the President, Vice-President and member of Zilla Parishad, Anchalik Panchayat and Gaon Panchayat

**111. Disqualifications :-**

No person shall be elected or co-opted and remained as President, Vice-President or member of Zilla Parishad, Anchalik Panchayat and



Gaon Panchayat, if he or she

(a) has been convicted of an offence involving moral turpitude or ordered to give security for good behaviour under S. 110 of the Code of Criminal Procedure, 1973, unless a period of four years has elapsed on the date fixed for holding election from the date of his release in case of a sentence of imprisonment and in case of sentence other than imprisonment from the date of conviction ; or

(b) has been dismissed from Government service for commission of act involving moral turpitude unless a period of five years has elapsed on the date fixed for holding election from the date of his dismissal ; or

(c) applies to be declared as an uncertified bankrupt or undischarged insolvent;

(d) has been proclaimed a tout under the Legal Practitioners Acts ; or

(e) holds any service of profit under Government (or any educational institution recognised and receiving grant from the Government or holds remunerated office under Zilla Parishad, Anchalik Panchayat and Gaon Panchayat or holds any contract under any of the aforesaid bodies or under the Government : or

(f) has been, during the four years immediately preceding the date of election, convicted of an offence punishable under S. 135, or Cl. (a) of sub-S. (2) of S. 136 of the Representation of People Act, 1951 or has been found by a competent authority to have resorted to corrupt practice resulting in setting aside of his election to any local body or to any legislature in India ; or

(g) has been a defaulter of payment of any rate, tax, cess or fee imposed under the provisions of this Act and the rules framed thereunder or of any loan of co-operative society ;

(h) if any question arises as to whether a member of a Panchayat body at any level has become subject to any of the disqualifications under this section, the question shall be referred for decision of such authority and in such manner as the Government may by law provide ;

(i) if a person who is chosen as a member of a Panchayat is or becomes Member of the House of the People, the State Legislative Assembly or is or becomes a Municipal councillor or a councillor of a

Municipal Corporation or a member of a Town Committee, then within fifteen days from the date of commencement of the term of office of a Member of the House of People, the State Legislative Assembly or of a Municipal Corporation or councillor of a Municipality or member of a Town Committee, his seat in the Panchayat shall become vacant unless he has previously resigned his seat in the House of People, the State Legislative Assembly or the Municipality or the Municipal Corporation or the Town Committee, as the case may be ;

(j) 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 twenty-one years.

#### CHAPTER 9

General powers of instruction, supervision and control of State Government

#### **112. General powers of Government :-**

The officers as are empowered by the Government in this behalf shall have general powers of inspection, supervision and control over the performance of the administrative duties of a Zilla Parishad, Anchalik Panchayat or Gaon Panchayat and without prejudice to the generality of the foregoing powers may

(a) enter into and inspect any immovable property in the occupation or control of any work in progress under the direction of a Zilla Parishad, Anchalik Panchayat or Gaon Panchayat ;

(b) call for and inspect any document which may, for the purpose of this Act, be in the possession or control of a Zilla Parishad, Anchalik Panchayat or Gaon Panchayat ;

(c) require, by an order in writing a Zilla Parishad, Anchalik Panchayat or Gaon Panchayat to furnish such statements, accounts, reports, proceedings as they think fit ;

(d) give such advice in writing in respect of the administrative works, duties and proceedings as they think necessary ; also see that all proceedings of a Zilla Parishad, Anchalik Panchayat or Gaon Panchayat are in conformity with law and manual ; and proceedings which are considered not to be in conformity with law ; and may do all things necessary to secure such conformity ;

(e) institute an enquiry in respect of any matter relating to a Zilla Parishad, Anchalik Panchayat or Gaon Panchayat and rectify any act or omission.

## CHAPTER 10

Constitution of Finance Commission and State Election Commission for Panchayat bodies

### **113. Finance Commission :-**

(1) The State Government shall, as soon as may be within one year from the date of commencement of the Constitution (Seventy-third Amendment) Act, 1992 and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to

(a) the principles which should govern

(i) the distribution between the State and the Panchayats net proceeds of the taxes, duties, tolls and fees leviable by the State which may be divided between them and allocation between Panchayats at all levels of their respective share of such proceeds,

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Panchayats ;

(iii) the Grants-in-aid to the Panchayats from the consolidated fund of the State

(b) the measures needed to improve the financial position of the Zilla Parishads, Anchalik Panchayats and Gaon Panchayats ;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Panchayats.

(2) The Finance Commission shall consist of a Chairman and two other members to be appointed by the Governor.

(3) The Chairman and the members of the Finance Commission shall possess such qualification and shall be appointed in such manner as may be prescribed by the Government.

(4) The Finance Commission shall determine its procedures.

(5) The Chairman or a member of the Finance Commission may resign his office by writing under his hand and address to the Chief Secretary to the Government of Assam, but he shall continue in his office until his resignation is accepted by the Government.

(6) The casual vacancy created by the resignation of the member or Chairman under sub-S. (5) or for any other reason, may be filled

by fresh appointment and a member or Chairman so appointed shall hold office for the remaining period for which the member or Chairman in whose place he has been appointed would have held office.

(7) The Commission shall have the following power in the performance of its function namely :

(a) to call for any record from any officer or authority ;

(b) to summon any person to give evidence or produce records ;  
and

(c) such other powers as may be prescribed.

(8) The Governor of the State shall cause every recommendation made by the Finance Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the House of the State Legislature.

#### **114. State Panchayat Election Commission :-**

(1) The superintendence, direction and control of the preparation of electoral roll for, and the conduct of all elections to, the Panchayat shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) The conditions of service and tenure of office of the State Panchayat Election Commissioner shall be such as the Governor may by rule determine ;

provided that the State Election Commissioner shall not be removed from the office except in like manner and on the like grounds as a Judge of the High Court, and the conditions of service of the State Panchayat Election Commissioner shall -not be varied to his disadvantage after his appointment.

(3) The Government shall when so requested by the State Election Commissioner, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Panchayat Election Commission under this Act.

(4) The Returning Officers, Assisting Returning Officers, Presiding Officers, Polling Officers and any other officer appointed Under this Act and any Police Officer designated for the time being by the State Government for the conduct of the Panchayat election shall

be deemed to be on deputation to the State Election Commission for the period commencing on and from the date of notification calling for Panchayat election and ending with the date of declaration of the results of the election and accordingly such officers shall during that period be subject to the control, superintendence and discipline of the State Election Commission.

(5) Subject to the provisions of the Constitution of India as amended, the State Legislature may by law make provision with respect to all matters relating to, or in connection with, the election to the Panchayats.

#### CHAPTER 11

##### Miscellaneous

#### **115. Power over decision of committees :-**

Every Panchayat shall have power to revise or modify any decision taken by any of its committees.

#### **116. Power of Gaon Panchayat to make bye-laws :-**

(1) A Gaon Panchayat may, subject to the provisions of the Act and the rules made thereunder and with the previous sanction of the Zilla Parishad, make bye-laws to carry out the purposes of this Act in so far as it relates to its powers and duties.

(2) In particular and without prejudice to the generality of the foregoing power, a Gaon Panchayat may make such bye-laws as may be required to discharge the functions and duties entrusted to it under S. 19.

(3) In making any bye-laws under sub-Ss. (1) and (2) the Gaon Panchayat may provide that a contravention thereof shall be punishable with such fine as may be prescribed.

(4) Any such bye-laws may also provide that a person contravening the same shall be required to remedy so far as it lies in his power, the mischief, if any, caused by such contravention.

(5) All bye-laws made under this section shall be subject to the condition of previous publication and such publication shall be made in such manner as may be prescribed.

#### **117. Power of Anchalik-Panchayat to make regulations :-**

(1) An Anchalik Panchayat may, subject to the provisions of this Act and the previous sanction of the Government by notification, make

regulations to carry out the purposes of this Act in so far as it relates to its powers and duties.

(2) The regulations made under sub-S. (1) shall be subject to the condition of previous publication and such publication shall be made in such manner as may be prescribed,

**118. Power of Zilla Parishad to make regulations :-**

(1) A Zilla Parishad may, subject to the provisions of this Act and the rules made thereunder and with the previous sanction of the Government, by notification, make regulations to carry out the purposes of this Act in so far as it relates to its powers and duties.

(2) The regulations made under sub-S. (1) shall be subject to the conditions of previous publication and such publication shall be made in such manner as may be prescribed.

**119. Power of Government to make model regulations :-**

(1) The Government may, subject to the provisions of this Act, the rules made thereunder and after previous publication of the draft for not less than one month, make model regulations and bye-laws for Gaon Panchayats, Anchalik Panchayats and Zilla Parishads.

(2) A Gaon Panchayat, Anchalik Panchayat or Zilla Parishad may, by resolution, adopt the model bye-laws or regulations, as the case may be, made under sub-S. (1), and such bye-laws and regulations shall come into force within the jurisdiction of the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad from such date as the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad, as the case may be, may specify in a notice published in the prescribed manner.

**120. Power of Government to dissolve and reconstitute Panchayat in the alteration of limits of Panchayat area :-**

(1) When on account of the reason that the limits of a Panchayat area is altered, the Government may, by order published in the official Gazette, dissolve such Panchayat from a date specified in the order and direct that Gaon Panchayat, Anchalik Panchayat and Zilla Parishad concerned

(i) be reconstituted for the Panchayat area of which the Gaon Panchayat or of which Anchalik Panchayat of the district of which the Zilla Parishad has been dissolved ; or

(ii) be established for \*a Panchayat area, block or district which has

been newly reconstituted.

(2) The members of the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad which has been dissolved under sub-S. (1) shall vacate their office from the date specified in the order of the Government.

(3) The Gaon Panchayat, Anchalik Panchayat or Zilla Parishad re-constituted or re-established under the provisions of sub-S. (1) shall consist of members nominated by the Government and such member shall be persons who are members of the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad which has been dissolved under sub-S. (1).

(4) The Chairperson of Gaon Panchayat, Anchalik Panchayat or Zilla Parishad shall be elected in the manner provided in this Act.

(5) The term of the Gaon Panchayat, Anchalik Panchayat pi Zilla Parishad so constituted or established shall be for such period not exceeding six months as the Government may by order specify.

(6) Before the expiry of the term of the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad in accordance with the provisions of sub- S. (5) a Gaon Panchayat, Anchalik Panchayat or Zilla Parishad shall be constituted in the manner provided by this Act;

Provided that.where the remainder of the period for which the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad would have continued is less than six months, it shall not be necessary to hold an election under this section for constituting a Gaon Panchayat, Anchalik Panchayat or Zilla Parishad for such period.

(7) A Gaon Panchayat, Anchalik Panchayat or Zilla Parishad constituted under sub-S. (6) shall continue only for the remainder of the period for which the dissolved Gaon Panchayat, Anchalik Panchayat or Zilla Parishad would have continued had it not been dissolved.

(8) When a Gaon Panchayat, Anchalik Panchayat or Zilla Parishad has been dissolved and re-constituted or re-established under this section so much of the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad fund and other property vested in the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad which has been dissolved shall vest in and such portion of the debts and obligations shall be transferred to the Gaon Panchayat, Anchalik Panchayat or Zilla

Parishad re-constituted or re-established under this section as the Government may by order in writing direct.

(9) The rights and liabilities of the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad which has been dissolved in respect of civil or criminal proceedings, contracts, agreements and other matters or things arising in and relating to any part of the area subject to the authority of the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad re-constituted or re-established shall vest in such Gaon Panchayat, Anchalik Panchayat or Zilla Parishad.

(10) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulations or form made, issued, imposed or granted by the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad which has been dissolved in respect of any part of the area subject to the authority of the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad which has been re-constituted or re-established shall be deemed to have been made, issued, imposed or granted by such Gaon Panchayat, Anchalik Panchayat or Zilla Parishad unless and until it is suspended by any appointment, notification, notice, order, scheme, licence, permission, rules, regulations or form made, issued imposed or granted by such Gaon Panchayat, Anchalik Panchayat or Zilla Parishad.

(11) If any difficulty arises in giving effect to the provisions of the preceding sub-section, the Government may, by order published in the official Gazette as the occasion may require, do anything which appears to it necessary to remove the difficulty.

### **121. Inquiry into the affairs of the Panchayats by the Government :-**

(1) The Government may, at any time for reason to be recorded, cause an enquiry to be made against any of its officers in regard to any Gaon Panchayat, Anchalik Panchayat or Zilla Parishad on matters concerning it, or any matters with respect to which the sanction, approval, consent or orders of the Government is required under this Act.

(2) The officer holding such inquiry shall have the powers of the Civil Courts under the Code of Civil Procedure, 1908 to take evidence and to compel attendance of witnesses and production of documents for the purpose of inquiry.

### **122. Direction from Government :-**



(1) Notwithstanding anything contained in this Act, it shall -be lawful for the Government to issue directions to any Panchayat in matters relating to State and national policies and such directions shall be binding on the Panchayat.

(2) The Government may

(a) call for any record or register or other document in possession or under the control of any Panchayat ;

(b) require any Panchayat to furnish return, plan, estimate, statement, accounts or statistics ; and

(c) require any Panchayat to furnish any information or report on any matter connected with such Panchayat.

**123. Restriction or withdrawal of powers and functions from the Panchayats :-**

(1) Notwithstanding the transfer of any powers, functions and duties in respect of any matter to a Panchayat under this Act, the Government on a proposal from the Panchayat in that behalf where it is satisfied that by reason of a change in the nature of the matter such as the conversion of a primary health centre into a secondary health centre or conversion of seed multiplication farm into an agricultural research farm or a road becoming a part of a highway and any other such things, the matter would cease to be a matter in the relevant Panchayat functions list and it is necessary to withdraw from the Panchayat, the powers, functions or duties in respect of such matter may, by notification in the official Gazette, withdraw such powers, functions and duties with effect from the date specified in the notification and make such incidental and consequential orders as may be necessary to provide for matters including the taking over of the property, rights and liabilities, if any, vested in the Panchayat and of the staff, if any, which may have -been transferred to the Panchayat as the case may be.

(2) The Government may, by notification in the official Gazette, amend or add any activity, programme or scheme .covered or mentioned under S. 19, S. 49 and S. 90 and on the issue of such notification, the relevant Panchayat functions list shall be deemed to have been amended accordingly. Every such notification shall be placed before the House of State Legislature.

**124. Zilla Parishad power of suspending and executing**

### **power, order etc. of the Gaon Panchayat :-**

(1) If in the opinion of the Zilla Parishad, the execution of any order or resolution of a Gaon Panchayat or any order of any authority or officer of a Gaon Panchayat or the doing anything which is about to be done, is improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of peace, it may by order suspend the execution or prohibit the doing thereof.

(2) When the Zilla Parishad make an order under sub-S. (1) it shall forthwith forward to the Government and to the Gaon Panchayat affected thereby, a copy of the order with a statement of reasons for making it, and it shall be in the discretion of the Government to confirm or rescind the order and to direct that it shall continue to be in force with or without modification permanently or for such period as it thinks fit :

Provided that no order of the Zilla Parishad passed under this section shall be confirmed, revised or modified by the Government without giving the Gaon Panchayat a reasonable opportunity of showing cause against the said order.

### **125. Dissolution of Panchayat :-**

(1) If the opinion of the Government, a Gaon Panchayat, Anchalik Panchayat or Zilla Parishad exceeds or abuses its powers or is not competent to perform or make persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force, the Government may, by an order published in the official Gazette, dissolve such Gaon Panchayat or Anchalik Panchayat or the Zilla Parishad, as the case may be.

(2) Before publishing an order under sub-S. (1), the Government shall communicate to the Gaon Panchayat or the Anchalik Panchayat or the Zilla Parishad, as the case may be, the grounds on which it proposes to do so, and fix a reasonable period for the Panchayat to show cause against the proposal and consider its explanation or objection, if any.

(3) When a Gaon Panchayat or an Anchalik Panchayat or a Zilla Parishad is dissolved all the members of the Gaon Panchayat or the Anchalik Panchayat or the Zilla Parishad shall, from the date specified in the order, vacate their offices as such members.

(4) If a Gaon Panchayat or an Anchalik Panchayat or a Zilla Parishad is dissolved

(a) all the powers and duties of the Gaon Panchayat or Anchalik Panchayat or Zilla Parishad shall during the period of its dissolution be exercised and performed by such person or persons as the Government may from time to time appoint in this behalf:

(b) all the property vested in the Gaon Panchayat or Anchalik Panchayat or Zilla Parishad shall, during the period of dissolution vest in the Government ; and

(c) the persons vacating office on dissolution shall be eligible for re-election.

**126. Preparation of development plans :-**

(1) Every Gaon Panchayat shall prepare every year a development plan and submit it to the Anchalik Panchayat before such date and in such form as may be prescribed by the District Planning Committee as under S. 3 (1).

(2) Every Anchalik Panchayat shall prepare every year a development plan for its area after including the development plans of the Gaon Panchayats and submit it to the Zilla Parishad before such date and in such form as may be prescribed by the District Planning Committee as under S. 3 (1).

(3) Every Zilla Parishad shall prepare every year a development plan of the district after including the development plans of the Anchalik Panchayats and submit it before such date and such form as may be prescribed by the District Planning Committee, to the District Planning Committee constituted under S. 3 (1) of this Act.

**127. Constitution of Panchayat Election Tribunal :-**

(1) The Government shall constitute such Panchayat Election Tribunals as may be necessary, on the recommendation of the High Court to dispose of all direct election petitions challenging elections under this Act. The jurisdiction, powers and functions and the headquarters of the Tribunal shall be decided by the Government in consultation with the High Court, except as provided in S. 10 of this Act.

**127A. Promoting enmity between classes in connection with election :-**

Any person who, in connection with Panchayat election, promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes, shall be punishable -with imprisonment for a term which may extend to three years, or with fine to the extent of one thousand rupees or with both. An offence punishable under this section shall be cognizable and bailable.

**127B. Prohibition of public meeting on the day preceding the election day and on the election day :-**

Any person who convenes, holds or attends any public meeting in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for Panchayat election in that polling area shall be punishable with fine which may extend to two hundred and fifty rupees. An offence punishable under this section shall be cognizable and bailable.

**127C. Disturbances at election meeting :-**

Any person who at a public meeting of political character held lawfully between the date of issue of notification of Panchayat election and date fixed for ending election canvassing, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both. An offence punishable under this section shall be cognizable and bailable.

**127D. Restriction on the printing of pamphlets, posters etc :-**

(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster (a) unless a declaration as to the identity of the publisher thereof

signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate ; and

(b) unless within reasonable time after the printing of the

document, one copy of the declaration is sent by printer together with one copy of the document to the District Returning Officer (District Magistrate) of the district where it is printed. Any person who contravenes any of the provisions of sub-Ss. (1) and (2) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both. An offence punishable under this section is cognizable and bailable.

**127E. Maintenance of secrecy of voting :-**

Every officer, assistant, agent or other person who performs any duty in connection with the recording or counting of votes in Panchayat election shall maintain the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy. Any person who contravenes this provision shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both. An offence punishable under this section is cognizable and bailable.

**127F. Officers etc., at election not to act for candidates or influence voting :-**

Any person who is a Returning Officer or an Assistant Returning Officer or a President or Polling Officer at a Panchayat election or an officer or assistant appointed by the Returning Officer or by the Presiding Officer to perform any duty in connection with a Panchayat election or a member of a Police force on duty shall not endeavour

(i) to persuade any person to 'give his vote at a Panchayat election ;

(ii) to dissuade any person from giving his vote at a Panchayat election ;

(iii) to influence the voting of any person at a Panchayat election in any manner. Any person who contravenes these provisions shall be punishable with imprisonment which may extend to six months or with fine, which may extend to two hundred rupees or with both. An offence punishable under this section shall be cognizable and bailable.

**127G. Prohibition of canvassing in or near polling stations :-**

No person shall, on the date or dates on which poll is taken at any polling station commit any of the following act or acts at any station or at any public or private place within a distance of one hundred metres of the polling station, namely,

(i) canvassing for votes ; or

(ii) soliciting the vote of any elector, or

(iii) persuading any elector not to vote for any particular candidate ; or

(iv) persuading any elector not to vote at the election ; or

(v) exhibiting any notice or sign, other than an official notice relating to the Panchayat election. Any person who contravenes these provisions shall be punishable with fine which may extend to two hundred and fifty rupees. Any offence punishable under this section shall be cognizable and bailable.

**127H. Penalty for disorderly conduct in or near polling stations :-**

(1) No person shall, on the day or dates on which a poll is taken at any polling station

(i) use or operate, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(ii) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station. Any person who contravenes or wilfully aids or abets the contravention of, these provisions shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both. Any offence punishable under this section is cognizable and bailable.

(2) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section he may direct any police officer to arrest such person and thereupon the police officer shall arrest him.

(3) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of this section and may seize any apparatus used for such contraventions.

**127I. Penalty for misconduct at the polling station :-**

Any person who, during the hours fixed for the poll at any polling station, shows misconduct or fails to obey the lawful directions of the Presiding Officer, may be removed from the polling station by the Presiding Officer or by any police officer on duty or by any person authorised in this behalf by such Presiding Officer. The power conferred by the above provision shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station. Any person, who has been so removed from a polling station, if reenters the polling station without the permission of the Presiding Officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both. An offence punishable under this section shall be cognizable and bailable,

**127J. Penalty for failure to observe procedure for voting :-**

If any elector, to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper handed over to him shall be liable for cancellation.

**127K. Penalty for illegal hiring or procuring of conveyances at election :-**

If any person is guilty of any such corrupt practice of illegal hiring or procuring of vehicle for voters at or in connection with the Panchayat election, he shall be punishable with fine which may extend to one thousand rupees. The offence punishable under this section is cognizable and bailable.

**127L. Breaches of official duty in connection with election :-**

(1) If any person on official duty in connection with a Panchayat election to whom this Act applies is without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees. An offence punishable under this section shall be cognizable and bailable :

Provided that no suit or other legal proceedings shall lie against any

such person for damages in respect of any such act or omission as aforesaid.

(2) The person to whom this section applies are the Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidature or recording or counting of votes at the Panchayat election and the expression 'official duty' shall, for the purposes of this section, be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

**127M. Penalty for Government servants for acting as election agent or counting agent :-**

If any person in the service of the Government acts as an election agent, or a polling agent or a counting agent of a candidate at Panchayat election, he shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both. An offence punishable under this section is cognizable and bailable.

**127N. Removal of ballot papers from polling station to be an offence :-**

Any person who at the Panchayat election fraudulently takes or attempts to take a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year with fine which may extend to five hundred rupees or with both. If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency. Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the Presiding Officer, or when the search is made by a police officer shall be kept by such officer in safe custody. An offence punishable under this section shall be cognizable and bailable.

**127O. Offence of booth capturing :-**



Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which may extend to one thousand rupees or with both. An offence punishable under this section is cognizable and non- bailable.

Explanation. For the purpose of this section "booth capturing" includes among other things, all or any of the following activities, namely .-

(i) seizure or closure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of election,

(ii) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting,

(iii) threatening any elector or obstructing or preventing him from going to the polling station or a place fixed for the poll to cast his vote,

(iv) seizure or closure or taking possession of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes,

(v) doing, by any person in the service of the Government, of all or any of the aforesaid activities or aiding or conniving at any 'such activities in furtherance of the prospects of the election of a candidate or against the prospects of a candidate.

**127P. Other offences and penalty there for :-**

A person shall be guilty of all election offences, if at the Panchayat election he

(i) fraudulently defaces or fraudulently destroys any nomination papers, or

(ii) fraudulently defaces, destroys or removes any list, notice or

other documents affixed by or under the authority of a Returning Officer, or

(iii) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot papers or any declaration of identity or official envelope used in connection with voting ballot, or

(iv) without the authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot papers, or

(v) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in, or

(vi) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election, or

(vii) fraudulently or without authority, as the case may be, attempts to do any of the foregoing acts, or wilfully aids or abets the doing of any such acts. Any person guilty of an electoral offence under this section shall

(a) if he is Returning Officer or Assistant Returning Officer or a Presiding Officer at a polling station or any other officer or assistant employed on official duty in connection with the Panchayat election, be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both ;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both ;

(c) for the purpose of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of Panchayat election or part of the election including the counting of votes or to be responsible after the election for the used ballot paper and other documents connected with the election, but the expression "official duty" shall not include duty imposed otherwise by or under this Act.

**127Q. Trial by competent Court :-**

No Court other than that of a Judicial Magistrate of the First Class of the competent jurisdiction shall try any offence under this Act.

**127R. Offences to be tried summarily :-**

Offences under this Act may be tried summarily in the manner provided for summary trial under the Code of Criminal Procedure, 1973 (Act 2 of 1974).

Explanation. For the purposes of the foregoing sections of this Act, the words "cognizable" and "bailable" shall have the meaning respectively assigned to them in the Code of Criminal Procedure, 1973 (Act 2 of 1974).

**128. Annual Administrative Report :-**

(1) As soon as may be after the first day of July in every year and not later than the thirty-first day of August every year, the Executive Officer of the Anchalik Panchayat shall place before the Anchalik Panchayat a report of the Anchalik Panchayat during the preceding Panchayat year in such form and with such details as the Government may direct and shall forward the report with the resolution of Anchalik Panchayat thereon to the Government by the thirtieth of September every year.

(2) As soon as may be after the first day of July every year, the Chief Executive Officer of the Zilla Parishad shall prepare a report on the Administration of the Zilla Parishad during the preceding Panchayat year in such form and with such detail as the Government may direct and submit the report to the Zilla Parishad. After approval by the Zilla Parishad it shall be submitted to Government by the thirtieth of September every year.

(3) The report submitted to the Government under sub-S. (2) shall, together with a memorandum by the Government reviewing the working of the Zilla Parishad, be laid before the State Legislature.

**129. Bar to interference by Courts in electoral matters :-**

Notwithstanding anything contained in this Act

(a) the validity of any law relating to the delimitation of constituencies on the allotment of seats to such constituencies made under Art. 243 of the Constitution of India shall not be called in question in any court ;

(b) no election to any Panchayat shall be called in question except by an election petition presented within sixty days from the date of declaration of election results to the Tribunal constituted under S. 127.

**130. Repeal and saving :-**

All the Panchayats existing immediately before the commencement of this Act shall continue till the expiration of their duration as under the Assam Panchayati Raj Act, 1986 unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of the State :

Provided that in case of dissolution by a resolution passed by the Legislative Assembly all the powers and duties of Gaon Panchayats or Anchalik Panchayats shall, during the period of such dissolution, be exercised and performed by such officer not below the rank of Gazetted officer, as the Government may from time to time appoint in this behalf.

**131. Repeal of previous Act :-**

(1) On and from the date on which this Act comes into force, the Assam Panchayati Raj Act, 1986 shall be deemed to be repealed.

Provided that

(a) till such time when new rules are framed before the expiry of one year from the coming into force of 73rd Amendment of the Constitution Act the rules framed under 1986 Act, shall remain valid ;

(b) the said repeal shall not affect the validity or invalidity of anything already done under the said, enactment ;

(c) all rules and bye-laws, notifications, orders, appointments made, permissions and sanctions granted, taxes, cess, fees, or rates levied, contract entered into, suits instituted and proceedings taken under the Assam Panchayati Raj Act, 1986 and in force immediately before the commencement of this Act, shall continue to be in force and so far as they are not inconsistent with this Act, shall be deemed to have been retrospectively made, granted, levied, entered into, instituted and taken under this Act until new provisions are made under this Act ;

(d) all assets and liabilities including the funds which are vested in erstwhile Gaon Panchayats, Anchalik Panchayats and Mahkuma Parishads under the provisions of the Assam Panchayati Raj Act, 1986, shall vest in the Deputy Commissioner or the Sub-divisional Officer, as case may be. and shall be held by him in trust until it can be made over to the Gaon Panchayats, Anchalik Panchayats

and Zilla Parishads constituted under this Act under the jurisdiction of which the area of the erstwhile Gaon Panchayat, Anchalik Panchayat and the Mahakuma Parishad is included ;

(e) notwithstanding the repeal of the Assam Panchayati Raj Act, 1986, any amount of taxes, cess, fees and rates which were levied by the Gaon Panchayats, Anchalik Panchayats, or the Mahkuma Parishads, under the provisions of the Assam Panchayati Raj Act, 1986, or any amount of money on account of fine or otherwise which was due to the Gaon Panchayat, Anchalik Panchayat or Mahkuma Parishad under the Assam Panchayati Raj Act, 1986, shall be recovered by the Gaon Panchayat, Anchalik Panchayat and the Zilla Parishad, as the case may be, and credited into the respective Panchayat fund ;

(f) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Act; or

(g) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liabilities, forfeiture or punishment aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture, or punishment may be imposed as if this Act had not been passed.

(2) When a Gaon Panchayat or Anchalik Panchayat or Zilla Parishad is dissolved, all the members of the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad shall, from the date of dissolution, vacate their offices as such members.

(3) The persons vacating office on dissolution shall be eligible for re-election or re-nomination.

### **132. Removal of difficulties :-**

(a) If any difficulty arises in giving effect to the provisions of this Act, the Government may take such necessary action so long as these are not repugnant to the main objectives and provisions of this Act.

(b) The State Government may, by notification, constitute a standing committee of Legislators to resolve disputes between the district administration and the Zilla Parishad.

### **133. Vesting in of properties etc., of Panchayat bodies on withdrawal of provisions of the Act :-**

When the provisions of this Act are withdrawn from any Zilla Parishad or Anchalik Panchayat or Gaon Panchayat area, all the properties, funds and dues, which were vested in such Zilla Parishads, Anchalik Panchayats, or Gaon Panchayats, shall be vested in the Deputy Commissioner or the Sub-divisional Officer, as the case may be, who shall make such allocation of the properties as he deems fit with the prior approval of the Government.

**134. Taking of oath :-**

Every person who is elected to be a member of Zilla Parishad, Anchalik Panchayat or Gaon Panchayat shall, before taking his seat, make and subscribe before such authority as may be specified by the State Government in this behalf an oath or affirmation of his allegiance to the Constitution of India at a meeting which shall hereinafter be called the first meeting in the following form. "I, A. B . being a member of the.....Zilla Parishad/ Anchalik Panchayat/Gaon Panchayat do swear in the name of God (or solemnly affirm) that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

**135. Dispute between Panchayats and local authorities :-**

If a dispute arises between two or more Panchayat bodies and local authority or between any two local authorities the matter shall be referred to the Government or to such authority as the State Government may direct and the decision of the Government or such authority shall be final and conclusive.

**136. Augmentation of consolidated fund of the State :-**

All the measures needed to augment the consolidated fund of the State to supplement the resources of the Panchayat in the State on the basis of recommendation made by the State Panchayat Finance Commission, shall be taken by the Government as it may deem fit.

**137. Appeal against any order of the Panchayat Raj Institution :-**

Any employee under a Panchayat institution or person aggrieved by any order or act of a Panchayat institution may file an appeal within fifteen days from the date of receipt of such order or performance of such act, to the Government whose decision in this regard shall be final.

**138. Delegation of powers to the Deputy Commissioner, Sub-divisional Officer or any other Gazetted officer :-**

(1) The State Government may delegate any of their powers under this Act or rules framed thereunder except where expressly provided to the contrary to any Government officer of Gazetted rank.

(2) Except where expressly provided to the contrary, the Government may delegate all or any of the powers of the Deputy Commissioner or the Sub-divisional Officer under this Act or rules framed thereunder to any Government officer of Gazetted rank.

(3) Except where expressly provided to the contrary, the Deputy Commissioner or the Sub-divisional Officer, as the case may be, may delegate all or any of their powers under this Act or rules framed under this Act to any Government officer of Gazetted rank.

(4) The delegation of power under sub-Ss. (1), (2), and (3) shall be an order in writing and such order may be modified or withdrawn at any time.

**139. Powers of Anchalik Panchayat and Gaon Panchayat to make subsidiary rules :-**

Subject to the approval of the Government, every Anchalik Panchayat or Gaon Panchayat may, by subsidiary rules consistent with this Act and with any rules made thereunder, provide for

(a) the time and place of its meeting, the business to be transacted at the meeting, and the manner in which the notice of the meeting be given ;

(b) the duties, and control of employees working under it;

(c) the custody of the common seal and the purpose for which it shall be used ;

(d) the division of duties among its members and employees ;

(e) the powers to be exercised by the office bearers to whom particular duties have been assigned ;

(f) the person by whom receipt shall be granted for money received under this Act.

**140. Staff Selection Board :-**

(1) For Zilla Parishad, Anchalik Panchayat and Gaon Panchayat Grade III and Grade IV staff shall be appointed by the Chief Executive Officer of Zilla Parishad on the recommendation of the

District Selection Committee of Panchayat and Rural Development Department constituted by the Government in the Panchayat and Rural Development Department. Grade I and Grade II officers shall be posted in the Panchayats and Zilla Parishad by the State Government.

(2) The teachers in schools managed by Panchayats shall be posted by the officer authorised by the Education Department of the State Government on the recommendation of the District Teachers Selection Committee constituted by the Education Department.

**141. Power to make rules :-**

(1) The State Government may make rules for carrying out the purposes and objects of this Act.

(2) Any rule framed under sub-S. (1) may be given retrospective effect.

**142. Repeal and saving :-**

(1) The Assam Panchayat Ordinance, 1994(Assam Ordinance VI of 1994) 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 as if this Act came into force on the date on which the said Ordinance came into force.