

ASSAM TRIBAL DEVELOPMENT AUTHORITY ACT, 1983

9 of 1983

[8th October, 1983]

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An Act to provide for the setting up of a Tribal Development Authority to accelerate development in the Plains Tribal Areas of the State of Assam Preamble. Whereas it is expedient to provide for the setting up of a Tribal Development Authority to accelerate development in the Plains Tribal Areas of the State of Assam; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows

CHAPTER 1

CHAPTER

1. Short title, extent and commencement :-

- (i) This Act may be called the Assam Tribal Development Authority Act, 1983.
- (ii) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.
- (iii) The Act shall apply to such area or areas as the State Government may by notification in the official Gazette from time to time specify.

2. Definitions :-

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

- (a) "Authority" means the Tribal Development Authority of Assam;
- (b) "Government" means the State Government of Assam ;
- (c) "Governor" means the Governor of Assam;
- (d) "Rules" means the rules made under this Act;
- (e) 'M.L.A.' and 'M.P.' mean the member of the Legislative Assembly of the State of Assam and the member of Lok Sabha or Rajya Sabha respectively.

3. The setting up of the Authority and its composition :-

(1) The Government shall set up a Tribal Development Authority for the Plains Tribal Areas of Assam immediately after the coming into force of this Act.

(2) The Authority will be a body corporate with a perpetual succession and common seal.

(3) The Authority, unless sooner dissolved, shall continue for five years from the date appointed for its first meetings: Provided that the said period may be extended by the Governor by notification in the official Gazette for a period not exceeding one year at a time.

4. . :-

The Authority shall consist of the following

(2) As soon as possible after the coming into force of the Act, the Government shall arrange to hold the elections for the members to be elected as provided under Cl. (d) above. The members of the Gaon Panchayat or a part of the Gaon Panchayat falling in the area to which the Act is applied shall form the Electoral College for the purposes. The procedure for the election shall be as laid down by the rules,

5. . :-

The tenure of the Vice-Chairman shall be for a period of five years. The term of the members who are M.L.A.'s or MP.'s shall be co-terminus with their membership of the Legislative Assembly or Parliament, as the case may be. The normal term of the members elected under S. 4 (1) (d) shall be for a period of five years.

6. . :-

Notwithstanding anything contained hereinbefore the Governor may from time to time reconstitute the Authority.

7. Salary and allowances of Vice-Chairman :-

The Vice-Chairman (if nominated from members other than Minister) shall receive T. A./D. A. as per rules and sitting fees as may be laid down by the Government.

8. . :-

The non-official members of the Authority shall receive such T.A./D.A. as per rules and sitting fees as the Government may

decide: Provided that the Government may, while deciding the sitting fees payable to MP's and MLA's, take into account the provisions of Arts. 102 and 192 of the Constitution of India and also those of Parliament (Prevention of Disqualification) Act, 1959 and such Acts of the State of Assam in respect of prevention and disqualifications of the members of the State Legislature.

9. Resignation :-

Any of the members of the Authority may resign his office by addressing a letter to the Chairman.

10. Removal of members :-

(2) The order under sub-S. (1) above shall not be passed until the Vice-Chairman or member concerned has been given an opportunity to show cause as to why the order should not be passed.

(3) A person removed from the office under sub-S. (1) shall be disqualified from holding any office under the Authority for 5 years, commencing from the date of such removal.

11. Power to fill up vacancies :-

The Government shall have the power to fill up the vacancies in accordance with the provisions of the Act, in case the office of Vice-Chairman or a member falls vacant due to resignation, removal, death or any other cause before the expiry of term of such Vice-Chairman or members. The term of such Vice-Chairman or members shall be co-terminus with the expiry of the term of the other regular members of the Authority.

12. Staff of the Authority :-

The Authority may have such staff as may be decided by the Authority with the approval of the Government.

CHAPTER 3

Procedure for the meeting of the Authority

13. Meeting of the Authorities :-

(1) The Authority shall meet at least once in three months; provided that a meeting of the Authority may be called by the Chairman at shorter intervals if he considers it necessary.

(2) The Chairman or in his absence the Vice-Chairman shall preside over the meeting of the Authority. In the absence of the Chairman and the Vice-Chairman the members present shall elect any

member to preside over the meeting.

(3) The notice for the meeting of the Authority shall be issued by the Member-Secretary and normally 10 days' notice will be necessary unless the requirement is waived by the Chairman.

14. Special invitees :-

The Chairman may invite such person to attend the meeting as he may consider necessary but such invitees shall have no voting power.

15. Quorum :-

(i) One-third of the total voting members of the Authority shall form a quorum for a meeting.

(ii) In case the minimum number of the voting members forming a quorum are not present in a meeting, the meeting shall be postponed and reconvened after giving 7 days' notice. No quorum shall be necessary to transact any business of the reconvened meeting.

16. Functions of the Authority :-

CHAPTER 4

Fund of the Authority

17. . :-

The Authority shall have its own fund called "the Tribal Development Authority Fund" into which all the sums received from the Government for the development of the area will be credited. The fund shall be non-lapsable.

18. . :-

The Government may frame rules for maintenance of the fund and for regulating the accounting procedure to be followed by the Authority.

19. . :-

The accounts of the Authority will be subject to audit by such agencies as the Government may prescribe from time to time.

20. Budget :-

The Authority shall adopt its budget before the commencement of the financial year and the budget will be operated with the approval of the Government.

21. Power to borrow :-

The Authority shall have the power to take loans from the Government on such terms and conditions as may be agreed upon.

22. Submission of Annual Report :-

Within 3 months of the expiry of each financial year, the Authority shall submit a report to the Government indicating the activities, revenue and expenditure of the Authority during the course of the financial year.

23. Authority to submit report etc :-

The Authority shall submit reports and furnish such figures and data as may be required by the Government.

CHAPTER 5

Miscellaneous

24. Power of the State Government to issue directives :-

The Government shall have the power to issue from time to time such directives to the Authority as it may consider necessary and the Authority shall carry them out.

25. Members of Authority and staff to be public servants :-

The members, the staff and office bearers of the Authority shall be deemed to be public servants within the meaning of S. 21 of the Indian Penal Code.

26. Protection of invalidation of act or proceedings :-

No act or proceedings of the Authority shall be invalidated by reasons of any vacancy in the Authority, any defect in the composition thereof or any irregularity in the procedure of the Authority.

27. Protection for acts done :-

No suit shall lie against any public servant for anything done by him in good faith under the Act.

28. Power to make rules :-

The Government shall have the power to make rules to give effect to the provisions of the Act as it may consider necessary : Provided that such rules shall be laid, as soon as may be after they are made, before the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid, or in session immediately following, the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that no rules

should be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be:

Provided that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rules.

29. Repeal and saving :-

(1) The Assam Tribal Development Authority Ordinance, 1983 (Assam Ordinance No. IV of 1983) shall be 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.