

ASSAM FINANCE COMMISSION (MISCELLANEOUS PROVISION) ACT, 1995

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 79 No. 79 18 1995, 28 5V, 1917 Dispur, Tuesday, 18th April, {995. 28th Chaitra, 1917 (Sexc)
 GOVERNMENT OF ASSAM ORDERS BY THE GOVERNOR LEGISLATIVE DEPARTMENT :
 LEGISLATIVE BRANCH NOTIFICATION The 18th April, 1995 No. LGL. 112/94/24, —The Act of the
 Assam Legislative Assembly which received the assent of the Governor is hereby published for general
 information 50B THE ASSAM GAZETTE. EXTRAORDINARY, APR. 18, 1995 ASSAM ACT No. 18
 OF 1995 (Received the assent of the Governor on 18th April, 1995) Preamble. Short title and Commence-
 ment. Definitions. THE ASSAM FINANCE COMMISSION (MISCELLANEOUS PROVISION) ACT,
 1995 ACT to determine the qualifications requisite for appointment as Members of the Assam Finance
 Commission and the manner in which they shall be selected and to prescribe their powers. It is hereby
 enacted in the Forty-sixth Year of the Republic of India as follows 1. (1) This Act may be called the
 Assam Finance Commission (Miscellaneous Provisions) Act, 1995. (2) It shall come into force on such
 date as the Government may, by notification, appoint, 2. In this Act, unless the context otherwise required ,
 (1) (2) (3) (5) (6) "Commission" means the Assam Finance Commission constituted by the Governor
 pursuant to sub-clause (1) of Article 243 1 of the Constitution. "Government" means the Government of
 Assam. "Governor" means the Governor of Assam. "Member" means the Member of the Assam Finance
 Commission. "Chairman" means the Chairman of the Assam Finance Commission. "Member Secretary"
 means a Member of the Assam Finance Commission, specially designated as Member Secretary.
 ASSAM GAZETTE EXTRAORDINARY. *PR. 18, 1995 509 Qualification 3. The Chairman of the Commission
 shall be for appointment and selected from among persons, who have wide ex- the manner experience in
 "public affairs, with special reference to of selection of economic and financial matters and four other of
 the members including the Member-Secretary shall be Commission Personal interest to disqualify
 members. selected from among persons who — (a) are or have been or are qualified to be appointed as
 Judges of a High Court; or (b) have special knowledge of the finance and accounts of a Government; or -
 (c) have had wide experiences in financial matters and in administration; or - (d) have special knowledge
 of Economics; or (e) have had long experience as an administrator at senior levels with particular refer-
 ence to financial and economic matters

4. Before appointment of a person as a Chair- man or a member of the Commission, the Governor shall satisfy himself that the person shall have no such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission, and the Governor shall also satisfy himself from time to time with respect to every member that he has no such interest and any person' who is, or whom the Governor proposes to appoint, to be, a member shall, whenever required by the Governor so to do, furnish to him such in- formation as the Governor considers necessary to satisfy himself in this regard as also for the per- formance by him of his duties as the Chairman or a Member of the Commission. Disqualifica- 5. A person shall be disqualified for being a member appointed as, or for being a member,— of the Commission. (a) if he is of unsound mind ; (b) if he is an undischarged insolvent ; (c) if he has been convicted of an offence involving moral turpitude and ; (d) if he has such financial or other interest as is likely to affect prejudicially his func- tions as a member of the Commission, 510 THE ASSAM GAZETTE. EXTRAORDINARY, APR. 18, 1995 Terms of 6. Every member shall hold office for such office of members and period as may be specified in the orders of the eligibility for Governor appointing him but shall be eligible for re-appoint- re-appointment : ment. Provided that he may, by letter addressed to Governor resign his office. 7. (1) The members shall render whole-time or Condi tions Of service part-time service to the Commission as the and other allowances of Governor may in each case specify. members. • (2) Members shall be paid such fees or salaries and such allowances as the Governor may, by orders made in this behalf. determine. procedure 8. (1) The Commission shall determine their and powers of procedure and in the performance of their func- Commission. tions shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely :— (a) summoning and enforcing the attendance of the witness ; (b) requiring the production of any document ; (c) the requisitioning of any public record from any court or office. (2) Commission shall have the power to require any person to

furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to any matter under the consideration of the Commission and any person so required shall notwithstanding anything contained in sub-section (2) of Section 54 of the Indian Income Tax Act, 1922 or in any other law for the time being in force, be deemed to be legally bound to furnish such information within the meaning of Section 176 of the Indian Penal Code. The Commission shall be deemed to be a Civil Court for the purpose of Sections 345 and 346 of the Code of Criminal Procedure, 1973 (Act 11 of 1974), THE ASSAM GAZETTE, EXTRAORDINARY, APR 18, 1995 511 EXPLANATION For the purpose of enforcing attendance of witness, the legal limits of the Commission's jurisdiction shall be the limits of the territory of India. M. K. DEKA. Joint Secy. and I/C Secy. to the Govt of Assam, Legislative Department. Guwahati:—Printed and published by the Director (P.&S.), Directorate of Ptg. and Sty., Assam, Guwahati-21 (Ex. Gazette) No. 157— 1995.

