

ASSAM PANCHAYAT (AMENDMENT) ACT, 1962

59 ASSAM ACT No.xxrx OF 196± ASSAM PANCHAYAT (AMENDMENT) ACT, 1962 (As passed by the Assembly) Received the assent of the Governor on the 28th September 1962 (Published in the Assam Gazette, Extraordinary, dated the 4th October 1962] An Act to amend further the Assam Panchayat Act, 1959 WHEREAS it is expedient to amend further the Preamble Assam Panchayat Act, 1959 hereinafter called the principal Act, in the manner hereinafter appearing ; It is hereby enacted in the Thirteenth Year of the Republic of India as follows : I. (1) This Act may be called the Assam Pan- Short title, extent and chayat (Amendment) Act, 1962. commence- ment. (2) It shall har e the like extent as the prin- cipal Act. (3) It shall come into force at once

2. In section 2 of the principal Act, clauses (20) Amendrnt Of section 2 and (21) shall be deleted and the existing subsequent of Assam clauses (22) to (35) shall be renumbered as clauses Act XXIV (20) to (33) respectively.o 1959

3. In section 8 of the principal Act.— Amendment (I) the full-stop at the end of sub-section (2) of section 8 of Assam shall be deleted and the words and punctuation (:) Act ' and shall publish the same in the manner pres- of 1959. cribed shall be added ; (2) after sub-section (2) as so amended, the following proviso shall be added, namely :— "Provided that the Deputy Commissioner or the Subdivisional Officer, as the case may be, may include the name of any person whose name is not included in the list of voters if such person makes an application within ten days 01 the publication of the list and satis- fies the Deputy Commissioner or the Subdivisional Officer, as the case may be, that his name appears in the upto date electoral roil of the Assam Legislative Assembly, prepared and in force after Che day notified under sub-section (1). 't Assaru XXIV 1959. Act of Amendment of section 9 of Assam Act XXIV of 1959. AL endmen t Ot' ectiora 11 of Assam Act XXIV 1959. 100 4. After sub-section (2) of section 9 of the principal Act, the following shall be inserted as sub- section (2) and the existing sub-stctions (2), (3), (4) and (5) shall be renumbered as sub-sections (3), (4), (5) and (6) respectively, namely "(2) Ev•ory mneeting shall be presided over by the President of the Gaon Panchayat and in his absence by the V icc-President of the Gaon Panchqy,,tl and in the absence of both, members present shall choose one from amongst themselves to preside." 5. In section 11 of the principal Act— (1) for sub-section (I), the follo Wing shall be substi tuted, namely 'l) Every Gaon Sabha shall have an Executive Committee including a President and a Vice-President called the Gaon Panchayat to be elected in the manner prescribed." (2) For the second proviso under sui»sector, (2), the following shall be substituted, namely "Provided further that the Gaon Panchayat shall co-opt from amongst the members of the Gaon Sabha, two women members if no woman is elected, and one woman member if only one is elected." (3) After sub-section (3) the tOllowing shall be inserted as sub-section (4) and the existing sub-sections (4) and (5) shall be renumbered as sub- sections (5) and (6) respectively, namely ' ' (4) The State Government may, by notification for reasons to be stated therein, extend the term of office referred to in sub-section (3) by such period not exceeding one year as may be specified in the notifica- tion. " 6. In section 14 of the principal Act, after clause Amendment of section 14 (i) of sub-section (5% the following Explanation shall of Assam be inserted, namely :— "Explanation.—For the purpose of quorum, Act XXIV of 1959. ex-offcio members shall not be counted." 7. In section 16 of the principal Act, in sub- Amendment of section 16 section (2), for the words "Gaon Panchayat" occurring Of Assam in the first line between the words 'The' ana 'may , Act XXIV the words 'State Government' shall be substituted. of 1939

8. In 17 of the principal Act, in sub- Amendment of section 17 section of Assam (a) for e second proviso to clause (i) the Act XXIV following shall be substituted, namely of 1959."Provided further that if the President or the Vice-President (T a Gaon Panchayat is elected to the Anchalik Panchayat, he shall, within fifteen days from the date of declaration of result thereof, exercise his 101 of remaining either as the President or the Vice- President, as the case may be, of the Gaon Pancha- yat or alternatively as the member of the Anchalik If he does not exercise his option within Panchayat. the time limit, he shall immediately on expiry of such time limit cease to be the President or the Vice- President, as the case may be, of the Gaon Panchayat. His place in the Gaon Panchayat or the Anchalik Panchayat, as the case may be, shall be filled in the manner these offices are filled." (b) for clause (ii), the following shall be substi tuted, namely :— 'C (ii) One representative to be elected, in the manner prescribed, by the Chairmen of the

Co-operative societies from amongst themselves, falling within the area of the Anchalik Panchayat: Provided that notwithstanding anything herein contained, no member elected before the coming into force of the Assam Panchayat (Amendment) Act, 1962, shall be disqualified even if such a member was not a Chairman of any Co-operative Society at the time of his election." (2) In sub-section (2), for clause (ii) the following shall be substituted, namely :— (ii) The Anchalik Panchayat shall, from within the area of its jurisdiction, co-opt two women members if no woman is elected, and one woman member if only one is elected." 9. In section 19 of the principal Act,— Amendment (I) the existing section shall be renumbered as of Section sub-section (1) thereof ; 19 of Assam Act (2) after sub-section (1) as so renumbered, the XXIV of following shall be inserted as sub-section (2), namely 1959. '2) The State Government may, by notification, for reasons to be stated therein, extend the term of office referred to in sub-section (1), by such period not exceeding one year as may be specified in the notification. ' 10. In section 22 of the principal Act,—for the Amendment of Section second proviso in sub-section (1), the following shall be substituted, namely :— 22 of Assam Act ' Provided further that the Mohkuma Parishad XXIV of shall from within the area of its jurisdiction, 1959. co-opt two women members if no woman is elected, and one woman member if only one is elected. In section 24 of the principal Acts 11. Amendment of Section after sub-section (3) , the following shall be 24 of inserted as sub-section (4), namely : — Assam Act "(4) The State Government may, by notification, XXIV of for reasons to be stated therein, extend the term of 1959. office referred to in sub-section (1), by such period not exceeding one year as may be specified in the notification". 102 Anienälüent 12. For section 27 of the principal Act, o: Section following shall be substituted, namely 27 of Assam Act XXIV of 1959. the 27. (1) (a) A President or Vice-President or "Removal of President member of a Gaon or Anchalik Panchayat or Mohkuma or Vice- Parishad shall immediately cease to hold office : — President (i) if he suffers from any of the disqualifications or member of a Gaon mentioned in sub-rection (l) (a) to (f) of section 16 ; or Anchalik (ii) if he absents himself, without assigning any Panchayat cause, from three consecutive meetings of the Gaon or or Mch- Anchalik Panchayat or the Mohkuma Parishad, as kuma Pari the case may be. shad. (b) A President or Vice-President of an Anchalik Panchayat or Mohkuma Parishad shall immediately cease to hold office, if by three-fifths majority of votes a motion of no-confidence is passed by members in a meeting of the Anchalik Panchayat or the Moh- kuma Parishad as the case may be, where at least a minimum of two-thirds of total number of members is present : Provided that at least seven days' notice in writing shall be given to the President and the Vice-Presi- dent of the Anchalik Panchayat or the Mohkuma Parishad, as the case may be, before such a motion can be discussed. (c) A President or Vice-President of a Gaon or Anchalik Panchayat or Mohkuma Parishad, as the case may be, shall immediately cease to hold office, if he ceases to be a member of the Gaon Sabha or Anchalik Panchayat or the Mohkuma Parishad, as the case may be. (2) A President or Vice-President of a Gaon or Anchalik Panchayat or Ndohkuma Parishad may be disqualified from holding oflice by the State Govern- ment,— (i) if he refuses to act or becomes incapable of acting ; or (ii) if he is guilty of misconduct or wilful neglect in the discharge of his duties ; or (iii) if his continuance in office is dangerous to the public peace or is likely to bring the administra- tion of a Gaon or Anchalik Panchayat or Mohku ma Parishad into contempt. (3) A President or Vice-President or member of the Gaon or Anchalik Panchayat or Mohkuma shad who immediately ceases to hold office according to the provisions of sub-section (1) or is disqualified by the State Government according to tle, provisions of Amendment of section 29 Of Assam Act XXIV of 1959 Amendment of section 36 nf Assam Act XXIV of 1959. 103 sub-section (2) shall be removed in the manner prescribed : Provided that no such person as aforesaid shall be removed until he has been given a reasona ble opportu- nity of showing cause against the action proposed to be taken against him. (4) No person who has been removed from office under the provisions of this section shall be eligible for re-election to the vacancy so created." 13. In section 29 of the principal Act, the föllow. ing shall be inserted as an Explanation to clause (i) of sub-section (5), namely :— "Explanation.—For the purpose of quorum ex-oificio members shall not be counted." 14. In Part 11 of section 36 of the principal Act— (1) for item (8), the following shall be substituted, namely 'c (8) control, maintenance and regulation of bus- stand, carriage-stand, cart-stand and fairs (2) for the full-stop (.) at the end of item (18), a semicolon (;) shall be substituted and after the said item the following shall he inserted as item (19), namely :— "(19) maintenance and regulation of hats accor& ing to the provisions of section 76A." 15. In Part 11 of section 37 of the principal Act, Amendmcnc of section 37 for item (6), the following shall be substituted, of Assam namely : — Act XXIV

of 1959. "(6) maintenance and regulation of hats according to the provisions of section 76A ; and ; " 16. In sub-section (2) of section 66 of the principal Act, for the full-stop (.) at the end of clause of Assam (iii), a semicolon (;) shall be substituted and the Act XXIV following shall be inserted as clause (iv), namely of 1959. (iv) sums received on account of sale proceeds of hats." 17. In sub-section (1) of section 67 of the principal Act, for the full-stop (.) at the end of clause of Assam (ii), a semicolon (;) shall be substituted and the Act XXIV following shall be inserted as clause (iii), namely of 1959. "(iii) allotment of sale proceeds of hats to each Gaon or Anchalik Panchayat according to the provisions of section 76A," Amendment of section 69 of Assam Act XXIV 104 18. In section 69 of the principal Act— (1) for clause (iv), the following shall be substituted, namely :— of 1959. '(iv) contribution from Government including a share of the land revenue which shall not be less than fifteen per cent of the net receipt and the entire net receipt of local rate, collected from the area of the Gaon Panchayat after providing for agent's commission : Provided that the State Government may direct the Gaon Panchayat to spend a specified share of the net receipt of local rate for any purpose specified by the State Government." (2) in clause (ix), for the words 'minor hats', occurring between the words 'of' and "and", the words "hats according to the provisions of section 76A" shall be substituted, (3) for clause (x), the following shall be substituted, namely (x) contribution from private individuals. local authorities." 19. In clause (v) of section 70 of the principal Amendment of section 70 Act— of Assam (1) for the words "major hats or bazars" occurring between the words 'of' and "buildings", the words of 1959, words 'hats according to the provisions of section 76A' shall be substituted ; (2) the proviso at the end shall be deleted. Amendment 20. In clause (ii) of sub-section (1) of section 75 of the principal Act, at the end of item (c) the word of Assam Act XXIV "and" shall be added and item (d) shall be deleted. of 1959. Amendment 21. In sub-section (1) of section 76 of the principal Act, clause (c) shall be deleted and the enacting of Assam Act XXIV clause (d) shall be renumbered as clause (c). of 1959. Insertion of 22. After section 76 of the principal Act, the following shall be inserted as section 76A namely section 76A in Assam Act XXIV of 1959. "Settlement 76A. (1) Subject to sub-section (2), all hats with of hats, dis- in the Panchayat areas shall be settled in the prescribed manner for a period of one year by public auction to and maintenance be held at the headquarters of the Anchalik Panchayat and within whose jurisdiction the particular hat or hats regulation are situated by the Committee constituted by the Government hereof. kuma Parishad in the manner prescribed. 105 (2). All settlement made under sub-section (1) shall be subject to confirmation by the Mohkuma Parishad in a meeting convened for the purpose within such period as may be prescribed in this behalf. In case the Mohkuma Parishad in such meeting refuse to confirm, the reasons for such refusal shall be duly recorded in the proceedings of the meeting and the Mohkuma Parishad shall pass such orders thereon as it may deem fit. (3) After the settlement is confirmed the lease in the prescribed form shall be issued by the Mohkuma Parishad to the person in whose favour the settlement is confirmed. (4) All sale proceeds of hats shall be deposited in the Subdivisional Rural Development Fund and distributed in the manner hereinafter provided :— (i) if the sale proceed of any hat does not exceed rupees three thousand, then the entire amount shall be made over to the Gaon Panchayat within whose jurisdiction the hat is situated ; (ii) if the sale proceed of any hat exceeds rupees three thousand but does not exceed rupees ten thousand then a sum of rupees three thousand shall go to the Gaon Panchayat within whose jurisdiction the hat is situated and the balance to the Anchalik Panchayat in whose jurisdiction the hat is situated ; (iiz) if the sale proceed of any hat exceeds ten thousand, then a sum of rupees three thousand shall go to the Gaon Panchayat within whose jurisdiction the hat is situated and a sum of rupees seven thousand shall go to the Anchalik Panchayat within whose jurisdiction the hat is situated and the balance shall go to common pool ; (iv) one-third of the common pool shall be distributed among all the Anchalik Panchayats and the remaining two-thirds among all the Gaon Panchayats within the area of the Mohkuma Parishad. The basis of distribution shall be area cum population in both the cases. (5) All hats the sale proceeds of which do not exceed rupees five thousand shall be maintained and regulated by the Gaon Panchayat concerned where the hat is situated, and all hats the sale proceeds of which exceed rupees five thousand shall be maintained and regulated by the Anchalik Panchayat concerned where hat is situated." 106 23. In section 139 of the principal Act, the existing section shall be renumbered as sub-section (1) 139 of thereof and the following shall be inserted as sub-section XXIV of section (2), namely 1959. "(2) After passing an order under sub-section (1) the Deputy Commissioner or the Subdivisional Officer, as the may

be, shall forthwith submit a copy of the order assigning reasons for making it along with any explanation submitted by the Gaon or Anchalik Panchayat or Mohkuma Parishad concerned to the State Government which may rescind, modify or confirm the order." 24. In section 161 of the principal Act, (1) for Amendment Of section clause (h) the following shall be substituted, namely :— of 161 Assam Act "(h) other similar matters including contributory XXIV of 1959. provident fund, gratuities or pensions or other benefits."

