

ASSAM PANCHAYAT ACT, 1994

594 THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 (Received the assent of the Governor On 5th May, 1994) (THE ASSAM PANCHAYAT ACT, 1994) ACT Preamble . to as Short title extent and Commence- ment. DeA nition to amend and consolidate Laws relating to Panchayats in Assam. 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 follows :--- 1. (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 hereinafter 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. 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 a 'Gaon Panchayat'; (2) 'Gaon Panchayat' means a Gaon Panchayat established under this Act; (3) 'Anchalik Panchayat' means an Anchalik Panchayat established under Act ; (4) 'Zilla Parishad' means a Zilla Parishad established under this Act ; (f) 'Local Authority' includes Gaon Sabha, Gaon Panchayat, Anchalik Panchayat, Zilla Parishad, Municipal Corporation; Municipal Boards and Town Committees ; ASSAM GAZETTE EXTRAORDINARY, MAY 6, (6) 'Notification' means a notification published in the Gazette ; 1994 in the 595 (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 fifteenth - years of age • (9) 'Village' means any local area, recorded as a village in the revenue records of the District in which it is situated and includes any areas which the State Government may by general or special order, declare to be a village for the purpose of this Act ; (10) 'Co-operative Society' 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) 'Executive 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, Representative of local Co-operative Societies and representative 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 Article 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 Article 342 of the Constitution of India ; (16) 'Public Servant' means a public servant as defined in Section 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, Haat 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 article for 596 1994 ASSAM GAZETTE. EXTRAORDINARY, MAY 6, human or animal Consumption of livestock or of other merchandise, etc ; (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 and country boat whether operated with or without engine but does not include motor-vehicle or rickshaws ; (21) 'Cart' means any cart, hackney or wheeled vehicle with or without springs which is not a carriage as defined in sub-section (20) (22) 'Cattle' includes such quadrupeds as are included in the Cattle Trespass Act, 1917 ; shall have the same meaning as in Section 2 of the Code of Criminal Procedure, 1973 ; (24) 'Bye-Law' means bye-law made and approved under the provision of this Act ; 'Debtor' 'Legal - (25) The expression 'Decree Holder representative' and 'Moveable Property' shall have the same meaning as in section 2 of the Code

of Civil Procedure, 1988 ; (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. means the year commencing on the (ii) "Panchayat Year" first day of July or on such other date as the State Government may by notification appoint. (27) ' "House-hold" 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 Act, other than 'case', 'action' or 'suit' ; tank, (30) "Water Course" includes river, stream, channel, and aqueduct ; (31) "Sur-charge" means an additional charge or payment ; this well (32) "Development Departments" under the provision of this Act shall include departments as may be notified by the State Government from time to time EXTRAORDINARY, MAY 6, 1994 597 (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 or Anchalik Panchayat or Zilla Parishad ; (35) ' :means a non-official who is elected as the of Gaon Panchayat or Anchalik panchayat or Zilla Parishad ; "Chair—person" means the elected Non-official head, either (36) be, of Gaon Panchayat or Anchalik or female as (the CL. St Panchayat or a 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 in Anchalik Panchayat, the shall function as executive Officer boundary of which is co-terminous with that of the Development Blocks ; (40) "Secretary" means Secretary of Gaon Panchayat ; (41) 'Deputy Commissioner" means the Deputy Commissioner of district notified by the Government. The term Deputy Commissioner shall and include an Additional Deputy Commissioner and a Sub-Divisional Officer of an outlying Sub-Division. CHAPTER—II CONSTITUTION OF DISTRICT PLANNING COMMITTEE 3. (I) The Government shall constitute in every district a District Planning Committee consolidate the plans prepared by Zilla District Panchayat, Anchalik Panchayats, Gaon Panchayats, Town Committees, Planning Co- Municipalities and Municipal Corporations. in the district and to committee. prepare a draft plan for the district as a whole. (Q) The District Planning Committee shall consists of (a) The members or 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 the 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 Head Quarter of the District. 598 Gaon Sabha THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 (e) Such number of persons not less than four fifth of the total number of Members as may be specified by the Government, elected in the prescribed manner from amongst the members of the Zilla Parishad, Councillors (f) 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. (3) The Deputy Commissioner shall be a permanent invitee of the Committee as an Ex-Officio Member. (4) The Chief Executive Officer of the Zilla Parishad shall be the Ex-Officio Secretary of the Committee. (5) The President Of the Zilla Parishad shall be Ex-Officio Chair. man of the District Planning Committee. (6) 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. (7) Every District Planning Committee shall in preparing the draft development plan ; (a) 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 the 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 financial or otherwise ; (iii) consult such instructions and organisations as the Governor may by order, specify. (8) 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—III GAON SABHA 4. (I) 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 ; THE ASSAM GAZETTE, EXTRAORDINARY. MAY 6, 1994 599 (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 Panchayats ; (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 members for that meeting. (4) The meeting of the Gaon Sabha shall be convened by the Secretary of the Gaon Panchayat with approval of the President of the Gaon Panchayat in consultation with the Block Development Officer concerned provided written 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, an Anchalik Panchayat directs for holding such Gaon Sabha for the purpose for selection of beneficiary of Rural Development Programmes, the Secretary of the Gaon Panchayat will convene the meeting within twenty days time. (6) (i)---The quorum for a meeting of the Gaon Sabha Quorum shall be one-tenth of the total members or one hundred number of members of the village/villages whichever is less. (ii) If at the time of appointment for the meeting, 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 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 could not be considered at the meeting so fixed. 600 THE ASSAM GAZETTE, (7) Resolution: Any Gaon Sabha under this of votes of the members (8) Functions : The functions namely : 1994 EXTRAORDINARY, MAY 6, resolution to the matter entrusted to the Act, shall have to be passed by a majority present, Gaon Sabha shall perform the following (a) mobilising voluntary labour and contribution in kind and cash for the Community Welfare Programmes; (b) identification of beneficiaries for the implementation of development 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 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 kind of assistance in 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 any sitting allowance for attending the Gaon Sabha. CHAPTER—IV ESTABLISHMENT AND GAON PANCHAYAT 5. (1) The State Government may, by notification, declare any Establish of a local area comprising a revenue village or a group of revenue Panchayat villages or a Forest village or a Tea Garden area or hamlets forming part of a village or Forest village or Tea Garden area or other such administrative or part thereof to be a Gaon Panchayat with population of its territory not less than and not more than ten thousand : Provided that, Where a group of revenue villages or Forest villages or Tea Garden areas hamlets or other such administrative units or part thereof is declared to be a village or the name shall be known as revenue till the hamlets are included in the territory thereof the case may be, having the largest population, 601 THE ASSAM GAZETTE. EXTRAORDINARY, MAY 6, 1994 Constitution of Gaon Panchayat, 7, (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. (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. Every Gaon Panchayat, save as otherwise provided in this Duration of Gaon Act, shall continue for a term of five years from the date Panchayat appointed for its first meeting: Provided that the term of the office fixed under this sub-section shall be held to 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. Election to S. (1) The election to constitute a Gaon Panchayat shall be completed before the expiration of its duration specified in Section (7) Panchayat, 602 THB ASSAM GAZETTE, EXTRAORDINARY MAY 6 (b) in case of dissolution, before the expiration of six months from the date of its dissolution: Provided that where the remainder of the period for dissolved Gaon Panchayat would have continued is less than it shall not be necessary to hold any election under this for constituting the Gaon Panchayat for such period. 1994 of a period which the six months, sub-section (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 Section—(7) had it not been so dissolved. 9. (1) In every Gaon Panchayat seats shall be reserved for—

Reservation of Seats of Gaon Panchayat. (a) Scheduled Caste, 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 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-section (1) shall be reserved for women belonging to the Scheduled Caste 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 Caste 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: 603 ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 Provided also that the number of offices reserved under this sub-section shall be allotted by rotation to different Gaon Panchayats. Election of 10. (1) After the election of the President of the Gaon Panchayat under President Section 6 (1) (b) and the Vice-President under Section 6 (3) if any and Vice. vacancy occurs by reason of death, resignation or removal in the President or the Vice-President or the Vice-President as the case may be, the Gaon Panchayat shall elect the President under Section 6 (1) (b) or the Vice-President under Section 6 (3) as the case may be: Provided that no election shall be held if the vacancy is for 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 offices 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 subsection 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. (1) The term of office of every President and every Term of office of President shall, save as otherwise provided in this Act, cease on the expiry of his term of office as President of Gaon Panchayat. (2) Allowances and other conditions of service of President of Gaon Panchayat and Vice-President shall be as may be prescribed, function and duties of President and Vice-President of Gaon Panchayat, 13 (1) The President shall,— (a) be responsible for convening the meeting of Gaon Sabha, 604 THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 (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, performed 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, (8) 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, function and duties so delegated to the Vice-President; (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; 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. 14. (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. Vice-President. 4 cat. THE ASSAM GAZETTE, EXTRAORDINARY, 6, 1994 605 (2) Every resignation under subsection (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 member of Gaon Panchayat. 15. (1) Every President or Vice-President shall be deemed to have resigned his office forthwith when resolution expressing confidence in him is passed by majority of two-thirds of the total number of members of the Gaon Panchayat. (2) 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 refer the matter to the President of the concerned Anchalik Panchayat who shall arrange to convene the meeting within fifteen days from the receipt of intimation from the Secretary of the Gaon Panchayat and preside over such meeting. (3) In case the President of the Anchalik Panchayat does not take action as above within the specified fifteen days time the concerned Deputy Commissioner may refer the matter to the Zilla Parishad for necessary action. (2) The requisition for such a special meeting under Sub-

Section 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 Vice President as the case may be, of the concerned Anchalik Panchayat With intimation to the Deputy Commissioner of the District. (S) 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 Zila Parishad for misconduct of his/her duties or neglects or incapacity to perform his/her duties 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 Vice-President during the remaining term of office either as President or Vice-President 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-section (3) may also be removed from membership of the Gaon Panchayat by the Government after giving member a reasonable opportunity to furnish his explanation. 16. A member of a Gaon Panchayat may resign his membership. Resignation of members. In writing under his hand addressed to the President of the Gaon Panchayat. 17. (1) A Gaon Panchayat shall meet for the transaction of business. Meeting of the Gaon at least once in two months at the option of the Gaon Panchayat. and at such time as the President may determine. (2) The President whenever he thinks 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-section (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-section (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. (1) The Quorum for a meeting of the Gaon Panchayat shall be one third of the total number of members. (2) If 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 shall be brought before and disposed of at the next meeting. THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 607 (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 confidential motion is discussed where 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 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 he has any pecuniary interest, or if the person has any pecuniary 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 pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such session 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. Functions of 19. Subject to such conditions as may be specified by the Government, the Gaon Panchayat shall perform the functions specified below :— 1. GENERAL FUNCTION (1) (2) (3) (4) (5) (6) Preparation of Annual Plans for the development of the

Geon Panchayat area. Preparation of Annual Budget of Gaon Panchayat. Mobilisation of reliefs in natural calamities. Removal of encroachments on public properties; Organising voluntary labours and contribution for community works. Maintenance of essential statistics of villages. 608 THE ASSAM GAZETTE, EXTRAORDINARY* MAY 6, 1994 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 unauthorized alienation and use

111. 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 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. KHADI, U 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 record relating to the houses, other private/public properties, site and THE ASSAM GAZETTE. EXTRAORDINARY. MAY • 6, 1994 VIII. DRINKING WATER: 609 (1) Construction, repairs and maintenance of drinking water wells, tanks ponds and tubewells. (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 transferred to it by the Government or any public authority. Maintenance of boats, ferries and water ways, X. RURAL ELECTRIFICATION: Including identification of locality for distribution of electricity, providing of 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 devices including biogas 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 IRDP through Gaon Sabha schemes (3) Participation in effective implementation of various and monitoring including PRIMARY SCHOOLS : (1) Promotion of public awareness and participation in Primary and Secondary Education (2) Full enrolment of children in Primary Schools if management including the attendance of the Primary School teachers. 610 THE ASSAM GAZETTE. EXTRAORDINARY, MAY. 6, 1994 XIV. ADULT AND NONFORMAL 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) (2) (3) (4) (5) (6) (7) (8) Implementation of family welfare programme. Prevention and remedial measures against epidemics. Regulation of sale of meat, fish and other perishable food Participation in programmes of human and animal vaccination. Licensing of eating and entertainment establishment. Destruction of Stray dogs. Regulation of curing, tanning and dyeing of skins and hides. Regulation of offensive and dangerous trades. XX. WOMEN AND CHILD DEVELOPMENT : (1) Participation in the implementation of women and child welfare programme. ASSAM GAZETTE. EXTRAORDINARY 6, 1994 (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 and destitutes and distribution of foodstuff

Social welfare programmes . (2) Selection of beneficiaries and monitoring of the old age and widows pension scheme. xxn. WELFARE OF THE WEAKER SECTIONS AND 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 DHARAM- SALAS AND SIMILAR INSTITUTIONS. xxvI: CONSTRUCTION AND MAINTENANCE OF CATTLE SHEEPS POUNDS AND CART STANDS. xxvII. MAINTENANCE OF PUBLIC PARKS AND PLAY GROUNDS. 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 GOVT. IN THE DEPTT, OF PANCHAYAT AND RURAL DEVELOPMENT. 612 Assignment of functions. THE ASSAM GAZETTE. EXTRAORDINARY, MAY. 6, 1994 20, (1) The Government may, by notification, 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 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 clause (a), the Government shall direct that any amount required for such management and maintenance or 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: 22. (1) Every Gaon Panchayat shall have powers to do all such Acts necessary powers of police or incidental to the carrying out of the functions entrusted, assigned Gaon Panchayat or delegated to it in part or whole, and without prejudice to the powers, to exercise all powers specified in this Act. 22. (1) Every Gaon Panchayat shall constitute the following Standing Committees. 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 :— interests Classes ; (b) and any (c) (iii) promotion of educational, economic, social, cultural and other of Scheduled Castes and Scheduled Tribes and Backward protection of such castes and classes from social injustice form of exploitations, welfare of women and children, 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 five members including the President or the Vice-President, as the case may be. The President of the Gaon Panchayat shall be the Chairman of all the three committees : THE ASSAM MAY. 6 1994 613 P; (b) The social justice committee consist of one member who is a woman 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 Samiti (Aotomated recognised by the Such 'inn be decided by the Gaon Panchayat by resolution' with majority (c) A representative of Societies in the Panchayat area shall be co-opted to the Development Committee . Provided that every members shall have the right to take part in the deliberation and 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. (1) A Gaon Panchayat shall have powers to acquire, hold immovable property & fund dispose of property and into contract : of Gaon Panchayat. Provided that in all acquisition or disposal of immovable it shall obtain the approval of property by the Gaon Panchayat, the Government (2) All properties, within the limits of the jurisdiction of Gaon Panchayat, of the District hereinafter in this section specified, other than property maintained by the central State Government or a local authority or any other Gaon Panchayat, shall vest in and belong to the Gaon Panchayat, and all other properties of whatever nature or kind it may become vested in the Gaon Panchayat be under its management and control, that is to say— (a) all immovable properties; (b) all

pable stree%, inclåding the SD(I, stones and other material thereof and all culverts, trees, erection, materials implements -end ofher thiirs provided for such streets; (c) All public chmiMeIs, water courses, s *rings, tanks, ghats, reservoirs, vells, pipes. pumv;s other water works whether made, laid Or erected the cust Ot - the Gaon Panchayat otherwise, and all bridges, buildings, engine, wcrVÆS, materiais conraec\$ ed therewith or pertainié»g thereto and also any adjacent• land, -(not being private property) pertainizg lo any tank : Provided that water pipes and water worKs connected there with or pertaining thereto which with •the consent of- the Gaon Panchayat are laid or Setup in - any street by the owner of any • mill, factory, workshop or the like, primarily for the use of cheir employees shall not be deemed to be public works byw reason of their use by the public, 614 THE ASSAM GAZETTE. EXTRAORDINARY, MAY. f, 1994 (d) ail sewage. iSh and offensive matter depoyited on street: from streecs, latrines, urinals, or collected by Che Gaon Panchayat sewers and other places ; (e) all public iampss Lamp posts and apparatus connected there- with or pertaining thereto; and (f) all buildings e:ected by the Gaon Panchayats and ail iands and buildings or the property trasferred to the Gaon Panchayat by the Central or the State Government or acquired by gift, purchase or otherwise for local pubjic 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 aod maintenance of such items are done from lenurces other than Gaon Pane by ether •gency/Gover4men1 choyat fund : Provided further that if the cost of the construction ot the work had been paid from the Gaoa Panc2ayat lune, such work shall not this Act or any special be excluded from the operati0i.u section o: this Act except after considcation of the views of the Gaon Panchayat at a meeting. (4) The Government Sifay allocate to a Gaon Panchayat any public property situated within its local jurisdictions, and thereupon such property shall vest in and come ur,der the control of the Gaon Panchayat. 24. (1) For every Gaon Panchayat there shall be conatituted a Gaon Pan- chayat fund. Gaon Panchayat fund bearing the name of the Gam Panchayat and there shall be placed to the credit thereof (a) contribution and grants, if. any, made by the Cuttal or the State Government; (b) contribution and grants, if ary made by the Zilla Parishad, Ancha)ik Yanchayat or any' other local authority; (c) loans, if any, granted by the Central or the State Government ; (d) ail receipts on account c: taxes, rates and fees levied by it • (e) all receipts iu of any schools, hospitals, dispensary, buildings, institutions or works vested in. ecnstructed by or placed under the control and managemect of the Gaon Panchayat. (f) sums received as gifts cr contribution and all iEcome from any trust or endowmenc made in favour o: the Gan FanchayaC ; (g) such fines and penalticg imprned or realised under the provi— siona of this Act as may be prescribed; axation. THE ASSAM GAZETTE. EXTRAORDINARY, MAY. 6, 1994 615 (h) all oiber sums received by or cn behaT of other Gaon Pancha- yat. (2) Every Gaon Panohnynt ghall set apart and apply annually such sum ag may be req%Eited to meet the cost of its own administration including payment of wage.' and purchase of furr iture and other offco equipment aua ete lioruery articles and to meet the charges on eleotri— city, post and ph3, P. O. L. etc. and other iacidental charges ; Ptov,ded that the total expendituxe on establishment shall not exceed third Of the total expenditure of the Gaon Panchayat in a year. (3) Every Gaon P2itchayat sball have the powers to gpend such jnrns ae it thinks fit for carryiog out the purposes of ibis Act; (4) The G;on Panchayat fund shall be vegted in the Gaon Pan- chayat and the balance to the credit of the fund shall be kept in tbe • custody of the Gaoav P Æzchayat Secretary. to rules as may bo made In this 25. (1) Subject behalf, a Gaon Pancbayat impose yearly (a) tax on houses and structures within the loeai limits ; (b) on trades and callincs carried on cr held within the local limits of its isezction, & tax on tle of the total annual income accruéd fgorn J such trades and callngng. (2) Sgbjtct to such tules zs mgy be made in this behalf, a Gaon Panchayat 8ball levy, (q) a dutv in tite shape of an adduional stamp duty on all pay- menes 'for admis ,iou te any entertainments; (b) a fee orovidirjg sanita:y arrangement at such places of workshop or pii\$iraage, rairs e ad melas within its jurisdiction as may specified by the Government; (c) e water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Gaon Pen- chayat withLtL ii\$ juvisdiciion; (d) a lighting rate, where arrangement for lighting of public streets and places ig node by {be Ga n Panchayat witbio its jurisdiction; (e) a co•aservamcy rates w; ere arrangement for clearing private latrines, unnai\$is made by {E e Gaon Panchayat vithin its jurisdiction. (3) Subject to the rules and hve - laws fl&rned in this behalf. a Gaon filay impoe tax on the following (a) sale o? firewood and thatch, conservtnce anci slaughter bouge ; (b) privage hat, and private fisheries; THE ASSAM GAZETTE. EXTRAORDINARY. MAY -(c) shops, pharmacics, tailoring, laundry, hair cut(izg pentary works and automobile wBrk\$hops, 'V., V.C.R., tape recerder

repairing shops; 6, 1994 saloon, car- radio and (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 on— (i) registration of cattle sold within the local area; (ii) licence for stall, hotel, sweet stall, restaurants, (iii) carts, carriages, bicycles, bullocks 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 to the State Government in this regard shall be before the State Government. (6) The State Government, may suspend the imposition of any tax or fee at any time and may rescind such imposition in consultation with the District, Parishad, (7) Subject to such rules as may be made. & in this behalf by a Gaon Panchayat may levy taxes on a person for any trade or view to utilise the fund so collected for the improvement of the facilities development of that particular area or in connection with the approval of the Anchalik Panchayat.

26. Subject to the provisions of section 113, every Gaon Panchayat shall be entitled to receive from the State Government, Local Rates/ assistance to Gaon Panchayat - grant-in-aid as prescribed from the State as Panchayat. recommended by the State Finance Commission constituted under Section 113. of this Act. And in such time as may be prescribed, the Gaon Panchayat shall submit to the State Government a statement of its estimated receipts and expenditure for the financial year to Anchalik Panchayat, having and shall submit to the jurisdiction over the Gaon Panchayat. (2) The Anchalik Panchayat may within such time as may be prescribed, either approve the budget or reject the Gaon Panchayat, such modification as it may direct. 617 the budget shall be resubmitted 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. (1) Accounts of income and expenditure of every Gaon Panchayat— Accounts of the Gaon Panchayat shall be kept in such form and manner as may be prescribed Panchayat, 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. (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-section (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. (1) There shall be Secretary, and other staff as may be staff of Gaon Panchayat - prescribed by Government in every Gaon Panchayat who shall be appointed provided - In Section—140 (1) and/or deputed by Government from time to time, In Of the employment of the Director of Panchayat and Rural Development, Assam shall be the appointing authority. 2) The Secretary shall be in charge of the Office of the Gaon Panchayat and shall perform all the powers and duties imposed or conferred upon him by or under this Act and 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 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 whom he shall be responsible to the Government, Panchayat. 618 THE ASSAM GAZETTE. EXTRAORDINARY, MAY 6, CHAPTER—V 1994 ESTABLISHMENT AND CONSTITUTION OF ANCHALIK PANCHAYAT Establish, (1) For each Development Block there shall be an Anchalik Panchayat having jurisdiction. save as otherwise provided in this Anchalik Panchayat Area Act, over the entire Development Block jurisdiction excluding of Anchalik such portion of the Block as is included in a Town Committee and Panchayat 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 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 with or without the limits -of the area over which it -has - authority, or entering into contracts or doing all things necessary, proper and expedient for the purpose for which it is constituted, 32. (i) Every Anchalik Panchayat shall consist of Constitution of Anchalik Panchayat. (a) One member from each Gaon Panchayat -to be directly elected from the territorial constituency of the Gaon Panchayats under the jurisdiction of the Anchalik Panchayat. (b) The Presidents of the Gaon Panchayats falling within 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 -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. (1) One Gaon- Panchayat area shall form a constituency Election of Members' for electing one member directly to the Anchalik Panchayat. V.) allotment of • seat under sub—section (1) for directly elected members shall be the same throughout the entire State. 619 THE ASSAM GAZETTE. EXTRAORDINARY, MAY 6, 1994 34. (1) Seats shall be reserved in a Anchalik Panchayat for the Reservation of Seats• 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 a Anchalik Panchayat in such manner, as may be prescribed. (2) Not less than one-third of the total number of seats reserved under Clause (1) shall be reserved for women belonging to Scheduled Caste! 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 Anchalik Panchayat, in such manner as may be prescribed, Duration 35. Every Anchalik Panchayat, save as otherwise provided in of Anchalik shall continue for a term of five years from the this Act, Panchayat. date appointed for its first meeting. Election 36. (1) The election to constitute an Anchalik Panchayat shall be Process for Anchalik completed— Panchayat. (a) before the expiry of its duration specified in Section 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 Section (35) had it not been dissolved. 37. (1) The directly elected members of the Anchalik Panchayat shall Election of elect from amongst the members two members as President and Vice—Pre— President and Vice sident respectively of the Anchalik Panchayat in a meeting (which president of shall be called the first meeting of the Anchalik Panchayat) to be Anchalik Panchayat convened by and presided over by the Deputy Commissioner of the Panchayat. District in the manner prescribed. The Deputy Commissioner may delegate the powers of over such meeting to any officer not below the rank of Class-I Gazetted officer. (2) If there occurs equal vacancy in the office of the President or the Vice-President the members shall elect amongst the members from 620 THE ASSAM GAZETTE. EXTRAORDINARY. MAY 6, 1994 hereinafter provided, as the President or amongst the members the Vice President, as the case may be, in the manner prescribed : if the vacancy is for a - Provided that no election shall be held in a period of less than one month, 38. (1) There shall be reserved by the Government in the Reservation for the office prescribed manner, - of the President and Vice-President- (a) such number of offices of the President of Anchalik Panchayat of Anchalik Panchayat in the district for the person belonging to the Scheduled Caste and Scheduled Tribes and number of offices bear the same proportion to the total number of offices in the District as 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 offices of President and Vice-President

of the Anchalik Panchayats in the district for each of the categories reserved (or persons belonging to the Scheduled Casts, Scheduled Tribes and those which are non-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, the President and Vice-President of an Anchalik Panchayat shall hold office for the terms of office specified in the Schedule. 3) The powers, functions and duties of the President and Vice-President of an Anchalik Panchayat shall be as may be prescribed. 4) Every member of the Anchalik Panchayat other than the Vice-President shall be entitled to receive such salary and allowances as may be prescribed. 5) The powers, functions and duties of the President and Vice-President of an Anchalik Panchayat shall be as may be prescribed. 6) The Vice-President of an Anchalik Panchayat shall— in the absence of the President, preside at the meetings 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) during the absence of the President or during the absence of the Vice-President from the Anchalik Panchayat area or by reason of leave for a period exceeding thirty days, exercise the powers and perform the duties of the President. 42. (1) A member holding office as President of the Anchalik Panchayat may resign his office at any time by writing under his hand and addressed to the Deputy Commissioner of the district concerned and the Vice-President may resign his office at any time by writing under his hand addressed to the President of the Anchalik Panchayat in the absence of the President to the Deputy Panchayat Commissioner of the concerned district. (2) Every President and Vice-President of an Anchalik Panchayat shall vacate office, if he ceases to be a member of the Anchalik Panchayat. 43. (1) Every President and Vice-President of the Anchalik Panchayat shall be deemed to have vacated his office forthwith, on a resolution of no confidence in him is passed by a majority of the total number of the 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 the Vice-President if the motion is against the President. In case such a meeting is not convened in 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. (2) In case the Zilla Parishad is not convening the meeting within fifteen days and disposed the matter accordingly, the concerned Deputy Commissioner may refer the matter to the Government and Government shall in that case take appropriate action. (3) The requisition for such a special meeting shall be signed by not less than one-third of the total 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 sub-section (2) of Section-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 term of office as member of the Anchalik Panchayat. (5) Every President or Vice-President of the Anchalik Panchayat shall be eligible for re-election as President or Vice-President during the remaining term of office as member of the Anchalik Panchayat.

Panchayat Shail after an opportunity is afforded for hearing him, be removable 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 to be removed shall remain in the office of the member. THE ASSAM GAZETTE EXTRAORDINARY MAY 6, 1994 623 (6) A President or a Vice-President removed from his office under sub-section (5) may also be removed by the Government from membership of the Anchalik Panchayat, Resignation 44. A member of an Anchalik Panchayat may resign membership of members of In writing under his hand addressed to, the President of the Anchalik Panchayat. Panchayat and his seat become vacant immediately, 45. (41) An Anchalik Panchayat shall hold a meeting for the transaction of business at least once in two months (hereinafter Panchayat. In this section called the ordinary meeting) and shall subject to the provisions of the following subsections, 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 thereon. (2) Every meeting of the Anchalik Panchayat shall ordinarily be held at the headquarters of the Anchalik Panchayat. (3) The date of the first meeting of the Anchalik Panchayat, after its first constitution or reconstitution, 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 date 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 held by the President. 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 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. 624 1994 THE ASSAM GAZETTE EXTRAORDINARY* MAY 6, 46. (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 shall be by raising of hands. The Presiding Member, unless he refrains from voting, shall give vote before declaring the number of votes for and 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. THE ASSAM GAZETTE EXTRAORDINARY. MAY. 9, 1994 625 (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 resolution to modify or cancel any resolution within three months after the passing thereof except in accordance with sub-section (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 of at the meeting for which the adjournment took place. (8) No resolution of Anchalik Panchayat 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, if it has been given fulfilling the requirements of sub-section (4) and setting forth fully the resolution which it is proposed to modify fully or cancel at such meeting. 2nd motion or proposition for the modification or cancellation of such resolution. Proceedings 47. The proceedings of every meeting shall be recorded of Anchalik Panchayat 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. 626 THE GAZETTE EXTRAORDINARY, MAY. 6, 1994 Presence of 48. The Anchalik Panchayat may require the presence of Government Officer in or Government officers at its 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. (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; THE ASSAM GAZETTE, EXTRAORDINARY, MAY. 6, 1994 627 (2) Agriculture including Agricultural Extension. (a) identification and implementation of schemes 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) storage and distribution of insecticides and pesticides; (d) propagation of improved methods of cultivation; (e) promotion of cultivation and marketing of vegetable, 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. 628 THE ASSAM GAZETTE. (6) Animal Husbandry, (a) maintenance of Services; (b) improvement of livestock; EXTRAORDINARY _ MAY. 6, 1994 Dairying and Poultry Veterinary and

Animal Husbandry bleed of cattle, poultry and other (c) promotion of dairy farming, poultry and piggery ; (d) prevention c f epidemics and contagious disease , (7) Fisheries— (a) promotion of fishezies development ; (8) Khadi, Village and Cottage Industries— (a) promotion of Rural and Cottage Industries ; (b) organisation cf conference, seminars and training programmes, agricultural and industrial exhibitions ; (9) Rural Housing (a) implementation of housing scheme and distribution of hcuse sites in villages— (IO) Drinking VVatQ r— (a) establishment, repairs and maintenance of rural water supply schemes (b) prevention and control of water pollution ; (c) implementati(n of rural sanitation schemes ; (11) Social and Farm Forestry, Minor Forest produce, Fuel 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 fcrestry ; (12) Roads, Building, Bridges, Ferries, Vlatecways and other means of communica tic n— (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; T HE ASSAM GAZETTE. EXTRAORDINARY, MAY. 1994 629 (b) maintenance of buildings or other properties vested in the Anchalik Panchayat ; (c) maintenance of bonts, ferries and waterways not un- der the Govt. or any other local bodies ; (13) Non-Conventional Energy Sources : (a) Promotion and development of non-conventional en- ergy source . (14) Education, including Primary and Secondary Schools : (a) Promotion of Primary and Secondary Education• (b) Construction, repairs and maintenance of Primary School Buildings. (c) Promotion of Social Education tGrough Youth Clubs and IMahila Mandals. (15) Technical Training and Vocational Education : (a) Promotion of rural artisan and vocational training. (16) Adult and Non-Formal Education : (a) Implementation of Adult Literacy ProgI amme. (17) Cultural Activities : (a) Promotion of social and cultural activities. (18) Market and Fairs : (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 progra- mme. (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. 630 THE ASSAM GAZETTE, EXTRAORDINARY, IViAY. 6, 1994 (21) Social Welfare including Welfare of Handicapped, Mentally Retarded (a) Promotion 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 handicapped. (22) Welfare of the weaker section and in particular of the Scheduled Castes and Scheduled Tribes : (a) Promotion of welfare of Scheduled Castes, Sched- uled Tribes and other weaker section (b) Preventing such castes and classes from social injustice and exploitation. (23) Maintenance of Community Assets : (a) Maintaining of all community assets vested in it or transferred by the Government or any local authority or organisation. (b) Preservation and maintenance cf other community c,sscts. (24) Public Distribution System : (a) Promotion of distribution 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-operation activities. (27) Libraries: (a) Promotion of libxaries. (28) Such other functions that may be entrusted by the Government or the Zilla Parishad. THE ASSAM GAZETTE, EXTRAORDINARY, r71AY. 6, 1994 631 50. The Anchalik Panchayat shall have powers to do all Gene ral powers of acts necessary for or incidental to the carrying out of the Panchaya% functions entrusted or delegated to it and, in particular and without prejudice to the foregoing powers to exercise all powers specified in this Act. Delegat:on 51. Anchalik Panchayat may, by notification delegate of Powers. to the Executive Officer or any other officer, the powers conferred by or under this Act. 52. (I) The Anchalik Panchayat shall have the following Standing Cornmi tees standing com mittees — of Anchalik Panchayat. (a) (b) (c) (2) number man, as chosen bers. (3) General Standing Committee Finance, Audit and Planning Committee ; Social Justice Committee. Each standing committee shall consists of such of members not exceeding six including the Chair- may be specified by the Anchalik Panchayat , and by the Anchalik Panchayat from amongst its mem- The President of the Anchaiik Panchayat shall be the Chairman of the General Standing Committee and Finance, Audit and Planning Committee. The Vice-President of the Ar•chalik 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 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. 632 1994 THE ASSAM GAZETTE EXTRAORDINARY, MAY 6, 53. (1) The General Standing Committee shall perform Functions of 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 schemes and any other function 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. (1) The Anchalik Panchayat may frame Procedure of regulations relating to selection of members of committees, conduct of business therein and all other matters relating to them. THE ASSAM GAZETTE, EXTRAORDINARY, MAY. 6, 19 4 633 (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 in 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, any officer of the Anchalik Panchayat who connected with the work of the Committee. The Ex-Officio Secretary [referred to in sub-section (5) of Section-52] shall under instruction of the Committee, issue notices and secure the attendance of the Officer. Power to- 55. (1) An Anchalik Panchayat shall have the power to acquire, hold or dispose of property and to enter into of property. 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 provision of the relevant land acquisition Act, and such land shall on acquisition, vest in the Anchalik Panchayat. 634 THE ASSAM GAZETTE, EXTRAORDINARY, MAY. 6, 1994 Anchalik Pa- 56. (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; if any, made by the (b) contribution and grant, 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 other bye-laws made there under, 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 (11 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 powers to think fit for carrying out the spend such sums as it purpose of this Act. THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 635 (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. Subject to such maximum rate as the Government may prescribe, an Anchalik Panchayat may, (a) (b) (c) (d) 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; levy tolls in respect of any ferry established by it, or under its management; levy a surcharge on Land Revenue at the rate of 0.02 (two paise) per rupee; 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, confectionary 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. 636 THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 (4) 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 or 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 the approval of the Zilla Parishad. 58. (1) An Anchalik Panchayat may, subject to the provisions of any law relating to the raising of loan by Sinking Fund 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 re-payment of such loans. (2) An Anchalik Panchayat may borrow money from the Government, or with the previous sanction of the Government, from bank or other financial institutions, for furtherance of its objectives on the basis of specific schemes as may be drawn up by the Anchalik Panchayat for the purpose. 59. (1) Every Anchalik Panchayat shall, at such time Budget of Anchalik Panchayat and in such manner as may be prescribed, prepare in Panchayat. 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. An Anchalik Panchayat shall keep such accounts Accounts of Anchalik PO and in such form as may be prescribed. Panchayat. accounts of the of the 61. (1) The audit Auditing. 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 to the Zilla Parishad and to the Director Panchayat, 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-section (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. (1) An Anchalik Panchayat being coterminous Staff of chalik Pance to a Development Block shall have an Executive Officer hayat. appointed by Government who shall be the Ex-officio Secretary. Provided that the Block Devtlopment Officer or such other officer as may be appointed by Government shall hold the post of the Executive Officer and Secretary of the An- chalik Panchayat. 638 THE ASSAM GAZETTE, EXTRAORDINARY, MAY, 6, 1994 (2) The other staff of the Anchalik Panchayat shal be appointed as provided in Section 140 of the Act. In respect of the provincialised Panchayat employees working under the Anch alik 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 11 to serve under the Anchalik Panchayat. (4) Notwithstanding anything Contained in thié. Act, or any of the law; 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 powos to effect transfer of. the concerned officers and the provincialised staff in consultation ,with the Zilla Parishad concerned. Powers and 63. (1)Save as otherwise expressly provided by or under functionS of the this 9Act, the Executive Officer shall, tive Officer of the Anc- h alik Pan- chayat. (a) (b) (c) exercise all powers spnifically imposed or conferred upon him by or under this Act, or any other law for the time being in force • 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 , 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 ; THE ASSAM GAZETTE, EXTRAORDINARY, MAY, 6) 1994 639 (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 Executivio 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 If in the opinion to move any resolution or to vote. of the Executive Officer any proposal before the Anchalik Panchayat is violative Ofor 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— VI ESTABLISHMENT AND CONSTITUTION OF ZILLA PARISHAD. Establish" 64. (1) For every district there shall be a Zilla Parishad of Zil- ta Parishad. having jurisdiction, save as otherwise provided in this Act, over the entire district excluding such portions (f 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 underc any law for the time being in force . Provided that a Zilla Parishad may have its omce 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) Eyery Zilla Parishad shall be a body corporate by the name of/" Zilla Parrshad' ando shali have perpetual succession and a common sea and Qubject to such restrictions as are imposed by or under this or any other enactment with the capacity of suing and . heing sued in its corporate name, of acquiring, holding 640 THE ASSAM GAZETTE, EXTRAORDINARY, MAY, 6, 1! 94 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. Constitution of Zilla Pari. shad. 65. (1) The Zilla Parishad shall consists of : (i) the members directly elected from the territorial censtituencies of the district : Provided that 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 nct less than 40 thousand and that each territorial constituency shall elect one member to the Zilla Parishad through direct election in the manner prescribed ; (ii) the Presidents of the Anchalik Panchayats ; (iii) the Members Of the House of People and the Members of the State Legislative Assembly representing a part or whole of the district whose cor.stituencies lie within the district. (2) AIJ the members shall have the right to vote. Reservation 66. (1) Seats shall be reserved for the Scheduled Castes, of seats for Scheduled and Scheduled Tribes in every Zilla Parishad and the num- Caste and Sc- ber of seats shall bear, as nearly as may be, the same propor- tion to the total number of seats to be filled up from amongst bes, 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. THE ASSAM GAZETTE, EXTRAORDINARY, MAY, 6, 1994 641 (2) Not less than one-third of the total number of seats Reservation of seats for women be- reserved under sub-section (I) shall be reserved for women belonging to belonging to the Scheduled Tribes or as the case may be Scheduled caste and the Scheduled Castes. Scheduled Tribes. 67. (1) Not less than one—third, including the number Reservation Of seats for of seats reserved for women belonging to the Scheduled women Castes and Scheduled Tribes under sub-section (2) of Section 66 of the total number of seats to be filled up from amongst the directly elected members under sub-section (1) of Section 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, Government may by notification in the Official Gazette, nominate one member from such category

68. Every Zilla Parishad except as provided in the Act., Term of Zilla Parishad Election to dissolved Zilla Parishad shall continue for a period which shall not exceed five years from the date of holding the first meeting. 69. (1) Election to constitute the Zilla Parishad shall be completed (a) before the expiry of its duration, as specified in Section 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-section (1) had it not been dissolved, 642 THE ASSAM GAZETTE, EXTRAORDINARY, MAY, 6, 1994 When the Zilla Parishad is constituted under Election Of 70, (1) President the Deputy Commissioner shall call a meeting Section 64, and Vice- Parishad (which shall be called the first Meeting Of Of the Zilla the Zilla the Zilla Parishad) for the election of a Parishad, meeting of President and a Vice-President by and from amongst the members directly elected under Section 65 (1). (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 election shall be in accordance with such rules as may be prescribed by the State Government/State Election Commission. (1) The allowances of the President and the Allowances 71. of the President- Vice-President shall be as may be prescribed by the State and Vice- Government. President and sitting fee and allowances of the (2) Every member of the Zilla Parishad except member; the President and the Vice-President shall be entitled to receive, such sitting fee and allowances as may be prescribed by Government. 72. (1) A member holding the office as President Resignation or removal of the President of the Zilla Parishad may resign his office at any time by writing and send it to Government through the Deputy Vice-President. 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 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 THE ASSAM GAZETTE, EXTRAORDINARY, MAY, 6, 1994 643 73. (1) Every President and every Vice-President No confidence- in Zilla Parishad shall be deemed to have vacated his office if a resolution expressing want of confidence is passed by majority of two-thirds of the Vice-President of total number of members elected directly as Zilla Parishad member at a meeting especially convened for this purpose and presided over by the Vice-President if the motion is against the President and the Vice-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 the Deputy Commissioner for the purpose, who shall direct the Chief Executive Officer of the Zilla Parishad to convene the meeting. 74, (1) Without prejudice to the provision under Remo v a l o f Presi' dent and this Act a President or a Vice— President or a Vice-Presi- member of a Zilla Parishad may be removed from ofte den t O f Zilla by the State Government for misconduct in the discharge Ähad. cf his -cluties 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 shall be removed from omce unless- he/she is given reasonable opportunity to furnish explan- ation to the State Government. 644 THE ASSAM GAZETTE, EXTRAORDINARY, M X Y, 6, 1994 (2) A President or a Vice President removed from his office under sub-section (1) may also be removed by the Government from membership of the Zilla Parishad after an opportunity is afforded for hearing him

75. Every Zilla Parishad shall hold meetings atleast Meeting of the Zilla once in every thrce months, at such time and at such Parishad.place within the local limits of the district concerned the Zilla Parishad may fix at the immediately preceding meeting: Provided that the first meeting of a newly constitute Zilla Parishad shall be held at such time and at suc 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 IO (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. (1) One-third of the total number of members of the Quorum of Zilla Pari- Zilla Parishad shall form a quorum for transacting business shad meet- inge at a meeting of the Zilla Parishad. (2) Ten clear days notice of an ordinary meetin and seven clear days notice of a special meeting specifyin the time at which such meeting is to be held and the business to bc transacted thereat, shall be sent to the members and pasted up at the offlcc Notice Board of the Zilla Parishad. Such notice shall include, in the case of a speciart 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 DO 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 THE ASSAM GAZETTE, EXTRAORDINARY, j GAY, 6, 1994 645 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 Shail be modiL fied or cancelled within six months after th3: passing there- of except by a resolution passed by hot i less ' one half of the total number of members at an rdinary or special meeting• Any: notice thereof Shai) be garen fulfilling the requirement of sub-section (2 p: and setting forthfully the resolution which is proposed modify fully or cancel at such meeting and motion or proposi— tion for the modification or cancellation of such resolution. (5) The proceedings of every meeting; s! atli%e rcor- ded in the minutes book immediately after , the deliberation of the meeting and shall after being, ; read over by the Chairman of the mceting be signed by him. The action taken on the decisions Cf the Zilla Parishad shall be _tepcr- ted at the next meeting of the. Zilla Parishad. The minutes book shall at all rcaonable times, be open te inspect by any member of the Zilla Parishad. The i' minutes bock shall always be kept in tl e office tji& Zilla Parishad and it shall be in the custody of the. Giliefi Executive Officer. (6) A copy of every resoitioun passed by the Zilla Parishad at a meeting shall, witliin ten days (rom the date of the meeting, be forwarded •toe Government, (7) All questions coming before the Zilla Parishad shall be decided •by a majority of votes . Provided, that in case of equality of, Presi- dent or the member Diesiding shall have m •casting vc to. (8) Every meeting shall be presided over by the President or if he, is absent by the Vice President and if both the President arid 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. Powe r s / (1) The President functi o n s and duties of President •ad Vice- Presid e n t of. Zula Parish. 646 THE ASSAM GAZETTE, EXTRAORDINARY, MAY, 6, 1994 (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 ; such (d) exercise such other powers, perform 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• If it appears to a Zilla Parishad that presence of the Government Officer of 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• Subject to such conditions as may be specified by the Government from time to time, the Zilla Parishad shall perform the functions specified in section 90. 80. (1) The Government may assign to a Zilla Parishad such 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 functions assigned under this section

81. The Zilla Parishad shall have the following Standing Committees. namely: (a) (b) (c) (d) 82. Chairman of General Standing Committee, Finance and Audit Committee, Social Justice Committee, Planning and Development 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, ASSAM GAZETTE, EXTRAORDINARY, MAY, 6 1994 (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: 830 (1) The General Standing Committee shall perform or Standing Committees. 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 scrutinizing proposals for increase of revenue, budgets, examination of receipts and expenditure, consideration of proposals effecting the finance of the Zilla Parishad and general supervision the revenue and expenditure of the Zilla Parishad; (b) they Plan priorities, allocation of outlays to developments, horizontal and vertical linkages, implementation of guidelines issued by Government, regular review of planning programmes and small saving schemes, (3) The Social Justice Committee shall perform functions relating to THE ASSAM GAZETTE, EXTRAORDINARY, MAY, 6, (a) promotion of educational, economic, rural and other interests of the Scheduled Tribes and Backward Classes; 1994 649 social, Castes and (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 frame work 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, Hospitals, 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. Delegation of 84. (1) The Standing Committees shall perform the powers to functions referred to in sub-sections (1), (2), (3) and (4) Standing Committee ' 650 THE ASSAM GAZETTE EXTRAORDINARY, MAY, 6, 1994 of Section 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. (1) The Zilla Parishad may frame regulations relating Procedure of Committees. 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• Delegation of 86. The Zilla Parishad may by powers to Chief Executive Officer or other officers powers conferred by or under this and other Parishad officers. notification delegate officers any of the Act, on the Zilla Powers acquire hold and dispose of property. hold or (1) A Zilla Parishad shall have the power to acquire, dispose of property and to enter into contracts: THE ASSAM GAZETTE, EXTRAORDINARY, MAY, 6, 1994 651 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 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. Power to dis- 88. The Zilla Parishad may, by notification, turn, divert, dis- vert, discontinue or close or permanently close any road, which is under the control and administration of or is vested in, the Zilla Parishad. 89. (1) The Zilla Parishad shall have powers to do all acts General powers of Zilla Parishad. 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, —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. 652 THE ASSAM GAZETTE* EXTRAORDINARY, MAY, 6, (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. Functions 90. (1) It shall be the function of a Zilla Parishad to and power. of Zilla Parishad 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 (i) Agricultural (i) promotion of measures to increase agricultural production and to popularise the use of improved agricultural implements and the adoption of improved agricultural practices; (ii) opening and maintenance of agricultural farms and (iii) (iv) (v) (vi) (vii) marketing agencies/infrastructure;

establishment and maintenance of godowns and cold storages; conducting agricultural fairs and exhibitions; management of agricultural and horticultural extension of training centres; training of farmers; 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; THE .GAZETTE, EXTRAORDINARY, MAY, 6, 1994 (iii) development of ground water resources; (iv) installation of pump sets; (v) watershed. development programme. 653 (3) Horticulture (i) rural parks and gardens; (ii) cultivation of fruits and (iii) farms. (4) Statistics vegetable; (i) publication of statistical and other information relating to activities of Gaon Panchayats, Anchalik Panchayat 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 : Assist in implementation and maintenance of electrification schemes. (6) Soil Conservation ; (i) soil conservation measures; (ii) -land reclamation and land development (7) Marketing rural ele- works. (i) development of regulated markets and marketing yards; (ii) grading and quality control of agriculture products. 654 THE ASSAM GAZETTE, EXTRAORDINARY, MAY, 6, (8) Social Forestry (i) organise campaign for tree planting; (ii) planning and maintenance of trees; (9) Animal Husbandry and Dairying . 1994 (i establishment of veterinary hospitals and dispensaries; (ii) setting up of mobile diagnostic and clinical labora- tories; (iii) breeding farms for cows and pigs; (iv) poultry farms, duck farms and goat farms; (v) common cold storage facilities for dairying, poul- try 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 plant - tion and fodder development; (ii) management of minor forest products of the forests raised in community land; (iii) development of wasteland. (11) Fisheries : (i) fish seed production and distribution; (ii) development of Fisheries in private and nity tanks; (iii) development of inland fisheries; (iv) fish culling and drying; commu- THE ASSAM GAZETTE, EXTRAORDINARY, MAY, 6, 1994 655 (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 supply; (iii) design and production to suit the changing consumer demand; (iv) organisation 09 training programme for craftsmen and artisans; (v) liasion 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) bridges and culvert coming under roads other than National and State Highways ; (iii) construction and maintenance of omce building of the Zilla Parishad; (iv) identification of major link roads connecting mar- uets, educational institutions, health centres; 656 THE ASSAM' GAZETTE, EXTRAORDINARY, MAY, 6, 1994 (v) organising voluntary surrender of land for new roads and widening of existing road. (14) HEALTH AND HYGIENE (i) establishment and maintenance of hospitals, pri- mary health centres and despensaries except Civil Hospital, Medical College Hospital T.B. Sanitorium, Leprosy Hospitals and Mental Hospitals; (ii) implementation of immunisation and vaccination programme. (iii) health education (iv) maternity and child health activities/ activities; (v) family welfare ith Anchalik and (vi) organising health camps Panchayats ; (vii) measure against environment pollution. (15) RURAL HOUSING families; (i) identification of Houseless Gaon (ii) implementation of house building programme in the district; housing. Ciii) Popularising low cost (16) EDUCATION (i) promotion of educational activities including the establishment and maintenance . of primary and secon- dary schools ; (ii) planning of programmes for Adult Education and library facilities; (iii) extension work of propogation of science and technology • to rural areas; (iv) survey and evaluation of educational activities ; THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 657 (v) establishment and maintenance of general hostels, ashrams, schools and orphanages. (17) SOCIÁL WELFARE AND WELFARE OF WEA- RER SECTIONS (i) (ii) (iii) (iv) extension of educational facilities to the Scheduled Castes, Scheduled Tribes and Backward Classes by giving scholarship, stipends boarding, grants and other grants for the

purpose of books and other accessories; managing hostels for the benefit of Scheduled Castes and Scheduled Tribes; organising nursery schools, Balwadies High schools and libraries to eradicate illiteracy and impart general education; conduct of model welfare centre and craft 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) women's organisation and welfare; (ii) local vagrancy relief; 658 THE EXTRAORDINARY, NIA 6, (iii) children's organisation and welfare; 1994 (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 Scheduled Caste or Scheduled Tribes; (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 food adulteration; smuggling, tax evasion, (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) establishment' (20) 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— THE ASSAM GAZETTE, EXTRAORDINARY, NIA 6, 1994 659 (a) manage or maintain any work of public utility or any Institution vested in it or under its control and management; 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. Zilla 91. 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; 660 ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 (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, profits 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. Custody and (1) The amounts at the credit of the fund shall be investment held in a current account with the nearest branch of the Zilla Parishad Fund. 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 Cooperative Apex Bank in the State any surplus fund in the hands 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 disposal of such securities. with like sanction. Application 93. (1) Subject to the provisions of this Act and the Zilla Parishad fund rules made thereunder and such general or special orders as and

Property. the Government may make, all property owned by, or vested in, the Zilla Parishad under this Act sums accruing and all funds received by it and all to it under c, \the provisions of this Act or an THE ASSAM .GAZETTE, EXTRAORDINARY, 6, 1994 661 other law for the time being in force, shall be applied for the purpose specified in section 90 and section 92(2) and for all other purposes for which by or under this 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 then of 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 etc. ries the (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 of its officers and employees other than those whose sala- and allowances aye paid from the consolidated fund of State; (c) for the purpose specified in the Act; (d) any amounts failing due on any loans contracted by the Zilla Parishad ; (e) all ocher purposes for which by or under this Act or the rules and regulations made thereunder, any Other law for the time being in force, powers are conferred or duties are imposea upon the Zilla Parishad ; (f) with ther previous sanction of the Government, for any other puzpose for which the application of such property or ffund is necessaryân public interest : 662 THE ASSAM GAZÉTTE, EXTRAORDINARY, MAY 6, 1994 Provided that any amount granted to the ZillmParishad 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 .instru- as -the Government may specify either generally or specially in this behalf. Re•t nd 94• Save as other wise provided in this Act and subject tothe regulations made in this behalf, Zilla Parishad fees may charge fee for any licence or permission issued by it under this Act and the rules made thereunder •nd levy rent and fee for the occupation or use of land or other property placed under its control or vested it or main— tained out ofthe Zilla Parishad Fund. Taxation 95. (1) Subject to suelh maximum rate, as the Govern- ment may prescribed, a Zilla Parishad may— (a) levy tolls in respect of ?ny ferry established by it under its management ; (b) -levy the following fees and rates,,namely (i) fees on the registration of boat Or vehicle ; (ii) a fee for providing sanitary arrangement at such worship or pilgrimage, fairs and melas within its may be specified by the Govt. by notification. (\$ii) a-fee for licenceéfor fair or mela (iv) a lighting rate where arrangement for lighting public streets and places is made by the Zilla Parishad e within its jurisdiction •nd (v) Awater rate, wherearrangementfor the, supply of weter for drinking, irrigation onny other purpose is made by the Zilla Parishad within Lits jurisdiction. (2) The Zilla Parishad shall not undertake registration of any vehicle or levy fee therefor and shall not uprovide sanitary at places of worship pr pilgrimage, fairs anomelas within its jurisdiction or levy Etherefor if such vehicle has already been registered by any other THE ASSAMJGAZETTDÜ EXTRAORDINARY, MAY 6b 663 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) rme scale oi tolls, fees and' ratesean& the t:rms and conditions for the imposition thereof; shall be such as may be provided by bye-laws. Sucly bye•laws nay prevde for exemption from all or any of the tolls, fees or rates in any classror cases. Budget of. 96. (1) Every Zilla Parishad shall; at sucht time in such Zilla Pari- shad. A ecoumts. Audit manner as may be. prescribed, prepares im each year in budget: of its cstimated 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 budgetfn• return it tothe Zilla Parishad for such mndifications as it may direct. On such modifications being made, thee budger shall be re-submitted within such time as may be- prescribe& forr approval of the Government. If the approval of theu Government is not received by the Zilla Parishad' within thirty days from the date of sub- mission or re-submission, astlw casenay 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. Zillæ Parishad may 'prepare: in each year a sup- plementary 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. A Zilla Parishad.shall, keep such accounts in such a manner as may be prescribed by the Government.

98. (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 Withimone month Of completion of the audit. 664 THE ASSAM GAZETTE, EXTRAORDINARY, 6, 1994 (2) On receipt of the audit report referred to in sub- section the Zilla Parishad shall either remedy any defects or irregularity Which have been pointed out -im the audit and send to the Government within three months cr intimation of its having done so or shall, within the said perted, supply any further explanation to the prescribed authority in regard to such defects or irregularities as it may wish to give, 99. A Zilla Parishad may, with the vreview sanction of the Powers to raise loans Government and subject to the conditions imposed by it from and



forming a sinking time to time, raise loans for the execution of any work or for Fund. Prohibition of expenditure not covered by the budget. Government- the purpose of carrying out any of the provisions of this Act and form a sinking fund for the payment of such loan

100. 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 the 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) powers (d) (i) (ii) (iii)

101. moneys payable to sums which the Zilla Parishad is required or em. by this Act to pay by way of compensation ; every sum payable— under this Act by order of the Government; under a decree or order of a Civil Court; and, under a compromise of any suit or other legal proceedings, or claim. It shall be lawful for the Government from time to time, by notification that any road, tank, to place bridge, channel, building or other property, movable or other property with immovable or which is vested in the Government and Zilla Parishad which is situated in the district, shall with the consent of the Government in the ASSAM GAZETTE, EXTRAORDINARY, TZAV, 6, 1994 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 a Zilla Parishad under sub-section (1) on such terms as the Government may determine. 102. (1) The Government shall appoint an officer Staff of Zilla Parishad, not below the rank of the Addl. 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 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 Section 140 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-clause (5) and (6) in position in the Zilla 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. Functions of 103. (1) Save as otherwise expressly provided by or the Chief Executive and under this Act, the Chief Executive Officer shall— other officers of the Zilla Parishad (a) carry out the policies and directions of the Zilla Parishad and take necessary measures for the speedy execution of all works and developmental 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 District Collector 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 Executive Secretary Of the Zilla Parishad and may take part in the 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 provision of this Act or any other law the rules or order made thereunder, it shall be his duty to bring the same to the notice of the Zilla Parishad. ASSAM GAZETTE,

EXTRAORDINARY, MAY 6, 1994 667 (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 authorised by the Act or Rules and Regulations warranted by the 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. (i) Every person in possession of money, Right to requisition 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 records or other money, or deliver up such accounts, 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 is 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 VII SETTLEMENT OF HATS, GHATS, FERRY, ETC., & DISTRIBUTION OF PROCEEDS & MAINTENANCE & REGULATION THEREOF. Settlement of 105. (1) All Hats within the territorial jurisdiction of Anchalik Hats by an Anchalik Panchayat shall be settled in 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 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 Section 52 (1) (a). (4) All settlement made under sub-section (3) shall be subject to the confirmation of the Zilla Parishad: Provided that in case of any dispute, the Anchalik Panchayat may refer the 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 Hat 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 percent of the total sale proceeds of Hats, shall be made over to the Zilla Parishad funds; and (b) an amount equivalent to forty percent of the sale proceeds of Hats shall be equally distributed to all the Gaon Panchayats under the Anchalik Panchayat and remaining forty percent retained in the Anchalik Panchayat Fund: Provided that amount due if any, on account of annual instalment for repayment of the loan with interest incurred by the erstwhile Mahkuma Panchayat, 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 percent share of sale proceeds of hats made over to Anchalik Panchayat or Gaon Panchayat as the case may be. 106. 1) All Public Ferries, other than Government ferries within the territorial jurisdiction of the Anchalik Panchayat shall be settled in the Public Ferry and distribution manner prescribed (or a period with kind not exceeding one Panchayat financial year by inviting tenders at the office of the Anchalik Panchayat by its President. thereof (2) Detailed procedure 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 referred to in Section 52 (1) (a). (4) All settlement made under sub-section (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 ferries shall be deposited in the Anchalik Panchayat Fund and thereafter the proceeds of inter-Anchalik Panchayat 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 percent of the sale proceeds of public ferry shall be made over to the Zilla Parishad Fund; (b) an amount equivalent to forty percent 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 percent share of sale proceeds of public ferries received by it: Provided further that if any Anchalik Panchayat fails to make improvement or neglect to maintain the portion of the inter-Anchalik Panchayat Public ferry falling within the jurisdiction of the Anchalik Panchayat, the expenditure incurred for maintenance and improvement shall be deducted from the share of the defaulting Anchalik Panchayat. (c) An amount equivalent to forty percent of the sale proceeds of public ferries shall be equally distributed among all the 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. Settlement of 107. The powers of settlement of private hats, ghats and fishery; private hat, ghat, and fishery etc. under the jurisdiction of the Gaon Panchayat shall be vested in series etc. the Standing Committee as under sub-section (1) (i) of Section-22. by the Gaon Panchayat. 108. (1) Notwithstanding anything in any for the time being in force, the State Government shall transfer fisheries to Fishery which has fetched an income of rupees twenty-five thousand or less in a year to the Gaon Panchayat within the jurisdiction of and Anchalik which the fishery is situated: Provided that the Government shall give effect from the date following year such income. (2) The Government shall transfer fisheries whose annual 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. Settlement of 109 (1) as otherwise provided in this Act or rules, all fisheries of Anchalik Panchayat shall be settled by the distribution of Anchalik Panchayat in the manner prescribed for a period coinciding with or not exceeding one Panchayat financial year by inviting tender thereof. at the office of the Anchalik Panchayat by its 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 Section-52 (i) (a). (4) Any settlement made under section (3) shall be subject to the confirmation of the Zilla Parishad: THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 671 Provided that in case of any dispute, the Anchalik Panchayat may refer such cases to the Government and the aggrieved party may appeal before the 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 percent of the total sale proceeds of Anchalik Panchayat fisheries shall be to the Zilla Parishad Fund. (b) Forty percent of the sale proceeds of the Anchalik Panchayat fisheries shall be retained in the Anchalik Panchayat Fund, (c) Forty percent of the total sale proceeds of Anchalik Panchayat fisheries shall be distributed equitably among the Gaon Panchayats within the jurisdiction of the Anchalik Panchayat. (6) The Government, Fisheries and Fishery falling under any Anchalik Panchayat within the jurisdiction of Zilla Parishad, the yearly sale value of which is more than rupees one lakh and less than three lakhs shall be settled by the Zilla Parishad concerned for a period coinciding with and not one Panchayat financial year as under Sections 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 Section 81 (i) (a). The distribution of sale proceeds shall be in the manner as prescribed in the foregoing

sections 110. (1) Notwithstanding anything contained in the Assam Municipal Act, 1956 the sale of land situated in the area which has been excluded from the territorial jurisdiction of the Gaon Panchayat and in the territorial and included jurisdiction of the Town Committee or Municipality, shall be equally in Town Co-apportioned by the State Government for three succeeding years commencing from the year of such transfer of the area. Municipality (2) For any loan incurred by 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 or repayment of loan with interest, shall be transferred to such Town Committee or Municipality, under order of the Government. 672 THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, CHAPTER VIII 1994 DISQUALIFICATION OF THE PRESIDENT, VICE-PRESIDENT & MEMBER OF ZILLA PARISHAD, ANCHALIK PANCHAYAT AND GAON PANCHAYAT



111. No Person shall be elected or co-opted and remain Disqualified 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 Section 110 of the Criminal Procedure, 1973, unless a period of four years has elapsed from the date fixed for holding election from the date of his release in case of a sentence or 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, charged insolvent; (d) has been proclaimed a traitor 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 Section 135, sub-section (2) of Section 136 of the Representation of the 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 cooperative 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; THE ASSAM GAZETTE, EXTRAORDINARY, VOL. 6, 1994 673 (i) a person chosen as a member of a Panchayat shall not become a member of the House of the People, the State Legislative Assembly or is or becomes a Municipal Councillor or a Councillor upwards or a Town Committee, then within fifteen days from the date of the termination of the term of office of a member of the House of the People, the State Legislative Assembly or of Municipal Corporation or Municipality or member of Town Committee, his seat in the Panchayat shall become vacant unless he has previously resigned his seat in the House of the People, the State Legislative Assembly or the Municipality or the Municipal Corporation or the town committee or 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 eighteen years.

CHAPTER—IX GENERAL POWERS OF INSTRUCTION, SUPERVISION AND CONTROL OF STATE GOVERNMENT General Power—12. (i) it is the duty of a person empowered by the Government in the name of the Government to superintend, guide, supervise, control, direct, and to see that the administrative duties of a Zilla Parishad, Anchalik Panchayat or Gaon Panchayat are performed; (ii) he shall have the right to enter into and inspect any immovable property in the occupation or control or any work in progress in the direction of a Zilla Parishad, Anchalik Panchayat or Panchayat; (b) call for and inspect any report, for the purpose of this Act, made in the previous session or control of a Panchayat or (Joan Panchayat; (c) require, by an order, in writing from 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 which they think necessary, also see that the proceedings of Zilla Parishad, Anchalik Panchayat or Gaon Panchayat are conformable with law and manual, any proceedings which is considered necessary 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 Zilla Parishad, Anchalik Panchayat or Gaon Panchayat and rectify any act or omission, - 674 THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, CHAPTER—X 1994 CONSTITUTION OF FINANCE COMMISSION AND STATUTE ELECTION FOR ANCHALIK PANCHAYAT BODIES, Finance Co- 113. The State Government shall as soon as may be, within a period of one year from the date of commencement of the Constitution (seventy-third amendment) Act, 1992 and 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 Government as to— (a) the principles which should govern— (i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State which shall 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 Panchayats from the consolidated fund of the State. (b) the measures

needed improve the financial position of the Zilla Parishads, Anchalik Panchayats and Gaon Panchayati}.

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound financial policy 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 shall be appointed in such manner as may be prescribed by Government. (4) The Finance Commission shall determine its procedure. (5) The Chairman or a member of the Finance Commission may resign his office by writing under his hand and seal addressed to the Chief Secretary to the Government, of 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-section (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. THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 675 (7) The Commission shall have the following powers in the performance of its functions 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 (1) The Superintendence, direction and control of the Panchayat Election Commission preparation of electoral roll for, and the conduct of all election 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 Government may by rule determine, provided that the State Election Commissioner shall not be removed from his 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) Subject to the provisions of Constitution of India, as amended, the State Legislature may by law, make provision with respect to all matters relating to, or in connection with Election to the Panchayats. 676 MAY 6 CHAPTER—XI MISCELLANEOUS : Powers over 115 Every Panchayat shall have powers to revise or modify decision of Committees, any decision taken by any of its Committees. Powers of 116. (1) A Gaon Panchayat, subject to the provisions of the Act and the rules made thereunder and with the Panchayat make bye-laws, subject to the sanction of 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 function and duties entrusted to it under section 9 (3) In making any bye-laws under sub-section (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 it lies in his power, of 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 (1) An Anchalik Panchayat, subject to the provisions of the Act and the rules made thereunder and with the Panchayat make bye-laws, subject to the 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-section (1) shall be subject to the condition of previous publication and such publication shall be made in such manner as may be prescribed. Power of Govt. 118. (1) A Zilla Parishad may, subject to the provisions of this Act and the rules made thereunder and with the 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-section (1) shall be subject to the condition of previous publication and such publication shall be made in such manner as may be prescribed. Power of Govt. 119 (i) 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 Panchayat,

Anchalik Panchayats and Zilla Parishads- (2) A Gaon Panchayat, Anchalik Panchayat or Zilla Parishad may, by resolution adopt the model byelaws or regulations, as the case may be made under sub-section (1), and such bye-laws and regulations shall come into force within the jurisdiction of 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. Powers of 120.

(1) When on account of the reason that the limits of Government a Panchayat area is altered, the Government may by order to dissolve and reconstituted in the Official Gazette dissolve such Panchayat, from a date specified in the order and direct that Gaon Panchayat in the alteration of Panchayat, Anchalik Panchayat and Zilla Parishad concerning limits or new Panchayat area. (i) be re-constituted for the Panchayat area of which the Gaon Panchayat or of which Anchalik Panchayat or the district of which the Zilla Parishad has been dissolved ; or (ii) be re-established for a Panchayat area, block or district which has been newly re-constituted. (2) The member of the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad which has been dissolved under sub-section (1) shall vacate their office from the date specified in the order of the Government, 678 THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 (3) The Gaon Panchayat, Anchalik Panchayat or Zilla Parishad re-constituted or re-established under the provisions of sub-section (1) shall consist of members nominated by the Government and such members shall be persons who are members of the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad which has been dissolved under sub-section (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 or Zilla Parishad so constituted or established shall be for such period not exceeding six months as the Government may by order specify. (6) Prior to the expiry of the term of the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad in accordance with the provisions of sub-section (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 under sub-section (6) shall continue only for the remainder of the period for which the dissolved Gaon Panchayat, Anchalik Panchayats 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 reconstituted 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, THE ASSAM GAZETTE, EXTRAORDINARY, MAY 1994 679 (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 the Gaon Panchayat, Anchalik Panchayat or Zilla Parishad which has been reconstituted 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, rule, 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. (1) The Government may, at any time for 121. Inquiry into the affairs of reason to be recorded, cause an enquiry to be made against any of its Officers in regard to any Gaon Panchayat, Anchalik Panchayats 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. 60,0 THE ASSAM GAZETTE, EXTRAORDINARY, 6, 1994 122. (1) Notwithstanding anything contained in this Direction from Government. 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, plans estimate statement, accounts or statistics ; and (c) require any Panchayat to furnish any information or report on any matter connected with such Panchayat. 123. (1) Notwithstanding the transfer of any powers, Restriction or withdrawal of powers functions and duties in respect of any matter to under this Act. the Government on a proposal from the Panchayat in that behalf of 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 it is necessary to withdraw from the Panchayat, the powers, functions or duties in respect of such matter may, by notification in 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 Section— 19, Section— 49 and Section-- 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, 3 THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6 1994 681 Zilla Parishad 124. (1) If in the opinion of the Zilla Parishad, the power of Suspending execution of any order or resolution of a Gaon Panchayat and executing Panchayat or any order of any authority or officer of a power, order Gaon Panchayat or the doing any thing which is about etc. of the Gaon Panchayat to be done, is improper or is causing or is likely to cause injury annoyance to the public or to it may, lead to a breach of peace, by order suspend the execution or prohibit the doing thereof. (2) When the Zilla Parishad make an order under Sub-Section (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. (1) If in the opinion of the Government, a dissolution of Panchayat Gaon Panchayat, Anchalik Panchayat or Zilla Parishad is necessary 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-

Section (I), 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, fixed a reasonable period for The Panchayat concerned 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, 682 THE ASSAM GAZETTE, EXTRAORDINARY/ MAY ; 6, 1994 Gaon Panchayat or the Anchalik Panchayat or the Zilla Parishad shall, from the date specified in the order, vacate their offices as such members. .1 (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. (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 section 3 (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 Section 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 in such form as may be prescribed by the District Planning Committee, to the District Planning Committee, constituted under section 3(1) of this Act. 127. (1) The Government shall constitute such Constitution of Panchayat Election Tribunals as may be necessary, at Election Tribunal. on the High Court recommendation of to dispose of all direct election petitions challenging ASSAM GAZETTE EXTRAORDINARY, MAY 6, 1994 693 this Act. The Jurisdiction, powers and functions under this Act. The headquarters of the Tribunal shall be decided by the Government in consultation with the High Court, except as provided in section 10 of this Act. the first day Annual Act-128. (1) As soon as may be after later than the thirty-first day of July in every year and not later than the 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 day of September of 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 day of September every year. (3) The report submitted to the Government under sub-section (2) shall together with a memorandum by the Government reviewing the working of the Zilla Parishad be laid before the State Legislature. 129. Notwithstanding contained in this Act. in relation to electoral matters. (a) validity of any law relating to the delimitation of constituencies on the allotment of seats to such constituencies, made under Article 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 section 127, 684 THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 Repeal and 130. 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. Repeal of (1) On and from the date on which this Act 131. previous Act. C. 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 effect 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 fund' which are vested in erstwhile Gaon Panchayats, Anchalik Panchayats and Mahakuma Parishads under the provisions of the Assam Panchayati Raj Act, 1986, shall vest in the District Commissioner or the Sub-divisional Officer as the 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 THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 685 Mahakuma Parishads, under 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 Mahakuma 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 this 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 reelection or reappointment

132. If any difficulty arises in giving effect to the Removal of difficulties. 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. (a) The State Government may by notification constitute a standing committee of Legislatures to resolve disputes between the district administration and the Zilla Parishad. Vesting in of 133. When the provisions of this Act are withdrawn properties any Zilla Parishad 012 - Anchalik Panchayat, or Gaon Panchayat, area, all the properties on withdrawal of ties, funds and dues, which were vested in such provision of Zilla Parishads. Anchalik Panchayats, or Gaon Panchayats, the Act. 686 THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 shall be vested in the District 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. Taking of 134, 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. being a member of the Zilla Parishad/Anchalik Panchayat/Gaon Panchayat do swear in the name of God (or solemnly affirm) that 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. If 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. All the measures needed to augment the Consolidated Fund of the State to supplement the resources of the Consolidated Fund 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. Any employee Panchayat institution or Appeal against any order or act of a Panchayat. Any person aggrieved by any order or act of a Panchayat, may file an appeal within fifteen days from the date of receipt of such act, Government whose decision in this regard shall be final. ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 687 138. (1) The State Government may delegate any of their powers under this Act or rules framed thereunder to any officer or any other gazetted officer. (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-section (1), (2), and (3) shall be an order in writing and such order may be modified or - withdrawn at any time

139. Subject to the approval of the Government, every 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'

THE ASSAM GAZETTE, EXTRAORDINARY, MAY 6, 1994 S. No. 1140. 1(i) For Zilla Parishad, Anchalik Panchayat and Gaon Panchayat Grade-I and Grade-II 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 Panchayat 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. (1) The State Government may make rules for carrying out the purposes and objects of this Act, (2) any rule framed under sub-Section (1) may be given retrospective effect. 142. (1) The Assam Panchayat Ordinance, 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. K LASKAR, Secretary to the Govt. of Assam, Legislative Department. GUWAHATI—Printed and Published by the Dy. Director (P) Directorate of Printing and Sty., Assam, Guwahati -21 (Bx.Gazette) No. 97