

ASSAM ACT No.VI OF 1961

THE ASSAM PANCHAYAT (AMENDMENT) ACT, 1960

Received the assent of the Governor on the 30th March 1961

[Published in the *Assam Gazette*, Extraordinary, dated the 30th March 1961]An
Act

to amend further the Assam Panchayat Act, 1959

Preamble.

WHEREAS it is expedient to amend further the Assam Panchayat Act, 1959, hereinafter called the Principal Act, in the manner hereinafter appearing ;

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1959.

It is hereby enacted in the Eleventh Year of the Republic of India as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Assam Panchayat (Amendment) Act, 1960.

(2) It shall have the like extent as the Principal Act.

(3) It shall come into force at once.

Amendment
of Section 11
of Assam Act
XXIV of
1959.

2. In Section 11 of the Principal Act,—

(1) the full stop at the end of sub-section (3) shall be deleted and the words and the punctuation (.) "from the date of the first meeting of the Gaon Panchayat" shall be added.

(2) after sub-section (3) as so amended, the following proviso shall be added, namely :—

"Provided that the term of the office fixed under this section shall be held to include any period which may elapse between the expiration of the said period and the date of the first meeting of the Gaon Panchayat newly constituted at which a quorum shall be present. When a Gaon Panchayat is thus duly constituted the old Gaon Panchayat shall stand dissolved".

(3) after sub-section (3), the following shall be inserted as sub-section (4) and the existing sub-section (4) shall be re-numbered as sub-section (5), namely—

"(4) The representative or representatives elected to the Anchalik Panchayat from a Gaon

Sabha under Section 17 (1)(i) of this Act shall be *ex-officio* member or members of the Gaon Panchayat of that Gaon Sabha”.

Amendment
of Section 16
of Assam Act
XXIV of
1959.

3. In Section 16 of the Principal Act,—

(1) in sub-section (1), the words “or co-opted” shall be inserted between the words “elected” and “and”.

(2) after sub-section (2), the following shall be inserted as sub-section (3), namely:—

“(3) The representative or representatives to the Anchalik Panchayat who are eligible to be *ex-officio* member or members of the Gaon Panchayat under sub-section (4) of Section 11 of this Act shall have the right to attend all meetings and participate in the discussions of the Gaon Panchayat but shall have no right to vote”.

Amendment
of Section 17
of Assam Act
XXIV of
1959.

4. In Section 17 of the Principal Act,—

(1) the existing sub-section (2) shall be re-numbered as sub-section (2) (i) and the following shall be inserted as sub-section (2) (ii), namely:—

“(2) (ii) The Anchalik Panchayat shall co-opt one woman member from within the area of its jurisdiction, if no woman is elected to the Anchalik Panchayat”.

Substitution
of section 18
of Assam Act
XXIV of
1959.

5. For Section 18 of the Principal Act, the following shall be substituted, namely:—

18. When the constitution of an Anchalik Panchayat under Section 17 is complete the Deputy Commissioner or the Subdivisional Officer, as the case may be, shall call a meeting of the Anchalik Panchayat (which meeting shall be called the first meeting of the Anchalik Panchayat) for the election of a President and a Vice-President and the members of an Anchalik manner prescribed”.

“Election of
the President
and the Vice-
President of
an Anchalik
Panchayat.

Substitution of Section 19 of Assam Act XXIV of 1959. 6. For Section 19 of the Principal Act, the following shall be substituted, namely :—

“Term of office of the President, Vice-President and members of an Anchalik Panchayat. 19. The term of office of the President, the Vice-President and the members of an Anchalik Panchayat shall be three years from the date of the first meeting of the Anchalik Panchayat under Section 18 :

Provided that the term of the office fixed under this section shall be held to include any period which may elapse between the expiration of the said period and the date of the first meeting of the Anchalik Panchayat newly constituted. When an Anchalik Panchayat is thus duly constituted and called to meet for the first time the old Anchalik Panchayat shall stand dissolved :

Provided further that the term of the office of a member elected or co-opted, the President or the Vice-President to fill up a casual vacancy shall be the remainder of the term of office of the member, the President or the Vice-President whom he replaces”.

Amendment of Section 22 of Assam Act XXIV of 1959. 7. In Section 22 of the Principal Act, in sub-section (1) after the existing proviso the following shall be added as the second proviso, namely :—

“Provided further that if no woman is a member, the Mohkuma Parishad shall co-opt one woman as member from within the area of its jurisdiction”.

Amendment of Section 23 of Assam Act XXIV of 1959. 8. In Section 23 of the Principal Act—(1) for sub-section (1), the following shall be substituted, namely :—

“Election of the President, the Vice-President and Standing Committee. 23. (1) When the constitution of a Mohkuma Parishad under Section 22 is complete, the Deputy Commissioner or the Subdivisional Officer, as the case may be, shall call a meeting of the Mohkuma Parishad (which meeting shall be called the first meeting of the Mohkuma Parishad), for the election of a President and a Vice-President from amongst its members in the manner prescribed.

(2) The Mohkuma Parishad, in a meeting, may form such number of Standing Committees as may be deemed necessary with the President as the Chairman and with such powers and functions as may be prescribed".

(2) the existing sub-section (2) shall be re-numbered as sub-section (3).

Substitution of section 24 of Assam Act XXIV of 1959. 9. For Section 24 of the Principal Act, the following shall be substituted, namely :—

“Term of office of the President, the Vice-President and members of a Mohkuma Parishad.” 24. (1) The term of office of the President, the Vice-President and the members of a Mohkuma Parishad shall be three years from the date of the first meeting of the Mohkuma Parishad :

Provided that the term of the office fixed under this section shall be held to include any period which may elapse between the expiration of the said period and the date of the first meeting of the Mohkuma Parishad newly constituted. When a Mohkuma Parishad is thus duly constituted and it meets for the first time, the old Mohkuma Parishad shall stand dissolved :

Provided further that the term of office of a member, the President or the Vice-President as the case may be, to fill up a casual vacancy shall be the remainder of the term of office of the member, the President or the Vice-President whom he replaces.

(2) No person shall be entitled to continue as a member of a Mohkuma Parishad under clauses (i), (ii) and (iii) of sub-section (1) of Section 22, if he ceases to be—

- (a) the President of the Anchalik Panchayat ; or
- (b) the member of the Parliament or the State Legislative Assembly, as the case may be ; or
- (c) The Chairman of the Municipality or the Town Committee or the School Board, as the case may be.

(3) No person appointed by virtue of his office under clause (iv) of sub-section (1) of Section 22, shall continue as a member of a Mohkuma Parishad, if he ceases to hold the office”.

Amendment of Section 33 of Assam Act XXIV of 1959.

10. In Section 33 of the Principal Act,—

(1) In the marginal notes the full-stop after the words "Gaon Panchayats" shall be deleted and the words and the full stop "or Anchalik Panchayats" shall be added.

(2) after the words "Gaon Panchayat" in the third line the comma shall be deleted and the words and the comma "or an Anchalik Panchayat" shall be added.

Substitution of Section 49 of Assam Act XXIV of 1959.

11. For Section 49 of the Principal Act, the following shall be substituted, namely:—

"Appointment of Committees.

49. (1) Subject to the prescribed conditions, a Gaon Panchayat or an Anchalik Panchayat may appoint Committees with powers to co-opt members to assist it in the discharge of any specified duty or class of duties and may delegate to such Committees any of its powers as may be deemed necessary.

(2) The President and the Secretary of the Gaon Panchayat or the President and the Executive Officer of the Anchalik Panchayat, as the case may be, shall be members of each of the Committees of the Gaon Panchayat or the Anchalik Panchayat, as the case may be.

(3) The term of the office of the members of the Committees shall be decided by the Gaon Panchayat or the Anchalik Panchayat".

Substitution of Section 165 of Assam Act XXIV of 1959.

12. For Section 165 of the Principal Act, the following shall be substituted, namely:—

"Effect of repeal.

165. (1) From the date the Assam Local Self-Government Act, 1953 is repealed under sub-section (1) of Section 163 of this Act, all the assets including the Local Board Fund belonging to any Local Board shall vest in the Deputy Commissioner or the Subdivisional Officer, as the case may be, who shall hold the assets in trust and perform and exercise all such duties and powers as assigned to the Board under the Act repealed until these are made over in accordance with the order of the State Government or such Officer or Officers as the State Government may appoint in this behalf, to the Mohkuma Parishad or to the Anchalik Panchayat or to the *Ad-hoc* Mohkuma Parishad Committee or to the *Ad-hoc* Anchalik Panchayat Committee or to the Gaon Panchayat established under this Act in the area over which the Local Board, to whom the assets belonged, had jurisdiction,

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(2) On such vesting of the assets as provided in sub-section (1) the liabilities of the Local Board, if any, incurred in the course of performing any legitimate function by such Board shall be discharged and transferred to the Deputy Commissioner or to the Subdivisional Officer, as the case may be".

ASSAM ACT No.VII OF 1961

THE ASSAM APPROPRIATION (No.III) ACT, 1961

Received the assent of the Governor on the 31st March 1961

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An

Act

to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Assam to the services of the year ending on the thirty-first day of March, 1962

It is hereby enacted in the Twelfth Year of the Republic of India as follows:—

Short title and commencement. 1. (1) This Act may be called the Assam Appropriation (No.III) Act, 1961.

(2) This Act shall come into force with effect from 1st April, 1961.

Withdrawal of Rs. 71,01,26,000 from and out of the Consolidated Fund of the State of Assam for the financial year, 1961-62. 2. From and out of the Consolidated Fund of the State of Assam there may be paid and applied sums not exceeding those specified in column (3) of the Schedule amounting in the aggregate to the sum of Seventy-one crores, one lakh and twenty-six thousand rupees towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1962 in respect of the services specified in column (2) of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Assam by this Act, shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1962.