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The 31st March 1967

No.LJL.50/65/9.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT V OF 1967

(Received the assent of the Governor on the 30th March, 1967)

THE ASSAM PANCHAYAT (AMENDMENT) ACT, 1966

[Published in the *Assam Gazette*, Extra-ordinary, dated the 1st April, 1967]

An

Act

further to amend the Assam Panchayat Act, 1959

Preamble. Whereas it is expedient further to amend the Assam Panchayat Act, 1959, hereinafter called the principal Act, in the manner hereinafter appearing ;

Assam Act
XXIV of
1959.

It is hereby enacted in the Seventeenth 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, 1966.

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

(3) It shall come into force on such date or dates as the State Government may, by notification in the official Gazette, appoint.

Amendment
of Section 1
of Assam
Act XXIV
of 1959.

2. In Section 1 of the principal Act, after sub-section (2) the following shall be inserted as sub-section (2A), namely:—

“(2A) Notwithstanding anything contained in sub-section (2), the State Government may, by notification in the official Gazette, declare that any area included under sub-section (2) of Section 5 within the territorial jurisdiction of an Anchalik Panchayat shall be directly administered by that Anchalik Panchayat for the purposes of this Act.”

Amendment
of Section 2
of Assam
Act XXIV
of 1959.

3. In Section 2 of the principal Act, in clause (19) between the words “Anchalik Panchayats”, and “Municipal Boards” the words “Mohkuma Parishads” followed by a comma “(,)” shall be inserted.

Amendment
of Section
11 of Assam
Act XXIV
of 1959.

4. In Section 11 of the principal Act,

(1) in sub-section (2), the words at the beginning “When the Constitution of the Gaon Panchayat under sub-section (1) is complete,” shall be deleted, and the word “the” occurring thereafter shall begin with the capital letter “T”;

(2) after sub-section (5), the following shall be inserted as sub-section (6), namely:—

“(6) When any area is included in or excluded from the territorial jurisdiction of a Gaon Sabha under sub-section (2) of Section 3 of this Act, the Gaon Panchayat constituted for the said Gaon Sabha shall stand dissolved and the State Government shall make such alternative arrangements as may be deemed necessary for carrying out the functions, duties and powers of the Gaon Panchayat so dissolved till a Gaon Panchayat is reconstituted for the Gaon Sabha in the manner provided in this Act:

Provided that when a Gaon Panchayat is dissolved under this sub-section during the currency of its term, the term of the Gaon Panchayat reconstituted under this sub-section shall be till the expiry of the term of the Gaon Panchayat dissolved under this sub-section.”

Amendment
of Section 14
of Assam
Act XXIV
of 1959.

5. In Section 14 of the principal Act,—

(1) in sub-section (3), for the punctuation full stop “(.)” occurring at the end, the punctuation colon “(:)” shall be substituted and the following proviso shall thereafter be added, namely:—

“Provided that if the President fails to call the special meeting to be held within seven days from the date of receipt of the requisition, the Deputy Commissioner or the Subdivisional Officer, as the case may be, on being satisfied that a due requisition has been given, may call such a special meeting to be held in the office of the Gaon Panchayat in such manner as may be prescribed.”;

(2) in sub-section (5), in clause (i), between the words “election” and “or” the words “co option” preceded by the punctuation comma “(,)” shall be inserted;

(3) in sub-section (9), between the words “recorded” and “in” the words “by the Secretary or in his absence by the President or by such member as may be authorised by the President” shall be inserted.

Amendment
of Section 17
of Assam Act
XXIV of
1959.

6. In Section 17 of the principal Act,—

(1) in clause (iv) of sub-section (1), the words “and Gram Sabhas constituted under the Assam Gramdan Act, 1961 (Assam Act I of 1962)” shall be inserted between the words “villages” and “falling”;

(2) after sub-section (5), the following shall be inserted as sub-section (6), namely:—

“(6) When any area is included in or excluded from the territorial jurisdiction of an Anchalik Panchayat under sub-section (2) of Section 5 of this Act, the Anchalik Panchayat constituted under Section 17 for the said Anchalik Panchayat area shall stand dissolved, and the State Government shall make such alternative arrangements as may be deemed necessary for carrying out the functions, duties and powers of the Anchalik Panchayat so dissolved till an Anchalik Panchayat is reconstituted for the Anchalik Panchayat area in the manner provided in this Act:

Provided that when an Anchalik Panchayat is dissolved under this sub-section during the currency of its term, the term of the Anchalik Panchayat reconstituted under this sub-section shall be till the expiry of the term of the Anchalik Panchayat so dissolved.”

Amendment of Section 18 of Assam Act XXIV of 1959, 7. In Section 18 of the principal Act, in sub-section (1), the words at the beginning “When the constitution of an Anchalik Panchayat under Section 17 is complete” shall be deleted, and the word “the” occurring thereafter shall begin with the capital letter “T”.

Amendment of Section 18A of Assam Act XXIV of 1959, 8. Existing Section 18A of the principal Act, shall be renumbered as sub-section (1) and after sub-section (1) as so renumbered, the following shall be inserted as sub-section (2), namely:—

“(2) Notwithstanding anything contained in sub-section (1), if for any reason the President of the Anchalik Panchayat is to vacate his office of the President he shall continue to be the member of the Anchalik Panchayat.”

Amendment of Section 22 of Assam Act XXIV of 1959, 9. In Section 22 of the principal Act,—

(1) in sub-section (1), for clauses (i) and (ii), the following shall be substituted, namely:—

“(i) (a) the Presidents of all Anchalik Panchayats within the area of the Mohkuma Parishad, and

(b) one member to be elected in the manner prescribed, by each of the Anchalik Panchayats within the area of the Mohkuma Parishad from amongst the members of the Gaon Sabhas of the Anchalik Panchayat concerned;

(ii) the Deputy Commissioner and the Subdivisional Officer or the Sadar Subdivisional Officer, as the case may be.”

(2) after sub-section (3), the following shall be inserted as sub-section (4), namely:—

“(4) When the area of operation of a Mohkuma Parishad is altered or reduced under sub-section (2) of section 4 of this Act, the Mohkuma Parishad shall stand dissolved and the State Government shall make such alternative arrangements as may be deemed necessary for carrying out the functions, duties and powers of the Mohkuma Parishad so dissolved till a Mohkuma Parishad is reconstituted for the Mohkuma Parishad area in the manner provided in this Act:

Provided that when a Mohkuma Parishad is dissolved under this sub-section during the currency of its term, the term of the Mohkuma Parishad reconstituted under this sub-section shall be till the expiry of the term of the Mohkuma Parishad so dissolved.”

Amendment
of Section
23 of Assam
Act XXIV
of 1959,

10. In Section 23 of the principal Act,—

- (1) for the existing marginal notes, the following shall be substituted, namely:—
“Election of the President and Vice-President of a Mohkuma Parishad”;
- (2) existing sub-section (3) shall be deleted.

Insertion of
Section 24A
in Assam
Act XXIV
of 1959.

11. After Section 24 of the principal Act, the following shall be inserted as Section 24A, namely:—

“Standing
Committee
of Mohku-
ma Pari-
shad and its
powers and
functions.

24A (1) The Mohkuma Parishad shall form such number of Standing Committees with such powers and functions as may be considered necessary by it.

(2) Without prejudice to the generality of foregoing powers, the Mohkuma Parishad shall form the following Standing Committees, namely:—

- (a) the Planning and Administration Committee ; and
- (b) the Agricultural Production Committee.

(3) The Planning and Administration Committee shall consist of the following members, namely:—

- (i) the Deputy Commissioner who shall be the Chairman of the Committee ;
- (ii) the Subdivisional Officer who shall be the Vice-Chairman of the Committee ;
- (iii) five members to be selected by the Mohkuma Parishad from amongst its members];

- (iv) all Heads of the Development Departments in the District and Subdivision ; and
- (v) the Secretary of the Mohkuma Parishad who shall be the Secretary of the Committee.

(4) The powers and functions of the Planning and Administration Committee shall be as follows:—

- (i) to plan Schemes for Development works ;
- (ii) to Administer Subdivisional cadre of panchayat personnel including their appointment, promotion, transfer, punishment, etc ;
- (iii) to review and co-ordinate works of Anchalik Panchayats and obtaining co-ordination at all levels ; and
- (iv) to perform such other duties and functions as may be assigned to it by the Mohkuma Parishad.

(5) The Agricultural Production Committee shall consist of the following members, namely:—

- (i) the Deputy Commissioner who shall be the Chairman of the Committee ;
- (ii) the Subdivisional Officer who shall be the Vice-Chairman of the Committee ;
- (iii) five members to be selected by the Mohkuma Parishad from amongst its members ;
- (iv) Subdivisional Planning Officer ;
- (v) all District or Subdivisional Officers of Agriculture, Veterinary, Animal Husbandry, Co-operation, Fisheries, Panchayat and Community Development ; and
- (vi) the Committee may co-opt two non-officials as members.

(6) The powers and functions of the Agricultural Production Committee shall be to plan and co-ordinate the activities of the Department concerned, (*viz.*, Agriculture, Veterinary, Animal Husbandry, Co-operation, Fisheries, Panchayat and Community Development) in the matter of the Agricultural Production.

The Chairman shall appoint a Secretary of the Committee who shall also be a member of the Committee.

(7) There shall be a Finance Committee consisting of Members as prescribed.

(8) The powers and functions of the Finance Committee shall be to scrutinize the income of Mohkuma Parishad, Anchalik Panchayats and Gaon Panchayats and also the expenditure incurred in different plans and programmes taken up by the Mohkuma Parishad, Anchalik Panchayats and Gaon Panchayats from time to time."

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Amendment of Section 25 of Assam Act XXIV of 1959. 12. In Section 25 of the principal Act, for the words "a Secretary" occurring between the words "an i" and "appointed" the words "an Executive Officer cum-Secretary" shall be substituted.

13. In Section 27 of the principal Act,—

Amendment of Section 27 of Assam Act XXIV of 1959. (1) in sub-section (1), in clause (b), at the end of the proviso, for the punctuation full stop "(.)" the punctuation colon "(:)" shall be substituted and thereafter the following provisos shall be inserted, namely:—

"Provided further that such meeting of the Gaon or Anchalik Panchayat or Mohkuma Parishad where a motion of no-confidence is discussed shall not be presided over by the President or the Vice-President, as the case may be, against whom the motion of no-confidence is brought:

Provided further that no no-confidence motion against the President or the Vice-President of a Gaon Panchayat shall be moved without prior approval of the Deputy Commissioner or the Sub-divisional Officer, as the case may be:

Provided further that no no-confidence motion shall be brought against the President or the Vice-President concerned within a period of six months from the date on which a motion of no-confidence is disallowed under the preceding proviso.":

(2) in sub-section (3), for the words, figure and bracket "sub-section (1)" occurring between the words "of" and "or" the words, figure, bracket and letters "sub-section (1)(a) and (c)" shall be substituted.

Substitution of Section 28 of Assam Act XXIV of 1959. 14. For Section 28 of the principal Act, the following shall be substituted, namely:—

"Filling up casual vacancy of an Anchalik Panchayat or Mohkuma Parishad. 28. If a vacancy in the office of the President or Vice-President or the member of an Anchalik Panchayat or Mohkuma Parishad occurs by reason of death, resignation or removal or otherwise, such vacancy shall be filled up as early as possible in the manner prescribed."

Amendment of Section 29 of Assam Act XXIV of 1959. 15. In Section 29 of the principal Act,—

(1) in sub-section (3) for the punctuation full stop "(.)" occurring at the end, the punctuation colon "(:)" shall be substituted and the following proviso shall be added thereafter, namely:—

"Provided that if the Secretary fails to call the special meeting to be held within seven days from

the date of receipt of the requisition, the Deputy Commissioner or the Subdivisional Officer, as the case may be, on being satisfied that a due requisition has been given, may call such a special meeting to be held in the office of the Anchalik Panchayat in such manner as may be prescribed.”;

(2) in sub-section (5), in clause (ii), between the words “election” and “or” the words “co-option” preceded by the punctuation comma “(,)” shall be inserted;

(3) in sub-section (8), between the words “recorded” and “at”, the words “by the Secretary or in his absence by such other officer as may be authorised by the President” shall be inserted.

Amendment of Section 30 of Assam Act XXIV of 1959. 16. In Section 30 of the principal Act, sub-section (5) shall be deleted.

Insertion of Section 31A in Assam Act XXIV of 1959. 17. After Section 31 of the principal Act, the following shall be inserted as Section 31A, namely:—

“Panel of the Gaon or Anchalik Panchayat or Mohkuma Parishad. 31A. Notwithstanding anything contained in this Act or the rules made thereunder, the Gaon or Anchalik Panchayat or the Mohkuma Parishad, as the case may be, may at a meeting convened expressly for the purpose with due notice at the beginning of every calendar year or in the first meeting or in the next succeeding meeting after each election, elect a panel of Presidents for the calendar year to exercise the powers and perform the duties of the President under this Act or rules made thereunder when the office of the President is vacant or the President is absent or is incapacitated and there is either vacancy in the office of Vice-President or the Vice-President is also absent or is incapacitated to exercise the powers and perform duties of the President :

Provided that if the Gaon Panchayat fails to elect such panel of the Presidents, the Block Development Officer concerned may appoint such a panel of President for the Gaon Panchayat :

Provided further that if the Anchalik Panchayat or the Mohkuma Parishad fails to elect such panel of the Presidents, the Deputy Commissioner or the Subdivisional Officer, as the case may be, may appoint such panel of the Presidents for the Anchalik Panchayat or the Mohkuma Parishad, as the case may be.”

18. In Section 32 of the principal Act,—

Amendment of Section 32 of Assam Act XXIV of 1959.

(1) for the punctuation full stop “(.)” occurring at the end of the first para, the punctuation comma “(,)” shall be substituted and then words “which shall be exclusive of such staff as may be appointed by the State Government from time to time” followed by the punctuation full stop “(.)” shall be inserted ;

(2) at the end of the second para, for the punctuation full stop “(.)” the punctuation colon “(:)” shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that all employees except Gaon Panchayat Secretaries appointed by the Gaon or Anchalik Panchayat or the Deputy Commissioner or the Sub-divisional Officer, as the case may be, before the date of coming into force of the Assam Panchayat First (Amendment) Act, 1964 (Act VII of 1964) shall be deemed to be appointed by the Mohkuma Parishad under this Act.”

Substitution of Section 35 of Assam Act XXIV of 1959.

19. For Section 35 of the principal Act, the following shall be substituted, namely:—

“Incorporation of a Gaon or Anchalik Panchayat or Mohkuma Parishad. 35. Every Mohkuma Parishad, every Anchalik Panchayat and every Gaon Panchayat shall by the name notified under Sections 4, 5 and 11 respectively be a body corporate having perpetual succession and a common seal and shall subject to any restriction or condition prescribed under this or any other enactment in force, have power to acquire by purchase, gift or otherwise, to hold, administer and transfer property, both movable and immovable, and to enter into any contract, and shall by the said name, sue or be sued, and do all other things necessary for the purposes of this Act.”

Substitution of Section 38 of Assam Act XXIV of 1959.

20. For Section 38 of the principal Act, the following shall be substituted, namely:—

“Duties, functions and powers of Mohkuma Parishad. 38. (1) The Mohkuma Parishad shall perform the following duties, namely:—

- (a) to scrutinize and approve the budgets of the Anchalik Panchayats in accordance with the directions issued by the State Government and then to issue necessary instructions to the Anchalik Panchayat concerned for modifications of their budget where considered necessary:

Provided that if the budget is not scrutinised and communication made as aforesaid within a month of receipt, it shall be taken as approved;

(b) to supervise, guide and co-ordinate the activities of the Anchalik Panchayat;

(c) to review and evaluate the activities of the Panchayats ;

(d) to settle hats and the public ferries other than Government ferries and to fix and revise rents and tolls thereof ;

(e) to settle Panchayat fisheries by sale in auction or by inviting tenders ;

(f) to regulate, maintain and improve the hats and public ferries other than Government ferries in case of default by the Gaon or Anchalik Panchayat, as the case may be ;

(g) to administer subdivisional cadres of Panchayat employees in the manner prescribed ;

(h) to co-ordinate and consolidate the plans prepared in respect of the Development Blocks and to prepare plans in respect of the subdivision ;

(i) to distribute funds to the Gaon and Anchalik Panchayats as may be entrusted by the State Government ;

(j) to advise State Government on all development matters including preparation of district plans ;

(k) to advise in such other matters as may be referred to it by the State Government ;

(l) to advise the Deputy Commissioner and the Subdivisional Officer, as the case may be, in the distribution of Subdivisional Rural Development Fund; and

(m) to draw up special programmes for Backward Classes within its area.

(2) The Mohkuma Parishad shall have the following powers, namely :—

(a) to enter into and inspect any immovable or movable property in the occupation or control of, or any work in progress under, the direction of a Gaon or Anchalik Panchayat ;

(b) to call for and inspect any document which may for the purpose of this Act, be in the possession of a Gaon or Anchalik Panchayat ;

(c) to supervise all revenue matters entrusted to a Gaon Panchayat ;

(d) to hear appeals filed by any person aggrieved by the assessment, levy or imposition of any tax or fee by the Anchalik Panchayat as prescribed ; and

(e) to approve bye-laws prepared by the Gaon Panchayat.

(3) The Mohkuma Parishad may construct and maintain roads, culverts, bridges and embankments and irrigation projects within its area which in its opinion the Anchalik Panchayat is not in a position to do so or the expenditure involved in any such individual project is beyond such limit as may be prescribed by the State Government.

(4) The Mohkuma Parishad shall have such other powers and functions as may be assigned to it by the State Government, from time to time."

Amendment
of Section 41
of Assam
Act XXIV
of 1959.

21. In Section 41 of the principal Act,—

(1) in the margin, after the words "Anchalik Panchayat" followed by the punctuation full stop "(.)" the words "or Mohkuma Parishad" followed by the punctuation full stop "(.)" shall be inserted ;

(2) in sub-section (1), between the words "Anchalik Panchayat" and "may" the words "or Mohkuma Parishad" shall be inserted.

(3) in sub-section (2), between the words "Anchalik Panchayat" and "may" the words "or Mohkuma Parishad" shall be inserted.

Amendment
of Section 42
of Assam
Act XXIV
of 1959.

22. In Section 42 of the principal Act,—

(1) in the margin, between the words "Anchalik Panchayat" and "as" the words "or Mohkuma Parishad" shall be inserted.

(2) the words "or Mohkuma Parishad" shall be inserted between the words "Panchayat" and "shall".

Amendment
of Section 44
of Assam
Act XXIV
of 1959.

23. In Section 44 of the principal Act, the words "or Mohkuma Parishad" shall be inserted after the words "Anchalik Panchayat" wherever the same occur.

Amendment
of Section 48
of Assam
Act XXIV
of 1959.

24. In Section 48 of the principal Act, between the words "Anchalik Panchayat" and "or" the words "or Mohkuma Parishad" shall be inserted.

Amendment
of Section 49
of Assam
Act XXIV
of 1959.

25. In Section 49 of the principal Act,—

(1) in sub-section (1), for the punctuation full stop “(.)” occurring at the end of sub-section (1), the punctuation colon “(:)” shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that the co-opted member shall have no right to vote or hold office.”

Amendment of Section 51 of Assam Act XXIV of 1959. 26. In Section 51 of the principal Act,—

(1) between the words “Anchalik Panchayat” and “may” the words “or Mohkuma Parishad” shall be inserted;

(2) for sub-section (3), the following shall be substituted, namely:—

“(3) Bye-laws prepared by the Anchalik Panchayat or Mohkuma Parishad shall take effect only after they have been approved by the State Government.”;

(3) after sub-section (3), as so substituted the following shall be inserted as sub-section (4), namely:—

“(4) Bye-laws prepared by the Gaon Panchayat shall take effect only after they have been approved by the Mohkuma Parishad.”

Amendment of Section 60 of Assam Act XXIV of 1959. 27. In Section 60 of the principal Act, between the words “Anchalik Panchayat” and “as” punctuation comma “(,)” shall be deleted and in that place the words “or Mohkuma Parishad” followed by the punctuation comma “(,)” shall be inserted.

Amendment of Section 63 of Assam Act XXIV of 1959. 28. In Section 63 of the principal Act,—

(1) in the margin, after the words “Anchalik Panchayat” the full stop “(.)” shall be deleted and the words “or Mohkuma Parishad” shall be inserted followed by a full stop “(.)”;

(2) between the words “Anchalik Panchayat” and “may” the words “or Mohkuma Parishad” shall be inserted.

Substitution of Section 68 of Assam Act XXIV of 1959.

29. For Section 68 of the Principal Act, the following shall be substituted, namely :—

“The Gaon and Anchalik Panchayat and Mohkuma Parishad Funds. 68 (1). In every Gaon and Anchalik Panchayat and Mohkuma Parishad constituted under Sections 11, 5 and 4 of this Act respectively there shall be a fund vested in the Gaon or Anchalik Panchayat or Mohkuma Parishad, as the case may be, which shall be called Gaon Panchayat Fund, Anchalik Panchayat Fund and Mohkuma Parishad Fund respectively and shall be utilised by Gaon Panchayat or Anchalik Panchayat or Mohkuma Parishad, as the case may be, to meet charges in connection with their duties under this Act. The accounts of the Gaon or Anchalik Panchayat Funds shall be kept in the prescribed manner.

(2) A Mohkuma Parishad Fund shall be administered by the Executive Officer-cum-Ex-officio Secretary of the Mohkuma Parishad and shall be held in a current, fixed or saving account with the State Bank or the Assam Co-operative Apex Bank ; and/or in postal Savings Bank, if so directed by the State Government. The accounts of such Mohkuma Parishad fund shall be operated by the Executive Officer-cum-Secretary of the Mohkuma Parishad.”

Amendment of Section 70 of Assam Act XXIV of 1959.

30. In Section 70 of the principal Act, for clause (vii) the following shall be substituted, namely :—

“(vii) all sums accruing to the Anchalik Panchayat from public ferries according to the provision of Section 76B of this Act.”

Insertion of a new Section 70A in Assam Act XXIV of 1959.

31. After Section 70 of the principal Act, the following shall be inserted as Section 70A, namely :—

“Credits to the Mohkuma Parishad Fund. 70A. The following shall be credited to the Mohkuma Parishad Fund:—

(i) all sums accruing or proceeds or any assessment assigned to the Mohkuma Parishad and fines realised under this Act or rules or bye-laws framed thereunder ;

(ii) all other sums collected or assigned to the Mohkuma Parishad under the provisions of this Act including grants given by the Union or the State Government, public donations and contributions by local authorities ; and

(iii) all sums received by way of loan or gift or otherwise and all sale proceeds received by the institutions of the Mohkuma Parishad."

Amendment of Section 71 of Assam Act XXIV of 1959.

32. In Section 71 of the principal Act,—

(1) in the marginal heading after the words "Anchalik Panchayat" the words "and the Mohkuma Parishad" shall be inserted; and

(2) in the main provision after the words "Anchalik Panchayat" the comma "(,)" shall be deleted and the words "and the Mohkuma Parishad" followed by a comma "(,)" shall be inserted.

Amendment of Section 72 of Assam Act XXIV of 1959.

33. In Section 72 of the principal Act,—

(1) in the margin, between the words "Anchalik Panchayat" and "fund" the words "or Mohkuma Parishad" shall be inserted;

(2) in clauses (b) to (i) the words "or Mohkuma Parishad" shall be inserted after the words "Panchayat" where-ever it occurs.

Insertion of Section 73A in Assam Act XXIV of 1959.

34. After Section 73 of the principal Act, the following shall be inserted as Section 73A, namely:—

"Preparation of budget of the Mohkuma Parishad.

73A. A Mohkuma Parishad shall at such time and in such form as may be prescribed prepare and submit a budget, showing the probable estimate of receipts and expenditure it proposes to incur and may, from time to time, furnish a supplementary estimate providing any modification which it may deem advisable to make in the distribution of the amount so raised and expended in each financial year to the State Government for approval."

Substitution of Section 76 of Assam Act XXIV of 1959.

35. For Section 76 of principal Act, the following shall be substituted, namely:—

"Powers of taxation of the Anchalik Panchayat.

76. (1) Subject to the rules and bye-laws framed in this respect and subject to approval of the State Government, an Anchalik Panchayat may impose following taxes and charges in addition to the existing local rates collected from the area directly administered by the Anchalik Panchayat:—

(a) tax on,—

(i) fisheries allotted to the Anchalik Panchayat;

(ii) cultivable land lying fallow for two consecutive years without any reason at a rate

not exceeding twenty-five paise per standard bigha being payable jointly or severally by those who are in possession of such lands;

- (iii) house, supply of water, conservancy and lighting at such rate as prescribed in the areas directly administered by the Anchalik Panchayat ;
- (b) cess or water rate for recovery of cost of minor irrigation works taken up within an Anchalik Panchayat and such levy as may be necessary for the purpose of the maintenance and repair of such works ;
- (c) licence fee in respect of carts, carriages, cycles, boats and for driving carts and carriages ;
- (d) surcharge on local rate collected from within the area of Anchalik Panchayat ;
- (e) licence fee for cinema halls, circuses, professional variety shows, fairs, brick and tile kilns, confectionery and bakery, saw mills and timber depot, bamboo stalls, oil and rice mills in spite of provisions of other Acts ; and
- (f) licence fee for tea stalls, hotels, sweetmeat shops, restaurants and collection of hides and bones in areas directly administered by the Anchalik Panchayat in the manner prescribed.

(2) The taxes under sub-section (1) 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 under this Section may appeal to the Mohkuma Parishad whose decision shall be final.

(4) The State Government may suspend the levy or imposition of any tax or fee and may at any time rescind such suspension."

Amendment
of Section
76A of As-
sam Act
XXIV of
1959.

36. In Section 76A of the principal Act, for sub-section (1), the following shall be substituted, namely :—

"(1) Subject to sub-section (2), all hats within the jurisdiction of a Mohkuma Parishad shall be settled in the prescribed manner for a period of one year by inviting tenders or by public auction to be held in the office of the Mohkuma Parishad or the Anchalik Panchayat within whose jurisdiction the particular hat or hats are situate by a Committee constituted by the Mohkuma Parishad in the manner prescribed :

Provided that in case of failure to settle any hat for want of adequate bid even after a second sale, the Gaon or the Anchalik Panchayat concerned, as may be decided by the Mohkuma Parishad, may be entrusted with the direct management of the hat :

Provided further that the balance of proceeds after meeting cost of direct management shall be distributed according to the provisions of sub-section (4) by the Mohkuma Parishad."

(2) For sub-section (4), the following shall be substituted, namely:—

"(4) All sale proceeds of hats shall be deposited in the Mohkuma Parishad fund and distributed in the manner hereinafter provided after deducting the amount due, if any, as annual instalment for repayment of the loan with interest incurred by Gaon or Anchalik Panchayat or Mohkuma Parishad for improvement of hat:

- (i) one fifth of the balance of the sale proceeds after providing as aforesaid for repayment of loan, if any, shall be kept for meeting all costs to be incurred by Mohkuma Parishad for the purposes of this Act including maintenance cost of hats which shall not be less than half of the said balance of one fifth so kept;
- (ii) if the four fifths of the balance of sale proceeds of any hat after providing for repayment of loan, if any, as aforesaid, does not exceed rupees three thousand, then the entire amount shall be made over to the Gaon Panchayat within whose jurisdiction the hat is situate;
- (iii) if four fifths of the balance of the sale proceeds of any hat after providing for repayment of loan, if any, as aforesaid exceeds rupees three thousand but does not exceed rupees ten thousand then a sum of rupees three thousand shall go to the Gaon Panchayat within whose jurisdiction the hat is situate and the balance to the Anchalik Panchayat within whose jurisdiction the hat is situate;
- (iv) if four fifths of the balance of the sale proceeds of any hat after providing as aforesaid for repayment of any loan, if any, exceeds rupees ten thousand, then a sum of rupees three thousand shall go to the Gaon Panchayat within whose jurisdiction the hat is situate and a sum of rupees seven thousand shall go to the Anchalik Panchayat within whose jurisdiction the hat is situate and the balance if any shall go to a common pool;

- (v) one-third of the common pool shall be distributed among all the Anchalik Panchayats and the remaining two-thirds among all the Gaon Panchayats within the area of the Mohkuma Parishad. The basis of distribution shall be area *cum*-population in both cases."

(3) In sub-section (5), at the end of the existing proviso, for the punctuation full stop "(.)" the punctuation colon "(:)" shall be substituted and thereafter the following shall be inserted, namely:—

"Provided further that if Gaon or Anchalik Panchayat concerned makes default in maintaining a hat in spite of providing maintenance cost, the Mohkuma Parishad after giving an opportunity to show cause to the contrary specifying the reason for so doing, may take over the management of such hat."

Insertion of Sections 76B, 76C and 76D in Assam Act XXIV of 1959.

37. After Section 76A of the Principal Act, the following shall be inserted as Sections 76B, 76C and 76D, namely:—

"Settlement of public ferry and distribution of sale proceeds thereof.

76B. (1) Notwithstanding anything contained in Section 166 of this Act, all public ferries other than Government ferries falling within the jurisdiction of a Mohkuma Parishad shall be settled by inviting tenders or by a public auction by the Committee constituted by the Mohkuma Parishad under Section 76A of this Act, in the manner prescribed:

Provided that the State Government shall issue order for the settlement of a public ferry falling within the jurisdiction of more than one Mohkuma Parishad:

Provided further that in case of failure to settle any public ferry for want of adequate bid, Mohkuma Parishad may entrust the Anchalik Panchayat concerned with the direct management of the public ferry with prior approval of the State Government:

Provided also that balance of proceeds after meeting the cost of direct management shall be distributed by the Mohkuma Parishad according to the provision of sub-section (4).

(2) All settlement made under sub-section (1) shall be subject to the confirmation by the Mohkuma Parishad in a meeting convened for the purpose within such period as may be prescribed in this behalf. In case the Mohkuma Parishad in such meeting refuses to confirm, the reasons for such refusal shall be duly recorded in the proceedings of the meeting and the Mohkuma Parishad shall pass such orders thereon as it may deem fit.

(3) After the settlement is confirmed the lease in the prescribed form shall be issued by the Mohkuma Parishad to the person in whose favour settlement is confirmed.

(4) All sale proceeds of public ferries shall be deposited in the Mohkuma Parishad Fund after which proceeds of inter-Mohkuma Parishad public ferry, if there be any, shall be equitably distributed to the Mohkuma Parishad concerned, and thereafter, the proceeds remaining in a Mohkuma Parishad fund shall be distributed in the manner hereinafter provided :—

- (i) the sale proceeds of the inter-Mohkuma Parishad public ferry if there be any, shall be distributed after deducting 20 per cent to the Anchalik Panchayat or Panchayats equitably within whose jurisdiction such public ferry is situate ;
- (ii) the sale proceeds of the inter-Anchalik Panchayat public ferry falling within the jurisdiction of Mohkuma Parishad shall be distributed equitably after deducting 20 per cent to the Anchalik Panchayats within whose jurisdiction such public ferry is situate ; and
- (iii) the sale proceeds of all other public ferries shall be distributed in each case after deduction of 20 per cent to an Anchalik Panchayat within whose jurisdiction such ferry or ferries are situate.

Explanation :—For the purposes of this Section, public ferry which falls within the jurisdiction of more than one Mohkuma Parishad is called an "inter Mohkuma Parishad ferry", and public ferry which falls within the jurisdiction of Mohkuma Parishad but covers more than one Anchalik Panchayat is called an "Inter Anchalik Panchayat Ferry."

(5) Twenty per cent of the ferry receipt kept with the Mohkuma Parishad fund under the preceding sub-section shall be utilised by the Mohkuma Parishad for duties imposed on it under the provisions of this Act.

Powers of Mohkuma Parishad to impose cess and rates.

76C. Subject to the rules and bye-laws framed in this respect and subject to the approval of the State Government a Mohkuma Parishad may impose cess or water rate for recovery of cost of embankment and drainage and irrigation works taken up by the Mohkuma Parishad within its area and such levy as may be necessary for the purpose of maintenance and repair of such works.

Section 76D of the Panchayat Fisheries Act.

76D. (1) Save as otherwise provided in this Act or rules framed thereunder, all Panchayat fisheries falling within the jurisdiction of a Mohkuma Parishad shall be settled by inviting tenders or by public auction by the Committee constituted under Section 76A of this Act, in the manner prescribed :

Provided that in case of failure to settle any Panchayat fishery for want of adequate bid even after second time, the Parishad may entrust the direct management of such fishery to the Gaon or Anchalik Panchayat concerned.

(2) The Mohkuma Parishad shall deposit all sale proceeds of the Panchayat fisheries in its fund and after deducting contingent expenditure incurred in connection with the sale of the Panchayat fisheries, the Mohkuma Parishad shall refund the entire balance of sale proceeds to the Gaon or Anchalik Panchayat concerned."

Amendment of Section 80 of Assam Act XXIV of 1959. 38. In Section 80 of the principal Act, the words "and Mohkuma Parishad" shall be inserted between the words "Anchalik Panchayat" and "shall".

Amendment of Section 83 of Assam Act XXIV of 1959. 39. In Section 83 of the principal Act, the words "or Mohkuma Parishad" shall be inserted between the words "Anchalik Panchayat" and "any".

Amendment of Section 136 of Assam Act XXIV of 1959. 40. In Section 136 of the principal Act,—

(1) in sub-section (2) in clause (a), between the words "Gaon Panchayat" and "within" the words "or Mohkuma Parishad" shall be inserted ;

(2) in sub-section (3), between the words "Gaon Panchayat" and "within" the words "or Mohkuma Parishad" shall be inserted ;

(3) in sub-section (4), between the words "Gaon Panchayat" and "concerned" the words "or Mohkuma Parishad" shall be inserted;

(4) in sub-section (5), between the words "Gaon Panchayat" and "within" the words "or Mohkuma Parishad" shall be inserted.

Amendment of Section 138 of Assam Act XXIV of 1959. 41. In Section 138 of the principal Act,—

(1) in the margin, the punctuation full stop “(.)” occurring after the words “Anchalik Panchayat” shall be deleted and the words “or Mohkuma Parishad” followed by the punctuation full stop “(.)” shall be inserted;

(2) in sub-section (1),—

(a) between the words “Anchalik Panchayat” and “or” the words “or Mohkuma Parishad” shall be inserted;

(b) between the words “Panchayat” and “out” the words “or Mohkuma Parishad” shall be inserted ;

(c) between the words “Panchayat” and “concerned” the words “or Mohkuma Parishad” shall be inserted.

Amendment
of Section
139 of
Assam Act
XXIV of
1959.

42. In Section 139 of the principal Act,—

(1) for sub-section (1), the following shall be substituted, namely:—

“(1) The State Government in respect of a Mohkuma Parishad and the State Government, the Deputy Commissioner or the Subdivisional Officer, as the case may be, in respect of a Gaon or Anchalik Panchayat may, by order in writing, on own initiative or on information received, suspend or prohibit the execution of any resolution of a Mohkuma Parishad or Gaon or Anchalik Panchayat, as the case may be, or of any order or notice issued by it or its President or cancel such order, notice or resolution and may prohibit the doing of any act which is about to be done in pursuance or under cover of this Act if for reasons recorded by the State Government or by the Deputy Commissioner or the Subdivisional Officer, as the case may be, such act, order, notice or resolution is manifestly perverse or *ultra vires* or the execution of such order, notice, act or resolution is likely to cause obstruction, injury or annoyance to the public or danger to human life, health or safety or is likely to lead to a riot or an affray or is otherwise against the public interest.” ;

(2) in sub-section (2), the words “or Mohkuma Parishad” occurring between the words “Anchalik Panchayat” and “concerned” shall be deleted.

Insertion of
new Sections
140A and
140B in
Assam Act
XXIV of
1959.

43. After Section 140 of the principal Act,
following shall be inserted as Sections 140A and 140B,
namely:—

“Power to
supersede or
dissolve the
Mohkuma
Parishad in
case of in-
competency,
default or
abuse of
powers.

140A. (1) If, in the opinion of the State Govern-
ment any Mohkuma Parishad is not competent to
perform, or persistently makes default in the per-
formance of the duties imposed on the Mohkuma
Parishad by or under this Act or otherwise by law,
or exceeds or abuses its powers, or in the event
of the failure on the part of the Mohkuma Pari-
shad to provide such services as the State Govern-
ment may, by notification in the official Gazette,
declare to be essential services, the State Govern-
ment, after giving the Mohkuma Parishad an op-
portunity for submitting an explanation in regard
to the matter, may, by notification, stating the
reason for so doing, declare such Mohkuma Pari-
shad to be incompetent, or in default, or to have
exceeded or abused its powers, as the case may
be, and supersede the Mohkuma Parishad for a
period not exceeding six months at a time or
dissolve the Mohkuma Parishad and order for a
fresh constitution as soon as possible:

Provided that nothing in this Section shall be
deemed to require the State Government to give a
personal hearing to the Mohkuma Parishad before
any order is passed under this Section.

(2) When an order of supersession or dissolu-
tion has been passed under sub-section (1), the
following consequences shall ensue:—

(i) all members of the Mohkuma Parishad shall,
as from the date of the order, vacate their offices
as such members;

(ii) all the powers and duties which under this
Act may be exercised and performed by the Mohkuma
Parishad, shall during the period of supersession or in
the case of dissolution till the fresh Mohkuma Parishad
is reconstituted, be exercised and performed by such
person or persons as the State Government may
direct; and

(iii) all the properties vested in the Mohkuma
Parishad shall, during the period of supersession or
dissolution, as the case may be, vest in the State
Government.

Dissolution of the Panchayats or the Parishad in case of deadlock.

140B. If for any reason there is a deadlock in the functioning of a Gaon or Anchalik Panchayat or a Mohkuma Parishad, the State Government may dissolve the Gaon or Anchalik Panchayat or the Mohkuma Parishad, as the case may be, and may make any alternative arrangement, as may be deemed necessary, for the working of the Panchayat or the Parishad concerned till it is reconstituted."

Amendment of Section 145 of Assam Act XXIV of 1959.

44. In Section 145 of the principal Act,—

(1) in the margin, between the words "Panchayats" and "and" the words "or Mohkuma Parishad" shall be inserted;

(2) in sub-section (1), between the words "Anchalik Panchayat" and "or" the words "or Mohkuma Parishad" shall be inserted ;

(3) in sub-section (2), between the words "Anchalik Panchayat" and "or" the words "or Mohkuma Parishad" shall be inserted.

Amendment of Section 146 of Assam Act XXIV of 1959.

45. In Section 146 of the principal Act,—

(1) in the marginal note, between the words "Anchalik Panchayat" and "to" the words "or Mohkuma Parishad" shall be inserted ;

(2) in sub-section (1),—

(a) between the words "Anchalik Panchayat" and "may" the words "or Mohkuma Parishad" shall be inserted ;

(b) between the words "Panchayat" and "concerned" the words "or Mohkuma Parishad" shall be inserted.

Amendment of Section 148 of Assam Act XXIV of 1959.

46. In Section 148 of the principal Act,—

(1) in the marginal note, between the words "Panchayats" and "for" the words "or Mohkuma Parishad" shall be inserted ;

(2) in the main provision,—

(a) between the words "Anchalik Panchayat" and "shall" the words "or Mohkuma Parishad" shall be inserted ;

(b) between the words "Panchayat" and "or" the words "or Mohkuma Parishad" shall be inserted.

Amendment
of Section
149 of Assam
Act XXIV
of 1959.

47. In Section 149 of the principal Act,—

(1) in the marginal note, between the words “Anchalik Panchayat” and “or” the words “or Mohkuma Parishad” shall be inserted ;

(2) in the main provision, between the words “Anchalik Panchayat” and “or” the words “or Mohkuma Parishad” shall be inserted.

Amendment
of Section
150 of Assam
Act XXIV
of 1959.

48. In Section 150 of the principal Act,—

(1) in the marginal note, between the words “Anchalik Panchayat” and “being” the words “or Mohkuma Parishad” shall be inserted ;

(2) in the main provision,—

(i)(a) between the words “Anchalik Panchayat” and “or” the words “or Mohkuma Parishad” shall be inserted ;

(b) between the words “Panchayat” and “of” the words “or Mohkuma Parishad” shall be inserted ;

(c) between the words “such Panchayat” and “he” the comma “(,)” shall be deleted, and the words “or Mohkuma Parishad” followed by a comma “(,)” shall be inserted thereafter ;

(ii) in the first proviso,—

(a) in clause (a), the punctuation semicolon “(;)” occurring after the word “Panchayat” shall be deleted and the words “or Mohkuma Parishad” followed by punctuation semicolon “(;)” shall be inserted ;

(b) in clause (b), between the words “Panchayats” and “may” the words “or Mohkuma Parishad” shall be inserted

(c) in the para below clause (b), between the words “Panchayat” and “in” the words “or Mohkuma Parishad” shall be inserted and between the words “Panchayat” and “and” the words “or Mohkuma Parishad” shall be inserted ;

(iii) in the second proviso,—

(a) between the words “Anchalik Panchayat” and “who” the words “or Mohkuma Parishad” shall be inserted ;

(b) the punctuation comma “(,)” occurring after the word “Panchayat” and before the word “any” shall be deleted and the words “or Mohkuma Parishad” followed by the punctuation comma “(,)” shall be inserted therein ;

(iv) in the third proviso,—

(a) the punctuation comma “(,)” occurring after the words “Anchalik Panchayat” and before the

word "who" shall be deleted and the words "or Mohkuma Parishad" followed by the punctuation comma "(,)" shall be inserted ;

(b) between the words "Panchayat" and "to" the words "or Mohkuma Parishad" shall be inserted ;

(c) between the words "Panchayat" and "concerned" the words "or Mohkuma Parishad" shall be inserted.

Amendment of Section 151 of Assam Act XXIV of 1959. 49. In Section 151 of the principal Act, between the words "Anchalik Panchayat" and "may" the words "or Mohkuma Parishad" shall be inserted.

Amendment of Section 153 of Assam Act XXIV of 1959. 50. In Section 153 of the principal Act, between the words "Anchalik Panchayat" and "may" the words "or Mohkuma Parishad" shall be inserted.

Amendment of Section 156 of Assam Act XXIV of 1959. 51. In Section 156 of the principal Act,—(1) between the words "Anchalik Panchayat" and "or" the words "or Mohkuma Parishad" shall be inserted ;

(2) the punctuation comma "(,)" occurring after the words "Anchalik Panchayat" and before the word "or" shall be deleted and the words "or Mohkuma Parishad" followed by the punctuation comma "(,)" shall be inserted therein.

Amendment of Section 159 of Assam Act XXIV of 1959. 52. In Section 159 of the principal Act,—

(1) between the words "Anchalik Panchayat" and "concerned" the words "or Mohkuma Parishad" shall be inserted ;

(2) between the words "Panchayat" and "in" the words "or Mohkuma Parishad" shall be inserted.

Amendment of Section 160 of Assam Act XXIV of 1959. 53. In Section 160 of the principal Act, in sub-section (3) between the words "section" and "shall" the words, figure and letter "and Section 160A" shall be inserted.

Insertion of Section 160A in Assam Act XXIV of 1959. 54. After Section 160 of the principal Act, the following shall be inserted as Section 160A, namely:—

"Power of the State Government to make special rules for certain matters. 160A. (1) With a view to effecting economy and obtaining standardisation in certain matter, the State Government may make rules to provide for all or any of the following matters, that is to say—

(a) the manner in which purchase of stores, equipment, machinery and other articles required by a Mohkuma Parishad or an Anchalik Panchayat shall be made by it ;

(b) the manner in which tenders for works, contracts and supplies shall be invited, examined and accepted; and

(c) the manner in which works and development schemes may be executed and inspected and payments made in respect of such works and schemes.

Amendment of Section 161 of Assam Act XXIV of 1959. 55. In Section 161 of the principal Act,—

(1) in the marginal note, between the words “Anchalik Panchayat” and “to” the words “or Mohkuma Parishad” shall be inserted;

(2) in the main provision between the words “Anchalik Panchayat” and “may” the words “or Mohkuma Parishad” shall be inserted;

(3) in clause (g), between the words “Anchalik Panchayat” and “who” the words “or Mohkuma Parishad” shall be inserted.

Validation of certain Administration.

56. The areas within the territorial jurisdiction of any Anchalik Panchayat which have not been declared to be a Gaon Sabha area and which have been directly administered by the Anchalik Panchayat for the purposes of the Assam Panchayat Act, 1959 before the coming into force of this Act or are being so administered shall be and shall always be deemed to have been, so administered by the Anchalik Panchayat concerned as if in respect of those areas this Act came into force with effect from the date from which the areas were directly administered and that notification under sub-section (2) of Section 5 of the Assam Panchayat Act, 1959 as amended by this Act was issued with effect from that date.

Assam Act
XXIV of
1959.

Assam Act
XXIV of
1959.

B. SARMA,
Secy. to the Government of Assam,
Law Department.