

Act NO X of 1997

পঞ্জীভুক্ত নম্বৰ ক - ১২

Registered No. A-12



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ৰাজপত্ৰ

# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT: LEGISLATIVE BRANCH

NOTIFICATION

The 30th April 1997

No. LGL 130/96/22.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.



SI-A 01  
ASSAM ACT No. X OF 1997

(Received the Assent of the Governor on 28th April, 1997)

THE ASSAM PANCHAYAT (AMENDMENT)  
ACT, 1997

AN

ACT

further to amend the Assam Panchayat Act, 1994.

Preamble. Whereas it is expedient further to amend the Assam Panchayat Act, 1994, hereinafter referred to as the principal Act, in the manner hereinafter appearing; Assam Act  
No. XVIII  
of 1994.

It is hereby enacted in the Forty-eighth 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, 1997.

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

(3) It shall come into force at once.

Amendment  
of section 3.

2. In the principal Act, in section 3,—

(i) in sub-section (2), in clause (e), for the words "four fifth" appearing in the first line, the words "two third" shall be substituted.

(ii) in sub-section (2) after clause (e), the following clause shall be inserted, namely :—

“(f) The Minister-in-charge of the District to be notified by the Government.”

(iii) for the existing sub-section (5), the following shall be substituted, namely:-



“(5) The Minister-in-Charge of the respective District, to be notified by the Government, shall be the Chairman of the District Planning Committee and the President of the concerned Zilla Parishad shall be the Vice-Chairman of the District Planning Committee.”

(iv) (a) the existing sub-sections (6), (7) and (8) shall be renumbered as section 3A (1), (2) and (3), respectively.

(b) after renumbering the existing sub-section (6) as section 3A (1), the following marginal note, by the left hand side of the section shall be inserted, namely ;

“Duties and function of the District Planning Committee.”

Amendment of section 4.

3. In the principal Act, in section 4, in sub-section (5), in the sixth line, for the word “will” appearing in between the words “Panchayat” and “convene”, the word “shall” shall be substituted and in the last line, after the word “time”, the “fullstop” shall be deleted and the words and full-stop “from the date of such direction”, shall be inserted.

Amendment of section 5.

4. In the principal Act, in section 5, in sub-section (1), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that the existing local area of Gaon Panchayats established under the provisions of the Assam Panchayati Raj Act, 1986, with a population less in number than the population earmarked in this section for a Gaon Panchayat, shall continue to be valid for the purposes of this Act, till such time as the Government may declare any local area to be such Gaon Panchayat in accordance with this Act.”

Amendment of section 13.

5. In the principal Act, in section 13, in sub-section (2), after clause (c), the following clause shall be inserted, namely :—



“(d) exercise all the powers, perform all the functions and discharge all the duties of the President as provided under sub-section (1) of section 13, if the President be removed, and or dies or resigns, till the office of the President is filled up in the manner as provided under sub-section (1) (b) of Section 6.”

Amendment  
of section 15

6. (i) In the principal Act, in section 15, for the existing sub-section (1), the following shall be substituted, namely :—

“(1) Every President or Vice-President shall be deemed to have vacated his office forthwith when resolution expressing want of confidence in him is passed by a majority of two third of the total number of members of the Gaon Panchayat.

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 within three days, refer the matter to the President of the concerned Anchalik Panchayat, who shall convene the meeting within seven days from the date of receipt of the information from the Secretary of the Gaon Panchayat and preside over such meeting.

In case the President of the Anchalik Panchayat does not take action as above, within the specified seven days time, the concerned Gaon Panchayat Secretary shall inform the matter to the Deputy Commissioner/Sub-Divisional Officer (Civil) as the case may be, within three days after the expiry of the stipulated seven days time and the concerned Deputy Commissioner/Sub-Divisional Officer (C) shall convene the meeting within seven days from the Date of the receipt of the information with intimation to the Zilla Parishad and the Anchalik Panchayat and preside over the meeting so convened :



Provided that the concerned Deputy Commissioner/Sub-Divisional Officer (C) as the case may be, in case of his inability to preside over the meeting, may depute one Gazetted Officer under him not below the rank of Class-I Gazetted Officer to preside over such meeting :

Provided further that when a no-confidence motion is lost, no such motion shall be allowed in the next six months."

(ii) in sub-section (2), in the fourth and fifth line, for the words "Anchalik Panchayat", the words "Gaon Panchayat" shall be substituted.

(iii) in sub-section (4), in the third line, the word "the" after the word "after", shall be deleted and in the same line, after the word "giving", the word "the" shall be inserted.

(iv) after sub-section (4), the following new sub-section (5) shall be inserted, namely :—

"(5) If, under sub-section (1), the members of the Gaon Panchayat express want of confidence both in the President and Vice-President of the Gaon Panchayat at the same time and issue notices, the Secretary of the Gaon Panchayat, within seven days from the date of receipt of such notices, shall report the matter to the President of the concerned Anchalik Panchayat who shall arrange to convene the meetings within fifteen days from the date of receipt of the intimation, separately, to consider the motion against the President first and to consider the motion against the Vice-President next day and shall preside over both the meetings. The President of the concerned Anchalik Panchayat presiding the meetings shall have no vote.

In case the President of the concerned Anchalik Panchayat does not take action as above, the Secretary of the Gaon Panchayat, within three days after the expiry of the stipulated fifteen days time, shall refer the matter to the concerned Deputy



Commissioner or the Sub-Divisional Officers (C), as the case may be. On receipt of the information, the Deputy Commissioner or the Sub-Divisional Officer as the case may be, shall convene both the meetings in the manner as above, within fifteen days from the date of receipt of the information with intimation to the concerned Anchalik Panchayat and Zilla Parishad and preside over such meetings”:

Provided that the concerned Deputy Commissioner or the Sub-Divisional Officer as the case may be, in case of his inability to preside over the meeting, may depute a Gazetted Officer not below the rank of Class-I Gazetted Officer to preside over such meeting:

Provided further that if it is not possible to hold the meeting for a situation due to non-attendance of the requisite number of members in such meeting or meetings as the case may be, the no confidence motion shall automatically stand cancelled and motion shall be deemed to have lost, in the event of which no such motion shall be allowed within the next six months.”

Amendment  
of Section  
19.

7. In the principal Act, in Section 19,—

(i) in sub-section XIX, after clause (8), the following clause shall be inserted, namely:—

“(9) Issue of birth and death certificate within the jurisdiction of the Gaon Panchayat.”

(ii) in sub-section XXI, in clause (1), in the last line, for the word “on” after the word “food-stuff”, the word “for” shall be substituted.

(iii) in sub-section XXVI, in the second line, after the word “SHEDS” the punctuation marks “Comma” shall be inserted.

Amendment  
of section  
23.

8. In the principal Act, in section 23, in sub-section (2), in clause (b), in the second line, after the word “materials”, the punctuation mark “Comma” shall be inserted.

Amendment  
of section  
37.

9. In the principal Act, in section 37, in sub-section (1), in the second line, in between the words “the” and “members”, the words “directly elected” shall be inserted.



Amendment  
of section  
41.

10. In the principal Act, in section 41, after clause (c) the following clause shall be inserted, namely :—

“(d) exercise all the powers and discharge all the duties and functions of President as provided under sub-section (a) to (c) of section 40, if the President be removed and/or dies or resigns until the office of the President is filled up in the manner under the provisions of sub-section (1) of section 37.”

Amendment  
of section  
43.

11. In the principal Act, in section 43,—

(i) In sub-section (1),—

(a) in the fourth line, in between the words “the” and “members”, the words “directly elected” shall be inserted.

(b) in the eighth line, in between the words “and” “the” the word “by” shall be inserted.

(c) in the ninth line, for the word “in” in between the words “convened” and “the” the word “by” shall be substituted.

(d) after the last line, the following sentence shall be inserted, namely :—

“The Zilla Parishad President shall preside over such meeting but shall have no vote.”

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

“(2) (a) In case the President of the Zilla Parishad does not convene the meeting within fifteen days from the date of receipt of intimation, the Ex-Officio Secretary of the Anchalik Panchayat within three days from the date of expiry of the date of stipulated fifteen days time shall report to the concerned Deputy Commissioner or the Sub-Divisional Officer as the case may be. On receipt of the information, the Deputy Commissioner or the Sub-Divisional Officer as the case may be, shall convene the meeting within fifteen days from the date of receipt of the information with intimation to the Zilla Parishad concerned and also shall preside over such meeting. In case of his inability to preside over such meeting, the Deputy Commissioner or the Sub-Divisional Officer as the case may be shall depute an Officer under him not below the rank of Class-1 Gazetted Officer to preside over such meeting.

(b) If, under sub-section (1) of Section 43, the members express want of confidence both in the President and the Vice-President of Anchalik Panchayat at the same time and



issue notices, the Ex-Officio Secretary of the concerned Anchalik Panchayat shall report the matter to the President of the concerned Zilla Parishad within three days from the date of receipt of the notice who shall arrange to convene the meeting, within fifteen days from the date of receipt of the information separately, to consider the motion against the President first and to consider the motion against the Vice-President next day and shall preside over such meetings but shall have no vote.

In case the President of the Zilla Parishad concerned does not take action as above, the Ex-Officio Secretary of the Anchalik Panchayats shall refer the matter to the concerned Deputy Commissioner or the Sub-Divisional Officer as the case may be, within three days from the date of expiry of the date of the stipulated fifteen days time. On receipt of the information, the concerned Deputy Commissioner or the Sub-Divisional Officer as the case may be, shall convene both the meetings simultaneously within fifteen days from the date of receipt of the information and shall preside over both the meetings:

Provided that the Deputy Commissioner or the Sub-Divisional Officer as the case may be, in case of his inability to preside over the meeting, may depute a Class-I Gazetted Officer under him to preside over such meetings:

Provided further that if it is not possible to hold the meeting for a situation due to non attendance of requisite number of members in such meeting or meetings as the case may be, the no confidence motion shall automatically stands cancelled and the motion shall be deemed to have lost, in the event of which no such motion shall be allowed within the next six months.

Amendment  
of Section 57.

12. In the principal Act, in section 57 —

(i) in sub-section (1), in clause (g), in the second line after the word 'fairs', the punctuation mark 'comma' shall be inserted.

(ii) in sub-section (3), after the last line, the following sentence shall be inserted, namely:—  
“The decision of the Zilla Parishad in this respect shall be final”.

Amend-  
ment of  
Section 65.

13. In the principal Act, in section 65:—

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

“(i) The members directly elected from the territorial constituencies of the district :



Provided that the State 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 of not less than thirty thousand and that each territorial constituency shall elect one member to the Zilla Parishad through direct election in the manner prescribed:

Provided further that every Legislative Assembly Constituency shall have four territorial constituencies and in case of a part of the Legislative Assembly Constituency with a population less than thirty thousand falling within the district, then this part shall form a territorial Constituency."

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

"(2) All the members shall have the right to vote except in the motion of no-confidence in which only the directly elected members and members nominated by the Government shall exercise such rights."

Amendment of Section 67. 14. In the principal Act, in Section 67, in sub-section (1), in the fourth line, after the figure "66", the punctuation mark "comma" shall be inserted.

Amendment of Section 70. 15. In the principal Act, in Section 70, in sub-section (1), in the last line for the words and figures "Section 65(1)", the words and figures "Section 65 (1) (i)" shall be substituted.

Amendment of Section 73. 16. In the principal Act, in Section 73, in sub-section (2), after the proviso, the following second and third provisos shall be inserted, namely :—

" Provided further that the Deputy Commissioner shall direct the Chief Executive Officer to convene the meeting within seven days from the date of receipt of the request of the members and the Chief Executive Officer shall convene the meeting within fifteen days from the date of receipt of the direction. The Deputy Commissioner shall preside over such meeting. In case of his inability, the Deputy Commissioner shall depute one of the Officers not below the rank of Additional Deputy Commissioner to preside over such meeting.

(iv) If under sub-section (1), the members express want of confidence both in the President and the Vice-President of the Zilla Parishad at the same time and issue notices, the Chief Executive Officer of the Zilla Parishad shall report the matter to the concerned Deputy Commissioner within three days from the date of receipt of the notices and the concerned Deputy Commissioner shall direct the Chief



Executive Officer of the Zilla Parishad to convene the meeting within fifteen days from the date of receipt of the direction, separately, to consider the motion against the President first and to consider the motion against the Vice-President next day and preside over such meetings. In case of the inability to preside over, the Deputy Commissioner shall depute one of the Officers not below the rank of Additional Deputy Commissioner under him to preside over such meeting :”

“Provided also that if it is not possible to hold the meeting for a situation due to non-attendance of the requisite number of members in such meeting or meetings as the case may be the no-confidence motion shall automatically stands cancelled and, the motion shall be deemed to have lost, in the event of which no such motion shall be allowed within the next six months.”

Amendment of section 76.

17. In the principal Act, in section 76,—

(i) in sub-section (4), in the seventh line, for the word “forth-fully” the words “forth-fully” shall be substituted.

(ii) in sub-section (5), in the seventh line, for the words ‘to inspect’, the words “for inspection” shall be substituted.

Amendment of section 83.

18. In the principal Act, in section 83, in sub-section (4), in clause (i) in the second line, for the word “bundng” the word “bundng” shall be substituted.

Amendment of section 90.

19. In the principal Act in section 90.—

(i) in sub-section (1), in clause V, in the second line the word ‘of’ shall be deleted.

(ii) In sub-section (12), in clause V, for the word “liaison” the word “liaison” shall be substituted.

(iii) in sub-section (16), in clause (iii), for the word “propagation”, the word “propagation” shall be substituted.

(iv) in sub-section (17), in clause (iii), in the first line, in between the word “Balwadies” and “High”, the punctuation mark “comma” shall be inserted.

Amendment of section 92.

20. in the principal Act, in section (92), in sub-section (2) in the fourth line, for the word “hands”, the words “hand”, shall be substituted.

Amendment of section 96.

21. in the principal Act, in section 96, in sub-section (1), in the second line, after the word ‘year’, for the word ‘in’, the word “a” shall be substituted.



Amendment 22. in the principal Act, in section 109, in sub-section (6) of section 109, in the third and fourth line, in between the word "lakh" and "shall" the words "and less than three lakhs" shall be deleted.

Amendment 23. in the principal Act, in section 111, for sub-section (j), of section 111, the following shall be substituted, namely :—

"(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 twenty one years."

Amendment 24. In the principal Act, in section 130 the following shall of section 130, be inserted as a proviso thereto namely :—

"Provided that in case of dissolution by a resolution passed by the Legislative Assembly all the powers and duties of Gaon Panchayats or Anchalik Panchayats shall, during the period of such dissolution, be exercised and performed by such officer not below the rank of a Gazetted Officer, as the Government may from time to time appoint in this behalf."

M. K. DEKA,  
Secretary to the Govt. of Assam,  
Legislative Department.