

The 2nd July 1973

No.LJL.170/73/20.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT XV OF 1973

(Received the assent of the Governor on the 30th June, 1973)

THE ASSAM PANCHAYATI RAJ (AMENDMENT) ACT 1973

[Published in the *Assam Gazette*, Extraordinary, dated the 3rd July, 1973]

An

Act

to amend the Assam Panchayati Raj Act, 1972

Preamble. Whereas it is expedient further to amend the Assam Act
Assam Panchayati Raj Act, 1972 hereinafter called XI of 1973.
the principal Act, in the manner hereinafter appearing ;

It is hereby enacted in the Twenty-fourth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Assam Panchayati Raj (Amendment) Act, 1973.

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

(3) It shall come into force at once.

2. For Sections 7 and 8 of the principal Act, the following shall be substituted *viz*:—

“List of voters for Gaon Panchayat and Mohkuma Parishad.

7. On the publication of a notification under Section 4, subject to the provision of the Section 8, the electoral roll of the Assam Legislative Assembly prepared under the Representation of Peoples Act, 1951 and in force on such date as may be notified, either by a general or special order, by the State Government, for such part or parts of the Assembly Constituency or Constituencies as may be included in the Constituency of any Gaon Panchayat, shall be the list of voters entitled to vote for elections for such Gaon Panchayat and also for the Mohkuma Parishad within whose jurisdiction the constituency of the Gaon Panchayat is included.

Publication and Revision of list of voters for Gaon Panchayat and Mohakuma Parishad.

8. (1) The list of voters referred to in Section 7 shall be published in such manner and by such authority as may be prescribed.

(2) Any person whose name is not included in the list of voters published under the preceding sub-section may apply within 10 days from its publication to the officer publishing the same for inclusion of his name therein and the officer concerned shall, if he is satisfied that the applicant fulfills the conditions mentioned in sub-section (3) and is not disqualified from being included in the list of voters under sub-section (4), after making such enquiry as may be prescribed direct his name to be included in the list of voters.

(3) Every person shall be entitled to be included in the list of voters of Gaon Panchayat if he is not less than 21 years of age on the date of its publication under sub-section (1) and is ordinarily resident within the constituency of that Gaon Panchayat:

Provided that no person shall be entitled to be included in the list of voters for more than one Gaon Panchayat and no person shall be entitled to be included in the list of voters of any Gaon Panchayat for more than once:

Provided further that if the applicant is included in the list of voters of any other Gaon Panchayat, the officer who includes his name shall inform the officer publishing the list of voters of that other Gaon Panchayat and that other officer shall, on receipt of the information, strike off the applicant's name from that list.

Explanation:—For the purposes of this sub-section, the expression “ordinarily resident” shall have the same meaning as has been given in Section 20 of the Representation of Peoples Act, 1951 subject to the condition that the expression “constituency” appearing therein shall be deemed to refer to the constituency of the Gaon Panchayat for which the list of voters is prepared.

(4) A person shall be disqualified to be included in the list of voters, if he—
(i) is not a citizen of India; or

(ii) is of unsound mind and stands so declared by a court ; or

(iii) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(5) The name of any person included in the list of voters who becomes disqualified at any time after his name was entered in the list shall forthwith be struck off by the officer revising the list under sub-section (3) from the list in which it is included:

Provided that the name of any person struck off the list of voters by reason of a disqualification under clause (iii) of sub-section (4) of this section shall forthwith be reinstated in the list if such disqualification is, during the period such list is in force, removed under any law authorising such removal.

(6) No name shall be included in any list of voters nor any name shall be excluded therefrom after the date notified by the officer publishing the list of voters at the time of its publication under sub-section (1).

(7) An appeal shall lie within such time and in such manner and to such authority as may be prescribed against any order passed under sub-sections (2) and (5) ”.

**Amendment
of Section
12 of Assam
Act XI of
1973.**

3. In section 12 of the principal Act,

(1) In sub-section (1) the clause (a) shall be substituted as follows:—

“(a) Has been convicted of an offence involving moral turpitude or convicted of any other offence, if the sentence awarded is imprisonment for one year or more or convicted of an offence under Untouchability (Offences) Act, 1955, unless a period of four years has elapsed on the date fixed for holding the election from the date of his release in case of sentence of imprisonment and in case of sentence other than imprisonment, from the date of conviction;

(2) Sub-section (2) shall be deleted.

Amendment of Section 20 of Assam Act XI of 1973. 4. In section 20 of the principal Act, in sub-section (2) the clause (b) shall be deleted.

Repeal and Savings. 5. (1) The Assam Panchayati Raj (Amendment) Ordinance, 1973 is hereby repealed. **Assam Ordinance VIII of 1973.**
(2) Notwithstanding such repeal anything done or any action taken under the Ordinance so repealed, shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of this Act.

MD. SAADULLAH,
Joint Secretary to the Govt. of Assam,
Law Department.