

ASSAM ACT XVII OF 1952

THE ASSAM RURAL PANCHAYAT (AMENDMENT) ACT, 1952

(Passed by the Assembly)

(Received the assent of the Governor on the 28th October 1952)

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An

Act further to amend the Assam Rural Panchayat Act, 1948.

Preamble.

Whereas it is expedient further to amend the Assam Rural Panchayat Act, 1948, hereinafter referred to as the Assam Act "Principal Act" in the manner hereinafter appearing ; XXVII of 1948.

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Assam Rural Panchayat (Amendment) Act, 1952.

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

(3) It shall come into force at once.

Amendment of Section 2 of Assam Act XXVII of 1948.

2. In section 2 of the principal Act, after clauses (a) and (m) the following clauses (aa) and (mm) shall be inserted respectively, namely:—

"(aa) 'bazar' means any place where persons assemble daily for the sale of articles intended for food and drink or of livestock or other merchandise ;

(mm) 'public property' means any property belonging to Government but not vesting in any local authority".

Amendment of Section 4 of Assam Act XXVII of 1948.

3. In sub-section (1) of Section 4 of the principal Act, after the words "Primary Panchayats" the words "not exceeding five" shall be inserted.

Amendment of sub-section (1) of Section 16 of Assam Act XXVII of 1948.

4. In sub-section (1) of Section 16 of the principal Act, for the words beginning with "Each Primary Panchayat" and ending with "to the Rural Panchayat" the following shall be substituted namely:—

"Each Primary Panchayat shall elect one representative for every five hundred of its members and an additional one if the fraction thereof is a figure between two hundred and fifty and four hundred ninety-nine to the Rural Panchayat provided that the total number of members shall not exceed twenty-five".

Amendment of Section 19 of Assam Act XXVII of 1948.

5. In Section 19 of the principal Act,—

(1) in sub-section (1) for the words "a Panchayat Cabinet of Minister" "(*Mantrisabha*)" the words "a Panchayat Executive Council" shall be substituted ;

(2) in sub-sections (2) and (3) for the word "cabinet" the words "Executive Council" shall be substituted ;

(3) in sub-section (4) for the words "Panchayat Ministers" the words "Panchayat Executive Council Members" shall be substituted.

Amendment of Section 21 of Assam Act XXVII of 1948. 6. In sub-section (2) of Section 21 of the principal Act, for the word "Cabinet" the words "Panchayat Executive Council" shall be substituted.

Amendment of sub-sections (2) and (3) of Section 22 of Assam Act XXVII of 1948. 7. In sub-sections (2) and (3) of Section 22 of the principal Act, for the word "Cabinet" the words "Panchayat Executive Council" shall be substituted.

Amendment of Section 31 of Assam Act XXVII of 1948. 8. (1) Sub-sections (4), (15), (17), (18), (19) and (23) of Section 31 of the principal Act shall be deleted and the existing sub-sections (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (16), (20), (21), (22), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), (36), (37), and (38), shall be renumbered as sub-sections (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31) and (32) respectively.

(2) In sub-section (7) so renumbered after the word "waterways" the words "not being private property and not being under the control of the State or Central Government or any local Authority" shall be added.

(3) For sub-section (16) so renumbered the following shall be substituted, namely:—

"(16) Improvement of Cattle breeding".

Insertion of Explanation to sub-section (24) of section 31 of Assam Act XXVII of 1948. (4) In sub-section (24) so renumbered before the word "Hats" the word "Minor" shall be inserted and the following explanation shall be added to the sub-section, namely:—

"*Explanation.*—Unless the State Government in individual cases decides otherwise by a notification in the official Gazette, a minor Hat shall mean a Hat which has never during the three years preceding 1st April 1952 fetched more than Rs. 3,000 as annual revenue either on auction or on settlement otherwise."

Insertion of a new sub-section (2) in Section 34 of Assam Act XXVII of 1948. 9. Section 34 of the principal Act shall be re-numbered as sub-section 1) of that section and the following shall be inserted as sub-section (2), namely:—

"Transfer of certain duties of Panchayat to Local Authority or persons. (2) Subject to such rules as may be prescribed and to such conditions as may be agreed upon, a Panchayat may, with the consent of a Local Authority or any person make over to it management of any institution or the execution or maintenance of any work or the performance of any duty within its jurisdiction".

Amendment of Section 39 of Assam Act XXVII of 1948. 10. In Section 39 of the principal Act, the full stop at the end shall be deleted and the words "and may incur such expenditure and realise such fees as may be prescribed" shall be added.

Deletion of
Section 48 of
Assam Act
XXVII of
1948.

11. Section 48 including the explanation of the principal Act shall be deleted.

Amendment
of sub-section
(2) (i)
of Section 59
of Assam
Act XXVII
of 1948.

12. (1) In sub-section (2)(i) of Section 59 of the principal Act, for the words "public ferries, schools, hospitals, Hats, bazars, pounds, tolls of bridges" the words "Minor Hats and pounds" shall be substituted.

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

Substitution
of sub-section
(2) (iv) of
Section 59
of Assam
Act XXVII
of 1948 and
amendment
of sub-section
(2) (v) of
Section 59
of Assam
Act XXVII
of 1948.

"(iv) a share as may be prescribed, of all sums collected by the Local Board under sub-section (1) of section 133 with respect to such receipts from public ferries, schools, hospitals, Major Hats, the bazars, tolls of bridges and cart-taxes within the Panchayat area".

(3) Add the words "by the Union or State Governments" after the word "it" in sub-section (2)(v) of Section 59 of the principal Act and put the "full stop" after the word "Governments".

Insertion of
new sub-section
(2) to
section 60 of
Assam Act
XXVII of
1948.

13. (1) In Section 60 of the principal Act, the following shall be inserted as sub-section (2), namely:—

"Diversion of
Panchayat
funds in some
cases.

(2) Notwithstanding anything contained in this Act the State Government may by order divert funds of the Rural and Union Panchayats for carrying out the purposes of this Act to any other body, associations, or individuals and may prescribe the mode of collection, allocation and disbursement of the said funds by such body, associations or individuals as the case may be."

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

(3) The existing sub-section (3) shall be re-numbered as sub-section (4).

Amendment
of Section 65
of Assam Act
XXVII of
1948.

14. In sub-section (2) of Section 65 of the principal Act, after the words "any" appearing for the second time and "license" the words "fee for" and "for starting tea stalls and restaurants and collecting of hides and bones" respectively shall be added.

Substitution
of sub-section
(1) of
section 122
of Assam Act
XXVII of
1948.

15. For sub-section (1) of Section 122 of the principal Act, the following shall be substituted, namely:—

"(1) (i) For the purpose of rural development through Co-ordination of the activities of the different departments of the Government and to secure public association and co-operation in all rural development works, the State Government may cause to be framed for each subdivision including a Sadar subdivision and for each district without any subdivision a Rural Development Board.

(ii) The Deputy Commissioner shall be the *Ex-Officio* President of the Board in a Sadar Subdivision and in a district without any Subdivision; the Subdivisional Officer shall be the *Ex-officio* President of the Board in the other subdivisions.

(iii) The Development Officer, and in case where there is more than one such Officer the Senior-most of such officers in a subdivision or a district without any subdivision as the case may be, shall be the *ex-officio* Secretary of the Board.

(iv) The Officers of the various departments of the State Government as may be prescribed shall be members of the Rural Development Board. The State Government may also nominate non-officials to be members of such Board on its own motion or on the recommendation of the President of a Rural Development Board.

(v) Meetings of the Rural Development Boards shall be held at least once in every three months.

(vi) The State Government may make rules for the conduct of the business of the Rural Development Boards."

Substitution
of sub-section
(2) (ii)
of Section
125 of
Assam Act
XXVII of
1948.

16. For sub-section (2) (ii) of Section 125 of the principal Act, the following shall be substituted, namely:—

"(ii) all properties vested in the Panchayat or any balance of the Panchayat fund shall be vested in, and such of its liabilities as may have been incurred in discharge of legitimate functions of the Panchayat or which may have been incurred in course of duties performed for the genuine interest of the Panchayat, be transferred to the Deputy Commissioner or the Subdivisional Officer as the case may be, who shall make such arrangement as may be deemed necessary until it is reconstituted ;"

Insertion of
new Section
132A to
Assam Act
XXVII of
1948.

17. After Section 132 of the Principal Act, the following new section shall be inserted, namely:—

"132A. The members of the Executive Committee of the Primary and of the Executive Council of the Rural and Union Panchayats shall be jointly and severally liable for misuse of the fund and properties of the Panchayat or for any un-authorised diversion of the same for purposes other than those authorised under the Act or Rules framed thereunder or laid down by the State Government or other Local authorities in accordance with the provisions of the Act or Rules framed thereunder and value of such properties and funds misused or diverted as aforesaid shall be recoverable under the orders of the State Government as an arrear of land revenue".

Amendment
of Section
133 (1)
of Assam
Act
XXVII of
1948.

18. In sub-section (1) of Section 133 of the Principal Act, between the words "rate or tax" and "which is" the words "other than receipts from public ferries, schools, hospitals, major hats, bazars, tolls of bridges and cart of taxes" shall be inserted.

Amendment of Section 142 (1) of Assam Act XXVII of 1948. 19. In sub-section (1) of Section 142 of the principal Act, between the words "shall" and "cease" the words "to the extent it is repugnant to the provisions of this Act" shall be inserted and after the word "date" in the last line of the words "in respect of the area or areas" shall be inserted.

Amendment of Section 143 of Assam Act XXVII of 1948. 20. In Section 143 of the principal Act, for the word "Rural" the word "Union" shall be substituted.

