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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : LEGISLATIVE BRANCH

NOTIFICATIONS

The 10th October 1983

No. LGL. 108/83/46.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. X OF 1983

(Received the assent of the Governor on 8th October, 1983)

THE GAUHATI MUNICIPAL CORPORATION
(AMENDMENT) ACT, 1983.

An

Act

to amend the Gauhati Municipal Corporation Act, 1969 (Assam Act I of 1973). Assam Act 1
of 1973.

Whereas it is expedient to amend the Gauhati Municipal Corporation Act, 1969 hereinafter called the principal Act, in the manner hereinafter appearing :

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

Short title,
extent and
commence-
ment.

1. (i) This Act may be called the Gauhati Municipal Corporation (Amendment) Act, 1983.

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

(iii) It shall be deemed to have come into force on first August, 1983.

Amend-
ment of
Section 72
of Assam
Act I of
1973.

2. In the principal Act, in Section 72, in subsection (6), the full stop "." appearing at the end shall be substituted by a colon ":" and thereafter the following proviso shall be inserted, namely :-

"Provided that notwithstanding anything contained in the principal Act, during the period of supersession, appointments to posts carrying any salary shall be made by the Commissioner with the approval of the State Government."

Amendment
of Section
150 of
Assam Act
I of 1973.

3. In the principal Act, in Section 150, in sub-section (I), in the second proviso to clause(b), for the figure "1951", the figure "1972" shall be substituted.

Amendment
of Section
425 of Assam
Act I of
1973.

4. In the principal Act, in Section 425,-
(a) in sub-section (I), the full stop "." appearing at the end of the existing proviso shall be substituted by a colon ":" and thereafter the following shall be inserted as a second proviso, namely :-

"Provided further that at any time before the expiration of the period of supersession or the extended period of supersession, as the case may be, the State Government may, from time to time, extend the period of supersession for such period as may be determined, no such extension exceeding one year at a time and the total period of supersession not exceeding a continuous period of three years ;"

(b) in sub-section (2), after clause (d) the following shall be inserted as a new clause "(e)", namely :-

"(e) (i) Notwithstanding anything contained in the principal Act, during the period of supersession, the Commissioner shall sanction any estimate or contract for a particular work the amount of which does not exceed twenty thousand rupees ;

(ii) If the amount of estimate or contract exceeds twenty thousand rupees, the Commissioner shall sanction the estimate or contract with the approval of the State Government."

Amendment
of Section
438 of Assam
Act I of
1973.

5. In the principal Act, in Section 438 -

(i) In sub-section (2), the full stop "." appearing at the end shall be substituted by a colon ":" and thereafter the following shall be inserted as a new proviso, namely :-

"Provided that notwithstanding anything contained in the Act, during the period of supercession, an appeal shall lie before the State Government against the decision of the Standing Appeal Committee."

(ii) After sub-section (2), the following shall be inserted as a new sub-section (3) namely:—

"(3) Notwithstanding anything contained in the principal Act, the State Government may, at any time, call for the records in any matter from the Corporation and give such order as may be deemed necessary after examination of such records. The order of the State Government, in this regard, shall be final".

Amendment
of Section
444 of Assam
Act I of
1973.

6. In the principal Act, in Section 444 for the figure "1951", the figure "1972" shall be substituted.

Repeals and
Savings.

7. (1) The Gauhati Municipal Corporation (Amendment) Ordinance, 1983 is hereby repealed.

(2) Notwithstanding such repeal any order passed, notification issued, anything done or any action taken under the principal Act, as amended by the Gauhati Municipal Corporation, (Amendment) Ordinance, 1983 shall be deemed to have been passed, issued done or taken under the corresponding provisions of the principal Act as amended by this Act.

D. C. SARMA,
Secy. to the Govt. of Assam,
Judicial & Legislative Deptt.

The 10th October 1983

No. LGL. 161/81/104.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XI OF 1983.

(Received the assent of the Governor on 8th October, 1983)

THE ASSAM TRIBAL DEVELOPMENT AUTHORITY
ACT, 1983

An
Act

to provide for the setting up of a Tribal Development Authority to accelerate development in the Plains Tribal Areas of the State of Assam.

Preamble. Whereas it is expedient to provide for the setting up of a Tribal Development Authority to accelerate development in the Plains Tribal Areas of the State of Assam.

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

Short title,
extent and
commence-
ment.

1. (i) This Act may be called the Assam Tribal Development Authority Act, 1983.

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

(iii) The Act shall apply to such area or areas as the State Government may by notification in the official Gazette from time to time specify.

Definition.

2. In this Act unless there is anything repugnant in the subject or context :—

(a) "Authority" means the Tribal Development Authority of Assam.

(b) "Government" means the State Government of Assam.

(c) "Governor" means the Governor of Assam.

- (d) "Rules" mean the rules made under this Act.
- (e) 'MLA' and 'MP' mean the member of the Legislative Assembly of the State of Assam and the member of Lok Sabha or Rajya Sabha respectively.

CHAPTER II

The setting up of the Authority and its composition.

3. (1) The Government shall set up a Tribal Development Authority for the Plains Tribal Areas of Assam immediately after the coming into force of this Act.
- (2) The Authority will be a corporate body with a perpetual succession and common seal.
- (3) The Authority, unless sooner dissolved, shall continue for five years from the date appointed for its first meetings:

Provided that the said period may be extended by the Governor by notification in the Official Gazette for a period not exceeding one year at a time.

4. The Authority shall consist of the following:—

- (1) (a) The Chairman of the Authority shall be the Chief Minister, Assam.
- (b) The Vice-Chairman shall be the Minister in-charge of the Welfare of Plains Tribes and Backward Classes Department.
- (c) All Plains Tribal M.L.As. and M.Ps. of the State representing the area in which the Act is applicable.

(d) 8 (eight) members to be elected as provided in sub-section (2) of this Section strictly by the limited voters belonging to the Plains Tribal Communities of the Gaon Panchayat areas, or a part of the Gaon Panchayat falling within the areas to which this Act is applied.

(e) An officer not below the rank of a Divisional Commissioner nominated by the Government shall be the Member-Secretary of the Authority.

(f) 5 (five) Ex-officio members nominated by the Government from among the officers of the Developmental Departments.

(g) Not more than two representatives shall be nominated by the Central Government.

(2) As soon as possible after the coming into force of the Act, the Government shall arrange to hold the elections for the members to be elected as provided under clause (d) above. The members of the Gaon Panchayat or a part of the Gaon Panchayat falling in the area to which the Act is applied shall form the Electoral College for the purposes. The procedure for the election shall be as laid down by the Rules.

5. The tenure of the Vice-Chairman shall be for a period of five years. The terms of the members who are M.L.As or M.Ps shall be coterminus with their membership of the Legislative Assembly or Parliament as the case may be. The normal terms of the members elected under Section 4(1) (d) shall be for a period of five years.

6. Notwithstanding anything contained herein before the Governor may from time to time reconstitute the Authority.

Salary and allowances of Vice-Chairman.

7. The Vice-Chairman (if nominated from members other than Minister) shall receive TA/DA as per rules and sitting fees as may be laid down by the Government.

8. The non-official members of the Authority shall receive such TA/DA as per rules and sitting fees as the Government may decide :

Provided that the Government may, while deciding the sitting fees payable to MPs. and MLAs., take into account the provisions of Article 102 and 192 of the Constitution of India and also those of Parliament (Prevention of Disqualification) Act, 1959 and such Acts of the State of Assam in respect of prevention and disqualifications of the members of the State Legislature.

Resignation.

9. Any of the members of the Authority may resign his office by addressing a letter to the Chairman.

Removal of members

10. (1) The Government shall have the right to remove the Vice-Chairman (if nominated from the members other than the Minister) or any other member of the Authority before the expiry of his term on any one or more of the following grounds :—

(a) On his refusal to serve in the Authority.

(b) If he is incapable of holding the office due to disease or infirmity.

(c) On absence from 5 (five) successive meetings of the Authority without sufficient reason.

(d) If he has misused his office.

(e) If his retention in the Authority is otherwise considered undesirable or against the interest of the Authority.

(2) The order under sub-section (i) above shall not be passed until the Vice-Chairman or member concerned has been given an opportunity to show cause as to why the order should not be passed.

(3) A person removed from the office under sub-section (i) shall be disqualified from holding any office under the authority for 5 years, commencing from the date of such removal.

Power to fill vacancies.

11. The Government shall have the power to fill up the vacancies in accordance with the provisions of the Act, in case of the office of Vice-Chairman or a Member falls vacant due to resignation, removal, death or any other cause before the expiry of term of such Vice-Chairman or members. The term of such Vice-Chairman or members shall be coterminus with the expiry of the term of the other regular members of the Authority.

Staff of the Authority.

12. The Authority may have such staff as may be decided by the Authority with the approval of the Government.

CHAPTER III

Procedure for the meeting of the Authority

Meeting of the Authority.

13. (1) The Authority shall meet at least once in three months provided that a meeting of the Authority may be called by the Chairman at shorter intervals if he considers it necessary.

(2) The Chairman or in his absence the Vice-Chairman shall preside over the meeting of the Authority. In the absence of the Chairman and the Vice-Chairman the members present shall elect any member to preside over the meeting.

(3) The notice for the meeting of the Authority shall be issued by the Member Secretary and normally 10 days' notice will be necessary unless the requirement is waived by the Chairman.

Special invitees.

14. The Chairman may invite such person to attend the meeting as he may consider necessary but such invitees shall have no voting power.

Quorum.

15. (i) One-third of the total voting members of the Authority shall form a quorum for a meeting.

(ii) In case the minimum number of the voting members forming a quorum are not present in a meeting, the meeting shall be postponed and reconvened after giving 7 days' notice. No quorum shall be necessary to transact any business of the reconvened meeting.

Functions of the Authority.

16. (1) The Authority shall have the following functions:—

- (a) To prepare short-term and long-term plans for all round socio-economic development of the areas to which this Act is applied.
- (b) To formulate schemes for the development of the area in the context and within the frame-work of the State Plans.
- (c) To recommend such other measures as may be considered necessary for accelerating the development of the area.
- (d) To review the schemes for the development of the area and their progress from time to time.

(e) To call for the reports relating to the implementation of the development programmes in the area and to suggest measures for co-ordination and supervision of the Schemes.

(2) The Authority may with the approval of the Government set up such agency at Sub-Divisional or block level as it may consider necessary for the effective discharge of its functions.

CHAPTER IV

Fund of the Authority

17. The Authority shall have its own fund called "The Tribal Development Authority Fund" into which all the sums received from the Government for the development of the area will be credited. The fund shall be non-lapsable.

18. The Government may frame rules for maintenance of the fund and for regulating the accounting procedure to be followed by the Authority.

19. The Accounts of the Authority will be subject to Audit by such agencies as the Government may prescribe from time to time.

Budget.

20. The Authority shall adopt its budget before the commencement of the financial year and the budget will be operated with the approval of the Government.

Power to borrow.

21. The Authority shall have the power to take loans from the Government on such terms and conditions as may be agreed upon.

Submission of Annual Report.

22. Within 3 months of the expiry of each financial year, the Authority shall submit a report to the Government indicating the activities,

revenue and expenditure of the Authority during the course of the financial year.

Authority to submit reports, etc.

23. The Authority shall submit reports and furnish such figures and data as may be required by the Government.

CHAPTER V

Miscellaneous

Power of the State Government to issue directives.

24. The Government shall have the power to issue from time to time such directives to the Authority as it may consider necessary and the Authority shall carry them out.

Members of Authority and staff to be public servants.

25. The members, the staff and office bearers of the Authority shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

Protection of invalidation of Act or Proceedings.

26. No Act or proceedings of the Authority shall be invalidated by reasons of any vacancy in the Authority, any defect in the composition thereof or any irregularity in the procedure of the Authority.

Protection for acts done.

27. No suit shall lie against any public servant for anything done by him in good faith under the Act.

Power to make rules.

28. The Government shall have the power to make rules to give effect to the provisions of the Act as it may consider necessary:

Provided that such rules shall be laid as soon as may be, after they are made, before the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and it before the expiry of the session in which it is so laid, or in session immediately following.

the Assam Legislative Assembly agreed in making any modification in the rule or the Assam Legislative Assembly agree that no rules should be made, the rules shall thereafter, have effect only in such modified form or be of no effect, as the case may be; Provided that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rules.

Repeal and
Saving

29 (1) The Assam Tribal Development Authority Ordinance, 1983 is here-^{Assam Ordinance No. IV}_{of 1983.} by repealed.

(2) Notwithstanding such repeal anything done or any action taken under the ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

D. C. SARMA,
Secy. to the Govt. of Assam,
Judicial & Legislative Deptt.