

ASSAM LOCAL AUTHORITIES GRANTS (CHARGED)* ACT, 1959*

(Assam Act No. XXIII of 1959)

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SCHEDULE

[Received the assent of the Governor on the 31st July, 1959]

An Act to authorise grants to the Local Authorities and to declare such grants to be expenditure charged on the Consolidated Fund of the State of Assam

Preamble. Whereas by virtue of Art. 266 (1) of the Constitution of India, all revenues to the Government of Assam shall form the Consolidated Fund of the State of Assam ;

And whereas on such revenues forming the Consolidated Fund of the State of Assam it is expedient to make provision for grants to the Local Authorities amounting to such share of the receipts as are collected in their respective jurisdiction for the purpose of carrying out the duties and functions enjoined upon them by laws ;

And whereas it is expedient to declare such grants to the Local Authorities to be expenditure charged on the Consolidated Fund of the State of Assam ;

It is hereby enacted in the Tenth Year of the Republic of India as follows :

1. Short title, extent and commencement. (1) This Act may be called the Assam Local Authorities Grants (Charged) Act, 1959.

(2) It extends to the whole of the State of Assam.

(3) It shall come into force with effect from such date as may be notified in the official Gazette by the State Government.

*Published in the Assam Gazette, dated the 5th August, 1959.

2. Payment of grants to Local Authorities. The State Government shall grant to the Local Authorities notified under S. 3, such share of the receipts as are collected in their respective jurisdiction from the sources detailed in the Schedule to the Act and credited to the Consolidated Fund of the State of Assam.

2-A. Payment of local rate to Gaon or Anchalik Panchayat. Notwithstanding anything in S. 2 the local rate collected from rural areas shall be distributed to the Gaon Panchayats as established under the Assam Panchayat Act, 1959 (Assam Act No. XXIV of 1959) at twenty-five naye Paise per capita of populations :

Provided that local rate collected from any area where Gaon Panchayat has not been established, shall be paid to the Anchalik Panchayat as established under the Assam Panchayat Act, 1959 at the same rate.

COMMENTS

Section 2-A. This section was inserted *vide* Assam Act No. XVII of 1964 published in the Assam Gazette, dated 5-8-1964, to have come into force on 1-4-1964.

2-B. Creation of fund for giving special grants. The excess of local rates collected over the amount disbursed to the Gaon or Anchalik Panchayat, as the case may be, under S. 2-A, if any, shall be credited to a fund to be established for the purpose in the manner as prescribed under the rules. Such fund shall be utilised for making up the deficit in collection of local rate in any particular year, if necessary, and for giving special grants to the Gaon or Anchalik Panchayat or Mohkuma Parishad, as the case may be, whenever sufficient surplus accumulates in the fund, in the manner as prescribed.

COMMENTS

Section 2-B. This section was inserted *vide* Assam Act No. XVII of 1964 published in the Assam Gazette, dated 5-8-1964, to have come into force on 1-4-1964.

3. Notification of the Local Authorities. The State Government shall, from time to time as occasion may arise, notify in the official Gazette, the names of the local authorities which shall receive grant under S. 2.

4. Expenditure to be charged. The expenditure relating to the grants under Ss. 2, 2-A and 2-B shall be charged upon the Consolidated Fund of the State of Assam, in accordance with the provisions of Art. 202 (3) (f) of the Constitution of India.

COMMENTS

Section 4. In this section the words and figures "2-A and 2-B", were inserted by Assam Act XVII of 1964.

4-A. Power to make rules. (1) The State Government may make rules for carrying out the purposes of the Act.

(2) Every rule made under this section shall be laid as soon as may be after it is 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 if, before the expiry of the session in which it is so laid or the session immediately following, the Assam Legislative Assembly agree in making any modifications in the rule or the Assam Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

COMMENTS

Section 4-A. This section was inserted *vide* Assam Act XVII of 1964 published in the Assam Gazette, dated 5-8-1964.

5. Repeal. The Assam Local Authorities Compensatory Grant (Charged) Act, 1940 (Assam Act II of 1940) and the Assam Local Authorities Compensatory Grants (Charged) Act, 1953 (Assam Act XXXIV of 1953) are hereby repealed.

SCHEDULE

[See Section 2]

1. Local rates realised under the Assam Local Rates Regulation, 1979.
2. All receipts from the sales of ferries other than the Public Works Department Ferries under the North India Ferries Act, 1878.
3. All judicial fines realised under the Assam Municipal Act, 1956 (Assam Act XV of 1957) or by-laws made thereunder or under the Assam Panchayat Act, 1959 or rules made thereunder.