

The 23rd February 1960

No.LJL.43/59/16.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

(Received the assent of the Governor on the 16th February 1960)

ASSAM ACT No.IV OF 1960

**THE ASSAM PANCHAYAT (AMENDMENT)
ACT, 1959**

(As passed by the Assembly)

[Published in the *Assam Gazette*, Extraordinary, dated the 24th
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An

Act

to amend the Assam Panchayat Act, 1959

Preamble. WHEREAS it is expedient to amend the Assam Panchayat Act, 1959, hereinafter called the principal Act, in the manner hereinafter appearing ; Assam Act
No. XXIV
of 1959.

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

Short title, extent, and commencement. 1. (1) This Act may be called the Assam Panchayat (Amendment) Act, 1959.

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

(3) It shall be deemed to have come into force on the 1st day of October, 1959.

Deletion of Section 84 of Assam Act XXIV of 1959. 2. Section 84 of the Principal Act, shall be deleted.

Amendment
of Section 150
of Assam Act
XXIV of
1959.

3. In Section 150 of the Principal Act,—

(1) in the heading, between the words “the” and “Anchalik Panchayat” the words “Gaon or” shall be inserted.

(2) for the word “an” occurring between the words “employee of” and “Anchalik Panchayat” the words “the Gaon or” shall be substituted.

(3) in the second and third provisos for the word “an” wherever it occurs between the words “inmember of” and “Anchalik Panchayat”, the words “the Gaon or” shall be substituted.

Amendment
of section 162
of Assam Act
XXIV of
1959

4. In section 162 of the Principal Act,—

(1) after clause (b), the following shall be inserted, namely:—

“(bb) for the purposes of clause (b), all Primary Panchayats and Executive Committees of the Primary Panchayats constituted under the Assam Rural Panchayat Act, 1948 whose terms of office have expired but, notwithstanding such expiry, continued to function till before the commencement of this Act shall be deemed always to have been validly constituted and functioning under the Assam Rural Panchayat Act, 1948 ;”

(2) after clause (h), the following shall be inserted, namely:—

“(hh) the Rural Panchayats constituted under the Assam Rural Panchayat Act, 1948, whose terms of office have expired but, notwithstanding such expiry, continued to function till before the commencement of this Act shall be deemed to be existing Rural Panchayats for the purpose of clause (h).”

Amendment
of sub-section
(2) of section
163 of the
Assam Act
XXIV of
1959.

5. In sub-section (2) of section 163 of the Principal Act, for the words “the Assam Local Authorities Compensatory Grants (Charged) Act, 1953”, the words “the Assam Local Authorities Grants (Charged) Act, 1959” shall be substituted.

Insertion of
new sections
164A and
164B in
Assam Act
XXIV of
1959.

6. After section 164 of the Principal Act, the following shall be inserted, namely:—

“Constitution 164A. (1) The State Government may, by notification declare and constitute an *Ad-hoc* Anchalik Panchayat Committee consisting of such persons as the State Government may nominate in this

behalf for each Anchalik Panchayat notified under Section 5 of this Act which shall function as the Anchalik Panchayat for the purposes of this Act, with effect from such date as may be specified in the notification till the Anchalik Panchayat is constituted in accordance with the provisions of this Act.

(2) The State Government may nominate one of the members as the President and another of such members to be the Vice-President of the *Ad-hoc* Anchalik Panchayat Committee.

(3) The *Ad-hoc* Anchalik Panchayat Committee shall have an Office and an Executive Officer appointed by the State Government who shall be the *Ex-Officio* Secretary and shall be responsible for its due maintenance. He shall, subject to the control of the President, carry out resolution and direction of the *Ad-hoc* Anchalik Panchayat Committee.

Constitution
of the *Ad-
hoc* Moh-
kuma Pa-
rishad Com-
mittee.

164B. (1) The State Government may, by notification, declare and constitute for each subdivision and where there is no subdivision, in each district an *Ad-hoc* Mohkuma Parishad Committee consisting of such persons as the State Government may nominate in this behalf which shall function as the Mohkuma Parishad for the purposes of this Act, with effect from such date as may be specified in the notification till the Mohkuma Parishad is constituted in accordance with the provisions of this Act.

(2) The Deputy Commissioner or the Subdivisional Officer, as the case may be, shall be the *Ex-Officio* President of the *Ad-hoc* Mohkuma Parishad Committee.

(3) The State Government may nominate one of the members as the Vice-President of the *Ad-hoc* Mohkuma Parishad Committee.

(4) An *Ad-hoc* Mohkuma Parishad Committee shall have an office and a Secretary appointed by the State Government who shall be responsible for the due maintenance of the office of the *Ad-hoc* Mohkuma Parishad Committee. He shall, subject to the control of the President, carry out the function of such Committee."

Substitution
of Section 165
of Assam Act
XXIV of
1959.

7. For section 165 of the Principal Act, the following shall be substituted, namely:—

"Effect of
repeal.

165. (1) From the date the Assam Local Self-Government Act, 1953 is repealed under sub-section (1) of Section 163 of this Act, all the assets including the Local

Assam Act
XXV of
1953

Board Fund belonging to any Local Board and such other liabilities as may have been incurred in the discharge of the legitimate function by such Board, established under the Act repealed, shall vest in the Deputy Commissioner or the Subdivisional Officer, as the case may be, who shall hold the assets in trust, until these are made over in accordance with the order of the State Government or such officer or officers as the State Government may appoint in this behalf, to the Mohkuma Parishad or to the Anchalik Panchayat or to the *Ad hoc* Mohkuma Parishad Committee or to the *Ad-hoc* Anchalik Panchayat Committee or to the Gaon Panchayat established under this Act in the area over which the Local Board, to whom the assets belonged had jurisdiction.

(2) Till such date as the assets and the liabilities of the Local Board are made over in accordance with sub-section(1), the Deputy Commissioner or the Subdivisional Officer, as the case may be, shall, notwithstanding the repeal of the Assam Local Self-Government Act, 1953, perform and exercise all duties and powers assigned to the Board under the Act so repealed."

Repeal and
Saving.

8. (1) The Assam Panchayat (Amendment) Ordinance, 1959 is hereby repealed.

Assam Ordinance No. V of 1959.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the date on which such thing was done or action was taken.

B. C. BARUA,

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