

ASSAM ACT No.XXIX OF 1962

THE ASSAM PANCHAYAT (AMENDMENT) ACT, 1962

(As passed by the Assembly)

Received the assent of the Governor on the 28th September 1962

[Published in the *Assam Gazette*, Extraordinary, dated the 4th October 1962]*An
Act**to amend further the Assam Panchayat Act, 1959*

Preamble

WHEREAS it is expedient to amend further the Assam Panchayat Act, 1959 hereinafter called the principal Act, in the manner hereinafter appearing ;

Assam Act
XXIV of
1959.

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

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Assam Panchayat (Amendment) Act, 1962.

(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 XXIV
of 1959.

2. In section 2 of the principal Act, clauses (20) and (21) shall be deleted and the existing subsequent clauses (22) to (35) shall be renumbered as clauses (20) to (33) respectively.

Amendment
of section 8
of Assam
Act XXIV
of 1959.

3. In section 8 of the principal Act.—

(1) the full-stop at the end of sub-section (2) shall be deleted and the words and punctuation (:) “and shall publish the same in the manner prescribed ;” shall be added ;

(2) after sub-section (2) as so amended, the following proviso shall be added, namely :—

“Provided that the Deputy Commissioner or the Subdivisional Officer, as the case may be, may include the name of any person whose name is not included in the list of voters if such person makes an application within ten days of the publication of the list and satisfies the Deputy Commissioner or the Subdivisional Officer, as the case may be, that his name appears in the upto date electoral roll of the Assam Legislative Assembly, prepared and in force after the day notified under sub-section (1).”

Amendment
of section 9
of Assam
Act XXIV
of 1959.

4. After sub-section (2) of section 9 of the principal Act, the following shall be inserted as sub-section (2) and the existing sub-sections (2), (3), (4) and (5) shall be renumbered as sub-sections (3), (4), (5) and (6) respectively, namely:—

“(2) Every meeting shall be presided over by the President of the Gaon Panchayat and in his absence by the Vice-President of the Gaon Panchayat and in the absence of both, members present shall choose one from amongst themselves to preside.”

Amendment
of section 11
of Assam
Act XXIV
of 1959.

5. In section 11 of the principal Act—

(1) for sub-section (1), the following shall be substituted, namely:—

“(1) Every Gaon Sabha shall have an Executive Committee including a President and a Vice-President called the Gaon Panchayat to be elected in the manner prescribed.”

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

“Provided further that the Gaon Panchayat shall co-opt from amongst the members of the Gaon Sabha, two women members if no woman is elected, and one woman member if only one is elected.”

(3) After sub-section (3) the following shall be inserted as sub-section (4) and the existing sub-sections (4) and (5) shall be renumbered as sub-sections (5) and (6) respectively, namely:—

“(4) The State Government may, by notification for reasons to be stated therein, extend the term of office referred to in sub-section (3) by such period not exceeding one year as may be specified in the notification.”

Amendment
of section 14
of Assam
Act XXIV
of 1959.

6. In section 14 of the principal Act, after clause (i) of sub-section (5), the following Explanation shall be inserted, namely:—

“**Explanation.**—For the purpose of quorum, *ex-officio* members shall not be counted.”

Amendment
of section 16
of Assam
Act XXIV
of 1959.

7. In section 16 of the principal Act, in sub-section (2), for the words “Gaon Panchayat” occurring in the first line between the words ‘The’ and ‘may’, the words ‘State Government’ shall be substituted.

Amendment
of section 17
of Assam
Act XXIV
of 1959.

8. In section 17 of the principal Act, in sub-section (1),—

(a) for the second proviso to clause (i) the following shall be substituted, namely:—

“Provided further that if the President or the Vice-President of a Gaon Panchayat is elected to the Anchalik Panchayat, he shall, within fifteen days from the date of declaration of result thereof, exercise his

option of remaining either as the President or the Vice-President, as the case may be, of the Gaon Panchayat or alternatively as the member of the Anchalik Panchayat. If he does not exercise his option within the time limit, he shall immediately on expiry of such time limit cease to be the President or the Vice-President, as the case may be, of the Gaon Panchayat. His place in the Gaon Panchayat or the Anchalik Panchayat, as the case may be, shall be filled in the manner these offices are filled."

(b) for clause (ii), the following shall be substituted, namely:—

"(ii) One representative to be elected, in the manner prescribed, by the Chairmen of the Co-operative societies from amongst themselves, falling within the area of the Anchalik Panchayat:

Provided that notwithstanding anything herein contained, no member elected before the coming into force of the Assam Panchayat (Amendment) Act, 1962, shall be disqualified even if such a member was not a Chairman of any Co-operative Society at the time of his election."

(2) In sub-section (2), for clause (ii) the following shall be substituted, namely:—

"(ii) The Anchalik Panchayat shall, from within the area of its jurisdiction, co-opt two women members if no woman is elected, and one woman member if only one is elected."

Amendment
of Section
19 of
Assam Act
XXIV of
1959.

9. In section 19 of the principal Act,—

(1) the existing section shall be renumbered as sub-section (1) thereof;

(2) after sub-section (1) as so renumbered, the following shall be inserted as sub-section (2), namely:—

"(2) The State Government may, by notification, for reasons to be stated therein, extend the term of office referred to in sub-section (1), by such period not exceeding one year as may be specified in the notification."

Amendment
of Section
22 of
Assam Act
XXIV of
1959.

10. In section 22 of the principal Act,—for the second proviso in sub-section (1), the following shall be substituted, namely:—

"Provided further that the Mohkuma Parishad shall from within the area of its jurisdiction, co-opt two women members if no woman is elected, and one woman member if only one is elected."

Amendment
of Section
24 of
Assam Act
XXIV of
1959.

11. In section 24 of the principal Act, after sub-section (3), the following shall be inserted as sub-section (4), namely:—

"(4) The State Government may, by notification, for reasons to be stated therein, extend the term of office referred to in sub-section (1), by such period not exceeding one year as may be specified in the notification."

Amendment
of Section
27 of
Assam Act
XXIV of
1959.

12. For section 27 of the principal Act, the following shall be substituted, namely:—

“Removal of
President
or Vice-
President
or member
of a Gaon
or Anchalik
Panchayat
or Moh-
kuma Pari-
shad.

27. (1) (a) A President or Vice-President or member of a Gaon or Anchalik Panchayat or Mohkuma Parishad shall immediately cease to hold office:—
(i) if he suffers from any of the disqualifications mentioned in sub-section (1) (a) to (f) of section 16 ;
(ii) if he absents himself, without assigning any cause, from three consecutive meetings of the Gaon or Anchalik Panchayat or the Mohkuma Parishad, as the case may be.

(b) A President or Vice-President of an Anchalik Panchayat or Mohkuma Parishad shall immediately cease to hold office, if by three-fifths majority of votes a motion of no-confidence is passed by members in a meeting of the Anchalik Panchayat or the Mohkuma Parishad, as the case may be, where at least a minimum of two-thirds of total number of members is present:

Provided that at least seven days' notice in writing shall be given to the President and the Vice-President of the Anchalik Panchayat or the Mohkuma Parishad, as the case may be, before such a motion can be discussed.

(c) A President or Vice-President of a Gaon or Anchalik Panchayat or Mohkuma Parishad, as the case may be, shall immediately cease to hold office, if he ceases to be a member of the Gaon Sabha or Anchalik Panchayat or the Mohkuma Parishad, as the case may be.

(2) A President or Vice-President of a Gaon or Anchalik Panchayat or Mohkuma Parishad may be disqualified from holding office by the State Government,—

(i) if he refuses to act or becomes incapable of acting ; or

(ii) if he is guilty of misconduct or wilful neglect in the discharge of his duties ; or

(iii) if his continuance in office is dangerous to the public peace or is likely to bring the administration of a Gaon or Anchalik Panchayat or Mohkuma Parishad into contempt.

(3) A President or Vice-President or member of the Gaon or Anchalik Panchayat or Mohkuma Parishad who immediately ceases to hold office according to the provisions of sub-section (1) or is disqualified by the State Government according to the provisions of

sub-section (2) shall be removed in the manner prescribed :

Provided that no such person as aforesaid shall be removed until he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(4) No person who has been removed from office under the provisions of this section shall be eligible for re-election to the vacancy so created."

Amendment of section 29 of Assam Act XXIV of 1959 13. In section 29 of the principal Act, the following shall be inserted as an Explanation to clause (i) of sub-section (5), namely :—
"Explanation.—For the purpose of quorum *ex-officio* members shall not be counted."

Amendment of section 36 of Assam Act XXIV of 1959 14. In Part II of section 36 of the principal Act—
(1) for item (8), the following shall be substituted, namely :—

"(8) control, maintenance and regulation of bus-stand, carriage-stand, cart-stand and fairs ;"

(2) for the full-stop (.) at the end of item (18), a semicolon (;) shall be substituted and after the said item the following shall be inserted as item (19), namely :—

"(19) maintenance and regulation of hats according to the provisions of section 76A."

Amendment of section 37 of Assam Act XXIV of 1959 15. In Part II of section 37 of the principal Act, for item (6), the following shall be substituted, namely :—

"(6) maintenance and regulation of hats according to the provisions of section 76A ; and ;"

Amendment of section 66 of Assam Act XXIV of 1959 16. In sub-section (2) of section 66 of the principal Act, for the full-stop (.) at the end of clause (iii), a semicolon (;) shall be substituted and the following shall be inserted as clause (iv), namely :—

"(iv) sums received on account of sale proceeds of hats."

Amendment of section 67 of Assam Act XXIV of 1959 17. In sub-section (1) of section 67 of the principal Act, for the full-stop (.) at the end of clause (ii), a semicolon (;) shall be substituted and the following shall be inserted as clause (iii), namely :—

"(iii) allotment of sale proceeds of hats to each Gaon or Anchalik Panchayat according to the provisions of section 76A,"

Amendment
of section 69
of Assam
Act XXIV
of 1959.

18. In section 69 of the principal Act—

(1) for clause (iv), the following shall be substituted, namely:—

“(iv) contribution from Government including a share of the land revenue which shall not be less than fifteen per cent of the net receipt and the entire net receipt of local rate, collected from the area of the Gaon Panchayat after providing for agent's commission:

Provided that the State Government may direct the Gaon Panchayat to spend a specified share of the net receipt of local rate for any purpose specified by the State Government.”

(2) in clause (ix), for the words “minor hats”, occurring between the words “of” and “and”, the words “hats according to the provisions of section 76A” shall be substituted;

(3) for clause (x), the following shall be substituted, namely:—

“(x) contribution from private individuals. local authorities.”

Amendment
of section 70
of Assam
Act XXIV
of 1959.

19. In clause (v) of section 70 of the principal Act—

(1) for the words “major hats or bazars” occurring between the words “of” and “buildings”, the words “hats according to the provisions of section 76A” shall be substituted;

(2) the proviso at the end shall be deleted.

Amendment
of section 75
of Assam
Act XXIV
of 1959.

20. In clause (ii) of sub-section (1) of section 75 of the principal Act, at the end of item (c) the word “and” shall be added and item (d) shall be deleted.

Amendment
of section 76
of Assam
Act XXIV
of 1959.

21. In sub-section (1) of section 76 of the principal Act, clause (c) shall be deleted and the existing clause (d) shall be renumbered as clause (c).

Insertion of
a new section
76A in
Assam Act
XXIV of
1959.

22. After section 76 of the principal Act, the following shall be inserted as section 76A, namely:—

“Settlement
of hats, dis-
tribution of
proceeds
and mainte-
nance and
regulation
thereof.

76A. (1) Subject to sub-section (2), all hats with in the Panchayat areas shall be settled in the prescribe manner for a period of one year by public auction to be held at the headquarters of the Anchalik Panchayat within whose jurisdiction the particular hat or hats are situated by the Committee constituted by the Mohkuma Parishad in the manner prescribed.

(2) All settlement made under sub-section (1) shall be subject to confirmation by the Mohkuma Parishad in a meeting convened for the purpose within such period as may be prescribed in this behalf. In case the Mohkuma Parishad in such meeting refuses to confirm, the reasons for such refusal shall be duly recorded in the proceedings of the meeting and the Mohkuma Parishad shall pass such orders thereon as it may deem fit.

(3) After the settlement is confirmed the lease in the prescribed form shall be issued by the Mohkuma Parishad to the person in whose favour the settlement is confirmed.

(4) All sale proceeds of hats shall be deposited in the Subdivisional Rural Development Fund and distributed in the manner hereinafter provided:—

(i) if the sale proceed of any hat does not exceed rupees three thousand, then the entire amount shall be made over to the Gaon Panchayat within whose jurisdiction the hat is situate ;

(ii) if the sale proceed of any hat exceeds rupees three thousand but does not exceed rupees ten thousand then a sum of rupees three thousand shall go to the Gaon Panchayat within whose jurisdiction the hat is situated and the balance to the Anchalik Panchayat in whose jurisdiction the hat is situate ;

(iii) if the sale proceed of any hat exceeds ten thousand, then a sum of rupees three thousand shall go to the Gaon Panchayat within whose jurisdiction the hat is situate and a sum of rupees seven thousand shall go to the Anchalik Panchayat within whose jurisdiction the hat is situate and the balance shall go to a common pool;

(iv) one-third of the common pool shall be distributed among all the Anchalik Panchayats and the remaining two-thirds among all the Gaon Panchayats within the area of the Mohkuma Parishad. The basis of distribution shall be area *cum* population in both the cases.

(v) All hats the sale proceeds of which do not exceed rupees five thousand shall be maintained and regulated by the Gaon Panchayat concerned where the hat is situate, and all hats the sale proceeds of which exceed rupees five thousand shall be maintained and regulated by the Anchalik Panchayat concerned where the hat is situate."

Amendment of section 139 of Assam Act XXIV of 1959. 23. In section 139 of the principal Act, the existing section shall be renumbered as sub-section (1) thereof and the following shall be inserted as sub-section (2), namely :—

“(2) After passing an order under sub-section (1) the Deputy Commissioner or the Subdivisional Officer, as the case may be, shall forthwith submit a copy of the order assigning reasons for making it along with any explanation submitted by the Gaon or Anchalik Panchayat or Mohkuma Parishad concerned to the State Government which may rescind, modify or confirm the order.”

Amendment of section 161 of Assam Act XXIV of 1959. 24. In section 161 of the principal Act, (1) for clause (h) the following shall be substituted, namely :—
“(h) other similar matters including contributory provident fund, gratuities or pensions or other benefits.”