



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 96 Dispur, Wednesday, 28th February, 2018, 9th Phalguna, 1939 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 22nd February, 2018

No. LLE 17/2018/439.- The following Bill introduced before the House **on 22nd February, 2018** together with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General information.

THE ASSAM PANCHAYAT (AMENDMENT) BILL, 2018

A

BILL

further to amend the Assam Panchayat Act, 1994 .

Preamble

Whereas it is expedient further to amend the Assam Panchayat Act, 1994, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
No. XVIII
of 1994

It is hereby enacted in the Sixty-ninth 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, 2018.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of section 4

2. **In the principal Act, in section 4, in sub-section (6), for the existing clause (i), the following shall be substituted, namely :-**

“(i) The quorum for a meeting of the Gaon Sabha shall be one-tenth of the total members or five hundred numbers of voters of the Panchayat whichever is less.”

Amendment of section 111

3. In the principal Act, in section 111, the existing provision shall be renumbered as section 111(1) and thereafter the following new sub-section (2) shall be inserted, namely :-

“(2)No person shall be eligible for contesting election or to be elected under this Act,-

- (a) who has more than two living children from a single or multiple partners;
- (b) who has not passed class VI examination from an Educational Institution, for the post of Gaon Panchayat member:

Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC), lacking of minimum educational qualification shall not be a bar for contesting election or to be elected for the post of Gaon Panchayat member;

- (c) who has not passed the H.S.L.C or equivalent examination under any Council or Board recognised by the State or the Central Government, as the case may be, for the post of Gaon Panchayat President, Anchalik Panchayat member:

Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC), the minimum qualification shall be class VIII examination passed from an Educational Institution;

- (d) who has not passed the H.S.S.L.C or equivalent examination under any Council or Board recognised by the State or the Central Government, as the case may be, for the post of Zilla Parishad member:

Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC), the minimum qualification shall be H.S.L.C or equivalent examination passed under any Board or Council recognised by the Central or the State Government, as the case may be;

- (e) who does not have a functional sanitary toilet in his/her residence.

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STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Assam Panchayat Act, 1994 as illustrated below:

- (A) It is proposed for amendment of existing clause (i) of the Section 4(6) of the Assam Panchayat Act, 1994 wherein the quorum for a meeting of the Gaon Sabha shall be one-tenth of the total members or one hundred number of voters of the village/villages whichever is less. However, keeping in mind the average population of the Gaon Panchayat, which is between 6000 to 10,000, the quorum for Gaon Sabha is proposed for amendment.
- (B) It is also proposed for amendment of Section 111 of existing Assam Panchayat Act, 1994 by inserting new sub-section (2) Clause (a), (b), (c), (d) and (e) to Assam Panchayat Act, 1994.
- (i) In light of changes of State Population Policy, viz. Assam State Population Policy, 2017, the insertion of clause (a) of Section 111 (2) is proposed.
- (ii) Due to education perspective and vision in life in delivering services more efficiently, it is required to have educational qualification for contesting election for PRI representatives; therefore, it is also proposed as one of the criteria of disqualification by insertion of clause (b), (c) (d) under Section 111 (2) of Assam Panchayat Act, 1994.
- (iii) With Hon'ble Prime Ministers clarion call for Swachh Bharat, the insertion of clause (e) of Section 111 (2) is proposed.

Hence, the Bill for amendment of Section 4(6)(i) and insertion of Section 111 (2)(a)(b)(c)(d)&(e) to Assam Panchayat Act, 1994.

NABA KUMAR DOLEY,

Minister of State (Independent Charge)
Panchayat and Rural Development, etc., Assam.

M. K. DEKA,

Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

NABA KUMAR DOLEY,
Minister of State (Independent Charge)
Panchayat and Rural Development, etc., Assam.

MEMORANDUM OF DELEGATED LEGISLATION

The present amendment will not create any delegated legislation.

NABA KUMAR DOLEY,
Minister of State (Independent Charge)
Panchayat and Rural Development, etc., Assam.

**EXTRACT OF THE EXISTING PROVISIONS PROPOSED IN THE BILL FOR
AMENDMENT**

Section 4 (6) (i) of the Assam Panchayat Act, 1994 :

"The quorum for a meeting of the Gaon Sabha shall be one-tenth of the total members or one hundred number of voters of the village/villages whichever is less."

Section 111 of the Assam Panchayat Act, 1994 :

Disqualifications : No person shall be elected or co-opted and remain as President, Vice-President, or Member of Zilla Parishad, Anchalik Parishad and Gaon Panchayat, if he or she—

- (a) has been convicted of an offence involving moral turpitude or ordered to give security for good behaviour under Section 110 of the Code of Criminal Procedure, 1973, unless a period of four years has lapsed on the date fixed for holding election from the date of his release in case of a sentence or imprisonment and in case of sentence other than imprisonment from the date of conviction; or
- (b) has been dismissed from Government service, for commission of act involving moral turpitude unless a period of five years has elapsed on the date of fixed for holding from the date of his dismissal; or
- (c) applies to be declared as an uncertified bankrupt or undischarged insolvent; or
- (d) has been proclaimed a tout under the Legal Practitioners Act; or
- (e) hold any service of profit under Government or any educational institution recognised and received grant from Government, or holds remunerated office under Zilla Parishad, Anchalik Parishad and Gaon Panchayat or holds any contract under any of the aforesaid bodies or under the Government; or
- (f) has been during the four years immediately preceding the date of election convicted of an offence punishable under Section 135, or clause (A) of sub-section (2) of Section 136 of the Representation of the Peoples Act, 1951 or has been found by the competent authority to have resorted to corrupt practice resulting in setting aside of his election to any local body or to any legislature in India; or
- (g) has been defaulter of payment of any rate, tax cess or fee imposed under the provisions of this Act and the Rules framed thereunder or of any loan of co-operative society;
- (h) in any question arises as to whether a member of a Panchayat body at any level has become subject to any of the disqualification under this section, the question shall be referred for decision of such authority or in such manner as the Government may law provide;
- (i) if a person who is chosen as a member of a Panchayat is or becomes member of the House of the People, the State Legislative Assembly or is or becomes a Municipal Councillor or a

Councilor of a Municipal Corporation or a member of a Town Committee, then within fifteen days from the date of commencement of the term of office of a member of the House of People, the State Legislative Assembly or of the Municipal Corporation or Councillor of Municipality or member of Town Committee, his seat in the House of People, the State Legislative Assembly or the Municipality or the Municipal Corporation or the Town Committee as the case may be;

- (j) No person shall be disqualified on the ground that he is less than twenty five years of age, if he has attained the age of twenty one years.

M. K. DEKA,
Principal Secretary,
Assam Legislative Assembly.