



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 28th December, 2020

No. LLE.66/2020/816.- The following Bills were introduced in the House **on 28th December, 2020** along 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 OFFICIAL LANGUAGE (AMENDMENT) BILL, 2020**A****BILL**

further to amend the Assam Official Language Act, 1960.

Preamble

Whereas, it is expedient further to amend the Assam Official Language Act, 1960, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
No. XXXIII
of 1960

It is hereby enacted in the Seventy-first Year of the Republic of India, as follows:-

**Short title,
extent and
commencement**

1. (1) This Act may be called the Assam Official Language (Amendment) Act, 2020.
- (2) It shall have the like extent as the principal Act.
- (3) It shall be deemed to have come into force on the 15th day of December, 2020, the date on which the Assam Official Language (Amendment) Ordinance, 2020, came into force.

Assam
Ordinance
No. IX of
2020

**Substitution of
section 5A**

2. In the principal Act, for section 5A, the following shall be substituted, namely :-
“5A. Without prejudice to the provisions contained in section 3, the Bodo Language in Devanagiri Script shall be used as an Associate Official Language for all or any of the Official purposes of the State of Assam as are specified in the Schedule.”

**Repeal and
savings**

3. (1) The Assam Official Language (Amendment) Ordinance, 2020, is hereby repealed.
- (2) Notwithstanding such repeal anything done or any action taken under the Ordinance, so repealed, before the date of commencement of this Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Assam
Ordinance
No. IX of
2020

Statement of Objects & Reasons

The salient feature of the Bill is to substitute the Section 5A of the Assam Official Language Act, 1960 to implement Clause 6.2 of the MoS signed on 29-01-2020 with Bodo Groups. Proposed amendment will allow Bodo language in Devanagiri Script as an Associate Official Language for all or any of the Official purposes of the State of Assam.

Therefore, the Bill proposes to substitute section 5A of the Assam Official Language Act, 1960.

Hence, the proposed amendment.

SARBANANDA SONOWAL,
Chief Minister and Minister in-Charge,
Home & Political, Assam.

A. N. DEKA,
Secretary-In-charge,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed Bill.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative powers to the executive in the proposed Bill.

Extract of the Existing Provision of Section 5A of the Assam Official Language Act, 1960

Section 5A : It applies

5A. “Without prejudice to the provisions contained in Section 3, the Bodo Language shall be used as an Associate Official Language for all or any of the Official purposes of the State of Assam as are specified in the Schedule, in the Districts and Subdivisions having substantial Bodo population as may be declared by the State Government from time to time”.

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

THE ASSAM TEA PLANTATIONS PROVIDENT FUND AND PENSION FUND AND DEPOSIT LINKED INSURANCE FUND SCHEME (AMENDMENT) BILL, 2020

A BILL

further to amend the Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme Act, 1955.

Preamble

Whereas it is expedient further to amend the Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme Act, 1955, hereinafter referred to as the principal Act, in the manner hereinafter appearing ;

Assam
Act X
of 1955

It is hereby enacted in the Seventy-first Year of the Republic of India as follows :-

Short title, extent and commencement

1. (1) This Act may be called the Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme (Amendment) Act, 2020.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of the Schedule

2. In the principal Act, in the Schedule, in para 9B, in sub-para (iii), for the words “one lakh” appearing after the words “more than rupees”, the words “two lakh” shall be substituted.

Statement of Objects & Reasons

The salient feature of the Bill is to amend the Para 9 B (iii) of the schedule in the Assam Tea Plantations Provident Fund & Pension Fund & Deposit Linked Insurance Fund Scheme Act, 1955. The existing provision of the Act and Scheme stipulates in the matter of the scale of assurance benefit payable on the death of an employee who is a member of the Fund, that the person entitled to receive the provident fund accumulation of the deceased shall, in addition to such accumulation be paid an amount equal to the balance of the deceased in the fund not exceeding rupees One lakh, provided that the balance in the account of the deceased employee is not below the sum of rupees one thousand.

Over the last few years the pay structure of the tea workers has considerably increased. Accordingly, average Provident Fund (PF) balance of each member has been increased due to increase of Provident Fund contribution amount. The Deposit Linked Insurance (DLI) Fund position is also considered satisfactory.

As such, it is considered desirable to enhance the assurance benefit payable to tea workers of Assam.

Hence the proposed amendment.

SARBANANDA SONOWAL,
Chief Minister and Minister in-Charge,
Labour Welfare.

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed Bill.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative powers to the executive in the proposed Bill.

Extract of the Existing Provisions of the Assam Tea Plantations Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme Act, 1955

Section	Existing Provision
The Schedule in Para 9B (iii) of ATPPF & PF & DLI Fund Scheme Act, 1955	The scales of assurance amount which shall not be less than the balance in the account of the employees concerned in the Provident Fund or more than rupees One lakh.

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

THE ASSAM EASE OF DOING BUSINESS (AMENDMENT) BILL, 2020

A

BILL

further to amend the Assam Ease of Doing Business Act, 2016.

Preamble

Whereas it is expedient to streamline regulatory structures and processes and to simplify the procedures related to renewals of Certificates, Licenses, Permissions, etc in enterprises in the State of Assam;

AND Whereas, it is expedient to improve the effectiveness of the Ease of Doing Business Act, 2016, in the interest of speedy disposal of the applications seeking clearances and approvals including those relating to renewals submitted in various Departments of the Government of Assam, by means of Auto Renewal of Clearances based on self-declaration and upon payment of prescribed fees as payable under different State laws;

Assam
Act V of
2016.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Assam Ease of Doing Business (Amendment) Act, 2020.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of section 3

2. In the principal Act, in section 3, existing clause (l), shall be re-numbered as clause(m) and the following new clause (l) shall be inserted, namely:-

“(l) “Renewals” means re-grant or re-issue of no-objection certificate, approval, permission, registrations, licenses and like, by any competent authority or authorities of the State Government, required to be renewed or re-issued under state enactments, in connection with the setting up of, or in connection with the operation of an Industrial or Service Sector undertaking.”

Amendment of section 8

3. In the principal Act, in section 8, in sub-section (1),-
 - (i) in clause (i), in fourth line, after the word “clearances” ,the words “and renewals” shall be inserted ;
 - (ii) in clause (iii), in second line, after the word “clearances” ,the words “and renewals” shall be inserted .

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| Amendment of section 14 | 4. | In the principal Act, in section 14, in clause (e), in second line, after the words “necessary clearances”, the words “and renewals” shall be inserted. |
| Amendment of section 15 | 5. | In the principal Act, in section 15, in fourth line, after the words “of clearance/s”, the words “and renewals” shall be inserted. |
| Amendment of section 16 | 6. | <p>In the principal Act, in section 16,-</p> <ul style="list-style-type: none"> (i) in sub-section (1), in first paragraph, in second and third line and in third paragraph, in first line, after the word “clearance”, the words “or renewal” shall be inserted; (ii) in sub-section (3), in sixth line, after the word “clearances”, the words “or renewals” shall be inserted; (iii) in sub-section (4), in second line, after the word “clearances”, the words “or renewals” shall be inserted; (iv) after sub-section (4), the following new sub-sections (5) and (6), shall be inserted, namely:- <p>“(5) (i) Any authorized person who intends to renew clearances as defined in clause (m) of section (3) of the Act, any Industrial or Service Sector undertaking may file a declaration and pay the requisite fee online in such form and in such manner as may be prescribed.</p> <p>(ii) On receipt of the application and requisite fees as stipulated above, the online system shall auto-generate the renewal of clearances, which can be downloaded by the applicant. However, auto generation of renewal of clearances shall not prevent the competent authority to inspect and cancel the renewal of clearances in case of violation of the law concerned.</p> <p>(6) A Computerized Central Inspection System shall be implemented wherein allocation of Inspectors shall be done centrally at random by auto allocation and the same Inspector shall not be assigned to the same unit in subsequent year. Prior notice shall be provided to the business owner and inspection report shall be uploaded on the web portal within 48 hours of inspection.”.</p> |

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|------------------------------|----|---|
| Amendment of section 22 | 7. | In the principal Act, in section 22, in first line, after the word "clearance", the words "or renewal" shall be inserted. |
| Amendment of section 25 | 8. | In the principal Act, after section 25, the following new section 25A shall be inserted, namely:- |
| "Act to override other laws. | | 25A. The provisions of this Act shall have overriding effect, notwithstanding anything inconsistent therewith contained in any other state law, for the time being in force." |
| Amendment of section 28 | 9. | In the principal Act, in section 28, in fifth line, after the word "clearance", the words "or renewal" shall be inserted. |

STATEMENT OF OBJECTS AND REASONS

The objective to introduce the Bill, namely 'The Assam Ease of Doing Business (Amendment) Bill, 2020' is to speed up the clearances and permissions for setting up industries and to continue the industrial operations in the State. This will simplify the procedures, bring transparency and efficiency in the existing system.

The Assam Ease of Doing Business Act, 2016 was enacted with the aim of streamlining regulatory structures and creating an investor-friendly environment. Government of Assam in Industries & Commerce Department has simplified and rationalized a wide-range of business processes and regulatory laws in order to facilitate regulatory clearances and approvals online, through a robust Single Window Clearance System under "The Assam Ease of Doing Business Act 2016".

It has been observed that large number of applications are pending at different levels and there is unreasonable delay in case of renewals etc. Therefore, it will be expedient to do away with the renewal of Certificates, Licenses, Permissions etc. The enterprises do submit all required documents for obtaining the initial License, Permission etc. As such, there is no need to submit the documents once again. In view of the above, it is proposed to do away with the requirement of renewals under various acts. However, the enterprises/ units will be required to deposit the required fee for renewal within the stipulated time for obtaining renewals.

The State Government is committed towards creating an investor friendly atmosphere in the State. Many steps have been taken in the past few years to promote investment and make Assam an investor friendly destination.

A Computerized Central Random Inspection System will be implemented wherein allocation of inspectors will be done centrally at random by the competent authority and the same inspector will not be assigned to the same unit in subsequent year. Prior notice will be provided to the business owner and inspection report will be uploaded on the web portal within 48 hours of inspection.

In view of the above, the new proposed system of auto renewal and Computerized Central Random Inspection System will speed up the clearances and permissions for setting up or to continue the industrial operation.

Further, the aforesaid amendments in the Assam Ease of Doing Business Act, 2016 will enable the State Government to avail the 0.25 percent Additional Borrowing from the Central Government.

CHANDRA MOHAN PATOWARY,
Minister, Industries & Commerce, Assam.

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

This Bill does not entail any expenditure from the Consolidated Fund of the State once it comes into force.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill proposes to delegate legislative power to the Executive.

A. N. DEKA,
Secretary-In-charge,
Assam Legislative Assembly.

THE ASSAM TAXATION (LIQUIDATION OF ARREAR DUES) (SECOND AMENDMENT) BILL, 2020

A

BILL

further to amend the Assam Taxation (Liquidation of Arrear dues) Act, 2005.

Preamble

Whereas it is expedient further to amend the Assam Taxation (Liquidation of Arrear Dues) Act, 2005, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam
Act XI
of 2005

It is hereby enacted in the Seventy-first Year of the Republic of India as follows: -

Short title, extent and commencement

1. (1) This Act may be called the Assam Taxation (Liquidation of Arrear Dues) (Second Amendment) Act, 2020.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of section 1

2. In the principal Act, in section 1, in sub-section (3), for the word, figures and punctuation mark, "31st July, 2020", the word, figures and punctuation mark, "31st March, 2021" shall be substituted.

Amendment of section 2

3. In the principal Act, in section 2, in sub-section (1), for the existing clause (b), the following shall be substituted, namely: -
 "(b) "Outstanding dues of arrear tax, penalty and interest" means unpaid amounts as on the date of coming into force of this Act on account of tax, interest and penalty by an applicant as per statutory orders for periods up to 30th June, 2017 under any provision of the relevant Acts passed on or before 30th September, 2020 or by such later date as the State Government may, by notification in the Official Gazette, specify from time to time and also includes further calculable interest as per the relevant Acts on the involved principal amounts up to the date of application within the meaning of section 5 of this Act;"

Amendment of section 4

4. In the principal Act, for the existing section 4, the following shall be substituted, namely: -

"Eligibility condition

4. Subject to other provisions of this Act, an applicant shall be eligible to make an application under this Act for all his outstanding dues in respect of amounts assessed for the periods up to 30th June, 2017 and levied against him on or before 30th September, 2020 but not lying in dispute before any statutory forum or the Hon'ble Gauhati High Court or the Hon'ble Supreme Court of India as on the date of application under the Act."

Substitution of Schedule 5. In the principal Act, for the existing Schedule, the following shall be substituted, namely: -

“Schedule
(See section 6)”

Sl. No.	Description of the outstanding dues	Payment to be made under the Act on the date to avail the benefit corresponding to the respective serial as per column (4)	Amount to be paid for filing application to avail benefit under the Act
(1)	(2)	(3)	(4)
1	Amount of total outstanding dues.	On or before 31 st March, 2021.	100% of arrear tax and 15% of arrear interest. Total penalty will be waived: Provided that if total outstanding dues consist of only interest and penalty then 30% of interest: Total penalty will be waived: Provided further that if total outstanding dues consist of only penalty amount, then 50% of the penalty.

STATEMENT OF OBJECTS AND REASONS

The bill seeks to amend certain provisions in the Assam Taxation (Liquidation of Arrear dues) Act, 2005 to extend the time limit of availing the benefits of Liquidation Scheme from "31st July, 2020" to "31st March, 2021" to enable taxpayers who could not avail the benefits or complied with the Scheme due to the on-going pandemic situation. It will help to clear all his outstanding dues in respect of amounts assessed for the periods up to 30th June, 2017 and levied against him on or before 30th September, 2020.

HIMANTA BISWA SARMA,
Minister, Finance.

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

FINANCIAL MEMORENDUM

The proposed changes would not involve any additional expenditure as the same will be administered by the existing staff.

MEMORANDUM OF DELEGATED LEGISLATION

The Government does not propose to delegate any legislation powers to any agency subordinate to it in the bill.

Assam Taxation (Liquidation of Arrear Dues) (Second Amendment) Bill, 2020**1. Amendment of Section**

Section	Existing provision	Proposed provision
Sec. 1 (3)	In the principal Act, in section 1, in sub-section (3), for the word, figures punctuation mark, "31st March, 2020", the word, figures and punctuation mark, "31st July, 2020" shall be substituted.	In the principal Act, in section 1, in sub-section (3), for the word, figures and punctuation mark, "31st July, 2020", the word, figures and punctuation mark, "31st March, 2021" shall be substituted.
Sec. 2 (1) (b)	"Outstanding dues of arrear tax, penalty and interest" means unpaid amounts as on the date of coming into force of this Act on account of tax, interest and penalty by an applicant as per statutory orders for periods up to 30 th June, 2017 under any provision of the relevant Acts passed on or before 30 th September, 2019 or by such later date as the State Government may, by notification in the Official Gazette, specify from time to time and also includes further calculable interest as per the relevant Acts on the involved principal amounts up to the date of application within the meaning of section 5 of this Act;"	"Outstanding dues of arrear tax, penalty and interest" means unpaid amounts as on the date of coming into force of this Act on account of tax, interest and penalty by an applicant as per statutory orders for periods up to 30 th June, 2017 under any provision of the relevant Acts passed on or before 30 th September, 2020 or by such later date as the State Government may, by notification in the Official Gazette, specify from time to time and also includes further calculable interest as per the relevant Acts on the involved principal amounts up to the date of application within the meaning of section 5 of this Act;"
Sec. 4	Subject to other provisions of this Act, an applicant shall be eligible to make an application under this Act for all his outstanding dues in respect of amounts assessed for the periods up to 30 th June, 2017 and levied against him on or before 30 th September, 2019 but not lying in dispute before any statutory forum or the Hon'ble Gauhati High Court or the Hon'ble Supreme Court of India as on the date of application under the Act."	Subject to other provisions of this Act, an applicant shall be eligible to make an application under this Act for all his outstanding dues in respect of amounts assessed for the periods up to 30 th June, 2017 and levied against him on or before 30 th September, 2020 but not lying in dispute before any statutory forum or the Hon'ble Gauhati High Court or the Hon'ble Supreme Court of India as on the date of application under the Act."

2. Amendment of Schedule

Section	Existing provision			Proposed provision		
<u>Schedule</u> (Sec. 6)	Description of the outstanding dues	Payment to be made under the Act on the date to avail the benefit corresponding to the respective serial as per column (4)	Amount to be paid for filing application to avail benefit under the Act	Description of the outstanding dues	Payment to be made under the Act on the date to avail the benefit corresponding to the respective serial as per column (4)	Amount to be paid for filing application to avail benefit under the Act
	Amount of total outstanding dues.	On or before 31 st July, 2020.	100% of arrear tax and 15% of arrear interest. Total penalty will be waived: Provided that if total outstanding dues consist of only interest and penalty then 30% of interest: Total penalty will be waived: Provided further that if total outstanding dues consist of only penalty amount, then 50% of the penalty.	Amount of total outstanding dues.	On or before 31 st March, 2021.	100% of arrear tax and 15% of arrear interest. Total penalty will be waived: Provided that if total outstanding dues consist of only interest and penalty then 30% of interest: Total penalty will be waived: Provided further that if total outstanding dues consist of only penalty amount, then 50% of the penalty.

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

THE ASSAM MICRO FINANCE INSTITUTIONS (REGULATION OF MONEY LENDING) BILL, 2020

A

BILL

Preamble

to protect and relieve the economically vulnerable groups and individuals from the undue hardship of usurious interests rates and coercive means of recovery by Micro Finance Institutions or Money Lending Agencies or Organizations and for this purpose to create an effective mechanism to regulate the Micro Finance Institutions or Money Lending Agencies or Organizations operating in the state of Assam and for matters connected therewith and incidental thereto.

It is hereby enacted in the Seventy-first Year of the Republic of India, as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Assam Micro Finance Institutions (Regulation of Money Lending) Act, 2020.
- (2) It extends to the whole of Assam.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Application

2. All Micro Finance Institutions or Money Lending Agencies or Organizations operating in the State of Assam shall come under the ambit of this Act, whether they had come into existence before or after the commencement of this Act.

Definitions

3. (1) In this Act, unless the context otherwise requires,-
 - (a) "Government" means the State Government of Assam;
 - (b) "borrower" means an individual or a Self Help Group (SHG) or Joint Liability Group (JLG) who avails money in the form of a loan for any productive purpose from Micro Finance Institutions or Money Lending Agencies or Organizations under an agreement with terms and conditions that the money shall be repaid within a certain period of time to such Micro Finance Institutions, Money Lending Agencies or Organizations, as the case may be.

- (c) “interest” for the purposes of the terms defined under the provisions of this Act means a return on the amount lent by the Micro Finance Institutions or Money Lending Agencies or Organizations as the case may be, to a Borrower;
- (d) “Lender” means any Micro Finance Institution or Money Lending Agency or Organization covered under this Act;
- (e) “loan” means an advance whether of money or in kind given to the borrower at interest, whether given before the commencement of this Act or after such commencement and includes advance, discount, money paid for or on account of or paid on behalf of paid for or on account of or paid on behalf of or at the request of any person, or any account whatsoever, and every agreement, whatever its terms or form may be, which is in substance or effect a loan of money or in kind given to a borrower and further includes, an agreement relating to the repayment of any such loan;
- (f) “Micro Finance Institution (MFI) or Money Lending Agencies or Organizations” means any person, partnership firm, group of persons, including a Company registered under the provisions of the Companies Act, 2013, a Non-Banking Finance Company as defined under the Reserve Bank of India Act, 1934 a Society registered under, the Assam Co-operative Societies Act, 2007, or the Societies Registration Act, 1860, and the like, in whichever manner formed and by whatever name called, whose principal or incidental activity is to lend money or offer financial support of whatsoever nature to the poor or below poverty line population;
- (g) “Non-Banking Finance Company” means a non-deposit taking Non-Banking Finance Company, other than a company licensed under the Companies Act, 2013, that fulfils the following conditions, namely :-
 - (i) minimum Net Owned Funds of Rupees five crores:
 Provided that for Non-Banking Finance Companies or Micro Finance Institutions (NBFC-MFIs) registered in the North Eastern Region of the country, the minimum Net Owned Fund(NOF) required stands at Rupees Two Crores;
 - (ii) not less than 85% of its net assets are in the nature of ‘qualifying assets’.

Central Act No.
18 of 2013.
Central Act No.
II of 1934.
Assam Act No.
IV of 2012.
Central Act No.
21, 1860.

Central Act
No. 18 of
2013.

- (h) "Notification" means a Notification published in the Assam Gazette and the word "notified" shall be construed accordingly;
- (i) "prescribed" means prescribed by rules made by the Government under this Act;
- (j) "Registering Authority" means the Director (Institutional Finance) or any such official as may be appointed by the Finance Department, Government of Assam by notification, to perform the functions of a Registering Authority under this Act;
- (k) "registration" means registration granted to a Micro Finance Institution (MFI) or Lending Agency or Organisation under this Act;
- (l) "Reserve Bank of India" (RBI) means the central bank of India, which was established on the 1st day of April 1935, under the Reserve Bank of India Act, 1934;
- (m) "minimum wage" means the minimum amount of all remuneration, capable of being expressed in terms of money, which shall, if the terms of the contract, expressed or implied, shall be fulfilled, or be payable to a person employed in respect of his employment or of work done in such employment fixed by the Government of Assam for any specified class or classes of employment in the whole State or part thereof;
- (n) "Tea Garden Workmen" means,-
 - (i) a 'permanent workman' who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probation period of 03 (three) months in the same or another occupation in the establishment, including breaks due to sickness, accident, leave, lockout, strike (not being an illegal strike) or involuntary closure of the establishment;
 - (ii) a 'temporary workman' who has been engaged for a work which is of an essentially temporary nature likely to be finished within a limited period;
 - (iii) a 'casual workman' whose employment is of a casual nature;

Central Act
No. II of 1934.

(o) “vulnerable section of the society” means and includes those group of people who are disadvantaged as compared to others mainly on account of reduced access to their basic services and the underlying determinants of health, housing sanitation etc. and the people who are economically backward, low on livelihood patterns with no regular source of income, thereby not in a position or lacking of capacity to repay any loan or advances if made to them and also those group of people lacking of the norms or other factors to become eligible for obtaining loans from any Micro Finance Institution or Money Lending Agencies or Organizations as provided under this Act;

(2) Words used but not defined in this Act, shall have the same meanings respectively assigned to them in the relevant Acts and Rules under which the wages and other conditions of service of the borrowers are covered;

Registration of
Micro Finance
Institutions or
Money Lending
Agencies or
Organizations

4. (1) All Micro Finance Institutions or Money Lending Agencies or Organizations operating in the State of Assam, shall within thirty (30) days from the date of commencement of this Act, shall apply for registration before the Registering Authority specifying village or town in the districts in which they have been operating or propose to operate, the rate of interest being charged or proposed to be charged, system of conducting due diligence and system of effecting recovery and list of persons authorized for conducting the activity of lending or recovery of money which has been lent.
- (2) No Micro Finance Institutions (MFI) or Money Lending Agencies or Organizations operating in the state of Assam on the date of commencement of this Act or intending to start the business of lending money to borrowers, after the commencement of this Act, shall grant any loans or recover any loans without obtaining registration under this Act from the Registering Authority.
- (3) The Registering Authority shall conduct verification of the details furnished by the Micro Finance Institution (MFI) or Money Lending Agencies or Organizations and accord registration in such manner as may be prescribed for operation of Micro Finance Institutions (MFI) for a period of two (02) years, after obtaining a written undertaking from the Micro Finance Institution (MFI) or Money Lending Agencies that it shall always be in conformity with the provisions of this Act.

- (4) Where the Micro Finance Institution (MFI) or Money Lending Agency or Organizations applies for renewal of registration, an application for that purpose shall be filed by the Micro Finance Institution (MFI) or Money Lending Agency or Organization at least within sixty (60) days before the expiry of the period of two (02) years referred to in sub-section (3) and the Registering Authority shall decide either to grant renewal or refuse renewal of registration within fifteen (15) days before the date of expiry of registration, after due verification of the performance of the Micro Finance Institutions (MFI) or the Money Lending Agency or Organization in the field level and after hearing objections, if any, from any interested parties regarding extension of Registration.
- Register of Micro Finance Institutions (MFI) or Money Lending Agencies or Organizations
5. (1) Every Registering Authority shall maintain registers for the area under its jurisdiction of all Micro Finance Institutions (MFI) or Money Lending Agencies or Organizations having valid registration in such form as may be prescribed.
- (2) The registers maintained under sub-section (1) shall be published in such manner and at such intervals as may be prescribed.
- Power to cancel or suspend Registration
6. (1) The Registering Authority may, at any time, either suo motu or upon receipt of complaint by a borrower cancel the registration of an Micro Finance Institution (MFI) or Money Lending Agency or Organization after assigning sufficient reasons for such cancellation:
- Provided that no order of cancellation of the registration shall be passed without issuing notice to the Micro Finance Institution (MFI) or Money Lending Agency or Organization intimating the facts upon which the prima-facie decision to cancel the registration has been taken and the MFI or Money Lending Agencies shall be afforded a reasonable opportunity of being heard against such notice.
- Explanation:** For the purposes of sub-section (1), conviction of an Micro Finance Institution (MFI) or Money Lending Agency or Organization for an offence of violation of any of the provisions of this Act shall be sufficient cause for suspension or cancellation of its registration.
- (2) Pending enquiry under sub-section (1), the Registering Authority may, for sufficient reasons to be recorded, suspend the registration, of a Micro Finance Institution (MFI) or Money Lending Agency or Organization.

Lending Norms

7. (1) RBI norms shall be strictly adhered to for all collection and recovery practices.
- (2) Lenders shall ensure that,-
- (i) a borrower who has existing loan/s from not more than two (2) lenders, and
 - (ii) the current cumulative loan outstanding of a borrower shall not exceed Rs. 1.25 lakhs. This limit also shall be taken into consideration in providing any existing loan with the same client from RBI regulated institution.
- (3) For, tea-garden permanent labours taking loan from Micro Finance Institutions (MFI) or Money Lending Agencies or Organizations,-
- (i) total indebtedness shall be capped at Rs. 30,000 for borrowers who have single source of income; and
 - (ii) total indebtedness shall be capped at Rs. 50,000 for borrowers who have multiple sources of income.
- (4) On and from the date of commencement of this Act, the Micro Finance Institutions (MFI) or Money Lending Agencies or Organizations shall stop further credit to the vulnerable section of the society specifically,-
- (i) temporary workers or casual workers of tea gardens;
 - (ii) residents of tea garden areas;
 - (iii) economically vulnerable section of the society; and
 - (iv) the borrowers which do not even earn nationally prescribed minimum wages.
- (5) Compliance to the RBI regulatory guidelines shall be mandatory for the Lenders at all times.
- (6) All micro-credit activities shall be reduced during floods, other periods of distress or natural calamities and shall be given a minimum period of three (03) months moratorium on interest payment and may be extended by multiples of the same.
- (7) The lending rates to be placed by any Micro Finance Institution (MFI) or Money Lending Agencies or

Organizations offering loans to borrowers in the State shall ensure compliance with the directions issued by RBI in this regard from time to time.

Multiple-lending,
Over-borrowing and
Ghost-borrowers

8. (1) Non-Banking Financial Company (NBFC) - Micro Finance Institutions (MFIs) can lend to individual borrowers who are not member of Joint Liability Group (JLG) or Self Help Group (SHG) or to borrowers that are members of Joint Liability Group (JLG) or Self Help Group (SHG).
- (2) A borrower cannot be a member of more than one Self Help Group (SHG) or Joint Liability Group (JLG).
- (3) Not more than two (02) Micro Finance Institutions (MFI) or Money Lending Agency or Organization shall lend to the same borrower.
- (4) There shall be a minimum period of moratorium between the grant of the loan and the due date of the repayment of the first installment. The moratorium shall not be less than the frequency of repayment.
For example: in the case of weekly repayment, the moratorium shall not be less than one week.
- (5) Recovery of loan made in violation of the recovery norms shall be deferred till all prior existing loans are fully repaid.
- (6) All sanctioning and disbursement of loans shall be done only at a central location and more than one individual shall be involved in this function. In addition, there shall be close supervision of the disbursement function.

Micro Finance
Institutions (MFI)
not to seek security

9. No Micro Finance Institution (MFI) or Money Lending Agency or Organization shall seek any security from a borrower by way of pawn, pledge or other security for the loan:

Provided that any such security obtained from a borrower before the date of commencement of this Act shall forthwith stand released in favor of the borrower.

Transparency in
Interest rates of
interest charged by
Micro Finance
Institutions (MFI)

10. (1) There shall be only three components in the pricing of the loan viz. the interest charge, the processing charge and the insurance premium (which includes the administrative charges in respect thereof).
- (2) There shall be no penalty charged on delayed payment.

- (3) There shall be a standard loan agreement.
 - (4) Every Non Banking Finance Company (NBFC)-Micro Finance Institution (MFI) shall provide to the borrower a loan card reflecting,-
 - (i) the effective rate of interest charged;
 - (ii) all other terms and conditions attached to the loan;
 - (iii) information which adequately identifies the borrower; and
 - (iv) acknowledgements by the NBFC-MFI of all repayments including installments received and the final discharge;
 - (v) All entries in the Loan Card shall be in the vernacular language.
 - (5) The effective rate of interest charged by the Non Banking Finance Company (NBFC)- Micro Finance Institution (MFI) or other Money Lending Agencies shall be prominently displayed in all its offices and in the literature issued by it and on the website.
-
- | | | |
|---|-----|--|
| Maximum amount of interest recoverable on loans and discharge of loans in certain cases | 11. | No Micro Finance Institution (MFI) or Money Lending Agency or Organization shall recover from the borrower towards interest in respect of any loans advanced by it, whether before or after commencement of this Act, an amount in excess of the principal amount. |
| Prior approval for grant of further loans to Borrowers | 12. | <ol style="list-style-type: none"> (1) No Micro Finance Institution (MFI) or Money Lending Agency or Organization shall extend a further loan to a borrower where she/he has an outstanding loan from a Bank unless the Micro Finance Institution (MFI) or the Money Lending Agency or Organization obtains the prior approval in writing in such manner as may be prescribed from the Registering Authority after making an application seeking such approval. (2) The Registering Authority while considering such application from Micro Finance Institution (MFI) or Money Lending Agency or Organization seeking approval as aforesaid shall secure the following informations in writing from the Micro Finance Institution (MFI) in regard to borrower, namely: - <ol style="list-style-type: none"> (i) Name of the Borrower (Individual / SHG / JLG); (ii) Bank from which loan has been obtained by the borrower; |

- (iii) Date of the loan granted by the bank;
- (iv) Amount paid to the borrower by the bank;
- (v) Amount due from the borrower;
- (vi) Fresh amount of loan sought by the borrower from the Micro Finance Institution (MFI) or Money Lending Agency or Organization;
- (vii) Terms of repayment proposed by the Micro Finance Institution (MFI) or the Money Lending Agency or the Organization ;
- (viii) Details of due diligence including the capacity of the borrower for repayment; and
- (ix) Such other details as may be prescribed.

- (3) The Registering Authority shall, not later than fifteen days from the date of filing of such application for approval under sub-section (2), cause an enquiry into the contents of the application and shall grant approval for further loan unless the Registering Authority is satisfied that the borrower has submitted an undertaking that he/she has understood the conditions of the loan and terms of repayment and unless the Registering Authority is also satisfied that such further loan shall generate additional income to the borrower, needed for repayment of the loan.

Duty of Micro Finance Institutions (MFI) to maintain accounts and furnish copies

13. (1) All borrowings by a borrower from an Micro Finance Institution (MFI) or Money Lending Agency or Organization shall be contracted in the manner wherein, the Micro Finance Institution (MFI) or the Money Lending Agency or Organization in the process of sanction and disbursement of loans shall comply that,-
- (i) all communications to the borrower shall be in the vernacular language or a language as understood by the borrower;
 - (ii) loan application forms shall include necessary informations which may affect the interest of the borrower, so that a meaningful comparison with the terms and conditions offered by other Micro Finance Institutions (MFI) can be made and proper decision can be taken by the borrower. The loan application form shall indicate the documents required to be submitted with the application form.
 - (iii) The Micro Finance Institutions (MFI) or Money Lending Agencies or Organization shall devise a system of giving

- acknowledgement for receipt of all loan applications. Preferably, the time frame within which loan applications shall be disposed of, shall also be indicated in the acknowledgement.
- (iv) The KYC Guidelines of RBI shall be complied with and due diligence shall be carried out to ensure the repayment capacity of the borrowers.
 - (v) All sanctioning and disbursement of loans shall be done only at a central location and more than 01 (one) individual shall be involved in this function and there shall be close supervision of the disbursement function.
 - (vi) Adequate steps shall be taken to ensure that the procedure for application of loan is not cumbersome and loan disbursements are done as per pre-determined time structure.
- (2) Every Micro Finance Institution (MFI) or Money Lending Agency or Organization shall keep and maintain a cash book, a ledger and such other books of account in such form and in such manner as may be prescribed.
- (3) Every Micro Finance Institution (MFI) or Money Lending Agency or Organization shall,-
- (i) deliver or cause to be delivered, to the borrower within 07 (seven) days from the date on which a loan is made, a statement in the prescribed form showing in clear and distinct terms the amount and date of the loan and of its maturity, the name and address of the functionary of the Micro Finance Institution (MFI) or the Money Lending Agency or Organization and the effective rate of interest charged;
 - (ii) upon repayment of a loan in full, the Micro Finance Institution (MFI) shall obtain an indelible mark on every paper signed by the borrower with words indicating such repayment and provide copies thereof to the borrower.

- (4) No Micro Finance Institution (MFI) or Money Lending Agency or Organization shall receive any payment from a borrower on account of any loan without giving him/her a duly signed receipt for the payment.
- (5) An Micro Finance Institution (MFI) or Money Lending Agency or Organization shall, on a demand in writing by the borrower, supply a copy of any document relating to a loan obtained by him/her, or if the borrower so requires, to any person specified in that behalf in the demand:

Provided that in respect of loans given prior to the commencement of this Act, it shall be obligatory for the lender to specify if any security was accepted from the borrower.
- (6) All schedule of loan repayment shall be made by the borrower at the office of the Gram Panchayat or at a public place designated by the Deputy Commissioners only.

Penalty for coercive
actions against
Micro Finance
Institutions (MFI)

14. (1) Micro Finance Institution (MFI) or Money Lending Agency or Organization shall not deploy any agents for recovery nor shall use any other coercive action either by itself or by its agents for recovery of money from the borrower; and any form of coercive recovery including but not limited to visiting the house of the borrower shall, be liable for punishment under the provisions of this Act and empower the Registering Authority to suspend or cancel the Registration of such Micro Finance Institution (MFI) or Money Lending Agency or Organization as provided under section 6 of this Act.
- (2) All persons who are connected with and responsible for the day-to-day control, business and management of a Micro Finance Institution (MFI) Money Lending Agency or Organization including the Partners, Directors and the employees who resort to any type of coercive measures against the borrowers shall be liable for the punishment of imprisonment which may extend up to a period of three years or with fine which may extend to one lakh rupees or with both.

Explanation: - For the purposes of this section, "coercive action" by an Micro Finance Institution (MFI) against the borrowers include the following, namely :-

- (i) obstructing or using violence to, insulting or intimidating the borrower or his/her family members, or
 - (ii) persistently following the borrower or his/her family member from place to place or interfering with any property owned or used by him/her or depriving him/her of, or hindering him/her in the use of any such property, or
 - (iii) frequenting the house or other place where such other person resides or works, or carries on business, or happens to be, or
 - (iv) seeking to take forcibly any document from the borrower which entitles the borrower to a benefit under any Government programme:
 Provided, that a person who frequents the house or place referred to in sub-section (i) and (iii) above in order merely to obtain or communicate information shall not be deemed to be using coercive action.
- (3) The Micro Finance Institution (MFI) or Money Lending Agency or Organization or the persons who use coercive actions as stated in sub-section (2) clause (i) and (iii) above shall be prosecuted in accordance with the provisions of this Act.
- (4) The provisions of the Code of Criminal Procedure, 1973, shall, apply to the proceedings before a Fast-Track Court and for the purpose of the said provisions; a Fast Track Court shall be deemed to be Magistrate.

Central
Act No. 2
of 1974

Submissions of
monthly statement
by the Micro
Finance Institutions
(MFI/s)

15. Every Micro Finance Institution (MFI) or Money Lending Agency or Organization shall submit a Monthly Statement to the Registering Authority before 10th day of ensuing month giving therein the list of borrowers, the loan given to each and the interest rate charged on the repayment made.

Power to require
production of
records or
documents and
power of entry,
inspection and
seizure

16. (1) The Registering Authority or any officer authorized by him/her in this behalf may, to verify whether the business of the Micro Finance Institution (MFI) or Money Lending Agency or Organization is being carried on in accordance with the provisions of this Act, enter the premises of the Micro Finance Institution (MFI) or Money Lending Agency or Organization's office or of any person who in his/her opinion is carrying on the business of lending and call

upon him/her to produce any record or document relating to such business and every such Micro Finance Institution (MFI) or Money Lending Agency or Organization shall allow such inspection and produce such record or document during such inspection and as and when required.

- (2) The Registering Authority may, for the purposes of sub-section (1) search the premises and seize any record and document as may be necessary and the record or document seized shall be retained only for such period as may be necessary for the purposes of examination, prosecution or other legal action:

Provided that the provisions of sections 100 and 102 of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to such search and seizure.

Central
Act No. 2
of 1974

- (3) The Registering Authority or the other officer referred to in sub-section (1) shall also have power to summon and examine the Micro Finance Institution (MFI) or Money Lending Agency or Organization or any person who in his/her opinion is in a position to furnish relevant information.

Guidelines to
Establish 'Fair
Practices Code' by
NBFC-MFI

17. Non Banking Finance Company (NBFC)- Micro Finance Institutions (MFI) in the role of money lending to borrowers in the State of Assam shall ensure to establish and publish a 'Fair Practices Code' in their institutional structure covering the following conditions :-

- (1) Non Banking Finance Company (NBFC)- Micro Finance Institutions (MFI) Board / Management shall establish the 'Fair Practices Code' inline with the Guidelines issued by RBI, and subsequent directives herein after.
- (2) Clauses of the Agreement pertaining to 'Fair Practices Code' (should preferably be in the vernacular language as understood by the borrower) based on the guidelines outlined hereinabove and shall be put in place by all Micro Finance Institutions (MFI) or Money Lending Agencies or Organizations with the approval of their Management / Board within one (01) month from the date of commencement of this Act.
- (3) Micro Finance Institutions (MFI) Money Lending Agencies or Organizations shall have the freedom of drafting their own 'Fair Practices Code' which shall enhance the scope but in no way sacrificing the spirit underlying the above guidelines in sub-section (1).

The same shall be put up on their website and other public communication channels, if any, for the information of various stake.

- (4) Management of the Micro Finance Institutions (MFI) or Money Lending Agencies or Organizations shall also perform periodical review of the compliance of the Fair Practices Code.

Complaints

18. Any borrower can file a complaint regarding violation of the provision of this Act by a Micro Finance Institution (MFI) Money Lending Agency or Organization before the Registering Authority and the said Authority shall enquire into the same after giving a reasonable opportunity to the Micro Finance Institution (MFI) Money Lending or Organization of being heard after notice and pass such order as it may deem fit including an order under section 6 of this Act.
19. (1) For the protection of debtors and for the settlement of disputes of civil nature between the borrower on the one hand and the Micro Finance Institution (MFI) or Money Lending Agency or Organization on the other hand, in relation to the loans granted under this Act to the borrower, the State Government after consultation with the High Court, and by notification,-
- (i) shall, as soon as may be after the promulgation of this Act, establish for every district in the State a Fast-Track Court;
- (ii) may establish Fast-Track Court for such other areas in the State, as it may deem necessary.
- (2) The Government shall, after due consent of the High Court of Assam specify, by notification, the local limits of the area to which the jurisdiction of a Fast-Track Court shall extend and may, at any time, increase, reduce or alter such limits.
- (3) The cases that may be filed before the Fast-Track Court shall be tried to dispose of as per the procedure laid down in the Code of Civil Procedure 1908, within a period of 06 (six) months.

Central
Act No. 5
of 1908

Penalty for carrying on business without registration

20. All persons who are connected with and responsible for the day-to-day control, business and management of a Micro Finance Institution (MFI) or Money Lending Agency or Organization including the Partners and Directors of such Micro Finance Institution (MFI) or Money Lending Agency or Organization which carries on the business of providing

loans either without obtaining registration of the Micro Finance Institution (MFI) or Money Lending Agency or Organization from the Registering Authority under section 4 as mentioned in this Act or extending a further loan without prior approval under sub-section (1) of section 12 or granting loan in violation of sub-section (2) of section 7; thereof, shall be liable for punishment with imprisonment for a term which may extend to three years and with fine which may extend to rupees one lakh.

Penalty for contravention of the provisions of the Act. 21. Any person who contravenes any provision other than section 4 and section 18 of this Act, shall be punishable with imprisonment for a period of six months or with fine which may extend to ten thousand rupees or with both.

Every officer to be public servant. 22. Every officer of the Government and every person acting under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Power to remove difficulties 23. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification remove such difficulties by order not inconsistent with the provisions of this Act, but which appear to them to be necessary or expedient to remove such difficulty.

Power to give directions 24. The Government may, from time to time, issue such orders, instructions and directions not inconsistent with the provisions of this Act and the rules made thereunder to the officers for the proper implementation of the Act, and such officers and all other persons employed in the enforcement of the Act, shall comply with such orders, instructions and directions.

Power to make rules 25. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall, immediately after it is made, be laid before the Legislature of the State if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled 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 the rule.

Central
Act No. 45
of 1860.

STATEMENT OF OBJECTS AND REASONS

This Bill is proposed with a view to protect and relieve the economically vulnerable groups and individuals from the undue hardship of usurious interests rates and coercive means of recovery by Micro Finance Institutions or Money Lending Agencies or Organizations and for this purpose to create an effective mechanism to regulate the Micro Finance Institutions or Money Lending Agencies or Organizations operating in the state of Assam and for matters connected therewith and incidental thereto.

HIMANTA BISWA SARMA,

Minister,
Finance, Health & Family Welfare, Education
Department etc., Assam.

A. N. DEKA,

Secretary-in-Charge,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The proposed Bill would not involve any additional expenditure as the same will be administered by the existing staff.

MEMORANDUM OF DELEGATED LEGISLATION

The proposed Bill provides for framing of Act by Executive. The delegation is however of normal nature.

THE ASSAM EDUCATION (PROVINCIALISATION OF SERVICES OF NON-TEACHING STAFF OF VENTURE EDUCATIONAL INSTITUTIONS) (AMENDMENT) BILL, 2020

A BILL

to amend the Assam Education (Provincialisation of Services of Non-teaching Staff of Venture Educational Institutions) Act, 2018.

Preamble

Whereas it is expedient to amend the Assam Education (Provincialisation of Services of Non-teaching Staff of Venture Educational Institutions) Act, 2018 hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
No. XVIII
of 2018

It is hereby enacted in the Seventy-first Year of the Republic of India
as follows :-

Short title extent and commencement

1. (1) This Act may be called the Assam Education Provincialisation of Services of Non-teaching Staff of Venture Educational Institutions) (Amendment) Act, 2020.
- (2) It extends to the whole of Assam.
- (3) It shall be deemed to have come into force on such date as may be appointed by the State Government by notification in the Official Gazette under sub-section (3) of section 1 of the principal Act, which shall also include any notification issued by the Government to that effect before the date of commencement of this Amendment Act.

Amendment of schedule

2. In the principal Act, for the existing Schedule, in respect of the Degree College, the following shall be substituted, namely :-

Category of Institution	Category of post held by the employees in the institution prior to provincialisation	Maximum number of posts to be provincialised in each institution	Fixed monthly salary for the first three years	Fixed monthly salary from fourth year onwards
Degree College	Librarian	1	27000	30000
			Note: Any Librarian who has already acquired the qualification required as per UGC norms and guidelines in force on the date of issue of his/her appointment order shall be entitled to pay and allowances equivalent to Assistant Professor from the date of issue of such appointment order : Provided that Librarian who acquires such qualification within 5(five) years from the date of issue of his/her appointment order	

			shall also be entitled to pay and allowances equivalent to Assistant Professor with effect from the date of acquiring such qualification as per UGC norms and guidelines for the time being in force : Provided further that Librarians shall be treated as Non-vocational Academic Staff	
	Assistant Librarian	1	12600	14000
	Senior Assistant	2	12400	13800
	Junior Assistant			
	Laboratory Assistant for Science Stream	1	10600	11800
	Library Assistant	1	10600	11800
	Laboratory Bearer for Science Stream	1 in each Department	8700	10000
	Grade IV	6	8700	10000

”

STATEMENT OF OBJECTS AND REASONS

The objective to introduce the Bill, namely, the Assam Education (Provincialisation of Services of Non-Teaching Staff of Venture Educational Institutions) (Amendment) Bill, 2020 is to provide for inclusion of the post of Librarian in respect of Degree Colleges in the Schedule appended to the Assam Education (Provincialisation of Services of Non-Teaching Staff of Venture Educational Institutions) Act, 2018.

The post of Librarian in respect of Degree Colleges was earlier included in the Schedule appended to the Assam Education (Provincialisation of Services of Non-Teaching Staff of Venture Educational Institutions) Bill, 2018 which was placed in the Assam Legislative Assembly for passage of the Bill. After the discussion in the floor of the House of the Assam Legislative Assembly, the post of Librarian was dropped from the Schedule appended to the said Bill. Now, after examination of the clarification made by the University Grants Commission that the said post of Librarian in Degree College is to be treated as Non-vacational Academic Staff, it has been proposed to include the post of Librarian through this amendment.

Hence, the Bill.

HIMANTA BISWA SARMA,
Minister, Education.

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

This Bill entails expenditure from the Consolidated Fund of the State once it comes into force.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill does not propose to delegate legislative power to the Executive.

Extract of relevant section of the Principal Act which sought to be amended by the Bill**“Schedule****[See sections 2(s), 4(1) and 6(2)]****Fixed salary admissible for non-teaching staff**

Category of Institution	Category of post held by the employee in the institution prior to provincialisation	Maximum number of posts to be provincialised in each institution	Fixed monthly salary for the first three years	Fixed monthly salary from fourth year onwards
Degree College	Assistant Librarian	1	12600	14000
	Senior Assistant	2	12400	13800
	Junior Assistant	2	10600	11800
	Laboratory Assistant for Science Stream	1	10600	11800
	Library Assistant	1	10600	11800
	Laboratory Bearer for Science Stream	1 in each stream	8700	10000
	Grade-IV	6	8700	10000

”

A. N. DEKA,
 Secretary-in-Charge,
 Assam Legislative Assembly.

THE ASSAM REPEALING BILL, 2020**A
BILL**

to repeal the Assam Madrassa Education (Provincialisation) Act, 1995 and the Assam Madrassa Education (Provincialisation of Services of Employees and Re-Organisation of Madrassa Educational Institutions) Act, 2018.

Preamble

Whereas it is expedient to repeal the Assam Madrassa Education (Provincialisation) Act, 1995 and the Assam Madrassa Education (Provincialisation of Services of Employees and Re-Organisation of Madrassa Educational Institutions) Act, 2018;

Assam Act No.XXVII of 1995 and Assam Act No.XVI of 2018

It is hereby enacted in the Seventy- first Year of the Republic of India as follows:-

**Short title,
extent and
commencement**

1. (1) This Act may be called the Assam Repealing Act, 2020.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

**Repeal and
Savings**

2. (1) The Assam Madrassa Education Provincialisation Act, 1995 and the Assam Madrassa Education (Provincialisation of Services of Employees and Re-Organisation of Madrassa Educational Institutions) Act, 2018 are hereby repealed.

Assam Act No.XXVII of 1995 and Assam Act No.XVI of 2018

- (2) Notwithstanding such repeal of the Acts as mentioned in sub-section (1) above, anything done or any action taken under the Acts, so repealed, before the date of commencement of this Repealing Act, shall be deemed to have been validly done or taken under the repealed Act.

STATEMENT OF OBJECTS AND REASONS

The objective to introduce the Bill, namely, the Assam Repealing Bill, 2020 is to provide for repeal of the Assam Madrassa Education (Provincialisation) Act, 1995 and the Assam Madrassa Education (Provincialisation of Services of Employees and Re-Organisation of Madrassa Educational Institutions) Act, 2018.

With the aim to provide exposure towards more subjects and enable greater flexibility with more frequent formative assessment for learning, a policy decision has been taken by the Government of Assam to convert all the provincialised and private Madrassa educational institutions of the State into Upper primary, High School, Higher Secondary School, etc with effect from 1/4/2021. After such conversion of the Madrassa institutions, there shall not be any change in the status, pay & allowances, service conditions, etc. of the teaching and non-teaching staff presently working in the Madrassa institutions including their seniority. However they will be governed by the Assam Secondary Education (Provincialised Schools) Service Rules, 2018. The Assam Madrassa Education (Provincialisation) Act, 1995 and the Assam Madrassa Education (Provincialisation of Services of Employees and Re-Organisation of Madrassa Educational Institutions) Act, 2018 will become redundant.

Hence, the Bill.

HIMANTA BISWA SARMA,
Minister, Education.

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

This Bill does not entail any expenditure from the Consolidated Fund of the State once it comes into force.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill proposes to delegate legislative power to the Executive.

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

THE MORAN AUTONOMOUS COUNCIL (AMENDMENT) BILL, 2020

A BILL

to amend the Moran Autonomous Council Act, 2020.

Preamble

Whereas it is expedient to amend the Moran Autonomous Council Act, 2020 hereinafter referred to as the principal Act, in the manner hereinafter appearing ;

Assam Act
No. XXVI
of 2020

It is hereby enacted in the Seventy-first Year of the Republic of India, as follows:-

Short title,
extent and
commencement

1. (1) This Act may be called the Moran Autonomous Council (Amendment) Act, 2020.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force on such date as the State Government may, by a notification in the Official Gazette, appoint under sub-section (3) of section 1 of the principal Act.

Insertion of a
new section

2. In the principal Act, section 59 shall be re-numbered as section 60 and the following new section 59 shall be inserted, namely :-

“Transitional
provision

59. The Government shall, as soon as possible after the commencement of this Act, take steps for the constitution of an Interim General Council by nomination of its members and constitute an Executive Council therefrom by nomination till the General Council or the Executive Council are constituted under sections 5(1) and 23(a) respectively, of this Act :

Provided that any or all the members of such Interim General or Executive Council, as the case may be, may be removed and replaced by any other person by the Government at any time for reasons to be recorded in writing.”

STATEMENT OF OBJECTS AND REASONS

The amendment is proposes with a view to insert a new section in the existing provision of Moran Autonomous Council Act, 2020.

CHANDAN BRAHMA,
Minister,
WPT & BC Department, Assam.

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

FINANCIAL MEMEORANDUM

The proposed Bill does not provide involve additional financial burden on the State exchequer.

MEMORANDUM OF DELEGATED LEGISLATION

The proposed Bill provides for framing of rules by Executives. The delegation is however of normal nature.

Statement showing proposed amendment of Moran Autonomous Council Act, 2020

Existing Provision	Proposed Amendment
<p>In the existing Act, the section 59 read as follows:</p> <p>Saving 59. Nothing in this Act shall affect the application of any law, whether made before or after this Act, to the Council Area unless such law specifically provides for exclusion of the Council area of such application.</p> <p>Explanation:-For the purpose of this section 'Law' shall, include any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law.</p>	<p>In the Principal Act, section 59 shall be re-numbered as section 60 and the following new section 59 shall be inserted and read as follows:-</p> <p>Transitional Provision 59. The Government shall, as soon as possible after the commencement of this Act, take steps for the constitution of an Interim General Council by nomination of its members and constitute an therefrom by nomination till the General Council or the Executive Council are constituted under sections 5(1) and 23(a) respectively. of this Act: Provided that any or all the members of such Interim General or Executive Council as the case may be, removed and replaced by any other person by the Government at any time for reasons to be recorded in writing.</p> <p>Saving 60. Nothing in this Act shall affect the application of any law, whether made before or after this Act, to the Council Area unless such law specifically provides for exclusion of the Council area of such application.</p> <p>Explanation:-For the purpose of this section 'Law' shall, include any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law.</p>

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

THE MATAK AUTONOMOUS COUNCIL (AMENDMENT) BILL, 2020

A BILL

to amend the Matak Autonomous Council Act, 2020.

Preamble

Whereas it is expedient to amend the Matak Autonomous Council Act, 2020 hereinafter to be referred to as the principal Act, in the manner hereinafter appearing ;

Assam Act
No. XXIV
of 2020

It is hereby enacted in the Seventy-first Year of the Republic of India, as follows:-

Short title,
extent and
commencement

1. (1) This Act may be called the Matak Autonomous Council (Amendment) Act, 2020.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force on such date as the State Government may, by a notification in the Official Gazette, appoint under sub-section (3) of section 1 of the principal Act.

Insertion of a
new section

2. In the principal Act, section 59 shall be re-numbered as section 60 and the following new section 59 shall be inserted, namely :-

“Transitional
provision

59. The Government shall, as soon as possible after the commencement of this Act, take steps for the constitution of an Interim General Council by nomination of its members and constitute an Executive Council therefrom by nomination till the General Council or the Executive Council are constituted under sections 5(1) and 23(a) respectively, of this Act :

Provided that any or all the members of such Interim General or Executive Council, as the case may be, may be removed and replaced by any other person by the Government at any time for reasons to be recorded in writing.”

STATEMENT OF OBJECTS AND REASONS

The amendment is proposes with a view to insert a new section in the existing provision of Matak Autonomous Council Act, 2020.

CHANDAN BRAHMA,
Minister,
WPT & BC Department, Assam.

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

FINANCIAL MEMEORANDUM

The proposed Bill does not provide involve additional financial burden on the State exchequer.

MEMORANDUM OF DELEGATED LEGISLATION

The proposed Bill provides for framing of rules by Executives. The delegation is however of normal nature.

Statement showing proposed amendment of Matak Autonomous Council Act, 2020

Existing Provision	Proposed Amendment
<p>In the existing Act, the section 59 read as follows:</p> <p>Saving 59. Nothing in this Act shall affect the application of any law, whether made before or after this Act, to the Council Area unless such law specifically provides for exclusion of the Council area of such application.</p> <p>Explanation:-For the purpose of this section 'Law' shall, include any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law.</p>	<p>In the Principal Act, section 59 shall be re-numbered as section 60 and the following new section 59 shall be inserted and read as follows:-</p> <p>Transitional Provision 59. The Government shall, as soon as possible after the commencement of this Act, take steps for the constitution of an Interim General Council by nomination of its members and constitute an therefrom by nomination till the General Council or the Executive Council are constituted under sections 5(1) and 23(a) respectively. of this Act: Provided that any or all the members of such Interim General or Executive Council as the case may be, removed and replaced by any other person by the Government at any time for reasons to be recorded in writing.</p> <p>Saving 60. Nothing in this Act shall affect the application of any law, whether made before or after this Act, to the Council Area unless such law specifically provides for exclusion of the Council area of such application.</p> <p>Explanation:-For the purpose of this section 'Law' shall, include any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law.</p>

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

THE KAMATAPUR AUTONOMOUS COUNCIL (AMENDMENT) BILL, 2020

A BILL

to amend the Kamatapur Autonomous Council Act, 2020.

Preamble

Whereas it is expedient to amend the Kamatapur Autonomous Council Act, 2020 hereinafter referred to as the principal Act, in the manner hereinafter appearing ;

Assam
Act No.
XXV of
2020

It is hereby enacted in the Seventy-first Year of the Republic of India, as follows:-

Short title,
extent and
commencement

1. (1) This Act may be called the Kamatapur Autonomous Council (Amendment) Act, 2020.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force on such date as the State Government may, by a notification in the Official Gazette, appoint under sub-section (3) of section 1 of the principal Act.

Insertion of a
new section

2. In the principal Act, section 59 shall be re-numbered as section 60 and the following new section 59 shall be inserted, namely :-

“Transitional
provision

59. The Government shall, as soon as possible after the commencement of this Act, take steps for the constitution of an Interim General Council by nomination of its members and constitute an Executive Council therefrom by nomination till the General Council or the Executive Council are constituted under sections 5(1) and 23(a) respectively, of this Act :

Provided that any or all the members of such Interim General or Executive Council, as the case may be, may be removed and replaced by any other person by the Government at any time for reasons to be recorded in writing.”

STATEMENT OF OBJECTS AND REASONS

The amendment is proposes with a view to insert a new section in the existing provision of Kamatapur Autonomous Council Act, 2020.

CHANDAN BRAHMA,
Minister,
WPT & BC Department, Assam.

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.

FINANCIAL MEMEORANDUM

The proposed Bill does not provide involve additional financial burden on the State exchequer.

MEMORANDUM OF DELEGATED LEGISLATION

The proposed Bill provides for framing of rules by Executives. The delegation is however of normal nature.

Statement showing proposed amendment of Kamatapur Autonomous Council Act, 2020

Existing Provision	Proposed Amendment
<p>In the existing Act, the section 59 read as follows:</p> <p>Saving 59. Nothing in this Act shall affect the application of any law, whether made before or after this Act, to the Council Area unless such law specifically provides for exclusion of the Council area of such application.</p> <p>Explanation:-For the purpose of this section 'Law' shall, include any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law.</p>	<p>In the Principal Act, section 59 shall be re-numbered as section 60 and the following new section 59 shall be inserted and read as follows:-</p> <p>Transitional Provision 59. The Government shall, as soon as possible after the commencement of this Act, take steps for the constitution of an Interim General Council by nomination of its members and constitute an therefrom by nomination till the General Council or the Executive Council are constituted under sections 5(1) and 23(a) respectively. of this Act: Provided that any or all the members of such Interim General or Executive Council as the case may be, removed and replaced by any other person by the Government at any time for reasons to be recorded in writing.</p> <p>Saving 60. Nothing in this Act shall affect the application of any law, whether made before or after this Act, to the Council Area unless such law specifically provides for exclusion of the Council area of such application.</p> <p>Explanation:-For the purpose of this section 'Law' shall, include any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law.</p>

A. N. DEKA,
 Secretary-in-Charge,
 Assam Legislative Assembly.

THE BODO KACHARI WELFARE AUTONOMOUS COUNCIL BILL, 2020

A

BILL

to provide for the establishment of an administrative authority in the name and style of **Bodo Kachari Welfare Autonomous Council** and for certain matters incidental thereto and connected therewith.

Preamble:

Whereas it is expedient to provide for the establishment of a Bodo Kachari Welfare Autonomous Council within the State of Assam within the framework of the Constitution, comprising of Bodo Kachari community inhabitant villages of Assam for social, economic, educational, ethnic and cultural advancement of the Bodo Kachari community residing therein.

It is hereby enacted in the Seventy- first Year of the Republic of India, as follows :-

CHAPTER - I PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Bodo Kachari Welfare Autonomous Council Act, 2020.
- (2) It extends to the Bodo Kachari community inhabited villages of Assam outside Sixth Scheduled areas, notwithstanding anything contained in any other Act, it may include areas under existing tribal autonomous Councils with prior consultation with existing tribal autonomous Councils.
- (3) It shall come into force on such date as the State Government may, by a notification in the Official Gazette, appoint and different dates may be appointed for different provisions of the Act or different areas.

Definition

2. In this Act, unless the context otherwise requires:-
 - (a) "bye-laws" means the bye-laws framed by the General Council;
 - (b) "Constitution" means the Constitution of India;
 - (c) "Constituency" means the constituency referred to in section 30;
 - (d) "Council Area" means the Bodo Kachari Welfare Autonomous Council Area;
 - (e) "Executive Council" means the executive body of the General Council of the Bodo Kachari Welfare Autonomous Council constituted under sub-section(2) section 3 (2) and section 23 of the Act;

- (f) "Elector" in relation to a constituency means a person whose name is entered in the electoral roll of that constituency;
- (g) "General Council Fund" means the funds constituted under section 43;
- (h) "Government" means the State Government of Assam;
- (i) "Governor" means the Governor of Assam;
- (j) "General Council" means the General Council of the Bodo Kachari Welfare Autonomous Council referred to in section-3;
- (k) "Member" means a member of the General Council of the Executive Council, as the case may be;
- (l) "notification" means the notification issued under this Act;
- (m) "prescribed" means prescribed by rules made under this Act;
- (n) "Council Areas" mean the area or areas consisting of villages inhabited to Bodo Kachari communities notified by the State Government as Council Area under this Act;
- (o) "Village" means a census village not falling within any notified urban or town area inhabited by Bodo Kachari community notified as village under the Act;
- (p) "Town" means a habitation notified as such under the Act;
- (q) "Commission" means the Assam State Election Commission;
- (r) Tribal Belts/Blocks/Tribal Sub Plan Areas' means areas notified as such under the Assam Land and Revenue Regulation, 1886 and also identified by the Department of Welfare of Plain Tribes and Backward Classes, Government of Assam.

Assam
Regulation
I of 1886

**Bodo Kachari
Welfare
Autonomous
Council**

3. (1) There shall be a Welfare Autonomous Council to be called the Bodo Kachari Welfare Autonomous Council for the Bodo Kachari community inhabited villages of Assam outside Sixth Scheduled areas and may include areas under existing tribal autonomous Councils with prior consultation with existing tribal autonomous Councils under State Acts as may be notified by the Government in the Official Gazette.
- (2) The Bodo Kachari Welfare Autonomous Council shall have a General Council and an Executive Council as provided hereinafter.

**CHAPTER –II
THE GENERAL COUNCIL**

**Incorporation
of the General
Council**

4. The General Council shall be a body corporate having perpetual succession and a common seal with powers to acquire, hold and dispose of property and to contract and shall sue or be sued by its corporate name.

**Constitution of
the General
Council**

5. (1) The General Council shall consist of 40 (forty) members of which 36 (thirty six) shall be directly elected and 4 (four) shall be nominated by the Government from amongst the groups or communities residing in the Council Area and not otherwise represented in the

- General Council. Out of the 36 (thirty six) seats, 25 (twenty five) seats shall be reserved for Scheduled Tribes community and 6 (six) seats shall be reserved for women of any community.
- (2) Every member of the General Council shall be entitled to such allowances as may be fixed by the General Council and approved by the Government.
- (3) The elected members of the General Council shall, at the first meeting to be convened by an officer authorized by the Government, after the election for the purpose of constitution of the Executive Council, elect from amongst themselves by a secret ballot one of the members to be Chairman of the meeting to conduct the proceeding where he shall also cast his vote and elect from amongst themselves in the manner prescribed:-
- (a) One member to be the Chairman;
 - (b) One member to be the Deputy Chairman;
 - (c) One Chief Executive Member of the Executive Council;
 - (d) One Deputy Chief Executive Member of the Executive Council;
 - (e) As many Executive Members as may be decided by the General Council, but not exceeding one third of the total number of members of the General Council.
- Term of Office** 6. (1) The term of office of the General Council shall be five years from the date of the first meeting as appointed by the Government after the election of the members, unless dissolved earlier under section 49.
- (2) Notwithstanding anything contained in sub-section (1) above, the Chief Executive Member or Deputy Chief Executive Member or the Executive Members shall cease to hold office as such forthwith if he, for any reason, ceases to be a Member.
- (3) Notwithstanding anything contained in sub-section (1), the Governor may, if he is satisfied that circumstances so exist which render the holding of the election, as provided, impracticable, extend the term for a period not exceeding one year.
- Resignation of Members of the General Council** 7. (1) Any member of the General Council including the Deputy Chief Executive Member at any time, by giving notice in writing addressed to the Chief Executive Member, may resign his office:
- Provided that in case of the Chief Executive Member, the notice shall be addressed to Deputy Chief Executive Member.
- (2) Such resignation shall take effect from such date as specified in the notice or if no such date is specified, from the date of its receipt by the office bearer addressed.
- Removal of Members of the General Council** 8. (1) The Chief Executive Member, the Deputy Chief Executive Member or the Executive Members or any one of them or all of them may be removed from office by a resolution carried by a majority of the total number of the elected members at a special meeting of the General Council called for the purpose upon a requisition made in

writing by not less than one third of the members of the General Council.

- (2) The Government, after giving an opportunity to an elected member of the General Council to show cause against the action proposed to be taken against him and after giving a reasonable opportunity of being heard, may by order, remove him from the office, if he-
 - (a) after his election, is convicted by a criminal court for an offence involving moral turpitude punishable with imprisonment for any period exceeding six months, or
 - (b) incurs any of the disqualifications mentioned in section 36 after his election as member of the General Council, or
 - (c) is absent from three consecutive meetings of the General Council.
- (3) Any member of the General Council who is removed from the office under sub-section (2) above, may within thirty days from the date of the order, appeal to such Judicial Authority as the Government may prescribe and the authority so prescribed after admitting an appeal may, after complying with the normal and fundamental principles of judicial proceedings, pass such order or orders either confirming or modifying or setting aside the order appealed against and pending the final disposal of the appeal may pass such other interlocutory order or orders including stay of operation of the order appealed against.
- (4) The order passed by the Judicial Authority referred to in sub-section (3) above, on such appeal shall be final.

**Salaries,
allowances and
other
emoluments**

9. (1) The Chief Executive Member, the Deputy Chief Executive Member and the Executive Members shall be whole time functionaries and shall be paid such honorarium and allowances out of the General Council Fund as may be prescribed.
- (2) The other term and conditions of service of the Chief Executive Member, the Deputy Chief Executive Member and the Executive Members shall be such as may be prescribed.

**Filling up of
vacancies**

10. (1) Where the office of any member falls vacant by reason of his death, resignation, removal or otherwise, the vacancy shall be filled up by election in accordance with the provisions of this Act and the rules framed thereunder:

Provided that any vacancy in the office of the Chief Executive Member, the Deputy Chief Executive Member or the Executive Members shall be filled up by the General Council by electing a member thereof in the manner prescribed for the election of the Chief Executive Member, the Deputy Chief Executive Member or the Executive Members, as the case may be.

- (2) Any member elected in accordance with the provisions of sub-section (1) above, shall hold such office only for the remainder of the term of the General Council or the period extended under sub-section (3) of section 6.

**Powers,
functions and
duties of the
Chief Executive
Member .**

11. The Chief Executive Member shall, -
- (a) be responsible for the maintenance of the records of the General Council;
 - (b) have general responsibility for the financial and executive administration of the General Council;
 - (c) exercise administrative supervision and control over the officers and employees of the General Council and the officers and employees whose services may be placed at the disposal of the General Council by the Government;
 - (d) for transaction of business under this Act or for the purpose of making any order under this Act, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the General Council under this Act or the rules made thereunder:

Provided that the Chief Executive Member shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the General Council at a meeting.

- (e) exercise such other powers, perform such other duties as the General Council may, by general or special resolution, direct or as the Government may, by rules made in this behalf, prescribe.

**Meeting of the
General
Council**

12. (1) The General Council shall meet at least once in every three months for transaction of its business.
- (2) The meeting of the General Council shall be held at the headquarter of the Bodo Kachari Welfare Autonomous Council at such time as may be notified by the Chief Executive Member:

Provided that the first meeting of the General Council after the election shall be held on such date as may be appointed by the Government.

**Oath of
affirmation by
members**

13. Every member of the General Council shall, before taking his seat, make and subscribe before such person as may be appointed by the Governor in this behalf an oath or affirmation in the manner and forms as may be prescribed.

Quorum

14. The quorum necessary for transaction of business at a meeting of the General Council shall be one third of the members and the decision of the General Council shall be by a single majority of votes of the members present.

**Head Quarter
of the General
Council**

15. The Government may, by notification in the official Gazette, declare any place within the Council Area to be the headquarter of the General Council.

**Secretariat of
the Bodo
Kachari
Welfare
Autonomous
Council**

16. (1) There shall be a Secretariat for the Bodo Kachari Welfare Autonomous Council at the headquarter of the General Council headed by a Principal Secretary to be appointed by the Government in consultation with the Chief Executive Member.
- (2) The Principal Secretary shall be the Principal Executive Officer of the General Council and all other officers of the General Council shall be subordinate to him.

- (3) The Principal Secretary shall be present and take part in the discussion of all the meeting of the General Council or the Executive Council or any Committee of the General Council and may, with the consent of the Chief Executive Member or any other person presiding over such meeting for the time being, as the case may be, at any time make a statement or give explanation of the facts and circumstances but shall not be entitled to vote in any such meeting.
- (4) The Principal Secretary and the other officers of the Secretariat shall be paid out of the General Council Fund.
- (5) The term of appointment of the Principal Secretary shall be for a period of three years but may be extended by the Government in consultation with the Chief Executive Member.
- (6) The Government may appoint such officers for the General Council on such terms and conditions as the Government may, in consultation with the Chief Executive Member, determine.
- (7) The Government may, in consultation with the Chief Executive Member, depute such other officers or experts, as may be required to assist the General Council on such terms and conditions as may be determined by the Government.
- (8) Notwithstanding anything contained in sub-section (5) above, the Government may, at any time in consultation with the Chief Executive Member, withdraw the Principal Secretary or any other officer posted or appointed by it in the Secretariat.

CHAPTER – III POWERS AND FUNCTIONS OF THE GENERAL COUNCIL

**Subjects to be
under the
control and
administration
of the General
Council**

17. Subject to any Central and State law for the time being in force, the General Council shall have executive powers in relation to the Council Area over the following subjects:-
 - (1) Cottage Industry;
 - (2) Animal Husbandry and Veterinary;
 - (3) Forest, other than Reserved Forest;
 - (4) Agriculture;
 - (5) Rural Roads and Bridges other than those taken up under PMGSY;
 - (6) Sericulture;
 - (7) Education;
 - (a) Adult Education
 - (b) Primary Education
 - (c) Up to Higher Secondary including vocational training;
 - (8) Cultural Affairs;
 - (9) Soil Conservation;
 - (10) Co-operation;
 - (11) Fisheries; and
 - (12) Panchayat and Rural Development;
 - (13) Handloom & Textile;

- (14) Public Health Engineering –Drinking Water;
- (15) Minor Irrigation;
- (16) Social Welfare;
- (17) Flood Control schemes for protection of villages (not of highly technical nature);
- (18) Sports and Youth Welfare;
- (19) Weights and measures;
- (20) Library Services;
- (21) Museum and Archaeology;
- (22) Urban Development, Town and Country Planning;
- (23) Tribal Research;
- (24) Land and Land Revenue;
- (25) Publicity and Public Relation;
- (26) Tourism;
- (27) Transport;
- (28) Any other matter connected with development as may be entrusted from time to time
- (29) Municipal Board, Improvement Trust, District Boards and other local-self Government of Village Administration;
- (30) Tribal Welfare;
- (31) Market and Fair;
- (32) Lotteries, Theatres, Dramatic performance and Cinema;
- (33) Vital Statistics including registration of birth and deaths;
- (34) Food and Civil Supplies;

Other matter to be under the control of administration of the General Council

18. Subject to the general policy of the Government, the General Council shall,-

- (1) formulate integrated development plans for the Council Area;
- (2) implement schemes and programmes for the development of the Council Area;
- (3) have powers to regulate trade and commerce within the Council Area in accordance with the existing laws.

Powers to impose, levy and collect taxes

19. (1) Subject to such maximum rates as the Government may prescribe, the General Council shall,-

- (a) levy tolls on persons, vehicles or animals of any class, for the use of any bridge or road other than kacha road, or ferry constructed or established and managed by it;
- (b) levy the following fees and rates, namely:-
 - (i) fees on the registration of boats or vehicles;
 - (ii) fees for providing sanitary arrangements at such places of worship, pilgrimage, fairs, melas, other public places within the Council Area as may be specified by the Government by notification in the Official Gazette;
 - (iii) fees for Licenses;
 - (iv) water rates, where arrangements for irrigation or drinking water is made by it within the Council Area;
 - (v) lighting rate where arrangements for lighting of public street or places are made by it within the Council Area.

- (2) Notwithstanding anything contained in the foregoing sub-sections, the General Council shall not undertake registration of any vehicle or levy any fee in respect thereof and shall not provide sanitary arrangements at places of worship, pilgrimage, fairs, melas or other public places within the Council Area or levy and fees in respect thereof if such vehicle has already been registered by any other authority under the law for the time being in force, or if such provisions for sanitary arrangements has already been made by the Government or any other local authority.
- (3) The collection of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be prescribed by the bye-laws. Such bye-laws may, inter alia, provide for exemption from all or any class of cases.

**Power to
entrust
functions**

20. Notwithstanding anything contained in this Act, the Government may, in consultation with the General Council, entrust either conditionally or without any condition, to the General Council or their officers any function in relation to any matter not enumerated in section 17 to which the executive power of the Government extends.

**Power to
acquire, hold
and dispose of
property**

21. Notwithstanding anything contained in section 4, the General Council, subject to the previous approval of the Government and subject to such terms and conditions as may be imposed by the Government, shall have the power to acquire, hold or dispose of any immovable property or movable property the value of which exceeds Rupees one lakh and to enter into any contract or agreement with any party or authority.

**Power to make
Bye-laws**

22. (1) The General Council may, subject to the provisions of this Act and the rules made thereunder and subject to the approval of the Government, make bye-laws to be applicable within the Council Area with respect to all or any of the matters enumerated in sections 17 and 18 for the regulation, control and administration thereof.
- (2) All bye-laws made under sub-section (1) above, shall have effect upon their publication in the Official Gazette.

CHAPTER - IV THE EXECUTIVE COUNCIL

**The Executive
Council**

23. (1) The Executive Council shall consist of the Chief Executive Member, the Deputy Chief Executive Member and the Executive Members elected in accordance with the provisions of sub-section (3) of section 5.
- (2) The Chief Executive Member shall be the Chairman of the Executive Council and shall preside over the meetings thereof:
- Provided that in case of the absence of the Chief Executive Member, the Deputy Chief Executive Member shall preside over the meeting of the Executive Council.
- (3) Any casual vacancy among the members of the Executive Council occurring by reasons of death, resignation

removal or otherwise shall be filled through election by the members of the General Council in the same manner as provided in sub section (3) of section 5:

Provided that no Act or proceeding of the Executive Council shall be called in question or shall become invalid merely by reason of any vacancy among its members.

- (4) The manner of transaction of business of the Executive Council shall be such as may be determined by the General Council by bye-laws made by it with the approval of the Government.
- (5) The Executive Council shall be collectively responsible to the General Council.

**Term of Office
of the Executive
Council**

24. A member of the Executive Council shall hold office until he,—

- (1) ceases to be a member of the General Council, or
- (2) resigns his office in writing under his hand addressed to the Chief Executive Member in which case the resignation shall take effect from the date of acceptance thereof:

Provided that in case of the Chief Executive Member, the resignation shall be addressed to the Deputy Chief Executive Member.

**Powers and
Functions of
the Executive
Council**

25. (1) The executive powers of the General Council shall vest in the Executive Council.
- (2) All orders or instructions made or executed by the Executive Council shall be deemed to have been made or executed by or under the authority of the General Council.
- (3) Every order made or instruction issued or resolution passed by the General Council shall be authenticated by the signature of the Chief Executive Member, or in his absence, by Deputy Chief Executive Member or by any one of the Executive Members.

**General Powers
of the Chief
Executive
Member**

26. (1) The Chief Executive Member shall be the Chief of the Bodo Kachari Welfare Autonomous Council and shall exercise such powers and discharge such functions as are conferred on him by or under this Act or the rules made thereunder.
- (2) The Chief Executive Member shall, for the smooth and convenient transaction of business of the Executive Council, allocate among the Executive Members such business in such manner as he may deem fit.

**Special Power
of the Chief
Executive
Member**

27. (1) The Executive Council may, in cases where the Chief Executive Member is required to take, in accordance with the provisions of this Act or Rules made thereunder, or any other law for the time being in force, any action subject to the approval of the Executive Council by a general or special resolution, authorize the Chief Executive Member to take such action subject to such condition, if any, as may be specified therein, in anticipation of such approval.
- (2) Whenever the Chief Executive Member takes any action under sub-section (1) above, he shall inform the Executive Council forthwith and shall obtain the approval thereof.

- Meeting of the Executive Council** 28. (1) The Executive Council shall meet at least once in every three months for transaction of its business at such place and time as the Chief Executive Member may direct.
(2) The meeting shall be convened by the Chief Executive Member by giving seven clear days notice in writing to each member of the Executive Council.

- Quorum** 29. The quorum for transaction of business at a meeting of the Executive Council shall be one-third of the total strength of the Executive Members. The meeting shall be conducted by the Chief Executive Members by giving 7 (seven) days clear notice in writing to each member of the Executive Council.

CHAPTER-V ELECTION

- Delimitation** 30. (1) There shall be 36 (thirty six) constituencies in the Council Area for electing members to the General Council. Each constituency shall be a single member constituency.
(2) The Government shall, by order published in the official Gazette, determine the territorial limits of the constituencies into which the Council Area shall be delimited for the purpose of election of members to the General Council.

- Power to amend or alter delimitation** 31. Notwithstanding anything contained in section 30 above, the Government may, by order published in the Official Gazette, alter or amend the order made under section 30:
Provided that no such order shall be made after the commencement of the election process.

- Electoral Rolls** 32. (1) Subject to the provisions of this Act and the rules made thereunder, so much of the electoral roll of the Assembly Constituency in force on the last date of nomination, as is relatable to a General Council constituency, as defined in clause (c) of section 2, shall be the electoral roll for that General Council constituency.
(2) Persons, whose names are included in the electoral roll as aforesaid in sub-section (1), shall be the electorate for the election of members of the General Council.
(3) The Commission shall, at the time and in the manner prescribed, cause to be published the electoral roll in respect of a constituency.

- Right to Vote** 33. (1) Save as otherwise provided in this Act every person whose name is entered in the electoral roll for the time being in force, of any constituency shall be entitled to vote in that constituency.
(2) No person shall vote at an election in any constituency, if he is subject to any of the disqualification referred to in section 10 of the Representation of Peoples Act, 1951.
(3) No person shall vote in more than one constituency.
(4) No person shall vote in the same constituency more than once.
(5) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or otherwise or in the lawful custody of police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

**Central Act
43 of 1951**

Election of Members	34. Election of members for the purpose of constituting the General Council shall be held on such date or dates as may be notified by the Commission in consultation with the Government.	
Qualification for membership of General Council	35. A person shall be qualified to be elected as a member of the General Council if he is an elector as defined in clause (f) of section 2.	
Disqualification for membership of General Council	<p>36. 1) A person shall not be qualified for being elected to the General Council, if,</p> <p>(a) he is not a citizen of India; or</p> <p>(b) he is less than 18 years of age on such date as may be fixed by the Government; or</p> <p>(c) he has been elected to any Municipality, Panchayat within the State of Assam; or</p> <p>(d) he is in service of the Central or State Government, Municipality or other authority; or</p> <p>(e) he has, either directly or indirectly, by himself or by the person or employer or employee, any share or interest in any contract with, by or on behalf of the General Council or a Municipality or Panchayat within the Council Area:</p> <p>Provided that no person shall be deemed to be so disqualified by reason only of his having a share or interest in a public company, as defined in the Companies Act, 2013, which contracts with or is employed by a Municipal Authority or Panchayat within the Council Area; or</p> <p>(f) he has been dismissed from the services of the Central or State Government or a local authority or a Co-operative Society or a Government Company as defined the Companies Act, 1956 or a Corporation owned or controlled by the Central or the State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal; or</p> <p>(g) he has been adjudged by a competent court to be of unsound mind; or</p> <p>(h) he has been convicted by a court for an offence punishable with imprisonment for a term exceeding 6 (six) months.</p>	<p>Central Act 18 of 2013</p> <p>Central Act 18 of 1956</p>
Filling up of vacancies	37. Where the office of any member becomes vacant by reason of his death, resignation, removal or otherwise, the vacancy shall be filled by election in accordance with the provisions of this Act and the rules made thereunder.	
Validation	38. Where the members elected at an election are restrained from functioning on account of the election as a whole being set aside by order of a court, anything done or any action taken by such members before they are so restrained or before the election is so set aside, as the case may be, shall be deemed to have been validly done or taken.	
Publication of results of elections	39. The names of all persons elected to the General Council shall be published by the Commission in the Official Gazette and upon such publication, the General Council shall be deemed to have been duly constituted.	
Vacation of post	40. If an elected member is chosen to be a Member of Parliament or the State Legislature, then at the expiration of fourteen days from the date of publication in the Gazette of	

India or the Official Gazette, as the case may be, of the declaration that he has been so chosen, the seat of such member in the General Council shall become vacant unless he has previously resigned his seat in the Parliament or the State Legislature, as the case may be.

**Disputes
regarding
elections**

41. (1) No election shall be called in question except by an election petition presented in such manner as may be prescribed and before such authority as may be appointed by the Government, from time to time, by notification in the Official Gazette:

Provided that no person below the rank of District Judge, within the meaning of Article 236 of the Constitution, shall be appointed for the purpose.

- (2) No election shall be called into question except on any one or more of the following grounds, namely:-
- (a) that on the date of his election the returned candidate was not qualified or was disqualified to be chosen to fill the seat in the General Council;
 - (b) that corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of the returned candidate or his election agent.

Explanation:-

For this purpose 'corrupt practice' shall mean any of the corrupt practices specified in section 123 of the Representation of Peoples Act, 1951.

- (c) That any nomination has been improperly rejected; or
- (d) That the result of the election in so far as it concerns the returned candidate has been materially affected-
 - (i) by the improper acceptance of any nomination; or
 - (ii) by any corrupt practice committed in the interest of the returned candidate by an agent other than his election agent; or
 - (iii) by improper reception, refusal or rejection of any vote; or
 - (iv) by reception of any vote which is void; or
 - (v) by any non-compliance with the provisions of this Act, or of any rules or order made thereunder.
- (3) At the conclusion of trial of any election petition, the authority appointed under sub-section (1) shall make an order,-
 - (a) dismissing the election petition; or
 - (b) declaring the election of all or any of the returned candidates to be void, or
 - (c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.
- (4) If a petitioner, in addition to calling in question the election of a returned candidate, make a declaration that he himself or any other candidate has been duly elected and the opinion under sub-section (1) is of the opinion that—
 - (a) in fact the petitioner or such other candidate has received the majority votes, or
 - (b) but for the votes obtained by the returned candidate by corrupt practice the petitioner or such other candidate would have obtained the majority of the valid votes, the authority as aforesaid shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

**Central Act
43 of 1951**

**Powers to make
rules regulating
the election of
the members**

42. The Government may, by notification in the Official Gazette make rules to regulate all or any of the following matters for the purpose of holding election to the General Council under this Act:
- (a) The designation of the officer or authority to whom the power to determine the territorial limits of the constituencies under Section 30 may be delegated, and the manner in which the electoral roll shall be maintained under section 32;
 - (b) the appointment of Returning Officers, Presiding Officers and Polling Officers for election;
 - (c) the drawing up of programme for election;
 - (d) the nomination of candidates and security of nominations;
 - (e) the deposits to be made by the candidates and the time and manner of making such deposits;
 - (f) the withdrawal of candidature;
 - (g) appointment of agents of candidates;
 - (h) the filling up of casual vacancies;
 - (i) the general procedure at the election including the time, place and hours of poll and the methods by which votes shall be cast;
 - (j) the fee to be paid on election petition;
 - (k) any other matter relating to election or election disputes in respect of which the Government deems it necessary to make rules under this section or in respect of which there is no provision in this Act or the provision is insufficient and in the opinion of the Government, adequate provision is necessary.

**CHAPTER – VI
FUNDS, AUDIT AND BUDGET**

**General
Council fund**

43. (1) There shall be fund called General Council Fund.
(2) The fund as aforesaid shall be under separate Sub-Head within the State budget to be held for the purpose of this Act and all moneys realized or realizable under this Act and all moneys otherwise received by the General Council shall be credited to this fund.
(3) The accounts of the General Council shall be kept in such form and manner as may be prescribed in consultation with the Accountant General, Assam.

Audit

44. Subject to the provisions of the Comptroller and Auditor General's (Duties, Power and Conditions of Service) Act, 1971 and the rules and the orders made thereunder, the audit of the accounts of the General Council shall be entrusted by the Government to the Comptroller and Auditor General of India who may submit to Government such report thereon as it may deem fit. The Government shall transmit the report to the General Council for discussion and consideration. The General Council shall return the report to the Government with comments, if any. The Government shall lay such report along with the comments of the General Council before the State Legislature.

**Central Act
No. 56 of
1971**

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| Budget | <p>45. (1) The General Council shall, at such time and in such manner as may be prescribed, prepare in each financial year a budget of its estimated receipts and disbursements for the following financial year and submit it to the Government by 1st November of the current financial year.</p> <p>(2) The Government may, within such time as may be prescribed, either approve the budget or return it to General Council for reconsideration on the observations of the Government, if any. The General Council shall thereupon resubmit the budget along with its comments on the observations and if the approval of the Government upon such submission or resubmission, as the case may be, is not received by the General Council, the budget shall be deemed to have been approved by the Government.</p> <p>(3) No expenditure shall be incurred unless the budget of the General Council are either approved or deemed to have been approved by the Government.</p> <p>(4) The General Council may prepare in each financial year a supplementary estimate providing for any modification of its budget for the year and may submit to the Government for approval.</p> |
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CHAPTER- VII MISCELLANEOUS

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| Power to issue instructions | 46. The Government shall have the general power to issue instructions from time to time for the purpose of implementation of this Act. |
| Protection of the right of the non-tribal and other ethnic groups | 47. All rights and interests of the non-tribal citizens and other ethnic groups other than Bodo Kachari community within the Council Area existing at the commencement of this Act, in matters pertaining to their language, literature, culture, religion, customs and traditions, trade and commerce, industry, land etc. shall be protected. |
| Properties situated in the Council area | <p>48. (1) Subject to such restrictions as the Government may impose, all properties specified below and situated in the Council Area shall vest in and belong to General Council namely:-</p> <p>(a) all public buildings constructed or maintained out of the General Council Fund;</p> <p>(b) all public roads which have been constructed and maintained out of the General Council Fund and stones and other materials thereof and also trees, erections, materials, implements and things provided for such roads.</p> |
| Dissolution of the General Council and Executive Council | 49. (1) The Governor may, if he is satisfied, on receipt of a report or otherwise and in consultation with the Judicial Department of the Government that a situation has arisen in which the administration of the Council Area cannot be carried out in accordance with the provisions of the law for the time being in force or the general or the |

special instructions issued by the Government from time to time, by notification in the Official Gazette dissolve the General Council and the Executive Council before the expiry of the term and assume to himself all or any of the powers and functions of the General Council and the Executive Council, and declare that such powers and functions shall be exercised by such persons or authority as he may specify in this behalf for a period not exceeding six months at a time.

- (2) Every order made under sub-section (1) above shall be laid before the State Legislature for approval and unless approved by the State Legislature shall cease to operate on the expiry of thirty days from the date on which the Assam Legislative Assembly first sits after the issue of the orders.

Effect of dissolution

50. When an order of dissolution is made under section 49, with effect from the date of the orders-
- (a) all the members of the General Council and the Executive Council shall vacate their offices; and
 - (b) all powers, duties and functions of the General Council and the Executive Council shall be exercised, discharged and performed by such authorities or persons as may be appointed by the Governor in this behalf.

Special provision for Council Areas

51. (1) The Government shall consult and give due regard to the views of the General Council before any law is made and implemented in the Council Area on the following subjects, namely:-
- (a) the religious and social practice of the Bodo Kachari Community;
 - (b) the customary laws and procedures of the Bodo Kachari Community.

Members, Officers and employees to be public servants

52. The Chief Executive Member, the Deputy Chief Executive Member and the Executive Members of the General Council shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

**Central Act
No 45 of 1860**

Validation

53. No act or proceedings of the General Council or the Executive Council, as the case may be, shall be deemed to be invalid merely by reason of existence of any vacancy therein or any defect or irregularity in the constitution thereof.

Immunity

54. No suit or other legal proceedings shall lie against the General Council or the Executive Council or any member, or officer or employee thereof for anything done in good faith or intended to be done in pursuance of this Act, or any rules or bye-law made thereunder.

Interpretation

55. If any question arises as to the interpretation of this Act or the rules made thereunder the same shall be referred to the Government whose decision thereon shall be final.

Removal of difficulties

56. If any difficulty arises in giving effect to any provision of this Act, the Government may, by order, do anything not

- inconsistent with the provisions of this Act as may appear necessary or expedient for the purpose of removing the difficulty.
- Special status:** 57. The General Council shall, within the laws for the time being in force, take steps to protect the demographic complexion of the areas falling within its jurisdiction.
- Application of Acts of the Legislature of the State** 58. If any provision of the bye-law made by the General Council is repugnant to any provision of the law made by the Legislature of the State of Assam, with respect to that matter then the bye-law so made, whether before or after the laws made by the Legislature of the State of Assam, shall to the extent of repugnancy be void and the law made by the Legislature shall prevail.
- Power to make rules** 59. (1) The Government may make rules providing for any matter which under any provision of this Act is required to be prescribed or to be provided for by rules.
(2) Every rules made under this section shall be laid, as soon as may be after it is made before the State Legislature, while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the sessions immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees 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:
Provided however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.
- Transitional Provision,** 60. The Government shall, as soon as possible, after the commencement of this Act, take steps for the constitution of an Interim General Council by nomination of its members and constitute an Executive Council therefrom by nomination till the General Council or the Executive Council are constituted under sections 5(1) and 23(1) respectively, of this Act:

Provided that any or all the members of such Interim General or Executive Council, as the case may be, may be removed and replaced by any other person by the Government at any time for reasons to be recorded in writing.
- Saving** 61. Nothing in this Act shall affect the applications of any law, whether made before or after this Act, to the Council Area unless such law specifically provides for exclusion of the Council Area of such application.

Explanation:

For the purpose of this section 'Law' shall include any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law.

STATEMENT OF OBJECTS AND REASONS

This proposes with a view to introduce a new Bodo Kachari Welfare Autonomous Council to the Bodo Kachari community inhabited villages of Assam outside Sixth Scheduled areas, it may include areas under existing tribal autonomous Councils with prior consultation with existing tribal autonomous Councils.

CHANDAN BRAHMA,

Minister,

WPT & BC Department, Assam.

A. N. DEKA,

Secretary-in-Charge,

Assam Legislative Assembly.

FINANCIAL MEMEORANDUM

The proposed Bill will involve additional financial burden on the State exchequer and an amount of fund will be allocated in the State budget.

MEMORANDUM OF DELEGATED LEGISLATION

The proposed Bill provides for framing of rules by Executives. The delegation is however of normal nature.

A. N. DEKA,
Secretary-in-Charge,
Assam Legislative Assembly.