

THE ASSAM PANCHAYAT (AMENDMENT) BILL, 2023.

A

BILL

further to amend the Assam Panchayat Act, 1994.

Preamble

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

**Assam
Act No.
XVIII of
1994**

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

Short title,
extent and
commencement

1. (1) This Act may be called the Assam Panchayat (Amendment) Act, 2023.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of
section 2

2. In the principal Act, in section 2, after clause (44), the following clauses shall be inserted, namely:-

“(45) “Ward Sabha” means a body consisting of persons registered in the electoral rolls relating to a ward comprised within the area of “Gaon Panchayat” ;

(46) “Ward” means any territorial constituency recorded as a Ward in the revenue record of the “Gaon Panchayat” in which it is situated and includes any areas which the State Government may by general or special order, declare to be a ‘Ward’ for the purpose of this Act.”

Insertion of
section 3A

3. In the principal Act, after section 3, the following new section 3A shall be inserted, namely :-

“Constitution of
District Delimitation
Commission

3A. The Government shall constitute in every district a District Delimitation Commission to decide the size of Gaon Panchayat, Anchalik Panchayat and Zilla Parishad constituency.

The District Delimitation Commission shall consist of the following members, namely :-

- (a) The District Commissioner Chairman
- (b) The Chief Executive Officer of Zilla Parishad Member Secretary


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(c) The Election Officer Member”

Insertion of
section 4A

4. In the principal Act, after section 4, the following new sections shall be inserted, namely :-

“Ward
Sabha

4A. Composition of Ward Sabha :

Every ward of a Gaon Panchayat shall have a Ward Sabha consisting of all adult persons whose names are included in the electoral rolls relating to a ward within a Gaon Panchayat area.

4B Meeting :

- (1) The Ward Sabha shall meet from time to time but in between two meetings of ward Sabha there shall not be more than twelve months go to.
- (2) Minimum seven days prior notice shall be given for holding the meeting of Ward Sabha.
- (3) Every meeting of the Ward Sabha may be presided over by the President of the concerned Gaon Panchayat or any person to be selected by the majority of the Ward Sabha members for that meeting.

4C Quorum:

- (1) The quorum for a meeting of the Ward Sabha shall be one-tenth of the total members or fifty numbers of voters of the ward whichever is less.
- (2) The functionaries of Gaon Panchayat shall assist Ward Sabha members during the meeting for smooth functioning.

4D Powers and functions of Ward Sabhas:

Ward Sabhas shall, subject to such rules as may be prescribed, exercise the following powers and discharge the following functions, namely :-

- (i) Ward Sabhas shall assist the Gaon Panchayats and the Gaon Sabhas to conduct surveys or participatory rural appraisal to collect essential socio-economic data and assess the needs of the residence and their requirements for the development of the village in order to enable Gaon Panchayat to


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compile and draw up a comprehensive Gaon Panchayat Development Plan.

- (ii) Generate proposals and determine priority of schemes and development programmes to be implemented in the area of ward sabha and forward the same to place it before the Gaon Sabha for inclusion in Gaon Panchayat Development Plan.
- (iii) Identify most eligible persons from the area of the ward sabha for beneficiary oriented schemes and prepare list of eligible beneficiaries in order of priority and forward the same to Gaon Panchayat for inclusion in Gaon Panchayat Development Plan.
- (iv) Verify the eligibility of persons getting various kinds of welfare assistance from Government such as pensions, subsidies etc.
- (v) To get information from the Gaon Panchayat on the follow up action taken on the decisions of the Ward Sabha.
- (vi) Ensure that the members of the Ward Sabha pay taxes to the Gaon Panchayats.
- (vii) To suggest the locations of streetlights, community water taps, public wells, public sanitation units and other such public amenities within the area of the ward.
- (viii) Identify the deficiencies in water supply and streetlight arrangements in the area of the ward and suggest remedial measures.
- (ix) Generate awareness on matters of public interest such as cleanliness, preservation of environment, prevention of pollution etc.
- (x) Promote programmes of adult education, enhance literacy and education level.
- (xi) Assist authorities in prevention of diseases and make arrangements to quickly report the incidents of epidemics and natural calamities.
- (xii) Arrange cultural festivals and sports to give expression to the talents of the people of the ward.
- (xiii) Promote harmony and unity among various groups of people in the area of the ward.

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- (xiv) Identify hazards and suggest measures for safety, security of all the residents of the village in an environment that is clean and healthy.
- (xv) Assist the Gaon Sabha and the Gaon Panchayat in planning, monitoring and implementing plans, schemes and projects undertaken.
- (xvi) Address the issues of water conservation, preservation of natural habitat, recycling of biodegradable waste and to ensure that area is plastic free.
- (xvii) Assist authorities to prevent any anti social activities that are prejudicial to public interest and are detrimental to the residence of the ward.
- (xviii) Revive and promote traditional cultures folk arts, handicrafts and home and cottage industries.
- (xix) Participate in planning and beneficiary selection for various rural development programme wherever necessary along with the other functions as envisaged by the Act.

Amendment of section 5

5. In the principal Act, in section 5, for sub-section (1), the following shall be substituted, namely :-

“(1) The State Government may by notification, declare any local area comprising a revenue village or a group of revenue villages or a Forest village or a Tea Garden area or hamlets forming part of revenue village or Forest village or tea garden area or other such administrative unit or part thereof to be a Gaon Panchayat with population of its territory as per the category within which the district falls:

Provided that the State Government shall declare 3 (three) categories of Districts based on population density or any other relevant factor as follows :-

- (a) Category ‘A’ district having higher population density shall have Gaon Panchayats with a population range from 10200 to 13800,
- (b) Category ‘B’ district having medium

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population density shall have Gaon Panchayats with a population range from 8500 to 11500, and

- (c) Category 'C' district having lower population density shall have Gaon Panchayats with a population range from 6000 to 9200,"

Amendment of section 6

6. In the principal Act, in section 6,

- (i) in marginal note for the words "Constitution of Gaon Panchayat", the words "Constitution of Gaon Panchayat and Election of President and Vice President" shall be substituted.

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

"(1) The Gaon Panchayat shall consist of ten members to be directly elected by the voters of the territorial constituencies of the Gaon Panchayat area, one from each constituency in the manner as may be prescribed."

- (iii) for sub-section (3), the following shall be substituted, namely :-

"(3) the District Commissioner or an officer authorized by the District Commissioner shall call a meeting of the Gaon Panchayat (which shall be hereinafter called as the first meeting of the Gaon Panchayat) for election of a President and a Vice President respectively from amongst the elected members of the Gaon Panchayat. The District Commissioner shall preside over the meeting in the manner prescribed. The District Commissioner may delegate the power to preside over such meeting to any Gazetted Officer serving in the district."

Amendment of section 9

7. In the principal Act, in section 9,

- (i) for sub-section (3), the following shall be substituted, namely :-

"(3) Fifty percent (including the number of seats reserved for women belonging to the Scheduled Caste and the Scheduled Tribes) of the total number of seats to be filled up by direct election in every Gaon Panchayat shall be reserved for women and such seats shall be allotted by rotation and by lottery amongst the wards in every term to the constituencies in the Gaon Panchayats in such

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manner as may be prescribed and the lottery shall be held prior to holding of the succeeding Panchayat elections.”

- (ii) in sub-section (4), for the third proviso, the following shall be substituted, namely :-

“Provided also that the number of offices reserved under this sub-section shall also be allotted by rotation and by lottery as the case may be in each term to the different Gaon Panchayats.”

- (iii) after sub-section (4), the following new sub-section (5) shall be inserted, namely :-

“(5) Among the wards of Gaon Panchayats having more than 10% of Scheduled Castes or Scheduled Tribes population shall be selected for the purpose of reserving seats for Scheduled Castes and Scheduled Tribes by rotation.”

Amendment of section 10

8. In the principal Act, in section 10, for sub-section (1), the following shall be substituted, namely :-

“(1) After the election of the President and the Vice-President of the Gaon Panchayat from amongst the members, if any vacancy occurs by the reason of death, resignation or removal in the office of the President or Vice President as the case may be, the Gaon Panchayat member shall elect another member from amongst the members, as the President or the Vice-President, as the case may be, in the manner as may be prescribed :

Provided that no election shall be held if the vacancy is for a period of less than one month.”

Amendment of section 11

9. In the principal Act, in section 11, in second line, in between the words “of the” and “Vice-President”, the words “President and the” shall be inserted.

Amendment of section 15

10. In the principal Act, in section 15,
- (i) in sub-section (4) in between the word “A” and “Vice President” the word “President” shall be inserted.
- (ii) in sub-section (5), for the second proviso, the following shall be substituted, namely :-

“Provided further that no confidence motion shall not be initiated for the first two and half years

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from the taking over charge of the post of President and Vice-President as the case may and after that there shall be only 1 (one) no-confidence motion throughout the term :

Provided also that a President and a Vice President so removed under sub-section (5), shall continue to be a member of the Gaon Panchayat.”

- Amendment of section 25 11. In the principal Act, in section 25, in sub-section (2), after clause (c), the following new clause (f) shall be inserted, namely :-
“(f) a tax on the owners of organized private markets individually against each shop located in the market.”
- Amendment of section 34 12. In the principal Act, in section 34, for sub-section (3), the following shall be substituted namely :-
“(3) Fifty percent (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled up by direct election in every Anchalik Panchayat shall be reserved for women and such seats may be allotted by rotation and by lottery in such manner as may be prescribed for each term to the different constituencies in the Anchalik Panchayat and the lottery shall be held before the holding of the Panchayat elections.”
- Amendment of section 38 13. In the principal Act, in section 38, in sub-section (1),
(i) for the first proviso, the following shall be substituted, namely :-
“Provided that the offices reserved under this sub-section shall be posted by rotation or lottery as the case may be in different Anchalik Panchayats :”
(ii) after the second proviso, the following new proviso shall be inserted, namely :-
“Provided further that the lottery for the purpose of reservation of office under clause(c) of this sub-section shall be completed prior to the election.”
- Amendment of section 43 14. In the principal Act, in section 43, in sub-section (2), in clause (b), for the last proviso, the following shall be substituted, namely :-
“Provided further that no-confidence motion shall not

be initiated for the first two and half years of taking over charge of the post of President and Vice-President as the case may be and after that there shall be only 1 (one) no-confidence motion throughout the term of Anchalik Panchayat:

Provided also that a President and a Vice President so removed under sub-section (1), shall continue to be a member of the Anchalik Panchayat.”

Amendment of section 67

15. In the principal Act, in section 67, in sub-section (1), the following shall be substituted, namely :-

“(1) Fifty percent of the seats including the number of seats reserved for women belonging to the Scheduled Caste and the Scheduled Tribes under sub-section (2) of section 66 for Zilla Parishad, the total number of seats shall be filled up from amongst the members as under sub-section (1), of section 65 and shall be reserved for women and such seats may be allotted by rotation and by lottery in such manner as may be prescribed in every term to different constituencies under the Zilla Parishad and the lottery shall be held before holding of the Panchayat elections.”

Amendment of section 70A

16. In the principal Act, in section 70A, for sub-section (3), the following shall be substituted, namely :-

“(3) Fifty percent (including the number of the offices reserved for women belonging to the Scheduled caste and Scheduled tribes), of the total number of the offices of the President and Vice-President of a Zilla Parishad shall be reserved for women and such offices may be allotted by rotation and by lottery in such manner as may be prescribed and in every term the lottery shall be held before the holding of the Panchayat elections.”

Amendment of section 73

17. In the principal Act, in section 73, in sub-section (2), for the last proviso, the following shall be substituted, namely :-

“(2) Provided that no-confidence motion shall not be initiated for the first two and half years of taking over charge of the post of President and Vice-President and that there shall be only 1 (one) no-confidence motion throughout the term of the Zilla Parishad:

Provided also that a President and a Vice President so removed under sub-section (1), shall continue to be a member of the Zilla Parishad.”

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Amendment of section 90 18. In the principal Act, in section 90, after sub-section (2), the following sub-section shall be inserted, namely:-

“(3) The President of the Zila Parishad shall nominate members of the Zila Parishad to supervise and monitor the progress of activities and functions mentioned under sub-section (1) in a manner as may be prescribed.”

Amendment of section 98 19. In the principal Act, in section 98, after sub-section (2), a new sub-section shall be inserted, namely:-

“(3) (i) The audit of accounts of Zilla Parishad shall be carried out by the Accountant General of Assam.

(ii) In audit, if any major financial anomaly or irregularities appear, the Government may initiate inquiry under the Commissions of Inquiry, Act 1952.”

Act No.
60 of
1952

Amendment of section 107 20. In the principal Act, for section 107, the following shall be substituted, namely:-

“107. No private haats, ghats and fisheries shall be allowed to operate within the area under the jurisdiction of a Gaon Panchayat without prior approval of the concerned Panchayat authorities and Government. The Panchayat shall impose such fees as may be prescribed.”

Amendment of section 111 21. In the principal Act, for section 111,

(i) in sub-section 2, in clause (b), the following shall be substituted, namely:-

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

Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, other Backward Classes (OBC) and More Other Backward Classes (MOBC) the minimum educational qualification shall be studied up to Class X

(ii) in sub-section (2), in clause (c), the following shall be substituted, namely:-

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

Central Act
No. 6 of
2007

Provided that in case of candidates belonging

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

- (iii) in sub-section (2), clause (d), shall be deleted.
- (iv) after clause (c), the following new clause, shall be inserted, namely :-

“(f) who either by himself or herself or his or her spouse has violated the legal age of marriage under the Prohibition of Child Marriage Act, 2006.”
- (v) after sub-section (2), the following new sub-section shall be inserted, namely:-

“(3) (i) The member or members of a political party shall be disqualified if he or she,-

 - (a) voluntarily gives up the membership of a political party after the election results;
 - (b) changes the party affiliation with less than 50% of members of his/her political party;
 - (c) votes or abstains from voting in contrary to the respective political party in the election of President, Vice President, members of a Standing Committee or in a voting of a no-confidence motion against any one of them;

(ii) the District Commissioner shall have absolute power in deciding the cases pertaining to disqualification of members on the ground of defection:

Provided that election to the vacant seats arising out of disqualification shall be conducted as per provisions of clause (b) section 36 and clause (b) section 69.”

Amendment of section 114 22. In the principal Act, in section 114, after sub-section (5), the following new sub-section shall be inserted, namely:-

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“(6) (i) Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines may be adopted in such manner as may be prescribed, in such ward or panchayat as the State Election Commission may decide and specify.

Explanation :- For the purpose of this section, “voting machine” means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used.”

(ii) the manner of giving and recording of votes by means of voting machines and the procedure to be followed for use of such machine for voting in polling station shall be as may be prescribed.

(iii) the procedure for counting of votes recorded by means of voting machines shall be as may be prescribed.”

Insertion of new section 127EE 23. In the principal Act, after section 127E, a new sub-section shall be inserted, namely:-

“Use of symbol of political party 127 EE In the elections of Anchalik Panchayat and Zilla Parishad the symbol of political party may be used by the participating candidate in such manner as may be prescribed.”

Amendment of section 140 24. In the principal Act, in section 140, in sub-section (1), for the first paragraph, the following shall be substituted, namely :-

“All the recruitment of Grade-III and Grade-IV staff under Zilla Parishad, Anchalik Panchayat and Gaon Panchayat shall be conducted by the State Level Recruitment Commission for Class-III and State Level Recruitment Commission for Class-IV constituted under the Assam Direct Recruitment Commission for Analogous Posts in Class III and Class IV, Act, 2021.”

Assam Act
No XLII of
2023

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ON 9.9.2023

FINANCIAL MEMORANDUM

The Bill proposes to amend the Assam Panchayat Act, 1994.

There is no provision in the Bill which would involve any expenditure from the Consolidated Fund of the State of Assam.



Shri Ranjeet Kumar Dass
(Hon'ble Minister, Panchayat & Rural Development etc., Govt. of Assam)

MEMORANDUM OF DELEGATED LEGISLATION

The Bill involves no proposals for delegation of legislative power to anyone.



Shri Ranjeet Kumar Dass
(Hon'ble Minister, Panchayat & Rural Development etc., Govt. of Assam)

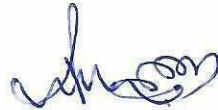
STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Assam Panchayat Act, 1994. It is proposed that the Department seeks amendment to some section of the Assam Panchayat Act, 1994 in order to bring certain changes in its administration and working.

The amendments proposed are broadly explained as under:

1. Clause 2 of the Bill seeks to insert clause 45 and clause 46 in Section 2 of the Act.
2. Clause 3 of the Bill seeks to insert Section 3A in the Act.
3. Clause 4 of the Bill seeks to insert Section 4A, Section 4B, Section 4C, Section 4D in the Act.
4. Clause 5 of the Bill seeks to amend Section 5(1) of the Act.
5. Clause 6 of the Bill seeks to amend Section 6, Section 6(1) and Section 6(3) of the Act.
6. Clause 7 of the Bill seeks to amend Section 9(3), section 9(4) and insert Section 9(5) in the Act.
7. Clause 8 of the Bill seeks to amend Section 10(1) of the Act.
8. Clause 9 of the Bill seeks to amend Section 11 of the Act.
9. Clause 10 of the Bill seeks to amend Section 15(4), Section 15(5) of the Act.
10. Clause 11 of the Bill seeks to insert Section 25(2)(f) in the Act.
11. Clause 12 of the Bill seeks to amend Section 34(3) of the Act.
12. Clause 13 of the Bill seeks to amend Section 38(1) of the Act.
13. Clause 14 of the Bill seeks to amend Section 43(2)(b) of the Act.
14. Clause 15 of the Bill seeks to amend Section 67(1) of the Act.
15. Clause 16 of the Bill seeks to amend Section 70 A (3) of the Act.
16. Clause 17 of the Bill seeks to amend Section 73(2) of the Act.
17. Clause 18 of the Bill seeks to insert Section 90(3) in the Act.
18. Clause 19 of the Bill seeks to insert Section 98(3) of the Act.
19. Clause 20 of the Bill seeks to amend Section 107 of the Act.
20. Clause 21 of the Bill seeks to amend Section 111(2)(b), Section 111(2)(c), Section 111(2)(d) and insert Section 111(2)(e), Section 111(3) in the Act.
21. Clause 22 of the Bill seeks to insert Section 114(6) in the Act.
22. Clause 23 of the Bill seeks to insert Section 127EE in the Act.
23. Clause 24 of the Bill seeks to amend Section 140(1) of the Act.

The Bill seeks to achieve above objects.



Shri Ranjeet Kumar Dass
(Hon'ble Minister, Panchayat & Rural Development etc., Govt. of Assam)



Principal Secretary,
Assam Legislative Assembly

Principal Secretary
Assam Legislative Assembly
Dispur, Guwahati-6

THE ASSAM PANCHAYAT (AMENDMENT) BILL, 2023

Sl No.	Section of the Act	Present narration of provision at the Assam Panchayat Act, 1994	Proposed Amendment	Justification
1.	NO PROVISION IN THE EXISTING Section2 (45) to be inserted additionally	-----	“Ward Sabha” means a body consisting of persons registered in the electoral rolls relating to a ward comprised within the area of “Gaon Panchayat”	The amendment in this section is required due to insertion of new terms in the Assam Panchayat Act, 1994.
2.	NO PROVISION IN THE EXISTING Section2 (46) to be inserted additionally	-----	“Ward” means any territorial constituency recorded as a Ward in the revenue record of the “Gaon Panchayat” in which it is situated and includes any areas which the State Government may by general or special order, declare to be a ‘Ward’ for the purpose of this Act.	The amendment in this section is required due to insertion of new terms in the Assam Panchayat Act, 1994.
3.	NO PROVISION IN THE EXISTING Section 3A to be inserted additionally	-----	The Government shall constitute in every district a District Delimitation Commission to decide the size of Gaon Panchayat, Anchalik Panchayat and Zilla Parishad constituency. The District Delimitation Commission shall consist of the following members, namely – (a) The District Commissioner ----- Chairman (b) The Chief Executive Officer of Zilla Parishad ---- ----Member Secretary (c) The Election Officer -- ----- Member	The Commission will decide the boundary/ size of Gaon Panchayats, Anchalik Panchayats and Zilla Parishads.
4.	NO PROVISION IN THE EXISTING Section 4A to be inserted additionally	-----	Every ward of a Gaon Panchayat shall have a Ward Sabha consisting of all adult persons whose names are included in the electoral rolls relating to a ward within a Gaon Panchayat area.	Area of Gaon Panchayat is usually very large in the State. Planning and recommendation of various issues of the Panchayat through Gaon Sabhas is always difficult and time consuming and may not be in the true spirit of decentralization. There should be smaller planning units within the Gaon Panchayat. Ward sabhas will play an important role in decentralization and micro planning including GPDP. In the existing act of 1994, no mention has been made about this vital institution. Recommendations have been made for

				inclusion of provisions relating to ward sabhas and their functions.
5.	NO PROVISION IN THE EXISTING Section 4B to be inserted additionally	-----	<p>Meeting:</p> <p>(1) The Ward Sabha shall meet from time to time but in between two meetings of ward Sabha there shall not be more than twelve months go to.</p> <p>(2) Minimum seven days prior notice shall be given for holding the meeting of Ward Sabha.</p> <p>(3) Every meeting of the Ward Sabha may be presided over by the President of the concerned Gaon Panchayat or any person to be selected by the majority of the Ward Sabha members for that meeting.</p>	
6.	NO PROVISION IN THE EXISTING Section 4C to be inserted additionally	-----	<p>Quorum:</p> <p>(i) The quorum for a meeting of the Ward Sabha shall be one-tenth of the total members or fifty numbers of voters of the ward whichever is less;</p> <p>(ii) The functionaries of Gaon Panchayat shall assist Ward Sabha members during the meeting for smooth functioning</p>	
7.	NO PROVISION IN THE EXISTING Section 4D to be inserted additionally	-----	<p>Powers and Functions of Ward Sabhas:</p> <p>Ward Sabhas shall, subject to such rules as may be prescribed, exercise the following powers and discharge the following functions, namely:-</p> <p>(i) Ward Sabhas shall assist the Gaon Panchayats and the Gaon Sabhas to conduct surveys or participatory rural appraisal to collect essential socio economic data and assess the needs of the residence and their requirements for the development of the village in order to enable Gaon Panchayat to compile and draw up a comprehensive Gaon Panchayat Development Plan.</p> <p>(ii) Generate proposals and determine priority of schemes and development programmes to be implemented in the area of Ward Sabha and forward the same to place it before the Gaon Sabha for inclusion in Gaon Panchayat Development Plan.</p> <p>(iii) Identify most</p>	

			<p>eligible persons from the area of the Ward Sabha for beneficiary oriented schemes and prepare list of eligible beneficiaries in order of priority and forward the same to Gaon Panchayat for inclusion in Gaon Panchayat Development Plan.</p> <p>(iv) Verify the eligibility of persons getting various kinds of welfare assistance from Government such as pensions, subsidies etc.</p> <p>(v) To get information from the Gaon Panchayat on the follow up action taken on the decisions of the Ward Sabha.</p> <p>(vi) Ensure that the members of the Ward Sabha pay taxes to the Gaon Panchayats.</p> <p>(vii) To suggest the locations of street lights, community water taps, public wells, public sanitation units and other such public amenities within the area of the ward.</p> <p>(viii) Identify the deficiencies in water supply and street light arrangements in the area of the ward and suggest remedial measures.</p> <p>(ix) Generate awareness on matters of public interest such as cleanliness, preservation of environment, prevention of pollution etc.</p> <p>(x) Promote programmes of adult education, enhance literacy and education level.</p> <p>(xi) Assist authorities in prevention of diseases and make arrangements to quickly report the incidents of epidemics and natural calamities.</p> <p>(xii) Arrange cultural festivals and sports to give expression to the talents of the people of the ward.</p> <p>(xiii) Promote harmony and unity among various groups of people in the area of the ward.</p> <p>(xiv) Identify hazards and suggest measures for safety, security of all the residents of the village in an environment that is clean and healthy.</p> <p>(xv) Assist the Gaon Sabha and the Gaon Panchayat in planning, monitoring and implementing plans, schemes and projects undertaken.</p>	
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			<p>(xvi) Address the issues of water conservation, preservation of natural habitat, recycling of bio-degradable waste and to ensure that area is plastic free.</p> <p>(xvii) Assist authorities to prevent any anti social activities that are prejudicial to public interest and are detrimental to the residents of the ward.</p> <p>(xviii) Revive and promote traditional cultures, folk arts, handicrafts and home and cottage industries.</p> <p>(xix) Participate in planning and beneficiary selection for various rural development programme wherever necessary alongwith the other functions as envisaged by the Act.</p>	
8.	Section 5(1)	<p>The State Government may by notification, declare any local area comprising a revenue village or a group of revenue villages or a Forest village or a Tea Garden area or hamlets forming part of revenue village of Forest village or tea garden area or other such administrative unit or part thereof to be a Gaon Panchayat with population of its territory not less than six thousand and not more than ten thousand.</p> <p>Provided that, where a group of Revenue Villages or Forest Villages or Tea Garden Areas or hamlets or other such administrative units or part thereof as the case may be, having the largest population:</p> <p>[Provided further that the local area of Gaon Panchayats declared under the provisions of the Assam Panchayat Act, 1994 (Assam Act No. XVIII of 1994) with a population less in number or more in number than the population earmarked in this section shall continue to be valid for the purposes of this Act.]</p>	<p>The State Government may by notification, declare any local area comprising a revenue village or a group of revenue villages or a Forest village or a Tea Garden area or hamlets forming part of revenue village or Forest village or tea garden area or other such administrative unit or part thereof to be a Gaon Panchayat with population of its territory as per the category within which the district falls;</p> <p>Provided that the State Government shall declare 3 (three) categories of Districts based on population density or any other relevant factor as follows:-</p> <p>(a) Category 'A' district having higher population density shall have Gaon Panchayats with a population range from 10200 to 13800.</p> <p>(b) Category 'B' district having medium population density shall have Gaon Panchayats with a population range from 8500 to 11500 and</p> <p>(c) Category 'C' district having lower population density shall have Gaon Panchayats with a population range from 6000 to 9200.</p>	To ensure that all the GPs within a district are of similar size.
9.	Section 6 marginal note	Constitution of Gaon Panchayat	Constitution of Gaon Panchayat and Election of President and Vice President	This amendment is required due to amendment in section 6(3) of the

				Assam Panchayat Act, 1994.
10.	Section 6(1)	President of the Gaon Panchayat who shall be elected directly by the voters of the territorial constituencies of the Gaon Panchayat area in the manner prescribed.	The Gaon Panchayat shall consist of ten members to be directly elected by the voters of the territorial constituencies of the Gaon Panchayat area, one from each constituency in the manner as may be prescribed	As per existing provisions of the Assam Panchayat Act, 1994, the President of a Gaon Panchayat is directly elected by the voters of the constituencies (ward) of the Gaon Panchayat. Further, the Act allows the elected members of the Gaon Panchayat to move no-confidence motion and remove the President from his Office. The President so removed shall not remain as the member of the Gaon Panchayat though President is directly elected by voters of the constituencies. This seems unfair and unjustified. Therefore, the relevant section should be amended for election of President from amongst the Gaon Panchayat members, so that the President so removed may continue to remain as member of the Gaon Panchayat.
11.	Section 6(3)	When the Gaon Panchayat is constituted under this Section, the Deputy Commissioner or an officer authorized by the Deputy Commissioner for this purpose shall call a meeting of the Gaon Panchayat (which shall be hereinafter called the first meeting of the Gaon Panchayat) for election of a Vice-President from amongst the members in the manner prescribed.	The District Commissioner or an Officer authorized by the District Commissioner shall call a meeting of the Gaon Panchayat (which shall be hereinafter called as the first meeting of the Gaon Panchayat) for election of a President and Vice-President respectively from amongst the elected members of the Gaon Panchayat. The District Commissioner shall preside over the meeting in the manner prescribed. The District Commissioner may delegate the power to preside over such meeting to any Gazetted Officer serving in the district.'	Amendment to Section 6(1) invariably lead to amendment of Section 6(3).
12.	Section 9(3)	[Fifty percent] (including the number of seats reserved for women belonging to the Scheduled Caste and the Scheduled Tribes) of the total number of seats to be filled up by the direct election in every Gaon Panchayat shall be reserved	“ Fifty percent (including the number of seats reserved for women belonging to the Scheduled Caste and the Scheduled Tribes) of the total number of seats to be filled up by direct election in every Gaon Panchayat shall be reserved for women and	To promote and encourage good governance amongst the elected President of Gaon Panchayats and also to encourage them by providing them an opportunity to

		for women and such seats may be allotted by rotation to different constituencies in the Gaon Panchayats in such manner as may be prescribed.	such seats shall be allotted by rotation and by lottery amongst the wards in every term to the constituencies in the Gaon Panchayats in such manner as may be prescribed and the lottery shall be held prior to holding of the succeeding Panchayat elections.”	continue the service rendered by them, it is essential to do away with the provisions of reservation by rotation in every five years.
13.	Section 9(4) Third Proviso	Provided also that the number of offices reserved under this sub-section shall be allotted by rotation to different Gaon Panchayats.	“Provided also that the number of offices reserved under this sub-section shall also be allotted by rotation and by lottery as the case may be in each term to the different Gaon Panchayats.”	Reserving the seat of President of a Gaon Panchayat to Women on lottery basis may yield complacency among the acting President as it ensures that their term will not be extended beyond five years term for which they are indirectly elected. To promote and encourage good governance amongst the elected President of Gaon Panchayats and also to encourage them by providing them an opportunity to continue the service rendered by them, it is essential to do away with the provisions of reservation by rotation in every five years.
14.	NO PROVISION IN THE EXISTING Section 9(5) to be inserted additionally	-----	Among the wards of Gaon Panchayats having more than 10% of Scheduled Castes or Scheduled Tribes population shall be selected for the purpose of reserving seats for Scheduled Castes and Scheduled Tribes by rotation	There are many wards which have very small number of SC/ST. Therefore, to ensure that the reservation is provided in the wards which have reasonable number of SC/ST population.
15.	Section 10(1)	After the election of the President of the Gaon Panchayat under Section 6 (1)(b) and the Vice President under Section 6(3) if any vacancy occurs by the reason of death, resignation or removal in the office of the President or Vice President as the case may be the Gaon Panchayat shall elect the President under Section 6(1)(b) or Vice-President under Section 6(3) as the case may be: Provided that no election shall be held if the vacancy is for a period of less than one month.	After the election of the President and the Vice-President of the Gaon Panchayat from amongst the members, if any vacancy occurs by the reason of death, resignation or removal in the office of the President or Vice President as the case may be, the Gaon Panchayat members shall elect another member from amongst the members, as the President or the Vice-President, as the case may be, in the manner as may be prescribed: Provided that no election shall be held if the vacancy is for a period of less than one month.	Due to the amendment in the Section 6(1), amendment in this section is also required. The need for this amendment is to avoid conducting bye-election frequently.

16.	Section 11	Any dispute relating to the validity of the election of the Vice-President of the Gaon Panchayat under this Act shall be decided by the District Commissioner.	Any dispute relating to the validity of the election of the President and the Vice-President of the Gaon Panchayat under this Act shall be decided by the District Commissioner	Due to the amendment in the Section 6(1) and the amendments in the subsequent sections of Assam Panchayat Act, 1994, amendment in this section is also required.
17.	Section 15 (4)	A Vice-President so removed from his office under Sub-Section (3) may also be removed from membership of the Gaon Panchayat by the Government after giving the member a reasonable opportunity to furnish his explanation.	A President or Vice-President so removed from his office under Sub-Section (3) may also be removed from membership of the Gaon Panchayat by the Government after giving the member a reasonable opportunity to furnish his explanation.	Due to the amendment in the Section 15(5), amendment in this section is also required
18.	Section 15(5)	Provided further that when a no confidence motion is lost, no such motion shall be allowed in the next six months.	Provided further that no confidence motion shall not be initiated for the first two and half years from the taking over charge of the post of President and Vice-President as the case may and after that there shall be only 1 (one) no confidence motion throughout the term. Provided also that a President and a Vice President so removed under sub section (5), shall continue to be a member of the Gaon Panchayat'.	To ensure stability of tenure to the elected President or Vice-President to perform their activity.
19.	NO PROVISION IN THE EXISTING Section 25(2)(f) is to be inserted additionally	-----	"a tax on the owners of organized private markets individually against each shop located in the market."	Levy of tax on the owners of organized private markets against each shop located in the market may lead to own source of revenue in the Panchayats. This may further lead to meeting up the expenses of the Panchayats for paying the remuneration to the Panchayat members which is otherwise paid from the Government's exchequer.
20.	Section 34(3)	[Fifty percent] (including the number of seats reserved for women belonging to the Scheduled Caste and the Scheduled Tribes) of the total number of seats to be filled up by the direct election in every Anchalik Panchayat, shall be reserved for women and such seats may be allotted by rotation to different territorial constituencies of an Anchalik Panchayat in such manner as may be	"Fifty percent (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled up by direct election in every Anchalik Panchayat shall be reserved for women and such seats may be allotted by rotation and by lottery in such manner as may be prescribed for each term to the different constituencies	To promote and encourage good governance amongst the elected President of Anchalik Panchayats and also to encourage them by providing them an opportunity to continue the service rendered by them, it is essential to do away with the provisions of reservation by

		prescribed.	in the Anchalik Panchayat and the lottery shall be held before the holding of the Panchayat elections.”	rotation in every five years.
21.	Section 38(1) First Proviso	Provided that the offices reserved under this sub-section shall be by rotation in different Anchalik Panchayats.	Provided that the offices reserved under this sub-section shall be posted by rotation or lottery as the case may be in different Anchalik Panchayats	Reserving the seat of President of a Anchalik Panchayat to Women on lottery basis may yield complacency among the acting President as it ensures that their term will not be extended beyond five years term for which they are indirectly elected. To promote and encourage good governance amongst the elected President of Anchalik Panchayats and also to encourage them by providing them an opportunity to continue the service rendered by them, it is essential to do away with the provisions of reservation by rotation in every five years.
22.	NO PROVISION IN THE EXISTING Section 38(1) third proviso is to be inserted additionally	-----	Provided further that the lottery for the purpose of reservation of office under clause(c) of this sub-section shall be completed prior to the election	Reserving the seat of President of a Anchalik Panchayat to Women on lottery basis may yield complacency among the acting President as it ensures that their term will not be extended beyond five years term for which they are indirectly elected. To promote and encourage good governance amongst the elected President of Anchalik Panchayats and also to encourage them by providing them an opportunity to continue the service rendered by them, it is essential to do away with the provisions of reservation by rotation in every five years.
23.	Section 43(2)(b) last proviso	Provided further that if it is not possible to hold the meeting for a situation due to non-attendance of requisite number of members in such meeting or meetings as the case may be, the no-confidence motion shall	Provided further that no confidence motion shall not be initiated for the first two and half years of taking over charge of the post of President and Vice-President as the case may be and after that there shall be	To ensure stability of tenure to the elected President or Vice-President to perform their activity.

		automatically stand cancelled and the motion shall be deemed to have lost, in the event of which no such motion shall be allowed within the next six months.	only 1 (one) no confidence motion throughout the term of Anchalik Panchayat. Provided also that a President and a Vice President so removed under sub section (1), shall continue to be a member of the Anchalik Panchayat'.	
24.	Section 67 (1)	[Fifty percent] including the number of seats reserved for women belonging to the Scheduled Caste and the Scheduled Tribes under sub-section (2) of Section 66 of the total number of seats to be filled up from amongst the members under sub-section (1) of Section 65 shall be reserved for women and such seats may be allotted by rotation to different constituencies under the Zilla Parishad as may be prescribed.	Fifty percent of the seats including the number of seats reserved for women belonging to the Scheduled Caste and the Scheduled Tribes under sub-section (2) of section 66 for Zilla Parishad, the total number of seats shall be filled up from amongst the members as under sub-section (1), of section 65 and shall be reserved for women and such seats may be allotted by rotation and by lottery in such manner as may be prescribed in every term to different constituencies under the Zilla Parishad and the lottery shall be held before holding of the Panchayat elections.	To promote and encourage good governance amongst the elected President of Zilla Parishad and also to encourage them by providing them an opportunity to continue the service rendered by them, it is essential to do away with the provisions of reservation by rotation in every five years.
25.	Section 70 A (3)	[Fifty percent] (including the number of the offices reserved for women belonging to the scheduled caste and scheduled tribes), of the total number of the offices of the President and Vice-President of a Zilla Parishad in the State shall be reserved for women and such offices may be allotted by rotation to different Zilla Parishad in such manner as may be prescribed.	Fifty percent (including the number of the offices reserved for women belonging to the Scheduled caste and Scheduled tribes), of the total number of the offices of the President and Vice-President of a Zilla Parishad shall be reserved for women and such offices may be allotted by rotation and by lottery in such manner as may be prescribed and in every term the lottery shall be held before the holding of the Panchayat elections.	Reserving the seat of President of Zilla Parishad to Women on lottery basis may yield complacency among the acting President as it ensures that their term will not be extended beyond five years term for which they are indirectly elected. To promote and encourage good governance amongst the elected President of Zilla Parishad and also to encourage them by providing them an opportunity to continue the service rendered by them, it is essential to do away with the provisions of reservation by rotation in every five years.
26.	Section 73(2) last proviso	Provided also that if it is not possible to hold the meeting for a situation due to non-attendance of the requisite number of members in such meeting or meetings as the case may be, the no-confidence motion shall automatically stands	Provided that no confidence motion shall not be initiated for the first two and half years of taking over charge of the post of President and Vice-President and that there shall be only 1 (one) no confidence motion throughout the term of the	To ensure stability of tenure to the elected President or Vice-President to perform their activity.

		cancelled and the motion shall be deemed to have lost, in the event of which no such motion shall be allowed within the next six months.	Zilla Parishad. Provided also that a President and a Vice President so removed under sub section (1), shall continue to be a member of the Zilla Parishad'	
27.	NO PROVISION IN THE EXISTING Section 90(3) is to be inserted additionally	-----	The President of the Zilla Parishad shall nominate members of Zilla Parishad to supervise and monitor the progress of activities and functions mentioned under sub-section (1) in a manner as may be prescribed.	For effective implementation of schemes.
28.	NO PROVISION IN THE EXISTING Section 98(3) is to be inserted additionally	-----	(i) The audit of accounts of Zilla Parishad shall be carried out by the Accountant General of Assam. (ii) In audit, if any major financial anomaly or irregularities appear, the Government may initiate inquiry under the Commissions of Inquiry Act, 1952.	The audit of accounts by Accountant General of Assam in Zilla Parishad is required to safeguard the interests of the public exchequer and also to ensure better accounts maintenance.
29.	Section 107	The powers of settlement of private haats, ghats and fisheries under the jurisdiction of the Gaon Panchayat shall be vested in the Standing Committee as under Sub-Section (1)(i) of Section 22.	No private haats, ghats and fisheries shall be allowed to operate within the area under the jurisdiction of a Gaon Panchayat without prior approval of the concerned Panchayat authorities and Government. The Panchayat shall impose such fees as may be prescribed.	It was observed that the existing provisions of Section 107 have been proved to be unconstitutional in Hon'ble High Court's order passed in WP(C) No.3828/2008 dated 30.03.2009 (Rupam Talukdar vs the State of Assam) as the existing provisions does not mention about requirement of any kind of permission or license to be obtained for running of private haats, ghats and fisheries from any of the authorities of the State.
30.	Section 111(2) (b)	who has not passed class VI examination from an Educational Institution, for the post of Gaon Panchayat member: Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC) lacking of minimum educational qualification shall not be a bar for contesting election or to be elected for the post of Gaon Panchayat Member.	who has not passed the H.S.L.C. or equivalent examination under any Council or Board recognized by the State or the Central Government, as the case may be, for the post of Gaon Panchayat member: Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC) the minimum educational qualification shall be studied upto Class X.	Qualified representative will provide effective decision making, efficient resource allocation, advocacy and representation, planning and implementation, transparency and accountability etc.

31.	Section 111(2)(c)	<p>who has not passed the H.S.L.C or equivalent examination under any Council or Board recognized by the State or the Central Government, as the case may be, for the post of Gaon Panchayat President and Anchalik Panchayat member:</p> <p>Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC) the minimum educational qualification shall be class VIII examination passed from an Educational Institution.</p>	<p>who has not passed the H.S.S.L.C or equivalent examination under any Council or Board recognised by the State or the Central Government, as the case may be, for the post of Zilla Parishad and Anchalik Panchayat member:</p> <p>Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC) the minimum educational qualification shall be the H.S.L.C. or equivalent examination passed under any Council or Board recognised by the State or the Central Government, as the case may be</p>	
32.	Section 111(2)(d)	<p>who has not passed the H.S.S.L.C or equivalent examination under any Council or Board recognized by the State or the Central Government, as the case may be, for the post of Zilla Parishad member:</p> <p>Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC) the minimum educational qualification shall be the H.S.L.C. or equivalent examination passed under any Council or Board recognized by the State or the Central Government, as the case may be.</p>	Deleted	Due to amendment in Section 111(2)(c)
33.	NO PROVISION IN THE EXISTING Section 111(2)(c) is to be inserted additionally	-----	'who either by himself or herself or his or her spouse has violated the legal age of marriage under the Prohibition of Child Marriage Act, 2006'	As per Prohibition of Child Marriage Act 2006 underage marriage is punishable offence.
34.	NO PROVISION IN THE EXISTING Section 111(3) is to be inserted additionally	-----	(i) The member /members of a political party shall be disqualified if he or she:- (a) voluntarily gives up the membership of a political party after the election results; (b) changes the party affiliation with less than 50% of members of his/her political party; (c) votes or abstains from voting in contrary to the respective political party in the election of President, Vice President, members of a Standing Committee or in	Imposition of anti defection law in Panchayat will help in upholding party discipline, ensuring stability of Zilla Parishad functioning, protecting democratic mandates, promoting party accountability, preventing political horse- trading and enhancing public trust and confidence.

			<p>a voting of a no-confidence motion against any one of them;</p> <p>(ii) The District Commissioner shall have absolute power in deciding the cases pertaining to disqualification of members on the ground of defection. Provided that election to the vacant seats arising out of disqualification shall be conducted as per provisions of clause (b) section 36 and clause (b) section 69.</p>	
35.	NO PROVISION IN THE EXISTING Section 114(6) is to be inserted additionally	-----	<p>(i) Notwithstanding anything contained in this Act or the Rules made thereunder, the giving and recording of votes by voting machines may be adopted in such manner as may prescribed in such ward or panchayat as the State Election Commission may decide and specify.</p> <p>Explanation: For the purpose of this section, "voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used.</p> <p>(ii) the manner of giving and recording of votes by means of voting machines and the procedure to be followed for use of such machines for voting in polling stations shall be as may be prescribed.</p> <p>(iii) the procedure for counting of votes recorded by means of voting machines shall be as may be prescribed.</p>	<p>EVMS make the election process smoother and hassle-free. The proposal to amend the Assam Panchayat Act, 1994 will only make provision for use of EVMS, without doing away with the option to use ballot papers in elections. The method of conducting elections will thus be decided depending on the circumstances of each case.</p> <p>In many states such as Haryana, Bihar, Himachal Pradesh and Rajasthan EVMS were used in Panchayat elections.</p>
36.	NO PROVISION IN THE EXISTING Section 127EE is to be inserted additionally	-----	<p>In the elections of Anchalik Panchayat and Zilla Parishad the symbol of political party may be used by the participating candidate in such manner as may be prescribed.</p>	<p>Using of Political party symbol in Panchayat can provide several benefits such as increasing the visibility of a candidate or party, serve as a quick and easy identifiable way for voters to distinguish between different candidates and parties on the ballot.</p>

				Further use of Political party symbol can demonstrate a candidate's affiliation and loyalty to a particular party.
37.	Section 140 First paragraph	For Zilla Parishad, Anchalik Panchayat and Gaon Panchayat Grade-III and Grade-IV staff shall be appointed by the Chief Executive Officer of Zilla Parishad on the recommendation of the District Selection Committee of Panchayat and Rural Development Department constituted by the Government in the Panchayat and Rural Development Department.	All the recruitment of Grade-III and Grade-IV staff under Zilla Parishad, Anchalik Panchayat and Gaon Panchayat shall be conducted by State Level Recruitment Commission for Class III and State Level Recruitment Commission for Class IV constituted under the Assam Direct Recruitment Commission for Analogous Posts in Class III and Class IV Act, 2021	Since recruitments to all Grade-III and Grade-IV posts under the Government of Assam are being conducted by the State Level Recruitment Commission, hence, the amendment in this section is proposed.

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10/9/2023

Principal Secretary to the Govt. of Assam
Panchayat and Rural Development Department