



GOVERNMENT OF ASSAM

The Assam Panchayat Act, 1994

Assam Act No. XVII Of 1994

**(Received the assent of the Governor on 5th May, 1994 and
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1994)**

LEGISLATIVE DEPARTMENT

LEGISLATIVE BRANCH: DISPUR

ASSAM PANCHAYAT ACT, 1994

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GOVERNMENT OF ASSAM

ORDER BY THE GOVERNOR

LEGISLATIVE DEPARTMENT: LEGISLATIVE BRANCH

NOTIFICATION

The 6th May, 1994

No. LGL. 17/94/509- The following Act of Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO XVIII OF 1994

Received the assent of the Governor on 5th May, 1994

THE ASSAM PANCHAYAT BILL 1994

AN

ACT

**To amend and consolidate laws relating to Panchayat in
Assam.**

**Preamble: Whereas it is expedient to amend and consolidate
laws relating to Panchayat in Assam.**

It is hereby enacted in the Forty-fifth Year of Republic
of India as follows:-

1. Short title extent and commencement.

- (i) This Act may be called the Assam Panchayat Act, 1994.
- (ii) It shall extend to the whole of Assam in the rural areas except the Autonomous Districts under the Sixth Schedule of the Constitution of India and shall exclude any area which has been or hereinafter may be included in a Municipality or a Town Committee or Cantonment constituted under the Assam Municipal Act, 1956 and the Cantonment Act, 1924 respectively or by any other Act.
- (iii) It shall come into force at once.

2. Definition:

In this Act, unless there is anything repugnant in the subject or context.

- (1) **“Gaon Sabha”** means a body consisting of persons registered in the electoral roll relating to a village comprised within the area of “Gaon Panchayat”.
- (2) **“Gaon Panchayat”** means a Gaon Panchayat established under this Act;
- (3) **“Anchalik Panchayat”** means an Anchalik Panchayat established under this Act;
- (4) **“Zilla Parishad”** means a Zilla Parishad established under this Act;
- (5) **“Local Authority”** includes Gaon Sabha, Gaon Panchayat, Anchalik Panchayat, Zilla Parishad, Municipal Corporation, Municipal Boards and Town Committees.
- (6) **“Notification”** means a notification published in the official Gazette;
- (7) **“Panchayat Raj Bodies”** means the Gaon Panchayat, Anchalik Panchayat and Zilla Parishad;

- (8) **“Audit”** means a person male or female having completed his or her eighteen years of age;
- (9) **“Village”** means any local area, recorded as a village in the revenue record of the District in which it is situated and includes any areas which the State Government may, by general or special order, declare to be village for the purpose of this Act;
- (10) **“Co-operative Society”** means a society registered or deemed to be registered under Assam Co-operative Societies Act, 1949, or under any Central Act regulating the registration of Co-operative societies.
- (11) **“Member”** means a member of a Gaon Panchayat or of an Anchalik Panchayat or of a Zilla Parishad;
- (12) **“Ex-officio Member”** means a member who is appointed to be a member by virtue of his office, and for the purpose of Gaon Panchayat or Anchalik Panchayat or Zilla Parishad and may include local members of parliament, local members of Legislative Assembly, State Government Officials, Representative of local Co-operative Societies and representative of local scheduled or non-scheduled banks;
- (13) **“Co-operated Member”** means a person co-operated to be member of a Gaon Panchayat or Anchalik Panchayat or Zilla Parishad;

- (14) **“Schedule Caste”** means such caste, race or tribe or part of or group within such caste race of tribe as is deemed to be Schedule Caste in relation to the State of Assam under Article 341 of the Constitution of India;
- (15) **“Schedule Tribe”** means such tribe or tribal community as is deemed to be Schedule Tribe in relation to the State of Assam under Article 342 of the Constitution of India.
- (16) **“Public-Servant”** means a public servant as defined in Section 21 of the Indian Penal Code, 1860;
- (17) **“Public-Property”** means any property belonging to Government or any local authority;
- (18) **“District”** means a district in a State;
- (19) **“Bazar, Haat or Market”** means any place within the administrative control of the local authority where persons assemble daily or bi-weekly or periodically for sale or purchase of article for human or animal consumption or of livestock or of other merchandise;
- (20) **“Carriage”** means any wheeled vehicle with springs or other appliances acting as spring or a kind ordinarily used for conveyance of human beings and includes bicycles, tricycles, rickshaws, of all kinds and country

boat whether operated with or without engine but does not include motor-vehicle and perambulators.

- (21) **“Cart”** means any cart, hackney or wheeled vehicle with or without springs which is not a carriage as defined in sub-section 20;
- (22) **“Cattle”** include such quadrupeds as are included in the cattle Trespass Act, 1981
- (23) The expression **“Complaint”** and **“Offence”** shall have the same meaning as in Section 2 of the Code of Criminal Procedure, 1973;
- (24) **“Bye-Law”** means bye-law made and approved under the provision of this Act;
- (25) The Expression **“Decree Holder” “Judgment” “Debtor” “Legal representative” and “Moveable Property”** shall have the same meaning as in section 2 of the Code of Civil Procedure, 1988;
 - (i) **“Financial Year”** means the year commencing on the first day of April every year and ending on the thirty-first day of March next year;
 - (ii) **“Panchayat Year”** means the year commencing on the first day of July or on such other date as the State Government may by notification appoint.

- (27) **“House-hold”** means a house or houses used by a family for dwelling purpose (house includes buildings).
- (28) **“Prescribed”** means any prescribed by the State Government by rules made under this Act;
- (29) **“Proceedings”** means any proceedings specified under this Act, other than ‘case’, ‘action’, or ‘suit’.
- (30) **“Water Course”** includes river, stream, channel, tank, well and aqueduct;
- (31) **“Surcharge”** means an additional charge or payment;
- (32) **“Development Departments”** under the provision of this Act shall include such departments as may be notified by the State Government from time to time;
- (33) **“State Government”** means the Government in the Panchayat and Rural Development Department, Assam;
- (34) **“President”** means a non-official who is elected as the President of Gaon Panchayat or Anchalik Panchayat or Zilla Parishad;

- (35) **“Vice President”** means a non-official who is elected as the Vice-President or Gaon Panchayat or Anchalik Panchayat or Zilla Parishad;
- (36) **“Hair-person”** means the elected non-official head, either male or female as the case may be, of Gaon Panchayat or Anchalik Panchayat or a Zilla Parishad or a District Planning Committee;
- (37) **“Block Development Officer”** means an officer who is notified as such for a development block.
- (38) **“Chief Executive Officer”** means the executive head of the office or Zilla Parishad;
- (39) **“Executive Officer”** means the Block Development Officer, who shall function as Executive Officer of an Anchalik Panchayat, the boundary or which is co-terminous with that of the Development Blocks;
- (40) **“Secretary”** means the Secretary of a Gaon Panchayat;
- (41) **“Deputy Commissioner”** means the Deputy Commissioner of a district so notified by the Government. The term Deputy Commissioner shall mean and include an Additional Deputy Commissioner and a Sub-Divisional Officer of an outlying Sub-Division;

(42)¹ **“Moral Turpitude”** means an act that gravely violate the moral sentiment or accepted moral standard of the community or fellowmen;

(43)² **“Uncertified bankrupt”** means bankrupts who are not granted certificate of discharge from their existing debt;

(44)³ **“Undischarged insolvent”** means insolvent who are not discharged from future ability for debt then existing.

1. *Inserted by Assam Act NO. XXV of 1999.*
2. *Inserted by Assam Act NO. XXV of 1999.*
3. *Inserted by Assam Act NO. XXV of 1999.*

CHAPTER – II

CONSTITUTION OF DISTRICT PLANNING COMMITTEE

3. Constitution of District Planning Committee.

- (1) The Government shall Constitute in every district a District Planning Committee to consolidate the plans prepared by Zilla Parishad, Anchalik Panchayats, Gaon Panchayats, Town Committees, Municipalities and Municipal Corporations in the district and to prepare a draft development plan for the district as a whole.
- (2) The District Planning Committee shall consists of : -
 - (a) The members of the House of people who represent the whole or part of the district.
 - (b) The members of the Assam Legislative Assembly whose major part of the constituencies fall within the District.
 - (c) The President of the Zilla Parishad;
 - (d) The Mayor or the Chairperson of the Municipal Corporation/Municipal Board/Town Committee

as the case may be having Jurisdiction over the Head Quarter of the District.

- (e) Such member of persons not less than fourth fifth of the total number of members as may be specified by the Government, elected in the prescribed manner from amongst the members of the Zilla Parishad, Councillors of Municipal Corporation or the Municipalities as the case may be, and the members of the Town Committees in the District on rotation annually and in proportion to the ratio between the population of the rural areas and of the urban of the District.
- (3) The Deputy Commissioner shall be a permanent invitee of the Committee as an Ex-officio Member.
- (4) The Chief Executive Officer of the Zilla Parishad shall be the Ex-Officio Secretary of the Committee.
- (5) The President of the Zilla Parishad shall be Ex-Officio Chairman of the District Planning Committee.
- (6) The District Planning Committee shall consolidate the plan prepared by the Zilla Parishad, Anchalik Panchayats and Gaon Panchayats, Town Committees, Municipalities and Municipal Corporation in the

District and prepare a draft development plan for the District as a whole.

(7) Every District Planning Committee shall in preparing the draft development plan.

(a) Have regard to : -

(i) The matter of common interest between Zilla Parishad, Anchalik Panchayats, Gaon Panchayats, Municipalities or Municipal Corporation as the case may be, and the Town Committee in the District including Sectoral Planning sharing of water and other physical and natural resources, the integrated development of infrastructures and environmental conservation;

(ii) The extent and type of available and organizations as the Governor may by order, specify;

(8) The Chairperson of every District Planning Committee shall forward the District plan as recommended by such committee, to the Government for approval within a specified period as may be prescribed by the State Government.

CHAPER III

GAON SHABHA

4. Gaon Sabha

Subject to the general orders of the Government : -

- (i) The Gaon Sabha shall meet from time to time but a period of three months shall not intervene between any two meetings;
- (ii) The Gaon Sabha shall consist of persons registered in electoral rolls relating to a village or group of villages comprised within the area of the Gaon Panchayat;
- (iii) The Gaon Sabha shall consider the following matters and may make recommendations and suggestions to the Gaon Panchayat.
 - (a) The report in respect of Development Programme of the Gaon Panchayat relating to the proceeding year and development programme proposed to be undertaken during the current year.
 - (b) The promotion of unity and harmony among all sections of society in the village.
 - (c) Such other matters as may be prescribed.

(d) The Gaon Panchayat shall give due consideration to the recommendations and suggestions of the Gaon Sabha.

(5) Every meeting of the Gaon Sabha may be presided over by the President of the concerned Gaon Panchayat and in his absence by the Vice-President or any persons to be selected by majority of the Gaon Sabha members for that meeting.

(6) The meeting of the Gaon Sabha shall be convened by the Secretary of the Gaon Panchayat with due approval of the President of the Gaon Panchayat and in consultation with the Block Development Officer concerned provided wide publicity is given fifteen days ahead of the date for holding the Gaon Sabha meeting.

(7) If the President fails to approve the convening of the Gaon Sabha, the Secretary of the Gaon Sabha in time in consultation with the B.D.O. Whenever, Anchalik Panchayat direct for holding such Gaon Sabha for the purpose for selection of beneficiary of Rural Development Programmes, the Secretary of the Gaon Panchayat shall convene the meeting within twenty days time “from the date of such direction.”¹

1. *Inserted by Assam Act No. X of 1997.*

(8) Quorum

- (i) The quorum for a meeting of the Gaon Sabha shall be one-tenth of the total members or one hundred number of voters of the village/villages whichever is less;
- (ii) If at the time of appointment for meeting, a quorum is not present, the presiding authority shall wait for thirty minutes and if within such period, there is no quorum, the presiding authority shall adjourn the meeting to same day of the following week or any other date or time which shall not be less than twenty-four hours and more than seven days. The adjourned meeting shall not require quorum for taking up the business which could not be considered at the meeting so fixed.

(9) Resolution:

Any resolution to the matter entrusted to the Gaon Sabha under this Ordinance shall have to be passed by a majority of votes of the members present.

(10) Functions:

The Gaon Sabha shall perform the following functions namely:

- (a) Mobilising voluntary labour and contribution in kind and cash for the Community Welfare Programmes.
- (b) Identification of beneficiaries for the implementation of development schemes pertaining to the villages:-

Provided that in case the Gaon Sabha fails to identify the beneficiaries within a reasonable time, the Secretary of the Gaon Panchayat in consultation with the President of the Gaon Panchayat and the Block Development Officer concerned will identify the beneficiary including the beneficiaries under Integrated Rural Development Programme.

Provided further that if the Secretary fails to convene the Gaon Sabha in time for selection of beneficiaries for Rural Development Programme, the Block Development Officer shall convene the Gaon Sabha for such specify purpose:-

- (c) Rendering all kinds of assistance in the implementation of development schemes pertaining to villages and rendering services in the villages.
- (d) The President, Vice-President and the members of the Gaon Panchayat/Anchalik Panchayat shall not be entitled to any sitting allowance for attending the Gaon Sabha.

CHAPTER – IV

ESTABLISHMENT AND CONSTITUTION OF GAON PANCHAYAT

5. Establishment of Gaon Panchayat.

- (1) The State Government may, by notification, declare any local area comprising a revenue village or a group of revenue village or a Forest villager or 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 thousands:-

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 is declared to be a village, the village shall be known of as revenue village, hamlet, administrative unit or part thereof as the case may be, having the largest population.

“Provided further that the local area of Gaon Panchayats declared under the provisions of the Assam Panchayat Act, 1994, with a population less in number or more in number than the population

earmarked in this section shall continue to be valid for purposes of this Act.”

(2) After consultation with the Gaon Panchayat, if it had already been established, the Government may, by similar notification, at any time:-

(a) Include within or exclude from any village, any local area or otherwise, from the limit of any village, or

(b) Declare that any local area shall cease to be a village and thereupon the local area shall be so excluded from the limit of the village so altered.

(3) Every Gaon Panchayat shall be a body corporate by the name of Gaon Panchayat having perpetual succession and common seal, with power to acquire and hold property both movable and immovable, whether within or without the limits of the village over which it has authority and may in its corporate name sue and be sued.

6. Constitution of Gaon Panchayat.

(1) The Gaon Panchayat shall consist of :-

- (a) 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 prescribed.
 - (b) President of the Gaon Panchayat who shall be elected directly by the voters of the territorial constituencies of the Gaon Panchayat at area in the manner prescribed.
- (2) For the convenience of election: The prescribed authority shall in accordance with such rules as may be prescribed in this behalf by the Government, divide the area of the Gaon Panchayat into ten territorial constituencies and allot one seat for each constituency.
- (3) When the Gaon Panchayat is constituted under this section, the Deputy Commissioner or an officer authorised 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.

7. Duration of Gaon Panchayat.

Every Gaon Panchayat, save as otherwise provided in this Act, shall continue for a term of five years from the date appointed for its first meeting:

Provided that the term of the office fixed under this subsection shall be held to include any period which may elapse between the expiration of the said period and the date of the first meeting of the Gaon Panchayat newly constituted in which a quorum shall be present when a Gaon Panchayat shall stand dissolved.

8. Election to constitute Gaon Panchayat.

(1) The election to constitute a Gaon Panchayat shall be completed:-

- (a) Before the expiration of its duration specified in section (7).
- (b) In case of dissolution, before the expiration of a period of six months from the date of its dissolution.

Provided that where the reminder of the period for which the dissolve Gaon Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this

sub-section for constitution the Gaon Panchayat for such period.

- (2) Gaon Panchayat constituted upon the dissolution of a Gaon Panchayat before the expiration of its duration shall continue only for reminder of the period for which the dissolved Gaon Panchayat would have continued under section – (7) had it not been so dissolved,

9. Reservation of seats of Gaon Panchayat.

- (1) In every Gaon Panchayat seats shall be reserved for:-

- (a) Scheduled Cast, and
- (b) Scheduled Tribes,

and the number of seats so reserved shall bear, as nearly as may be the same proportion of the total number of seats to be field up by direct election in that Panchayat as the population of the Scheduled Castes in that Gaon Panchayat area or of the Scheduled Tribes in that area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Gaon Panchayat in such manner as my be prescribed.

- (2) Not less than one-third of the total number of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Casts or as the case may be, the Scheduled tribes,
- (3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Casts 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 may be allotted by rotation to different constituencies in the Gaon Panchayat in such manner as may be prescribed.
- (4) The offices of the Chairpersons in the Gaon Panchayat shall be reserved for the Scheduled castes, Scheduled tribes and women in such manner as may be prescribed:

Provided that the number of offices of Chairpersons reserved for the Scheduled castes or Scheduled tribes in the Gaon Panchayats shall bear as nearly as may be the same proportion to the total number of such offices in the Gaon Panchayat as the population of the Schedule castes in the district or of the Scheduled tribes in the district bears to the total population of the district.

Provided further that not less than one-third of the total number of offices of Chairpersons in the Gaon Panchayat shall be reserved for women.

Provided also that the number of offices reserved under this sub-section shall be allotted by rotation to different Gaon Panchayats.

10. Election of President and Vice-President of Gaon Panchayat

- (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 reason of death, resignation or removal in the office of the President or the Vice-President as the case may be, the Gaon Panchayat shall elect the President under section 6(1)(b) or the 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.

- (2) Subject to the general or special order of the Government, the Deputy Commissioner shall reserve.
 - (a) Such number of offices of the President and the Vice-President of Gaon Panchayats in the district for the Schedule castes and the Schedule

tribes and the number of such offices bearing, as nearly as may be, the same proportion to the offices in the district on the population of the Schedule castes in the district or of the Scheduled tribes in the district bears to the total population of the districts.

- (b) Not less than one-third of the total number of offices of President and Vice-President of Gaon Panchayat in the district from each of the categories which are reserved for persons belonging to the Scheduled castes and Scheduled tribes and of those which are not reserved for women:

Provided that the offices reserved under this sub-section shall be allotted by rotation to different Gaon Panchayat in such manner as may be prescribed provided that the principal of rotation for purpose of reservation of offices under this section shall commence from the first election to be held after the commencement of this Act.

- 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 Deputy Commissioner.

12. Term of office and conditions of service of President and Vice-President of Gaon Panchayat.

- (1) The term of office of every President and every vice-President shall, save as otherwise provided in this Act, cease on the expiry of his term of office as a member of Gaon Panchayat.
- (2) Allowances and other conditions of service of President and Vice-President shall be as may be prescribed.

13. Powers, function and duties of President and Vice-President of Gaon Panchayat.

- (1) The President shall, -
 - (a) be responsible for convening the meeting of the Gaon Sabha.
 - (b) be responsible for convening the meeting if the Gaon Panchayat and preside over its meetings.
 - (c) be responsible for the maintenance of the records of the Gaon Panchayat.
 - (d) Have the general responsibility for the financial and executive administration of the Gaon Panchayat.

- (e) Exercise administrative supervision and control over work of the staff of the Gaon Panchayat and the officers and employees whose services may be placed at the disposal of the Gaon Panchayat by any other authority.
- (f) For the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions or discharge such duties as may be prescribed performed or discharged by the Gaon Panchayat under this Act or the rules made thereunder.

Provided that the President shall not exercise such powers, perform such functions and discharge such duties as may be required by the rules made under this Act.

- (g) Exercise such other powers, perform such other functions and discharge such other duties as the Gaon Panchayat may, by general or special resolution, direct or as the Government may by rules made in this behalf, prescribe.

(2) The Vice-President shall, -

- (a) Exercise such of the powers, perform such of the functions and discharge such of the duties of

President as the President may, from time to time subject to rule made in this behalf by the Government, delegate to him by order in writing:

Provided that the President may at any time withdraw all or any of the powers, functions and duties so delegated to the Vice-President

- (b) During the absence of the President, exercise all the powers perform all the functions and discharge all the duties of the President with the approval of the President of the Gaon Panchayat.
- (c) Exercise such other powers, performs such other functions and discharge such other duties as the Gaon Panchayat may, by general or special resolution, direct or as the Government may, by rules made in this behalf, prescribe.
- ¹(d) Exercise all the powers, perform all the functions and discharge all the duties of the President as provided under sub-section (1) of section (13) if the President be removed or die or resigns, till the office of the President is filled up in the manner as provided under sub-section (1)(b) of section 6.

14. Resignation and Removal of President and Vice-President.

- (1) The President or the Vice-President of Gaon Panchayat may resign his office by writing under his hand addressed to the Deputy Commissioner and to the President of the Gaon Panchayat, as the case may be.
- (2) Every resignation under sub-section (1) shall take effect on the expiry of fifteen days from the date of its receipt by the authority unless within this period of fifteen days he withdraws such resignation by writing under his hand addressed to the Deputy Commissioner in case of President and to the President of the Gaon Panchayat in respect of Vice-President.
- (3) Every President or Vice-President shall vacate the office if he ceases to be member of Gaon Panchayat.

15. No confidence motion against the President and Vice-President.

- ²(1) Every President or Vice-President shall be deemed to have vacated his office forthwith when resolution expressing want of confidence in him is passed by a

majority of two-third of the total number of members of the Gaon Panchayats.

Such a meeting shall be specially convened by the Secretary of the Gaon Panchayat with approval of the President of the Gaon Panchayat. Such meeting shall be presided over by the President if the motion is against the Vice-President and by the Vice-President if the motion is against the President. In case such a meeting is not conveyed within a period of fifteen days from the date of receipt of notice, the Secretary of the Gaon Panchayat shall within three days, refer the matter to the President of concerned Anchalik Panchayat, who shall convene the meeting within seven days from the date of receipt of the information from the Secretary of the Gaon Panchayat and preside over such meeting.

In case the President of the Anchalik Panchayat does not take action as above, within the specified seven days time, the concerned Gaon Panchayat Secretary shall inform the matter to the Deputy Commissioner/Sub-Division Officer (Civil) as the case may be, within three days after the expiry of the stipulated seven days time and the concerned Deputy Commissioner/Sub-Divisional Officer (C) shall convene the meeting within seven days from the date receipt of the information with intimation to the Zilla Parishad and the Anchalik Panchayat and preside over the meeting so convened.

Provided that the concerned Deputy Commissioner/Sub-Divisional Officer (C) as the case may be, in case of his inability to preside over the meeting, may depute one Gazetted Officer under him not below the rank of Class-I Gazetted Officer to preside over such meeting. Provided further that when a no confidence motion is lost, no such motion shall be allowed in the next six months.

- (2) The requisition for such a special meeting under Sub-Section (1) shall be signed by not less than one third of the total number of members of the Gaon Panchayat and shall be delivered to the President or Vice-President as the case may be, of the concerned² "Gaon Panchayat" with intimation to the Deputy Commissioner of the District.

- (3) Without Prejudice to the provision under this Act a President or a Vice-President of a Gaon Panchayat may be removed from office by the concerned Anchalik Panchayat with the approval of the Zilla Parishad for misconduct of his/her duties or neglects or incapacity to perform his/her duties or for being persistently remiss in the discharge of or guilty of any disgraceful conduct and President or Vice-President so removed shall not be eligible for re-election as President or Vice-President during the remaining term of office either as President or Vice-President of such Gaon Panchayat.

Provided that no such President or Vice-President of a Gaon Panchayat shall be removed from office unless he is given reasonable opportunity to furnish explanation to the Anchalik Panchayat.

- (4) A Vice-President so removed from his office under Sub-Section (3) may also be removed from the membership of the Gaon Panchayat by the Government after giving the member a reasonable opportunity to furnish his explanation.
- ²(5) If under Sub-Section (1), the members of the Gaon Panchayat express want of confidence both in the President and Vice-President of Gaon Panchayat at the same time and issue notices, the Secretary of the Gaon Panchayat within seven days from the date of receipt of such notices, shall report the matter to the

President of the concerned Anchalik Panchayat who shall arrange to convene the meetings within fifteen days from the date of receipt of the intimation, separately, to consider the motion against the President first and to consider the motion against the Vice-President next day and shall preside over both the meetings. The President of the concerned Anchalik Panchayat presiding the meetings shall have no vote.

In case the President of the concerned Anchalik Panchayat does not take action as above, the Secretary of the Gaon Panchayat, within three days after the expiry of the stipulated fifteen days time, shall refer the matter to the concerned Deputy Commissioner or the Sub-Divisional Officer (C) as the case may be. On receipt of the information the Deputy Commissioner or Sub-Divisional Officer as the case may be, shall convene both the meetings in the manner as above within fifteen days from the date of receipt of the information with intimation to the concerned Anchalik Panchayat at and Zilla Parishad and preside over such meetings.

Provided that the concerned Deputy Commissioner or the Sub-Divisional Officer as the case may be, in case of his inability to preside over the meetings, may depute a Gazetted Officer not below the rank of Class-I Gazetted Officer to preside over such meetings.

Provided further 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 stand cancelled and motion shall be deemed to have lost, in the event of which no such motion shall be allowed within the six month.

16. Resignation of members.

A member of a Gaon Panchayat may resign his membership in writing under his hand addressed to the President of the Gaon Panchayat.

17. Meeting of the Gaon Panchayat

- (1) A Gaon Panchayat shall meet for the transaction of business at least once in two months at the office of the Gaon Panchayat and at such time as the President may determine.
- (2) The President whenever he thinks fit, and shall upon the written request of not less than one-third of the total number of members and on a date within fifteen days from the receipt of such request call, a special meetings.
- (3) Seven clear days notice of an ordinary meeting and three clear days notice of special meeting specifying

the place, date and time of such meeting and the business to be transacted therein shall be given by the Secretary of the Gaon Panchayat and fix the notice on the notice-board of the Gaon Panchayat office.

- (4) The Officers to whom notice is given under sub-section (3) and other Government officers having jurisdiction over the Gaon Panchayat area or any part thereof shall be entitled to attend every meeting of the Gaon Panchayat and take part in the proceedings but shall not be entitled to vote.
- (5) If the President fail to call a special meeting under sub-section (2), the Vice-President or in his absence one third of the total number of members may call such a meeting on days not more than fifteen days thereafter and require the Secretary of the Gaon Panchayat to issue notice to the members and to take such action as may be necessary to convene the meeting.

18. Quorum and Procedure.

- (1) The Quorum for a meeting of the Gaon Panchayat shall be one third of the total number of members.
- (2) If at the time appointed for meeting a quorum is not present, the presiding authority shall wait for thirty

minutes, and if within such period there is no quorum, the presiding authority shall adjourn the meeting to such time on the following day or such future date as he may fix but not beyond fifteen days from the date of the adjourned meeting. However, the adjourned meeting shall require no quorum.

- (3) The business which could not be considered at the meeting so adjourned for want of quorum, shall be brought before and disposed of at the meeting so fixed.
- (4) Save as otherwise provided by or under this Act, at every meeting of Gaon Panchayat, the President or in his absence the Vice-President shall preside.
- (5) The voting, in any meeting of Gaon Panchayat, if required shall be by raising of hands, except in the meeting where no-confidence motion is discussed where the matter will be secret ballot.
- (6) All questions shall unless otherwise specifically provided, be decided by a majority of votes the members present. The President, Vice-President presiding, as the case may be, unless he refrains from voting shall give his vote before declaring the number of votes for and against a question and in the case of equality of votes, he may give his casting vote.

- (7) No member of a Gaon Panchayat shall vote on, or take part in the discussion coming up for consideration at a meeting of Gaon Panchayat., if the question is one in which apart from its general application to the public, he has any pecuniary interest, and if the person presiding has such an interest he shall not preside over the meeting when such question comes up for consideration.
- (8) If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be-carried, he shall not preside at the meeting during such discussion on vote on or take part in it. Any member of Gaon Panchayat may be closer to preside at meeting curing its continuance of such discussion.

19. Functions of Gaon Panchayat.

Subject to such condition as may be specified by the Government from time to time, the Gaon Panchayat shall perform the functions specified below :-

I. GENERAL FUNCITON :

- (1) Preparation of Annual Plans for the development of the Gaon Panchayat area.

- (2) Preparation of Annual budget of Gaon Panchayat.
- (3) Mobilisation of reliefs in natural calamities.
- (4) Removal of encroachments on public properties.
- (5) Organising voluntary labours and contribution for community works.
- (6) Maintenance of essential statistics of villages.

**II. AGRICULTURE INCLUDING AGRICULTURE
EXTENSION:**

- (1) Identification and implementation of various Agricultural Schemes amounting not exceeding rupees fifty thousand for Agricultural development in the Gaon Panchayat area with technical assistance from Agriculture, Co-operation, Irrigation and other concerned departments.
- (2) Development of waste lands.
- (3) Development and maintenance of village grazing lands and preventing unauthorized alienation and use.

III. ANIMAL HUSBANDRY, DIARY DEVELOPMENT AND POULTRY :

- (1) Improvement of breed of cattle, poultry and other livestock.
- (2) Promotion of diary farming, poultry and piggery
- (3) Grassland development.

IV. FISHERIES :

- (1) Development of fisheries in the village.

V. SOCIAL AND FARM FORESTRY/MINOR FOREST PRODUCE, FUEL AND FODDER:

- (1) Planning and preservation of trees on the sides of roads and other public land under its control.
- (2) Plantation of firewood trees and fodder development.
- (3) Promotion of farm forestry
- (4) Development of social forestry.

VI. KHADI, VILLAGE AND COTTAGE INDUSTRIES:

- (1) Promotion of rural and cottage industries.
- (2) Organisation of awareness camps, seminar and training programme, agricultural and industrial exhibition for the benefits of the rural people.

VII. RURAL HOUSING :

- (1) Distribution of house sites within its jurisdiction.
- (2) Maintenance of records relating to the houses, site and other private/public properties.

VIII. DRINKING WATER:

- (1) Construction, repairs and maintenance of drinking water wells, tanks and ponds and tube wells.
- (2) Prevention and control of water pollution.
- (3) Maintenance of rural water supply scheme.

IX. ROAD, BUILDING, CULVERTS, BRIDGES, FERRIES, WATERWAYS AND OTHER MEANS OF COMMUNICATION :

- (1) Construction and maintenance of village roads, drains and culverts.
- (2) Maintenance of buildings under its control or transferred to it by the Government or any public authority.
- (3) Maintenance of boats, ferries water ways.

X. RURAL ELECTRIFICATION :

- (1) Including and identification of locality for distribution of electricity, providing for and maintenance of lighting of public streets and other place.

XI. NON-CONVENTIONAL ENERGY SOURCES :

- (1) Promotion and development of non-conventional energy sources.
- (2) Maintenance of Community Non-conventional energy sources.

- (3) Propagation of improved chulhas and other efficient energy devices.

XII. POVERTY ALLEVIATION PROGRAMME:

- (1) Promotion of public awareness and participation in implementation of poverty alleviation programme for fuller employment and creation of productive assets for the community.
- (2) Selection of beneficiaries under various Programmes including IRDP through Gaon Sabha.
- (3) Participation in effective implementation of various schemes and monitoring thereof.

XIII. EDUCATION INCLUDING PRIMARY SCHOOLS:

- (1) Promotion of public awareness and participation in primary and secondary education.
- (2) Ensuring full enrolment and attendance in primary schools and its engagement including the attendance of the primary school teachers.

XIV. ADULT AND NON-FORMAL EDUCATION:

- (1) Promotion of Adult Library.

XV. LIBRARIES:

- (1) Organisation of village library and reading rooms.

XVI. CULTURAL ACTIVITIES :

- (1) Promotion of social and cultural activities.

XVII. MARKETS AND FAIRS:

- (1) Regulation of fairs including cattle fairs and festivals.

XVIII.RURAL SANITATION:

- (1) Maintenance of general sanitation cremation and burial grounds.
- (2) Clearing of public roads, drains, tanks ponds, wells and other public places.
- (3) Maintenance and regulation of busing and burial grounds.
- (4) Construction and maintenance of public latrines.

- (5) Disposal of unclaimed corpses and carcasses
- (6) Management and control of washing and bathing ghats.

XIX. PUBLIC HEALTH AND FAMILY WELFARE:

- (1) Implementation of family welfare programme.
- (2) Prevention and Remedial measures against epidemics.
- (3) Regulation of sale of meat fish and other perishable food articles.
- (4) Participation in programme of human and animal vaccination.
- (5) Licensing of eating and entertainment establishment.
- (6) Destruction of stray dogs.
- (7) Regulation of curing, tanning and dyeing of skins and hides.
- (8) Regulation of offensive and dangerous trades.

- (9)¹ Issue of birth and death certificate within the jurisdiction of the Gaon Panchayat.

XX. WOMEN AND CHILD DEVELOPMENT:

- (1) Participation in the implementation of women and child welfare programme.
- (2) Promotion of school health and nutrition programme.

XXI. SOCIAL WELFARE INCLUDING WELFARE OF HANDICAPPED AND MENTALLY RETARDED:

- (1) Participation in the implementation of the social welfare programme, including welfare of the handicapped, mentally retarded and destitute and distribution of food staff for social welfare programme.
- (2) Selection of beneficiaries and Monitoring of the old age and widows pension scheme.

XXII. WELFARE OF THE WEAKER SECTIONS AND IN PARTICULAR THE SCHEDULED CASTES AND SCHEDULED TRIBES:

- (1) Promotion of public awareness with regard to welfare of Scheduled Caste and Scheduled Tribes and other weaker sections.
- (2) Participation in the implementation of the specific Programmes for the welfare of the weaker section.

XXIII.PUBLIC DISTRIBUTION SYSTEM.

- (1) Promotion of public awareness with regard to the distribution of essential commodities.
- (2) Monitoring the public distribution system including keep in sharp vigilance to ensure full and equitable distribution of essential commodities allotted by the State Government.

XXIV.MAINTENANCE OF COMMUNITY ASSETS:

- (1) Maintenance of Community Assets
- (2) Preservation and maintenance of other Community Assets.

**XXV. CONSTRUCTION AND MAINTENANCE OF
DHARAMSALAS AND SIMILAR INSTITUTION.**

**XXVI.CONSTRUCTION AND MAINTENANCE OF
CATTLE SHEDS, POUNDS AND CARTSE
STANDS.**

**XXVII.MAINTENANCE OF PUBLIC PARKS AND PLAY
GROUNDS.**

**XXVIII.CONSTRUCTION AND MAINTENANCE OF
SLAUGHTER HOUSES.**

**XXIX.MAINTENANCE AND REGULATION OF
MANURE.**

**XXX. SUCH OTHER FUNCTIONS AS MAY BE
ENTRUSTED FROM TIME TO TIME BY
ORDER OF THE GOVT. IN THE DEPTT. OF
PANCHAYAT AND RURAL DEVELOPMENT.**

20. Assignment of functions.

(1) The Government may by notification and subject to such conditions as may be specified therein.

(a) Transfer to any Gaon Panchayat the management and maintenance of a forest situated in the Panchayat area.

- (b) Make over to the Gaon Panchayat the management of wastelands, pasture lands or vacant lands belonging to the Government situated within the Panchayat area.
 - (c) Provided that when any transfer of the management and maintenance of a forest is made under clause (a) the Government shall direct that any amount required for such management and maintenance or an adequate portion of income from such forest be placed at the disposal of the Gaon Panchayat.
- (2) The Government may by notification modify any functions assigned in this section..

21. General powers of Gaon Panchayat

A Gaon Panchayat shall have powers to do all acts necessary for or incidental to the carrying out of the function entrusted, assigned or delegated to it and, in particular and without prejudice to the foregoing powers, to exercise all powers specify in this Act.

22. Standing Committees.

- (1) Every Gaon Panchayat shall constitute the following Standing Committees by election from amongst the elected members of the Gaon Panchayat: -
 - (i) Development committee for performing functions relating to agricultural production, animal husbandry and rural industries and poverty alleviation programmes.
 - (ii) Social justice committee for performing functions relating to :-
 - (a) Promotion of educational, economics, social, cultural and other interest of Scheduled Castes and Scheduled Tribes and Backward classes.
 - (b) Protection of such castes and classes from social injustice and any form of exploitation.
 - (c) Welfare of women and children.
 - (iii) Social welfare committee to perform functions in respect of education, public health, public works and other functions of the Gaon Panchayat.

- (2) (a) Each committee shall consists of not less than three or more than four members including the President or the Vice-President, as the case may be. The President of the Gaon Panchayat shall be Ex-Officio member and chairman of all the three committees.

Provided that the social justice committee shall consist of one member who is a woman and one member belonging to Scheduled Caste or Scheduled Tribes as the case may be.

- (b) The Gaon Panchayat shall be competent to co-opt to each committee, the members of Agriculture Field Management Committee, Mahila Samittee, Yubak Samittee and other similar bodies recognized by the Government such co-option should be decided by the Gaon Panchayat by resolution with majority support.
- (c) A representative of Co-operative Societies in the Panchayat area shall be co-opted to the Development Committee.

Provided that the co-opted members shall have the right to take part in the deliberation but shall have no right to vote.

- (3) The Standing Committees shall perform the functions referred to above, to the extent the powers are delegated to them by the Gaon Panchayat.

23. Property & fund of Gaon Panchayat.

- (1) A Gaon Panchayat shall have powers to acquire, hold and dispose of property and to enter into contract.

Provided that in all cases of acquisition or disposal of immovable property by the Gaon Panchayat, it shall obtain the approval of the Government.

- (2) All properties, within the local limit of the jurisdiction of Gaon Panchayat, of the nature hereinafter in this section specified, other than property maintained by the Central or State Government or a local authority or any other Gaon Panchayat, shall vest in and belong to the Gaon Panchayat, and shall with all other properties of whatsoever nature or kind it may become vested in the Gaon Panchayat, be under its direction, management and control, that is to say:

- (a) All common properties.
- (b) All public streets, including the soil, stones and other material thereof and all drains, bridges, culverts, trees, erection, materials, implements and other things provided for such streets.

- (c) All public channels, water courses, springs, tanks, ghats reservoirs, wells, pipes, pumps and other water works whether made laid or erected at the cost of the Gaon Panchayat or otherwise, and all bridges, buildings, engine, works, materials connected therewith or pertaining thereto and also any adjacent land (not being private property) pertaining to any public tank.

Provided that water pipes and water works connected therewith or pertaining thereto which with the consent of the Gaon Panchayat are laid or setup in any street by the owner of any mill, factory, workshop or the like, primarily for the use of their employees shall not be deemed to be public water works by reason of their use by the public.

- (d) All sewage rubbish and offensive matter deposited on street or collected by the Gaon Panchayat from streets, latrines, urinals, sewers and other places.
- (e) All public lamps, lamp posts and apparatus connected there with or pertaining thereto, and
- (f) All buildings created by the Gaon Panchayat and all lands and buildings or the property

transferred to the Gaon Panchayat by the Central or the State Government or acquired by gift, purchase or otherwise for local public purposes.

- (3) The State Government may, exclude any street, bridge or drain from the operation of this Act or of any specified section of this Act.

Provided that construction and maintenance of such items are done by other agency/Government from resources other than Gaon Panchayat fund.

Provided further that if the cost of the construction of the work had been paid from the Gaon Panchayat fund such work shall not be excluded from the operation of this Act or any special section of this Act except after consideration of the views of the Gaon Panchayat at a meeting.

- (4) The Government may allocate to a Gaon Panchayat any public property situated within its local jurisdiction and thereupon such property shall vest in and come under the control of the Gaon Panchayat.

24. Gaon Panchayat fund.

- (1) For every Gaon Panchayat there shall be constituted a Gaon Panchayat fund bearing the name of the Gaon

Panchayat and there shall be placed to the credit thereof: -

- (a) Contribution and grants, if any made by the Central or the State Government.
- (b) Contribution and a grants, if any made by the Zilla Parishad, Anchalik Panchayat or any other local authority.
- (c) Loans, if any, granted by the Central or the State Government.
- (d) All receipts on account of taxes, rates and fees levied by it.
- (e) All receipts in respect of any schools, hospitals, dispensary, buildings, institutions or works vested in, constructed by or placed under the control and management of the Gaon Panchayat.
- (f) All sums received as gifts or contribution and all income from any trust or endowment made in favour of the Gaon Panchayat.
- (g) Such fines and penalties imposed or realized under the provision of this Act as may be prescribed.

(h) All other sums received by or on behalf of others
Gaon Panchayat.

- (2) Every Gaon Panchayat shall set apart and apply annually such sum as may be required to meet the cost of its own administration including payment of wages and purchase of furniture and other office equipment and stationery articles and to meet the charges on electricity post and telegraphs, P.O.L. etc and other incidental charges.

Provided that the total expenditure on establishment shall not exceed one third of the total expenditure of the Gaon Panchayat in a year.

- (3) Every Gaon Panchayat shall have the powers to spend such sums as it thinks fit for carrying out the purposes of this Act.
- (4) The Gaon Panchayat fund shall be vested in the Gaon Panchayat and the balance to the credit of the fund shall be kept in the custody of the Gaon Panchayat Secretary.

25. Taxation.

- (1) Subject to such rules as may be made in this behalf, a Gaon Panchayat shall impose yearly:-

- (a) Tax on houses and structures within the local limits.
 - (b) On trades and calling carried on or held within the local limits of its jurisdiction, a tax on the basis of the total annual income accrued from such trades and calling.
- (2) Subject to such rules as may be made in this behalf, a Gaon Panchayat shall levy.
- (a) Subject to such rules as may be made in this behalf, a Gaon Panchayat shall levy.
 - (b) A fee for providing sanitary arrangement at such places of workshop or pilgrimage fairs and melas within its jurisdiction as may be specified by the Government.
 - (c) A water rate, where arrangement for the supply of water for drinking irrigation or any other purpose is made by the Gaon Panchayat within its jurisdiction.
 - (d) A lighting rate, where arrangement for lighting of public streets and places is made by the Gaon Panchayat at within its jurisdiction.

(e) A conservancy rate, where arrangement for clearing private latrines, urinals is made by the Gaon Panchayat at within its jurisdiction.

(3) Subject to the rules and bye-laws framed in this behalf a Gaon Panchayat may impose tax on the following:-

(a) Sale of firewood and thatch conservance and slaughter house.

(b) Private hat, and private fisheries.

(c) Shops, pharmacies, tailoring, laundry, hair cutting saloon, carpentry works and automobile workshops. T.V., V.C.R., radio and tape recorder repairing shops.

(d) Cultivable land lying fallow for two consecutive years at a rate not exceeding twenty five paise per bigha for every year, being payable jointly or severally by the owners of such land.

(e) A cess or fee on:-

(i) Registration of cattle sold within the local area.

- (ii) Licence for starting tea stall, hotel, sweet, meat stall, restaurants.
 - (iii) Carts, carriages, bi-cycles, boats and rickshaws of any kind.
- (4) The taxes etc. shall be imposed, assessed and realised at such time and in such manner as may be prescribed.
- (5) Any person aggrieved by assessment levy or imposition of any tax or fee may appeal to the Anchalik Panchayat, any person aggrieved by the order of the Anchalik Panchayat, may appeal before the Zilla Parishad, whose decision in this regard shall be final.
- (6) The State Government may suspend the levy or imposition of any tax or fee at any time and rescind such imposition in consultation with the Zilla Parishad.
- (7) Subject to such rule as may be made in this behalf by a Gaon Panchayat a Gaon Panchayat may levy taxes on a particular trade or commerce with a view to utilize the fund so collected for the improvement of the facilities for development of that particular trade or

commerce with the approval of the Anchalik Panchayat concerned.

26. Financial assistance to Gaon Panchayat.

- (1) Subject to the provision of this section, every Gaon Panchayat shall be entitled to receive share of Land Revenue and Local Rates/grants-in-aid as prescribed from the consolidated fund of the State as recommended by the State Finance Commission constituted under section 113 of this Act.

27. (1) Every Gaon Panchayat shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursement for the following year and shall submit the budget to the Anchalik Panchayat, having jurisdiction over the Gaon Panchayat.

- (2) The Anchalik Panchayat may within such time as may be prescribed, either approve the budget or return it to the Gaon Panchayat for such modification as it may direct. On such modification being made the budget shall be re-submitted such time as may be prescribed for approval of the Anchalik Panchayat.

- (3) No expenditure shall be incurred unless the budget is approved by the Anchalik Panchayat. If the Anchalik Panchayat fails to convey its approval within the time

prescribed for the purpose, the budget shall be deemed to have been approved by the Anchalik Panchayat

28. Account of the Gaon Panchayat.

- (1) Accounts of income and expenditure of every Gaon Panchayat shall be kept in such form and manner as may be prescribed and the Secretary of the Gaon Panchayat shall be responsible for maintaining the accounts of the Panchayat properly.
- (2) The Secretary of the Gaon Panchayat shall not incur any expenditure without the approval of the President of the Gaon Panchayat.

29. Audit.

- (1) The audit of the accounts of the Gaon Panchayat shall be carried out by the authority as may be prescribed by the Government and a copy of the audit report shall be forwarded to the Gaon Panchayat within one month of the completion of the audit.
- (2) On receipt of the audit report referred to in sub-section (1) the Gaon Panchayat shall either remedy the defects or irregularities which have been pointed out in audit and sent to the Anchalik Panchayat and the Director of Panchayat and Rural Development, Assam within three months, an intimation of its having done so or

shall, within the said period supply any further explanation to the Anchalik Panchayat and the Director or Panchayat and Rural Development, Assam in regard to such defects or irregularities as it may wish to furnish.

30. Staff of Gaon Panchayat

- (1) There shall be a Secretary, and other staff as may be prescribed by Government in every Gaon Panchayat who shall be appointed as provided in section – 140(1) and/or deputed by Government from time to time. In respect of the provincialised employees, the Director of Panchayat and Rural Development shall be the appointing authority.
- (2) The Secretary shall be in charge of the office of the Gaon Panchayat and shall perform and exercise all the powers and duties imposed or conferred upon him by or under this Act, any rules or by-laws made thereunder.
- (3) The salaries etc., of the employees of the Gaon Panchayat shall be paid in the manner as may be prescribed by the State Government.
- (4) The Gaon Panchayat shall not appoint or engage any person for any post in the Gaon Panchayat.

- (5) Regarding discipline and control, the Secretary shall act in all matter under the control of the President of the Gaon Panchayat through whom he shall responsible to the Gaon Panchayat.