

## **CHAPTER – VI**

### **ESTABLISHMENT AND CONSTITUTION OF ZILLA PARISHAD**

#### **64. Establishment of Zilla Parishad.**

- (1) For every district there shall be a Zilla Parishad having jurisdiction, save as otherwise provided in this Act, over the entire district excluding such portions of the districts as are included in a Municipality or a Municipal Corporation, as the case may be, or under the authority of Town Committee or Sanitary Board or Cantonment area or any notified area contrary to it under any law for the time being in force.

Provided that a Zilla Parishad may have its office in any area comprised within the excluded portion as above of the district and in such area which is notified by Government for such office, may exercise its powers and functions over institutions under its control and management.

- (2) Every Zilla Parishad shall be a body corporate by the name of “\_\_\_\_\_ Zilla Parishad” and shall have perpetual succession and a common seal and subject to such restrictions as are imposed by or under this or any other enactment with the capacity of suing and being sued in its corporate name, of

acquiring, holding and transferring property movable or immovable, whether without or within the limit of the area over which it has authority of entering into contracts and doing all things, necessary, proper or expedient for the purpose for which it is constituted,

**65. Constitution of Zilla Parishad.**

(1) The Zilla Parishad shall consists of: -

(a) The members directly elected from the territorial constituencies of the district.

<sup>1</sup>Provided that the State Government may by notification in the Official Gazette, determine the territorial constituencies in the district keeping in view the overall population of the district at a rate of one member for a population of not less than thirty thousand and that each territorial constituencies shall elect one member to the Zilla Parishad through direct election in the manner prescribed:

Provided further that every Legislative Assembly constituency shall have four territorial constituencies and in case of a part of the Legislative Assembly constituency with a population less than thirty thousand falling

within the district, then this part shall form a territorial constituency.

<sup>2</sup>Provided further more that the Legislative Assembly constituency which has urban population, included in Municipality or a Municipal Corporation, as the case may be or under the authority of Town Committee or Sanitary Board or Cantonment area or any notified area deemed to be urban area under any law for the time being in force, may have less than four territorial constituency and if the rural population of the Legislative Assembly constituency is less than thirty thousand, this may form a territorial constituency.

- (ii) The President of the Anchalik Panchayats.
- (iii) The Members of the House of people and the Members of the State Legislative Assembly representing a part or whole of the district whose constituencies lie within the district.

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

2. *Inserted by Assam Act NO. XIII of 1997.*

- (2)<sup>1</sup> All the members shall have the right to vote except in the motion of no confidence in which only the directly elected members and the members nominated by the Government shall exercise such rights.

**65. Reservation of seats for Scheduled Caste and Scheduled Tribes.**

- (1) Seats shall reserved for the Scheduled Castes and Scheduled Tribes in every Zilla Parishad and the number of seats shall bear, as nearly as may be, the same proportion to the total number of seats to be filled up from amongst the directly elected members in that Zilla Parishad as the population of the Scheduled Castes in the Zilla Parishad area or of the Scheduled Tribes in that Zilla Parishad area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in Zilla Parishad in the manner prescribed.

**(2) Reservation of seats for women belonging to Scheduled Caste and Scheduled Tribes.**

Not less than one-third of the total number of seats reserved under sub-section (1) shall be reserved belonging to the Scheduled Tribes or as the case may be, the Scheduled Castes.

**67. Reservation of seats for women.**

- (1) Not less than one-third, including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes under sub-section (2) of section 66, of the total number of seats to be filled up from amongst the directly elected 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.
- (2) If women from Scheduled Castes and Scheduled Tribes category and women from general category are not represented in Zilla Parishad, Government may by notification in the Official Gazette, nominate one member from such category.

**68. Term of Zilla Parishad.**

Every Zilla Parishad except as provided in the Act, shall continue for a period which shall not exceed five years from the date of holding the first meeting.

**69. Election to dissolved Zilla Parishad.**

- (1) Election to constitute the Zilla Parishad shall be completed.

- (a) Before the expiry of its duration, as specified in section 68.
- (b) In case of dissolution, before the expiration of a period of six months from the date of such dissolution:

Provided that where the remainder of the period for which the dissolved Zilla Parishad would have continued, is less than six months, it shall not be necessary to hold any election under this clause for constituting the Zilla Parishad for such period.

- (2) A Zilla Parishad constituted upon dissolution before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Zilla Parishad would have continued under sub-section (1) had it not been dissolved.

**70. Election of President and Vice-President of Zilla Parishad.**

- (1) When the Zilla Parishad is constituted under section 64, the Deputy Commissioner shall call a meeting of the Zilla Parishad (which shall be called the first meeting of the Zilla Parishad) for the election of a President and a Vice-President by and from amongst the members directly elected under “section 65(I) (ii)”
- (2) The election of the President or the Vice-President of the Zilla Parishad and filling up vacancies in the said office and the determination of disputes relating to such election shall be in accordance with such rules as may be prescribed by the State Government/State Election Commission.

**70. (A)<sup>2</sup>**

- (1) Such number of offices of the President and the Vice-President of the Zilla Parishad shall be reserved, for the persons belonging to the scheduled Castes and Scheduled Tribes and the number of such offices bearing as nearly as may be the same proportion to the total number of offices in the State as the population of the Scheduled Castes and Scheduled Tribes in the State bears to the total population of the State, in such manner as may be prescribed.

- (2) Not less than one-third of the total number of offices reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes and Scheduled Tribes, as the case may be.
- (3) Not less than one-third (including the number of offices reserved for women belonging to the Scheduled Caste and Scheduled Tribes) of the total number of offices of the President and Vice-President of the 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.

**71. Allowances of the President, Vice-President and sitting fee and allowances of the member.**

- (1) The allowances of the President and the Vice-President shall be as may be prescribed by the Government.
- (2) Every member of the Zilla Parishad except the President and the Vice-President shall be entitled to receive, such sitting fee and allowances as may be prescribed by Government.



**72. Registration or President and Vice-President of Zilla Parishad.**

- (1) A member holding the office as President of the Zilla Parishad may resign his office at any time by writing and send to it Government through the Deputy Commissioner and the Vice-President of the Zilla Parishad may resign his office at any time by writing and send to the President of the Zilla Parishad and in absence of the President, to the Government through the Deputy Commissioner and the office shall become vacant on the expiry of fifteen days from the date of such resignation unless within the said period of fifteen days he withdraws such resignation by writing and send it to Government in respect of the President and to the President in respect of the Vice-President, as the case may be.
- (2) Every President or the Vice-President of Zilla Parishad shall vacate office if he ceases to be a member of Zilla Parishad.

**73. No Confidence.**

- (1) Every President and every Vice-President of Zilla Parishad shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of two thirds of the total number of members elected directly as Zilla Parishad

member at a meeting specially convened for this purpose and presided over by the Vice-President if the motion is against the President and the President of the Zilla Parishad shall preside over such meeting if the motion is against the Vice-President.

- (2) If there is no Vice-President, the members present shall choose one from among them to preside over such meeting.

Provided that one-third of the total number of members shall sign the notice for such a motion and deliver it to the President and the President shall convene the meeting within seven days from the date of receipt of the notice. The meeting shall be held on a day not later than fifteen days from the date of issue of the notice of the meeting. If the President fails to convene the meeting within the specified time, the members shall request the Deputy Commissioner for the purpose who shall direct the Chief Executive Officer of the Zilla Parishad to convene the meeting.

<sup>1</sup>Provided further that the Deputy Commissioner shall direct the chief Executive Officer to convene the meeting within seven days from the date of receipt of the request of the members and the Chief Executive Officer shall convene the meeting within fifteen days from the date of receipt of the direction. The Deputy Commissioner shall preside over such meeting. In case

of his inability, the Deputy Commissioner shall depute one of the offices not below the rank of Additional Deputy Commissioner to preside over such meeting.

If under sub-section (1) the members express want of confidence both in the President and the Vice-President of the Zilla Parishad at the same time and issue notices, the Chief Executive Officer of the Zilla Parishad shall report the matter to the concerned Deputy Commissioner within three days from the date of receipt of the notices and the concerned Deputy Commissioner shall direct the Chief Executive Officer of the Zilla Parishad to convene the meeting within fifteen days from the date of receipt of the direction, separately, to consider the motion against the President first and to consider the motion against the Vice-President next day and preside over such meetings. In case of his inability to preside over, the Deputy Commissioner shall depute one of the officers not below the rank of Add. Deputy Commissioner under his to preside over such meeting.

Provided also that if it is not possible to hold the meeting for a situation due to no-attendance of the requisite number of members in such meeting or meetings as the case may be, the no confidence motion shall automatically stands 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.

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1. *Inserted by Assam Act NO. XVI of 2001.*

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**74. Removal of President and Vice-President of Zilla Parishad.**

- (1) Without prejudice to the provision under this Act a President or a Vice-President or a Vice-President or a member of a Zilla Parishad may be removed from office by the State Government for misconduct in the discharge of his duties or neglect or incapacity to perform his duties or for being persistently remiss in the discharge of or guilty of any disgraceful conduct. Once so removed a President, Vice-President or member shall not be eligible during the remaining term of office to be elected either as President, Vice-President or member of such Zilla Parishad.

Provided that no such President, Vice-President or member of a Zilla shall be removed from office unless he/she is given reasonable opportunity to furnish explanation to the State Government.

- (2) A President or a Vice-President removed from his office under sub-section (1) may also be removed by the Government from membership of the Zilla Parishad after an opportunity is afforded for hearing him.

**75. Meeting of the Zilla Parishad.**

Every Zilla Parishad shall hold meetings at least once in every three months, at such time and at such place within the local limits of the district concerned as the Zilla Parishad may fix at the immediately proceeding meeting:

Provided that the first meeting of as newly constituted Zilla Parishad shall be held at such time and at such place within the local limits of the district concerned, as the State Government may fix:

Provided further, that the President when required, in writing by one-third of the members of the Zilla Parishad to call a meeting, shall do so within 10 (ten) days, failing which the aforesaid members, may call a meeting after giving intimation to the Government and 7 (seven) clear days notice to the President and other members of the Zilla Parishad.

**76. Quorum of Zilla Parishad meeting.**

- (1) One third of the total number of members of the Zilla Parishad shall form a quorum for transacting business at a meeting of the Zilla Parishad.
- (2) Ten clear days notice of an ordinary meeting and seven clear days notice of a special meeting specifying the time at which such meeting is to be held and the

business to be transacted thereat, shall be sent to the members and pasted up at the office Notice Board of the Zilla Parishad. Such notice shall include, in the case of a special meeting any motion or proposition mentioned in the written request made for such meeting.

- (3) If at the time appointed for the meeting, quorum is not present, the person presiding shall, wait for thirty minutes, and if within such period there is a quorum proceed with the meeting but if within such period is no quorum, the person presiding shall adjourn the meeting to such hour on some future date which should not exceed more than thirty days. He shall similarly adjourn the meeting at any time; after it has begun if his attention is drawn to the want of quorum. At such adjourn meetings no quorum is required is and the business which would have been brought before the original meeting shall be transacted.
- (4) No resolution of the Zilla Parishad shall be modified or cancelled within six months after the passing thereof except by a resolution passed by not less than one half of the total number of members at an ordinary or special meeting. Any notice thereof shall be given fulfilling the requirement of sub-section (2) and setting forth fully the resolution, which is proposed to modify fully or cancel at such meeting and motion or

proposition for the modification or cancellation of such resolution.

- (5) The proceedings of every meeting shall be recorded in the minutes book immediately after the deliberation of the meeting and shall after being read over by the Chairman of the meeting be signed by him. The action taken on the decision of the Zilla Parishad shall be reported at the next meeting of the Zilla Parishad. The minutes book shall at all reasonable times, be open for inspection by any member of the Zilla Parishad. The minutes book shall always be kept in the office of the Zilla Parishad and it shall be in the custody of the Chief Executive Officer.
- (6) A copy of every resolution passed by the Zilla Parishad at a meeting shall, within ten days from the date of the meeting be forwarded to Government.
- (7) All questions coming before the Zilla Parishad shall be decided by a majority of votes:

Provided, that in case of equity of votes, the President or the member presiding shall have a casting vote.

- (8) Every meeting shall be presided over by the President or if he is absent by the Vice-President and if both the President and the Vice-President are absent or the President is absent and there is no Vice-President, the

members present shall elect one from among themselves to preside.

**77. Powers/functions and duties of President and Vice-President of Zilla Parishad.**

- (1) The President shall: -
  - (a) Perform all the duties imposed and exercise all the powers conferred on the Zilla Parishad under this Act and rules made thereunder.
  - (b) Convene, preside over and conduct meetings of the Zilla Parishad.
  - (c) Exercise administrative supervision over the Chief Executive Officer and through him, all officers and the employees whose services may be placed at the disposal of the Zilla Parishad by the Government.
  - (d) Exercise such other powers, perform such other functions and discharge such other duties as the Zilla Parishad may, by general resolution direct or the Government may by rules in this behalf prescribe.
  - (e) Exercise overall supervision over the financial and executive administrative of the Zilla



Parishad and place before the Zilla Parishad all questions connected therewith, which shall appear to him to require its orders and for this purpose may call for records of the Zilla Parishad.

(2) The Vice-President shall: -

- (a) In absence of the President preside over the meeting of Zilla Parishad.
- (b) Exercise such powers and perform such duties of the President, as the president from time to time may, subject to the rules as may be prescribed, delegate to him by order in writing; and
- (c) Pending the election of the President or during the absence of the President from the district, or by reason of leave for a period exceeding 30(thirty) days, exercise the powers and perform the duties of the President.

**78. Presence of Government officers at Zilla Parishad.**

If it appears to a Zilla Parishad that the attendance of any District Officer of the Government having jurisdiction in the district is desirable at a meeting of the Zilla Parishad, the Chief Executive Officer shall by a letter addressed to such

officer, not less than fifteen days before the intended meeting, request that officer to be present at the meeting, and the officer shall unless prevented by reasonable cause, attend the meeting:

Provided that the officer on receipt of such letter may, if he, for any unavoidable cause as aforesaid is unable to be present thereby himself, instruct his Deputy or other Departmental Subordinate Officer to represent him at the meeting.

**79. Functions of Zilla Parishad.**

Subject to such conditions as may be specified by the Government from time to time, the Zilla Parishad shall perform the functions specified in section 73.

**80. Assignment of functions of Zilla Parishad.**

- (1) The Government may assign to a Zilla Parishad functions in relation to any matters to which the executive authority of the Government extends or in respect of functions which have been assigned to the State Government by the Central Government.
- (2) The Government may, by notification, withdraw or modify the functions assigned under this section.

**81. Standing Committees.**

The Zilla Parishad shall have the following Standing Committees, namely,

- (a) General Standing Committee.
- (b) Finance and Audit Committee.
- (c) Social Justice Committee.
- (d) Planning and Development Committee.

**82. Chairman of the Standing Committee.**

- (1) Each Standing Committee shall consist of such number of members not exceeding five including the Chairman as specified by the Zilla Parishad and elected by the members of the Zilla Parishad from amongst its members whose terms will be one year at a time.
- (2) The President of the Zilla Parishad shall be the Chairman of the General Standing Committee and the Finance and Audit Committee.
- (3) The other Standing Committee shall elect the Chairman from among their members.

- (4) No member of the Zilla Parishad shall be eligible to serve on more than two Standing Committees.
- (5) The Chief Executive Officer of the Zilla Parishad shall be the Ex-officio Secretary of the General Standing Committee and the Finance, Audit and Planning Committee and he shall nominate one of the Deputy Secretaries as Ex-officio Secretary for each of the remaining Standing Committees. The Chief Executive Officer shall be entitled to attend the meetings of all the Standing Committees.

### **83. Functions of Standing Committees.**

- (1) The General Standing Committee shall perform functions relating to the establishment matters and functions relating to communications buildings, rural housing, village extensions, and relief against natural calamities, Rural Development Programme of Government of India and allied matters and all miscellaneous residuary matters.
- (2) The Finance and Audit Committee shall perform the functions relating to-
  - (a) The finance of the Zilla Parishad, framing of budgets, scrutinizing proposals for increase of revenue, examination of receipts and expenditure, consideration of proposal effecting

the finance of the Zilla Parishad and general supervision of the revenue and expenditure of the Zilla Parishad.

- (b) The plan priorities, allocation of outlays to developments, horizontal and vertical linkages, implementation of guidelines issued by Government, regular review of planning programmes, evaluation of important programmes and shall saving schemes.
- (3) The Social Justice Committee shall perform functions relating to-
- (a) Promotion of educational, economic, social, cultural and other interests of the Scheduled Castes and Scheduled Tribes and Backward Classes.
  - (b) Protecting them from social injustice and all other forms of exploitation.
  - (c) Amelioration of the difficulties of the Scheduled Castes and Scheduled Tribes and Backward classes.
  - (d) Securing social justice to the Scheduled Castes and Scheduled Tribes, women and other weaker sections of the society.

(4) The Planning and Development Committee shall perform the following functions-

- (a) Be in-charge of all educational activities of the Zilla Parishad.
- (b) Undertake the planning of education in the district within the framework of the National Policy and the National and State Plan.
- (c) Survey and evaluate the educational activity of the Zilla Parishad.
- (d) Perform such other duties pertaining to education, adult literacy and cultural activity as the Zilla Parishad may assign to it.
- (e) Health Service, Hospitals, Water Supply, Family, Welfare and other allied matters.
- (f) Agricultural production, animal husbandry, co-operation, contour binding and reclamation.
- (g) Village and cottage industries.
- (h) Promotion of industrial development of the district.

**84. Delegation of powers and functions to Standing Committees.**

- (1) The Standing Committees shall perform the functions referred to in sub-sections (1), (2), (3) and (4) of section 83 to the extent the powers are delegated to them by the Zilla Parishad.
- (2) The Committees shall perform, in respect of matters assigned to them, such additional duties as may be prescribed.

**84. Procedure of committees.**

- (1) The Zilla Parishad may frame regulations relating to election of members of committees, conduct of business therein, and all other matters relating to them.
- (2) The Chairman of every committee shall in respect of the work of than committee be entitled to call for any information, return, statement or report from the Zilla Parishad and to enter in and inspect any immovable property of the Zilla Parishad or any work in progress concerning the committee.
- (3) Each committee shall be entitled to require attendance at its meetings any officer of the Zilla Parishad who is concerned with the work of the committee. The Chief

Executive Officer shall under instruction of the committee, issue notices and secure the attendance of the officer.

**86. Delegation of powers to Chief Executive Officer and other Officers.**

The Zilla Parishad may be notification delegate to the Chief Executive Officer or other officers any of the powers conferred by or under this Act, on the Zilla Parishad.

**87. Powers to acquire hold and dispose property.**

- (1) A Zilla Parishad shall have the power to acquire, hold or dispose of property and to enter into contracts:

Provided that in all cases of acquisition of disposal of immovable property, the Zilla Parishad shall obtain the previous approval of the Government.

- (2) All roads, buildings or other works constructed by a Zilla Parishad with its own funds shall vest in it.
- (3) The Government may allocate to a Zilla Parishad any public property situated within its jurisdiction, and there upon, such property shall vest in and come under the control of the Zilla Parishad.
- (4) Where a Zilla Parishad requires land to carry out any of the purposes of this Act, it may negotiate with the



person or persons having interest in the said land, and if it fails to reach an agreement, it may make an application to the Deputy Commissioner for the acquisitions of the land and the Deputy Commissioner may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land under the provisions of the I and Acquisition Act, and such land shall, on acquisition, vest in the Zilla Parishad.

**88. Power to divert, discontinue or close road.**

The Zilla Parishad may, by notification, turn, divert, discontinue or permanently close any road, which is under the control and administration of, or is vested in, the Zilla Parishad.

**89. General powers of Zilla Parishad.**

- (1) The Zilla Parishad shall have powers to do all acts necessary for or incident to, the carrying out of the functions entrusted or delegated to it and, in particular, and without prejudice to the foregoing powers, to exercise all powers specified under this Act.
- (2) Subject to the general or special orders of the Government, a Zilla Parishad may-
  - (a) Incur expenditure on education or medical relief outside its jurisdiction.

- (b) Provide for carrying out any work or measure likely to promote the health, safety, education, comfort, and convenience, social or economic or cultural well being of the inhabitants of the districts.
- (c) Contribute association at All India, State or Inter State Level concerned with the promotion of local self Government and to exhibition, seminar and conference within the district related to the activities of Gaon Panchayats, Anchalik Panchayat and Zilla Parishad, and
- (d) Render financial or other assistance to any person for carrying on in the district any activity, which is related to any of the functions of the state.

**90. Functions and powers of Zilla Parishad.**

- (1) It shall be the function of a Zilla Parishad to prepare plans for economic development and social justice of the district and ensure the co-ordinated implementation of such plan in respect of matters including those enumerated below:

**(1) Agricultural:**

- (i) Promotion of measures to increase agricultural production and to popularise the use of improved agricultural implement and the adoption of improved agricultural practices.
- (ii) Opening and maintenance of agricultural farms and marketing agencies/infrastructure.
- (iii) Establishment and maintenance of godowns and cold storages.
- (iv) Conducting agricultural fairs and exhibitions.
- (v) Management of agricultural and horticultural extension training centres.
- (vi) Training of farmers.
- (vii) Land improvements and soil conservation.

**(2) Irrigation, ground water resources and watershed development:**

- (i) Construction, renovation, maintenance of minor irrigation works and lift irrigation.

- (ii) Providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of the Zilla Parishad.
- (iii) Development of ground water resources.
- (iv) Installation of pumps sets.
- (v) Watershed development programme.

**(3) Horticulture:**

- (i) Rural parks and gardens.
- (ii) Cultivation on fruits and vegetable.
- (iii) Farms.

**(4) Statistics:**

- (i) Publication of statistical and other information relating to activities of Gaon Panchayats, Anchalik Panchayat and Zilla Parishad.
- (ii) Co-ordination and use of statistics and other information required for the activities of the Gaon Panchayats, Anchalik Panchayats and Zilla Parishad.

- (iii) Periodical supervision and evaluation of Project and Programme entrusted to the Anchalik Panchayats and Zilla Parishad.

**(5) Rural Electrification:**

Assist in implementation and maintenance of rural electrification schemes.

**(6) Soil Conservation:**

- (i) Soil conservation measures.
- (ii) Land reclamation and land development works.

**(7) Marketing:**

- (i) Development of regulated markets and marketing yards.
- (ii) Grading and quality control of agricultural products.

**(8) Social Forestry:**

- (i) Organise campaign for tree planting.
- (ii) Planning and maintenance of trees.

**(9) Animal Husbandry and Dairying:**

- (i) Establishment of veterinary hospitals and dispensaries.
- (ii) Setting up of mobile diagnostic and clinical laboratories.
- (iii) Breeding farms for cows and pigs.
- (iv) Poultry farms, duck farms and goat farms.
- (v) Common cold storage facilities for dairying, poultry and fishery products.
- (vi) Fodder development programmes.
- (vii) Promotion of dairy farming, poultry and piggery.
- (viii) Prevention of epidemics and contagious diseases.

**(10) Minor forest produce and Fuel and Fodder:**

- (i) Promotion of social and farm forestry, fuel plantation and fodder development.

(ii) Management of minor forest products of the forests raised in community land.

(iii) Development of wasteland.

**(11) Fisheries:**

(i) Fish seed production and distribution.

(ii) Development of fisheries in private and community tanks.

(iii) Development of island fisheries.

(iv) Fish curing and drying.

(v) Assistance to traditional fishing.

(vi) Organising fish marketing co-operatives.

(vii) Welfare schemes for the uplift and development of fishermen.

**(12) Household and small scale industries including food processing:**

(i) Identification of traditional skills in the locality and developing household industries.

- (ii) Assistance of raw material requirement so as to ensure timely supply.
- (iii) Design and production to suit the changing consumer demand.
- (iv) Organisation of training programme for craftsmen and artisans.
- (v) Liaison to tap bank credit for this programme.
- (vi) Popularising and marketing of finished products.
- (vii) Industrial estates.
- (viii) Organising khadi, handloom handicraft and village and cottage industries.

**(13) Rural roads and inland waterways:**

- (i) Construction and maintenance of roads other than National and State Highways.
- (ii) Bridges and culvert coming under roads other than National and State Highways.
- (iii) Construction and maintenance of office building of the Zilla Parishad.



- (iv) Identification of major link roads connecting markets, educational institutions, health centres.
- (v) Organising voluntary surrender of land for new roads and widening of existing road.

**(14) Health and hygiene:**

- (i) Establishment and maintenance of hospitals, primary health centres and dispensaries except Civil Hospital, Medical College Hospital T.B. Sanitorium, Leprosy Hospitals and Mental Hospitals.
- (ii) Implementation of immunisation and vaccination programme.
- (iii) Health education activities.
- (iv) Maternity and child health activities.
- (v) Family welfare activities.
- (vi) Organising health camps with Anchalik and Gaon Panchayats.
- (vii) Measure against environment pollution.

**(15) Rural housing:**

- (i) Identification of houseless families.
- (ii) Implementation of house building programme in the district.
- (iii) Popularising low cost housing.

**(16) Education:**

- (i) Promotion of education activities including the establishment and maintenance of primary and secondary schools.
- (ii) Planning of programmes for adult education and library facilities.
- (iii) Extension work of propagation of science and technology to rural areas.
- (iv) Survey and evaluation of educational activities.
- (v) Establishment and maintenance of general hostels, ashrams, schools and orphanages.

**(17) Social welfare and welfare of weaker sections:**

- (i) Extension of educational facilities to the Scheduled Castes, Scheduled Tribes and Backward Classes by giving scholarships, stipends, boarding, grants and other grants for the purpose of books and other accessories.
- (ii) Managing hostels for the benefit of Scheduled Castes and Scheduled Tribes.
- (iii) Organising nursery Schools, balawadies, high Schools and libraries to eradicate illiteracy and impart general education.
- (iv) Conduct of model welfare centre and craft centres to train Scheduled Castes and Scheduled Tribes in Cottage and rural industries.
- (v) Managing residential basic schools for Scheduled Castes and Scheduled Tribes.
- (vi) Providing facilities for marketing of goods produce by members of the Scheduled Castes and Scheduled Tribes.
- (vii) Organising co-operative societies of Scheduled Castes and Scheduled Tribes.

- (viii) Other welfare schemes for the uplift and development of scheduled Castes and Scheduled Tribes.

**(18) Poverty alleviation Programme:**

- (i) Planning supervision, monitoring and implementation of poverty alleviation programme.

**(19) Social reform activities:**

- (i) Women's organisation and welfare.
- (ii) Local vagrancy relief.
- (iii) Children's organisation and welfare.
- (iv) Maintenance of Social welfare Institutions such as Poor Home, Orphanages, Rescue Shelters.
- (v) Sanctioning and distributing of pension for widows, old and physically disabled destitutes and allowances for unemployed and couples of intercaste marriages in which one party is member of a Scheduled Castes or Scheduled Tribes.

- (vi) Control of fire out breaks.
- (vii) Campaign against superstitions, casteism, untouchability, alcoholism, expensive marriages, social functions, dowry and conspicuous consumption.
- (viii) Encouraging community marriages and inter-caste marriages.
- (ix) Vigilance against economic offences such as smuggling, tax evasion, food adulteration.
- (x) Assistance for developing land assigned to landless labourers.
- (xi) Identify, free and rehabilitate bonded labourers.
- (xii) Organise cultural and recreation activities.
- (xiii) Encouragement of sports and games.
- (xiv) Give new form and social content to traditional festivals; and
- (xv) Verification of weights and measures in (shopping) establishment.

**(20) Promotion of thrift and savings through:**

- (a) Promotion of saving habits.
- (b) Small saving campaign.
- (c) Fight against illegal money lending practices and rural indebtedness.

**(21) In addition, the Zilla Parishad may-**

- (a) Manage or maintain any works or public utility or any institution vested in it or under its control and management.
- (b) Acquire and maintain village hats and markets.
- (c) Make grants to Anchalik Panchayat and Gaon Panchayats.
- (d) Co-ordinate and integrate the development plans and schemes prepared by Anchalik Panchayat in the district.
- (e) Adopt measures for the relief to the people in distress.

- (f) Examine and sanction the budget estimates of Anchalik Pnachayat in the district.
  - (g) Undertake or execute any schemes extending to more than one block.
  - (h) Take over the maintenance and control of any rural bridge, tank, ghat, well, channel or drain belonging to private owner or any other authority on such terms as may be agreed upon.
- (4) The Zilla Parishad may be vested by the state Government with such power under any Act as the Government may deem fit.
- (5) The Zilla Parishad of two or more adjacent districts may jointly undertake and execute any development schemes on such terms and conditions as may be mutually agreed upon

#### **91. Zilla Parishad Fund.**

There shall be for every Zilla Parishad a fund called the Zilla Parishad fund and the following shall form part of or be paid into the Zilla Parishad Fund, namely: -

- (i) The amount transferred to the Zilla Parishad Fund by appropriation form out of the consolidated fund of the state.
- (ii) All grants, assignments, loans, and contributions made by the Government.
- (iii) All fees and penalties paid to or levied by or on behalf of the Zilla Parishad under this Act and all fines imposed under this Act.
- (iv) All rents from land or other properties of the Zilla Parishad.
- (v) All interests, profits and other money acquired by gifts, grants, assignments or transfers from private individual or institutions.
- (vi) All proceeds of land, securities and other properties sold by the Zilla Parishad.
- (vii) All sums received by or on behalf of the Zilla Parishad by virtue of this Act:

Provided that sums received by way of endowments for any specific purpose shall not form part of or paid into the Zilla Parishad Fund.



**92. Custody and investment of Zilla Parishad Fund.**

- (1) The amounts at the credit of the fund shall be held in a current accounts with the nearest branch of State Bank of India or any other Nationalised Bank or Assam Co-operative Apex Bank.
- (2) It shall be lawful for Zilla Parishad to deposit at interest, with the approval of the Government with the State Bank of India or any other Nationalised Bank or Co-Operative Apex Bank in the state any surplus fund in the hand which may not be required for current charges and with like sanction to invest such fund in securities of the Government of India or the State Government or in such other securities as the Government may, from time to time approve in this behalf and to vary such investment for dispute of such securities with like sanction.

**93. Application of Zilla Parishad Fund and property.**

- (1) Subject to the provisions of this Act and the rules made thereunder and such general or special orders as the Government may make, all property owned by or vested in, the Zilla Parishad under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purpose specified in section 90 and section 92 (2) and for all

other purposes for which by or under this Act or any other law for the time being in force, powers are conferred or duties are imposed upon then Zilla Parishad:

Provided that no expenditure shall be incurred out of the Zilla Parishad Fund unless provision thereof has been made in the budget or funds are obtained by re-appropriation duly approved, except in such cases as may be prescribed by the Government:

Provided further that not less than twenty percent of the funds meant for welfare activities shall be utilised for the welfare of the Scheduled Castes and Scheduled Tribes.

(2) The Zilla Parishad fund and all property held or vested in the Zilla Parishad under this Act shall be applied, subject to the provisions of this Act for the payments of-

(a) Allowances to the President and Vice-President and travelling and daily allowances to the President and the Vice-President for tour within or outside the district and travelling and daily allowances to the members of the Zilla Parishad or any committee thereof, subject to such rules as may be made in this behalf by the Government.

- (b) The salaries and allowances, pension and gratuity etc. of its officers and employees other than those whose salaries and allowances are paid from the consolidated fund of the state.
- (c) For the purpose specified in the Act.
- (d) Any amounts falling due on any loans contracted by the Zilla Parishad.
- (e) All other purposes for which by or under this Act or the rules and regulations made thereunder, any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Parishad.
- (f) With the previous sanction of the Government, for any other purpose for which the application of such property or fund is necessary in public interest:

Provided that any amount granted to the Zilla Parishad by the Government or any person or local authority for any specific work or purposes shall be applied exclusively for such work or purposes and in accordance with such instruction as the Government may specify either generally or specially in this behalf.

**94. Rent and fee.**

Save as otherwise provided in this Act and subject to the regulations made in this behalf, a Zilla Parishad may charge fee for any licence or permission issued by it under this Act and the rules made thereunder and levy rent and fee for the occupation or use of land or other property placed under its control or vested in it or maintained out of the Zilla Parishad Fund.

**95. Taxation.**

- (1) Subject to such maximum rate, as the Government may prescribe, a Zilla Parishad may-
  - (a) Levy tolls in respect of any ferry established by it under its management.
  - (b) Levy the following fees and rates, namely-
    - (i) Fees on the registration of boat or vehicle.
    - (ii) A fee for providing sanitary arrangement at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the Govt. by notification.

- (iii) A fee for licence for fair or mela.
  - (iv) A lighting rate where arrangement for lighting public streets and places is made by the Zilla Parishad within its jurisdiction; and
  - (v) Water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Zilla Parishad within its jurisdiction.
- (2) The Zilla Parishad shall not undertake registration of any vehicle or levy fee thereof and shall not provide sanitary arrangement at places of worship or pilgrimage, fairs and melas within its jurisdiction or levy fee thereof if such vehicle had already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangements has already been made by any other local authority.
- (3) The scale of tolls, fees and rates and the terms and conditions for the imposition thereof, shall be such as may be provided by bye-laws. Such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class or cases.

**96. Budget of Zilla Parishad.**

- (1) Every Zilla Parishad shall, at such time in such manner as may be prescribed, prepare in each year a budget of its estimated receipt and disbursements for the following year and submit it to the Government through the Director of Panchayat and Rural Development, Assam.
- (2) The Government may within such time as may be prescribed either approve the budget or return it to the Zilla Parishad for such modifications as it may direct. On such modifications being made, the budget shall be re-submitted within such time as may be prescribed for approval of the Government.

If the approval of the Government is not received by the Zilla Parishad within thirty days from the date of submission or re-sub-mission, as the case may be the budget shall be deemed to be approved by the Government.

- (3) No expenditure shall be incurred unless the budget is approved by the Government.
- (4) The Zilla Parishad may prepare in each year a supplementary estimate providing any modification of its budget and may submit it to the Government for

approval within such time and in such manner as may be prescribed.

**97. Accounts.**

A Zilla Parishad shall keep such accounts in such a manner as may be prescribed by the Government.

**98. Audit.**

- (1) The audit of the accounts of the Zilla Parishad shall be carried out by the authority as may be prescribed by the Government and a copy of the audit note shall be forwarded to the Zilla Parishad within one month of completion of the audit.
- (2) On receipt of the audit report referred to in sub-section (1) the Zilla Parishad shall either remedy any defects or irregularity which have been pointed out in the audit and send to the Government within three months or intimation of its having done so or shall, within the said period, supply any further explanation to the prescribed authority in regard to such defects or irregularities as it may wish to give.

**99. Powers to raise loans and forming of a sinking fund.**

A Zilla Parishad may, with the previous sanction of the Government and subject to the conditions imposed by it

from time to time, raise loan for the execution of any work or for the purpose of carrying out any of the provisions of this Act and form a sinking fund of the payment of such loan.

**100. Prohibition of expenditure not covered by the budget.**

Except as hereinafter provided, payment of any sum shall be made out of the Zilla Parishad Fund unless the expenditure of the same is covered by a budget grant except in the following cases, namely: -

- (a) Refund of money which the Zilla Parishad is authorised to make under this Act or the Rules and regulations made thereunder.
- (b) Payment of moneys belonging to the contractors or other persons held in deposit and of moneys credited to the Zilla Parishad fund by mistake.
- (c) Sums which the Zilla Parishad is required or empowered by this Act to pay by way of compensation.
- (d) Every sum payable-
  - (i) Under this Act by order of the Government.
  - (ii) Under a decree or order of a Civil Court, and



- (iii) Under a compromise of any suit or other legal proceedings, or claim.

**101. Government's power to place other property with Zilla Parishad.**

It shall be lawful for the Government from time to time to direct, by notification that any, road, bridge, channel, building or other property, movable or immovable or which is vested in the Government and which is situated in the district, shall with the consent of the Zilla Parishad, and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the Zilla Parishad for the purpose of the Act and thereupon such road, channel, building, bridge and other property shall be under the control and administration of the Zilla Parishad, subject to all exceptions and conditions so made or imposed and to all charges and liabilities affecting the same:

Provided that the Government by notification may resume any property placed under the control of a Zilla Parishad under sub-section (1) on such terms as the Government may determine.

## **102. Staff of Zilla Parishad.**

- (1) The Government shall appoint an officer not below the rank of the Addl. Deputy Commissioner of a district as Chief Executive Officer of the Zilla Parishad.
- (2) The Government shall also appoint a Chief Accounts Officer and a Chief Planning Officer for each Zilla Parishad.
- (3) The Government shall post from time to time to work under every Zilla Parishad, such number of other officers of the State Government (including any officer appointed to such services from amongst person employed by existing local authorities) as the Government consider necessary.
- (4) Notwithstanding anything contained in this Act or any other law for the time being in force, the Government or any other officer or other authority authorised by it in this behalf shall have powers to effect transfer of the officers so posted either within the district or from one district to another district.
- (5) Under every Zilla Parishad there shall be such number of Grade-II and Grade-IV staff including technical staff as per staffing pattern prescribed by the Government. The Class-I post of the Zilla Parishad shall be appointed/deputed by Government as per section 140

(1). In respect of the provincialised Panchayat employees the Director of Panchayat and Rural Development shall be the appointing authority.

(6) Notwithstanding anything contained in this Act or any other law for the time being in force, the Director of Panchayat and Rural Development, Assam have powers to effects transfer of the provincialised staff so appointed either within the district or from one district to another district.

(7) The staff as under sub-clause (4) (a) and (b) in position in the Mahakuma Parishads comprising the district immediately prior to the enactment of this Act shall be absorbed in the Zilla Parishad concerned.

(8) The Government may, from the specified date constitute such services for each Zilla Parishad as may be prescribed.

**103. Functions of the Chief Ex-ecutive and other officers of the Zilla Parishad.**

(1) Save as otherwise expressly provided by or under this Act, the chief Executive Officer shall-

- (a) Carry out the policies and directions of the Zilla Parishad and take necessary measures for the speedy execution of all works and development schemes of Zilla Parishad.
  - (b) Discharge the duties imposed upon him, by or under this Act, or the rules and regulations made thereunder.
  - (c) Supervise works of the officers and officials of the Zilla Parishad under the General Superintendence of the President of the Zilla Parishad and under such rules as may be prescribed.
  - (d) Have custody of all papers and documents relating to Zilla Parishad; and
  - (e) Draw and disburse money out of the District Rural Development funds and exercise such other powers and perform such other functions as may be prescribed.
- (2) The Chief Executive Officer shall be the Ex-officio Secretary of the Zilla Parishad and may take part in the discussion but shall not have right to move any resolution or to vote. If in the opinion of the Chief Executive Officer any proposal before the Zilla Parishad is violative of or inconsistent with the

provision of this Act or any other law or the rules or order made thereunder, it shall be his duty to bring the same to the notice of the Zilla Parishad.

- (3) The Chief Accounts Officer shall advise the Zilla Parishad in matters of financial policy and shall be responsible for all matters relating to the accounts of the Zilla Parishad including preparation of annual accounts and the budget.
- (4) The Chief Accounts Officer shall ensure that no expenditure is incurred except under proper sanction and in accordance with this Act and the rules and regulations thereunder and shall disallow any expenditure not warranted by the Act or Rules and Regulations or for which no provision is made in the budget.
- (5) The Chief Planning Officer shall advise the Zilla Parishad in matters of plan formulation and shall be responsible for all matters relating to planning of the Zilla Parishad including the preparation of the plan of economic development and social justice and annual plan for the district.

#### **104. Right to requisition record.**

- (1) Every person in possession of money accounts, records or other property pertaining to a Gaon

Panchayat or Anchalik Panchayat or Zilla Parishad shall on the requisition in writing of the Chief Executive Officer for this purpose, forthwith handover such money, or deliver up such accounts, records other property to the Chief Executive Officer or the person authorised in the requisition, to receive the same.

- (2) The Chief Executive Officer may also take steps to recovery any money due by such person in the same manner and subject to the same provisions as in the relevant Land Revenue Act for the recovery of the arrear of land revenue from defaulters, and for the purpose of recovering the accounts, records or other property, pertaining to the Gaon Panchayat or Zilla Parishad may issue a search warrant and exercised by a Magistrate under the provisions of Chapter-VII of the Code of Criminal Procedure (Central Act-2 of 1974).
- (3) Every person knowing where any money, accounts, records or other property pertaining to a Gaon Panchayat or a Anchalik Panchayat or Zilla Parishad are concealed, shall be bound to give information of the same to the Chief Executive Officer.
- (4) An appeal shall lie from an order of the chief Executive Officer under this section to the Government.

## **CHAPTER – VII**

### **SETTLEMENT OF HATS, GHATS, FERRY, ETC., & DISTRIBUTION OF PROCEEDS & MAINTENANCE & REGULATION THEREOF**

#### **105. Settlement of hats by Anchalik Panchayats.**

- (1) All hats within the territorial jurisdiction of Anchalik Panchayat shall be settled in the manner prescribed for a period coinciding with and not exceeding one Panchayat financial year by inviting tenders at the office of the Anchalik Panchayat by its President.
- (2) Detailed procedure for inviting and submission of such tenders shall be such as may be prescribed.
- (3) The powers of examination and final acceptance of such tenders shall be vested in the Standing Committee referred to in section 52 (1) (a).
- (4) All settlement made under sub-section (3) shall be subject to the confirmation of the Zilla Parishad.

Provided that in case of any dispute, the Anchalik Panchayat may refer such case to the Government and the aggrieved party may appeal to Government whose decision in this regard shall be final.

- (5) Failure to settle any hat for want of adequate value, the Anchalik Panchayat, as may be decided by the Zilla Parishad, may be entrusted with the direct management of such hat by the Anchalik Panchayat.
- (6) All scale proceeds to hats shall be deposited in the Anchalik Panchayat fund and distributed in the manner hereinafter prescribed: -
- (a) An amounts equivalent to twenty percent of the total scale proceeds of hats, shall be made over to the Zilla Parishad funds; and
- (b) An amount equivalent to forty percent of the sale proceeds of hats shall be equally distributed to all the Gaon Panchayats under the Anchalik Panchayat and remaining forty percent retained in the Anchalik Panchayat Fund:

Provided that amount due if any, on account of annual instalment for repayment of the loan with interest incurred by the erst-while Mahakuma Parishad, Anchalik Panchayat and Gaon Panchayat for improvement of hats falling within the jurisdiction of the Anchalik Panchayat and Gaon Panchayat concerned shall be paid out of the forty percent share of sale proceeds of hats made over to Anchalik



Panchayat or Gaon Panchayat as the case may be.

**106. Settlement of Public Ferries and distribution of sale proceeds thereof.**

- (1) All Public Ferries, other than Government ferries within the territorial jurisdiction of the Anchalik Panchayat shall be settled in the manner prescribed for a period coinciding with and not exceeding one Panchayat financial year by inviting tenders at the office of the Anchalik Panchayat by its President.
- (2) Detailed procedures for inviting and submission of such tenders shall be such as may be prescribed by the Government.
- (3) The Powers of examination and final acceptance of such tenders shall be vested in the Standing committee as under section 42 (1) (a).
- (4) All settlement made under sub-section (3) shall be subject to the confirmation of the Zilla Parishad.

Provided that incase of any dispute the Anchalik Panchayat may refer such cases to the Government and the aggrieved party may appeal to Government whose decision in this regard shall be final:

Provided that in case of any and when deemed necessary, the Government may intervene in the matter of a particular settlement and its decision in this regard shall be final:

Provided further that the State Government may issue order to Anchalik Panchayat for the settlement of a public ferry falling within the jurisdiction of more than one Anchalik Panchayat or Zilla Parishad.

- (5) All sale proceeds of public ferry shall be deposited in the Anchalik Panchayat Fund and thereafter the proceeds of inter Anchalik Panchayat public ferry, if there any, shall be equitably distributed to the Anchalik Panchayat concerned and thereafter the proceeds remaining in an Anchalik Panchayat Fund shall be distributed in the manner hereinafter provided:
  - (a) An amount equivalent to twenty percent of the sale proceeds of public ferry shall be made over to the Zilla Parishad Fund.
  - (b) An amount equivalent to ferry percent of the sale proceeds of public ferries shall be retained in the Anchalik Panchayat Fund:

Provided that the Anchalik Panchayat shall meet all expenses, if there be any, for maintenance and improvement of the public ferries from out of the forty percent share of sale proceeds of public ferries received by it:

Provided further that if any Anchalik Panchayat fails to make improvement of or neglect to maintain the portion of the inter-Anchalik Panchayat Public ferry falling within the jurisdiction of the Anchalik Panchayat such expenditure incurred for maintenance and improvement shall be deducted from the share of the defaulting Anchalik Panchayat.

- (c) An amount equivalent to forty percent of the sale proceeds of public ferries shall be equally distributed among all the Gaon Panchayats falling within the jurisdiction of the Anchalik Panchayat
- (5) The sale of all public ferries falling within two or more Anchalik Panchayats shall be conducted by the Anchalik Panchayats by rotation every year. In case of dispute between two Anchalik Panchayats the matter shall be referred to the Zilla Parishad/Government, whose decision shall be final.

**107. Settlement of Private hat, ghat and fisheries etc. by the Gaon Panchayat.**

The powers of settlement of private hats, ghats and fisheries etc. under the justification of the Gaon Panchayat shall be vested in the Standing Committee as under sub-section (1) (i) section 2.

**108. Transfer of Government in fisheries to the Gaon Panchayat and Anchalik Panchayat.**

- (1) Notwithstanding anything in any law for the time being in force, the State Government shall transfer such Government Fishery which has fetched an income of rupees twenty -five thousand or less in a year to the Gaon Panchayat within the justification of which the fishery is situated:

Provided that a transfer under this sub-section shall be given effect from the next following year of such income.

- (2) The Government shall transfer Government Fisheries whose annual sale value is more than rupees twenty-five thousand and less than rupees one lakh with power of their control and administration to the Anchalik Panchayat within the jurisdiction of which such fisheries are situated.

**109. Settlement of Fisheries and of proceeds thereof:**

- (1) Save as otherwise provided in this Act or rules frame thereunder, all fisheries of an Anchalik Panchayat shall be settled by the Anchalik Panchayat in the manner prescribed for a period coinciding with or not exceeding one Panchayat financial year by inviting tender at the office of the Anchalik Panchayat by its President.
- (2) Detailed procedure for inviting and submission of such tenders shall be such as may be prescribed.
- (3) The powers of examination and final acceptance of such tenders shall be vested in the Standing Committee referred to in section 52 (i) (a).
- (4) All settlement made under sub- section (3) shall be subject to the confirmation of the Zilla Parishad:

Provided that in case of any dispute, the Anchalik Panchayat may refer such cases to the Government and the aggrieved party may appeal before Government whose decision in this regard shall be final:

Provided further that as and when deemed necessary, the Government may intervene in the matter of a

particular settlement and its decision in this regard shall be final.

(5) All sale proceeds of public fisheries shall be deposited in the Anchalik Panchayat fund and shall be distributed in the manner hereinafter provided.

(a) Twenty percent of the total sale proceeds of the Anchalik Panchayat fisheries shall be made over to the Zilla Parishad fund.

(b) Forty percent of the total sale proceeds of the Anchalik Panchayat fisheries shall be retained with the Anchalik Panchayat Fund.

(c) Forty percent of the total sale proceeds of the Anchalik Panchayat fisheries shall be distributed equally among the Gaon Panchayats falling within the jurisdiction of the Anchalik Panchayat.

(6)<sup>1</sup> The hats, ferries and fisheries falling under any Anchalik Panchayat within the jurisdiction of Zilla Parishad, the yearly sale value of which is more than rupees one lakh shall be settled by the Zilla Parishad concerned for a period coinciding with not exceeding one Panchayat Financial year as under sections 105, 106 and 109 in the manner prescribed. The powers of

examination and final acceptance of such tenders shall be vested in the Standing Committee as under section 81 (1) (a). The distribution of sale proceeds shall be the manner as prescribed in the foregoing section.

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1. *The words "and less than three lakhs" in the Principal Act have been deleted by Assam Act No. X of 1997.*

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**110. Hats situated in the area excluded from a Gaon Panchayat and included in Town Committees or Municipality.**

- (1) Notwithstanding anything contained in the Assam Municipal Act, 1956 the sale proceeds of any hat situated in the area which has been excluded after commencement of this Act from the territorial jurisdiction of the Gaon Panchayat and included in the territorial jurisdiction of the Town Committee or Municipality, shall be equally apportioned by the State Government for three succeeding years following the year of such transfer of the area.

- (2) For any loan incurred by a local authority for improvement of a hat situated in the area which has been excluded from the territorial jurisdiction of town Committee or Municipality, the liability or repayment of such loan with interest, shall be transferred to such Town Committee or Municipality, under order of the Government.