

CHAPTER –V

ESTABLISHMENT AND CONSTITUTION OF ANCHALIK PANCHAYAT

31. Establishment of Anchalik Panchayat area of Anchalik Panchayat.

- (1) For each Development Block there shall be an Anchalik Panchayat having jurisdiction save as otherwise provided in this Act, over the entire Development Block jurisdiction excluding such portion of the Block as are included in a Town Committee and as are included in a Municipality/or under the authority of Municipal Corporation, a Sanitary Board or Cantonment area or a notified area constituted under any law for the time being in force.

Provided that a Block may comprise of such Villages as are no contiguous or have no common boundaries and are separated by an area to which this Act does not extend or in which the remaining section of this Act, have not come into force.

- (2) Every Anchalik Panchayat shall be a body corporate by the name of Anchalik Panchayat shall have perpetual succession and a common seal and subject to such

restrictions as are imposed by or under this or any other enactment, shall be vested with the capacity of suing or being sued in its corporation are, or acquiring, holding and transferring property, moveable or immoveable whether will out or within the limits of the area over which it has authority of entering into contracts or doing all things necessary proper and expedient for the purpose for which it is constituted.

32. Constitution of Anchalik Panchayat

- (1) Every Anchalik Panchayat shall consist of:-
 - (a) One member from each Gaon Panchayat to be directly elected from the territorial constituencies of the Gaon Panchayat under the jurisdiction of the Anchalik Panchayats.
 - (b) The Presidents of the Gaon Panchayat falling within the jurisdiction of the Anchalik Panchayats.
 - (c) The members of the House of people and the members of the Legislative Assembly of the state representing constituencies which comprise wholly or partly, the Anchalik Panchayat.

- (d) Every member shall have the right to vote whether or not chosen by direct election in the meetings of the Anchalik Panchayat.

33. Election of Members.

- (a) One Gaon Panchayat area shall form a constituency for electing one member directly to the Anchalik Panchayat.
- (b) The allotment of seat under sub-section (1) for directly elected numbers shall be the same throughout the entire state.

34. Reservation of seats.

- (1) Seats shall be reserved in a Anchalik Panchayat for, the Scheduled Castes and Scheduled Tribes; and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Anchalik Panchayat as the population of the Scheduled Castes in that Anchalik Panchayat area or of the Scheduled Tribes in that Anchalik Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Anchalik Panchayat in such manner, as may be prescribed.

- (2) Not less than one-third, of the total number of seats reserved under clause (1) shall be reserved for women belonging to Scheduled Castes as the case may be the Scheduled Tribes.
- (3) Not less than one-third, (including the number of seats reserved for women belonging to Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election in every Anchalik Panchayat, shall be reserved for women and such seats may be allotted by rotation to different territorial constituencies of a Anchalik Panchayat in such manner as may be prescribed.

35. Duration of Anchalik Panchayat.

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

36. Election process for Anchalik Panchayat.

- (1) The election to constitute an Anchalik Panchayat shall be completed.

- (a) Before the expiry of its duration specified in section 65
- (b) In case of dissolution, before the expiration of a period of six months from the date of its resolution.

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

- (2) An Anchalik Panchayat constituted upon the dissolution before the expiration of its duration, shall continue only for the remainder of the period for which the dissolved Anchalik Panchayat would have continued under section –35 had it not been dissolved.

37. Election of President and Vice-President of Anchalik Panchayat.

- (1) The elected members of the Anchalik Panchayat shall elect strictly from amongst the ¹“directly elected” members, two members as President and Vice President respectively of the Anchalik Panchayat in a meeting (which shall be called the first meeting of the Anchalik Panchayat) to be convened by and prescribed

over by the Deputy Commissioner of the district in the manner prescribed. The Deputy Commissioner may delegate the powers of presiding over such meeting to any officer not below the rank of Class-I Gazetted Officer.

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

- (2) If there occurs usual vacancy in the office of the President or the Vice-President the members shall elect another member from amongst the members as hereinafter provided, as the President or the Vice-President, as the case may be, in the manner prescribed.

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

38. Reservation for the offices of the President and Vice-President of Anchalik Panchayat.

- (1) There shall be reserved by the Government in the prescribed manner:-
- (a) Such number of offices of the President of Anchalik Panchayat in the district for the person belonging to the Scheduled Caste 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 district as the population of the Scheduled Castes in the districts or of the Scheduled Tribes in the district bears to the total population of the district.

- (b) Not less than one-third of the total number of offices of President and Vice-President of the Anchalik Panchayats in the district for each of the categories reserved for persons belonging to the Scheduled Castes, Scheduled Tribes and those which are non-reserved for women.

Provided that the offices reserved under this sub-section shall be by rotation in different Anchalik Panchayat.

Provided further that the principle of rotation for the purpose of reservation of offices under this sub-section shall commence from the first election to be held after the commencement of the Act.

- (2) Save as otherwise provided in this Act, the President and Vice-President of the Anchalik Panchayat shall hold offices for the terms of office of the members of the Anchalik Panchayat.

39. Allowances of President and Vice-President and other members of Anchalik Panchayat.

- (1) The allowances of President and Vice-President and members of Anchalik Panchayat shall be as may be prescribed.
- (2) Every member of the Anchalik Panchayat other than the President and the Vice-President shall be entitled to receive sitting allowances as may be prescribed.

40. Powers, function and duties of the President of the Anchalik Panchayat.

The President shall-

- (a) Convene, preside over and conduct meetings of Anchalik Panchayat.
- (b) Discharge all duties imposed and exercise all the powers conferred on him under this Act, and the rules made thereunder and perform such functions entrusted to him by the Government from time to time.
- (e) Exercise supervision over the Executive Officer for securing implementation of the resolutions or decision

of the Anchalik Panchayat or of the Standing Committees which are not inconsistent with provisions of this Act, or any general or special direction issued under this Act.

- (d) Exercise overall supervision over the financial and executive administration of the Anchalik Panchayat and place before the Anchalik Panchayat all questions connected therewith which shall appear to him require its orders and for this purpose may call for records of Anchalik Panchayat.

41. Powers, functions and duties of Vice-President of Anchalik Panchayat.

The Vice-President of an Anchalik Panchayat shall: -

- (a) In the absence of the President, preside at the meeting of the Anchalik Panchayat.
- (b) Exercise such powers and perform such duties of the President of the Anchalik Panchayat as the President from the time to time may, subject to the rules made by Government in that behalf, delegate to him by an order in writing; and
- (c) Pending the election of the President or during the absence of the President from the Panchayat area or by reason of leave for a period exceeding thirty days,

exercise the powers and perform the duties of the President.

- (d)¹ Exercise all the powers and discharge all the duties and functions of President as provided under sub-section (a) to (d) of section 40, if the President be removed and/or dies or resigns until the office of the President is filled up in the manner under the provisions of sub-section (1) of section –37

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

42. Resignation or removal of the President and Vice-President of Anchalik Panchayat.

- (1) A member holding the office as President of the Anchalik Panchayat may resign his office at any time by writing under his own hand addressed to the Deputy Commissioner of the concerned district and the Vice-President may resign his office at any time by writing under his hand addressed to the President of the Anchalik Panchayat and in absence of the President to the Deputy Commissioner of the concerned district.
- (2) Every President and Vice-President of Anchalik Panchayat shall vacate office, he if ceases to be a member of the Anchalik Panchayat.

43. No confidence motion against the President and the Vice-President of Anchalik Panchayat.

- (1) Every President and Vice-President of the Anchalik Panchayat shall be deemed to have vacated his office forth with if by a resolution express want of confidence in him passed by a majority of two-third of total number of the directly elected members of the Anchalik Panchayat. Such a meeting shall be specially convened with the approval of the President of the Anchalik Panchayat. Such meeting shall be presided over by the President if the motion is against the President and the Vice-President if the motion is against the Vice-President. In case such a meeting is not convened by the Anchalik Panchayat within a period of fifteen days from the date of receipt of the notice. The Secretary of the Anchalik Panchayat shall refer the matter to the President of the Zilla Parishad with intimation to the Deputy Commissioner. The President of the Zilla Parishad shall then arrange for convening the meeting within fifteen days from the date of receipt of intimation. The Zilla Parishad President shall preside over such meeting but shall have no vote.
- (2) (a)¹ In case, the President of the Zilla Parishad does not convene the meeting within fifteen days from the date of receipt of intimation, the Ex-Officio

Secretary of the Anchalik Panchayat within three days from the date of expiry of the date of stipulated fifteen days time shall report to the concerned Deputy Commissioner or the Sub-Divisional Officer, as the case may be. On receipt of the information, the Deputy Commissioner or the Sub-Divisional Officer as the case may be, shall convene the meeting within fifteen days from the date of receipt of the information, with intimation to the Zilla Parishad concerned and also preside over such meeting. In case of his inability to preside over the meeting, the Deputy Commissioner or the Sub-Divisional officer, as the case may be, shall depute an officer under him not below the rank of Class-1 Gazetted Officer to preside over such meeting.

- (b) If, under sub-section (1) of section 43, the members express want of confidence both in the President and Vice-President of the Anchalik Panchayat at the same time and issue notices, the Ex-Officio Secretary of the concerned Anchalik Panchayat shall report the matter to the President of the concerned Zilla Parishad within three days from the date of receipt of the notice who shall arrange to convene the meeting fifteen days from the date of receipt of the information separately, to consider the motion

against the President first and to consider the motion against the Vice-President next day and shall preside over such meeting but shall have no vote.

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

In case the President of the Zilla Parishad concerned does not take action as above, the Ex-Officio Secretary of the Anchalik Panchayat shall refer the matter to the concerned Deputy Commissioner or the Sub-Divisional Officer, as the case may be within three days from the date of expiry of the date of stipulated fifteen days time. On receipt of the information, the concerned Deputy Commissioner, or the Sub-Divisional Officer, as the case may be, shall convene both the meetings simultaneously within three days from the date of receipt of the information and shall preside over both the meetings.

Provided that the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, in case of his inability to preside over the meeting may depute a Class-1 Gazetted Officer under him to preside over such meeting.

Provided further that if it is not possible to hold the meeting for a situation due to non-attendance of requisite number of members in such meeting or meetings as the case may be, the no-confidence motion automatically stands cancelled and the motion shall be deemed to have lost, in the event of which no such notice shall be allowed within the next six month.

- (3) The requisition for such a special meeting shall be signed by not less than one-third of the total members of Anchalik Panchayat and shall be delivered to the President of the Zilla Parishad with intimation to the Deputy Commissioner. The President of the Zilla Parishad shall within seven days from the date of receipt of the requisition, convene a special meeting of the Anchalik Panchayat. The meeting shall be held on a date not later than fifteen days from the date of issue of the notice of the meeting.
- (4) In the event of removal either of the President or the Vice-President of the Anchalik Panchayat, the Anchalik Panchayat shall elect, from amongst the members in the same manner as under sub-section (2) of section-37 a President or a Vice-President as the case may be:

Provided that such member shall not be eligible for re-election as President or Vice-President during the

remaining term of office as members of the Anchalik Panchayat.

- (5) Every President or Vice-President of the Anchalik Panchayat shall after an opportunity is afforded for hearing him, be removable from his office as President or Vice-President by the Zilla Parishad with the approval of the Government for misconduct in the discharge of office duties, for being persistently remiss in the discharge of his duties and a President or a Vice-President so removed shall remain in the office of the member.
- (6) A President or a Vice-President removed from his office under sub-section (5) may also be removed by the Government from membership of the Anchalik Panchayat.

44. Resignation Anchalik Panchayat.

A member of an Anchalik Panchayat may resign his membership in writing under this hand addressed to the President of the Anchalik Panchayat and his seat shall become vacant immediately.

45. Meeting of the Anchalik Panchayat meeting.

- (1) An Anchalik Panchayat shall hold a meeting for the transaction of business at least once in two months (hereinafter in this section called the ordinary meeting) and shall subject to the provisions of the following sub-section, make regulations not inconsistent with the provision of the Act, or with any rules made there under with respect to the date, hour, notice management and adjournment of its meetings and generally with respect to transaction of business thereto.
- (2) Every meeting of the Anchalik Panchayat shall ordinarily be held at the Head Quarters of the Anchalik Panchayat.
- (3) The date of the first meeting of the Anchalik Panchayat, after the first constitution or reconstitution, shall be fixed by the Deputy Commissioner of the district and date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Anchalik Panchayat, provided that the President may for sufficient reasons, after the day of the meeting to a subsequent date. The President may whenever he thinks fit, 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 meeting. Such

request shall specify the object for which the meeting is proposed to be called, If the President fails to call the special meeting, the Vice-President or one third of the total number of members may call the special meeting for a day not more than fifteen days after representation of such request and require the Executive Officer to give notice the members and to take such action as may be necessary to convene the meetings.

- (4) Ten clear days notice of an ordinary meeting and seven clear days notice of a special meeting specifying the time at which the 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 Anchalik Panchayat. Such notice shall include, in the case of a special meeting, any motion or proposition mentioned in the written request made for such meeting.

46. Quorum of Anchalik Panchayat meetings and minutes book of Anchalik Panchayat.

- (1) One third of the total number of members of the Anchalik Panchayat shall form a quorum for transaction business at a meeting of the Anchalik Panchayat. If at the time appointed for a meeting a 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, there is no quorum, the person presiding shall adjourn the meeting to such hour on some future date as he may fix. He shall similarly adjourn the meeting at any time after it had begun, if his attention is drawn is drawn to the want of quorum. At such adjourned meetings no quorum shall be necessary and the business which would have been brought before the original meeting, shall be transacted.

- (2) Every meeting shall be presided over by the President or if he is absent, by the Vice-President and if both are absent or if the President is absent and there is no Vice-President, the members present shall elect one from among themselves to preside.
- (3) All questions shall, unless otherwise specifically provided, be decided by a majority of votes of the members present and voting shall be by raising of hands. The Presiding Members, unless he refrains from voting, shall give vote before declaring the number of the votes for and against a question and in case of equality of votes, he may give his casting vote.
- (4) No member of an Anchalik Panchayat shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the Anchalik Panchayat, or any committee, if the question is one in

which apart from its original application to the public he has any direct pecuniary interest.

- (5) 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 is carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Anchalik Panchayat may be chosen presiding over the meeting during the continuance of such discussion.
- (6) No proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or in the case of special meeting. In the written request for such meeting. A member may propose any resolution connected with or incidental to the subjects included in the list of business. The President may propose any urgent subject of a routine nature not included in the list of business if no member objects to it. No permission shall be given in the case of motion or proposition to modify or cancel any resolution within three months after the passing thereof except in accordance with sub-section (8). The order in which any business or proposition shall be brought forward at such meeting shall be determined by presiding authority who, in case it is proposed by any member to give particular proposition, shall put the proposal to the meeting and

be guided by the majority of votes given for or against the proposal.

- (7) Any ordinary meeting may, with the consent of a majority of the member present, be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed at the meeting for which the adjournment took place.
- (8) No resolution of Anchalik Panchayat 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, and notice thereof shall have been given fulfilling the requirement of subsection (4) and setting forth fully the resolution which it is proposed to modify fully or cancel at such meeting and motion or proposition for the modification or cancellation of such resolution.

47. Proceeding of Anchalik Panchayat meetings and minutes book of Anchalik Panchayat.

The proceeding of every meeting shall be recorded in the minutes book immediately after the deliberations of the meeting and shall, after being read over by the presiding authority of the meeting, be signed by him. The action taken on the decision of the Anchalik Panchayat shall be reported

at the next meeting of the Anchalik Panchayat. The minutes book shall not be taken outside the Anchalik Panchayat office under any circumstances. The Executive Officer shall be the custodian of the minute's book.

48. Presence of Government Officer in Anchalik Panchayat meetings.

The Anchalik Panchayat may require the presence of Government officers at the meetings. If it appears to an Anchalik Panchayat that the attendance of any officer of the Government, having jurisdiction over an area of a district or less than a district and not working under the Anchalik Panchayat, is desirable at a meeting of the Anchalik Panchayat, the Executive Officer shall, by a letter addressed to such officer not less than fifteen days before the intended meetings, request that officer to be present at the meeting and the officer shall, unless prevented by sickness or other reasonable cause, attend the meeting:

Provided that the officer on receipt of such letter may if he, for any of the causes aforesaid, is unable to be present there by himself instruct his Deputy or other competent subordinate officer to represent him at the meeting.

49. General functions Anchalik Panchayat

(1) The General function of the Anchalik Panchayats shall be-

- (a) Preparation of Annual Plans in respect of the schemes entrusted to it by virtue of the Act and those assigned to it by the Government of the Zilla Parishad and submission thereof to the Zilla Parishad within the prescribed time for integration with the District plan.
 - (b) Consideration and consolidation of the annual plans of all Gaon Panchayat under the Anchalik Panchayat and submission of consolidated plan to the Zilla Parishad.
 - (c) Preparation of Annual Budget of the Anchalik Panchayat and submission to Zilla Parishad for approval within the prescribed time.
 - (d) Performing such functions and executing such works as may be entrusted to it by Government or the Zilla Parishad.
 - (e) To assist the Government in relief operation in natural calamities.
- (2) Agriculture including Agricultural Extension.
- (a) Identification and implementation of schemes not exceeding rupees two lakhs and not below rupees fifty thousand for the Agricultural

development of the Anchalik Panchayat area with technical assistance and supervision from the Department of Agriculture, co-operative and irrigation etc.

(b) Maintenance of agricultural seed farms horticultural nurseries.

(c) Storing and distribution of insecticides and pesticides.

(d) Propagation of improved methods of cultivation

(e) Promotion of cultivation and marketing of vegetable, fruits and flowers.

(f) Training of farmers and extension activities.

(3) Land Improvement and Soil Conservation-

(a) Assisting the Government and Zilla Parishad in the implementation of land improvement and soil conservation programmes of the Government.

(4) Minor Irrigation, Water management, Watershed Development.

- (a) Assisting the Government and the Zilla Parishad in construction and maintenance of minor irrigation works.
 - (b) Implementation of individual irrigation works.
 - (c) Assisting the Government and the Zilla Parishad in the implementation of schemes of Development of Ground Water Resources and Watershed Development Programmes.
- (5) Poverty Alleviation Programmed.
- (a) Planning and supervision of implementation of poverty alleviation programmes and schemes and providing guidance thereof.
- (6) Animal Husbandry, Dairying and Poultry –
- (a) Maintenance of Veterinary and Animal Husbandry Services.
 - (b) Improvement of breed of cattle, poultry and other livestock.
 - (c) Promotion of dairy farming, poultry and piggery.
 - (d) Prevention of epidemics and contagious disease.

(7) Fisheries –

(a) Promotion of fisheries development.

(8) Khadi, Village and Cottage Industries.

(a) Promotion of Rural and Cottage Industries.

(b) Organisation of conference, seminars and training programmes.

(9) Rural Housing.

(a) Implementation of housing scheme and distribution of house sites in villages.

(10) Drinking Water-

(a) Establishment, repairs and maintenance of rural water supply schemes.

(b) Prevention and control of water pollution.

(c) Implementation of rural sanitation schemes.

(11) Social and Farm Forestry, Minor Forest produce, Fuel and Fodder-

- (a) Planning and preservation of trees on the sides of roads and other public land under its control.
 - (b) Fuel plantation and fodder development.
 - (c) Promotion of farm forestry.
- (12) Roads, Buildings, Bridges, Ferries, Waterways and other means of communication –
 - (a) Construction and maintenance of public roads, drains, culverts and other means of communication which are not under the control of any other local authorities of the Government.
 - (b) Maintenance of buildings of other properties vested in the Anchalik Panchayat.
 - (c) Maintenance of boats, ferries and waterways not under the Government or any other local bodies.
- (13) Non-Conventional Energy Sources-
 - (a) Promotion and development of non-conventional energy sources.
- (14) Education, including Primary and Secondary schools.
 - (a) Promotion of Primary and Secondary Education.

- (b) Construction, repairs and maintenance of Primary school Building.

- (c) Promotion of Social Education through Youth Clubs and Mahila Mandals.

(15) Technical Training and Vocational Education-

- (a) Promotion of rural artisan and vocational training.

(16) Adult and Non-Formal Education-

- (a) Implementation of Adult Literacy Programme.

(17) Cultural Activities-

- (a) Promotion of social and cultural activities.

(18) Market and Fairs-

- (a) Regulation of markets, fairs and festivals.

(19) Health and Family Welfare.

- (a) Promotion of health and family welfare programme.

(b) Promotion of immunisation and vaccination programme.

(c) Health and Sanitation at fairs and festivals.

(20) Women and Child Development.

(a) Promotion of programmes relating to development of women and children.

(b) Promotion of school health and nutrition programme.

(c) Promotion of participation of voluntary organisations in women and child development programme.

(21) Social Welfare including Welfare of Handicapped Mentally Retarded.

(a) Promotion of social welfare programmes including welfare of handicapped, mentally retarded and destitutes, procurement and supervision of distribution of foodstuff in social welfare programmes.

(b) Monitoring the old age and widows pensions and pensions of the handicapped.

(22) Welfare of the water section and in particular of the Scheduled Castes and Scheduled Tribes.

(a) Promotion of welfare of Scheduled Castes, Scheduled Tribes and other weaker section.

(b) Preventing such castes and classes from social injustice and exploitation.

(23) Maintenance of Community Assets –

(a) Maintenance of all community assets vested in it or transferred by the Government or any local authority or organisation.

(b) Preservation and maintenance of other community assets.

(24) Public Distribution System.

(a) Promotion of distribution of essential commodities through fair price shops in the villages. Panchayat will also keep sharp vigilance over fair and equitable distribution of essential commodities. Panchayat will educate the people about consumer's rights and assists in redressal of consumer's grievances.

(25) Rural Electrification –

(a) Promotion of rural electrification.

(26) Co-Operation –

(a) Promotion of co-operation activities.

(27) Libraries –

(a) Promotion of libraries.

(28) Such other functions that may be entrusted by the Government of the Zilla Parishad.

50. General powers of Anchalik Panchayat.

The Anchalik Panchayat shall have powers to do the all acts necessary for or incidental 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 in this Act.

51. Delegation of powers.

Anchalik Panchayat may, by notification delegate to the Executive Officer or any other officer, the powers conferred by or under this Act.

52. Standing Committees Anchalik Panchayat.

- (1) The Anchalik Panchayat shall have the following standing committees-
 - (a) General Standing Committee.
 - (b) Finance, Audit and Planning Committee.
 - (c) Social Justice Committee.
- (2) Each standing committee shall consists of such number of members not exceeding six including the Chairman, as may be specified by the Anchalik Panchayat, and chosen by the Anchalik Panchayat from amongst its members.
- (3) The President of the Anchalik Panchayat shall be the Chairman of the General Standing Committee and Finance, Audit and Planning Committee. The Vice-President of the Anchalik Panchayat shall be the Chairman of the Social Justice Committee.
- (4) No member of the Anchalik Panchayat shall be eligible to serve in more than one standing committee and the term of the membership will not exceed one year at a time.

- (5) The Executive Officer of the Anchalik Panchayat shall be the Ex-Officio Secretary of every Standing Committee.

53. Functions of the Standing Committee.

- (1) The General Standing Committee shall perform functions relating to the establishment matters, communication, buildings, rural housing, relief against natural calamities water supply and all miscellaneous residuary matters.
- (2) The Finance, Audit and Planning Committee shall perform the functions relating to the finance of the Anchalik Panchayat, training, budget, scrutinizing proposals for increase of revenue, examination of receipts and expenditure statement, consideration of all proposals affecting the finance of the Anchalik Panchayat and general supervision of the revenue and expenditure of the Anchalik Panchayat and planning and consolidating the Anchalik Panchayat plans, co-operation, small saving schemes and any other function relating to the development of Anchalik Panchayat areas.
- (3) The Social Justice Committee shall perform functions relating to: -

- (a) Promotion of educational, economic, social, cultural and other interests of the Scheduled Casts, Scheduled Tribes and Backward classes.
 - (b) Protecting them from social injustice and all other forms of exploitation.
 - (c) Amelioration of the Scheduled Castes, Scheduled Tribes and Backward Classes.
 - (d) Securing social justice to the Scheduled Castes, Scheduled Tribes, Women and other weaker sections of the society.
- (4) The Standing Committees shall perform the functions referred to above to the extent the powers are delegated to them by the Anchalik Panchayat.

54. Procedure of Committees.

- (1) The Anchalik Panchayat may frame regulations relating to selection 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 the committee, be entitled to call for any information, return, statement, account or report from the office of the Anchalik Panchayat and to enter in

and inspect any immovable property of the Anchalik Panchayat or works in progress connected with the works the of the committee.

- (3) Each committee shall be entitled to require attendance at its meetings, any officer of the Anchalik Panchayat who is connected with the work of the committee. The Ex-Officio Secretary [referred to in sub-section (5) of section-52] shall under instruction of the committee, issue notices and secure the attendance of the officer.

55. Power to acquire, hold or dispose of property.

- (1) An Anchalik Panchayat shall have the power to acquire, hold and dispose of property and to enter into contract:

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

- (2) All roads, buildings or other works constructed by an Anchalik Panchayat with its own fund shall vests in it.
- (3) The State Government may allocate to an Anchalik Panchayat any public property situated within its jurisdiction, and thereupon such property shall vests

in and come under the control of the Anchalik Panchayat.

- (4) Where an Anchalik Panchayat requires land to carryout any of the purpose of this Act, it may negotiate with the persons having interest in the said land, and if it fails to reach at an agreement, it may make an application to the Deputy Commissioner of the district for acquisition of land, who may, if he is satisfied that the land is required for a public purpose, take steps where permitted by law to acquire the land under the provision of the relevant land acquisition Act, and such land shall on acquisition, vest in the Anchalik Panchayat.

56. Anchalik Panchayat Fund.

- (1) For every Anchalik Panchayat, there shall be constituted an Anchalik Panchayat fund bearing the name of the Anchalik Panchayat and there shall be placed to the credit thereof.
 - (a) Contribution and grants, if any, made by Central or State Government, including such part of the land revenue collected in the state as may be determined by the Government.
 - (b) Contribution and grant, if any, made by the Zilla Parishad or any other local authority.

- (c) Loans, if any, granted by the Central or the State Government or raised by the Anchalik Panchayat on security of its assets.
 - (d) All receipts on account of tolls, rates and fees levied by it.
 - (e) All receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works, vested in, constructed by or placed under the control and management of the Anchalik Panchayat.
 - (f) All sums received as gifts or contribution and all income from any trust or endowment made in favour of the Anchalik Panchayat.
 - (g) Such fines and penalties imposed and realised under the provisions of this Act, or of the bye-laws made thereunder, as may be prescribed, and all other sums received by or on behalf of the Anchalik Panchayat.
- (2) Every Anchalik Panchayat shall set apart and apply annually such sums as may be required to meet the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the offices and employees. The total expenditure on

establishment shall not exceed one-third of the total expenditure of the Anchalik Panchayat without prior approval of the Government.

- (3) Every Anchalik Panchayat shall have powers to spend such sums as it thinks fit for carrying out the purpose of this Act.
- (4) The Anchalik Panchayat fund shall be vested in the Anchalik Panchayat.
- (5) Subject to such general control, as the Anchalik Panchayat may exercise from time to time, all orders and cheques for payment from the Anchalik Panchayat fund shall be signed by the Executive Officer.

57. Taxes.

- (1) Subject to such maximum rate as the Government may prescribe, an Anchalik Panchayat may-
 - (a) Levy rolls on persons, vehicles or animals or any class of them at any toll-bar established by it on any road other than a katcha road or any bridge vested in it or under its management.
 - (b) Levy rolls in respect of any ferry established by it, or under its management.

- (c) Levy a surcharge of land revenue at the rate of 0.02 (two paise) per rupee.
 - (d) Levy a cess or water rate for recovery of cost of minor irrigation works taken up within the jurisdiction of an Anchalik Panchayat and such cess as may be necessary for the purpose of maintenance and repair of such works.
 - (e) Levy a tax on supply of water and lighting.
 - (f) Levy a tax on profession trades, calling, manufacture and production save and except those levied under any provision of this Act or under any enactment for the time being in force.
 - (g) Levy fee for cinema hall, bricks or tile kilns, saw mills, timber depots, rice mills and hullers, fairs, confectionary and bakery, private fisheries or vegetable garden used for commercial purpose.
- (2) The taxes etc. shall be imposed, assessed and realised at such time and in such manner as may be prescribed.
- (3) Any person aggrieved by the assessment, levy or imposition of any tax or fee may appeal to the Zilla Parishad. "The decision of the Zilla Parishad in this respect shall be final.

- (4) State Government may suspend the levy or imposition of any tax or fee and may at any time rescind such imposition in consultation with the concerned Panchayat in period of natural calamities.
- (5) The scale of tolls, fees or 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.

- (6) Subject to such rules as may be made in this behalf by an Anchalik Panchayat, an Anchalik Panchayat may levy taxes on a particular trade or commerce with a view to utilise the fund so collected for improvement of the facilities for development of that particular trade or commerce with the approval of the Zilla Parishad.

58. Loan and Sinking fund.

- (1) An Anchalik Panchayat may, subject to the provisions of any law relating to the raising of loan by local authorities for the time being in force, raise from time to time, with the approval of the Government, loans for the purpose of this Act, and create a sinking fund for the repayment of such loans.

- (2) An Anchalik Panchayat may borrow money from the Government, or with the previous sanction of the Government, from bank or other financial institutions for furtherance of its objectives on the basis of specific schemes as may be drawn up by the Anchalik Panchayat for the purpose.

59. Budget of Anchalik Panchayat.

- (1) Every Anchalik Panchayat shall at such time and in such manner as may be prescribed, prepare in each year, a budget of its estimates receipts and disbursement for the following year and submit the budget to the Zilla Parishad.
- (2) The Zilla Parishad, within such time as may be prescribed, either approve the budget or return it to the Anchalik Panchayat for such modification as it may direct. On such modification being made, the budget shall be submitted within such time as may be prescribed by the Zilla Parishad. If the approval of the Zilla Parishad is not received by the Anchalik Panchayat by the last date of the year, the budget shall be deemed to be approved by the Zilla Parishad.
- (3) No expenditure shall be incurred unless the budget is approved by the Zilla Parishad.

- (4) The Anchalik Panchayat may prepare in each year a supplementary estimate providing for any modification of its budget and may submit to the Zilla Parishad for approval within such time and in such manner as may prescribed.

60. Accounts of Anchalik Panchayat Auditing.

An Anchalik Panchayat shall keep such accounts and in such form as may be prescribed.

- 61.** (1) The audit of the accounts of the Anchalik 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 Anchalik Panchayat, to the Zilla Parishad and to the Director of Panchayat and Rural development, Assam within one month of the completion of the audit.
- (2) On receipt of the audit report referred to in sub-section (1), the Anchalik Panchayat shall either remedy any defects or irregularities which have been pointed out in the audit and sent to the Zilla Parishad and to the Director of Panchayat and Rural Development, Assam, within three months and the intimation of its having done so or shall, within the said period, supply and further explanation to the authorities mentioned herein, in regard to such defects or irregularities as it may deem fit.

62. Staff of Anchalik Panchayat.

- (1) An Anchalik Panchayat being co-terminous to a Development Block shall have an Executive Officer appointed by Government who shall be the Ex-Officio Secretary.

Provided that the Block Development Officer or such other officer as may be appointed by Government shall hold the post of the Executive Officer and Secretary of the Anchalik Panchayat.

- (2) The other staff of the Anchalik Panchayat shall be appointed as provided in section 140 of the Act. In respect of the Provincialised Panchayat employees working under the Anchalik Panchayat, the Director of Panchayat and Rural Development shall be the appointing authority.
- (3) The Government may post/depute staff, if considered necessary from time to time, to work in Anchalik Panchayat in addition to the staff of Grade-I and II to serve under the Anchalik Panchayat.
- (4) Notwithstanding anything contained in this Act, or any of the laws for the time being in force, the Government of the Director of Panchayat and Rural Development, Assam, as the case may be, shall have the powers to

effects transfer or the concerned officers and the provincialised staff in consultation with the Zilla Parishad concerned.

63. Powers and functions of the Executive Officer of the Anchalik Panchayat.

- (1) Save as otherwise expressly provided by or under this Act, the Executive Officer shall-
 - (a) Exercise all powers specially imposed or conferred upon him by or under this Act, or any other law for the time being in force.
 - (b) Lay down the duties of and supervise the works of the officers and officials holding office under the Anchalik Panchayat in accordance with rules made by the Government.
 - (c) Supervise and control the execution of all works of the Anchalik Panchayat.
 - (d) Take necessary measures for the speedy execution of all works and development schemes of Anchalik Panchayat.
 - (e) Have custody of all papers and documents connected with the proceedings of the meetings of the Anchalik Panchayat.

- (f) Draw and disburse money out of the Anchalik Panchayat fund, and
- (g) Exercise such other powers and discharge such other functions as may be prescribed.
- (h) The Executive Officer shall attend every meeting of the Anchalik Panchayat and shall have the right to attend the meetings of the committees thereof and to take part in the discussion but shall not have the right to move any resolution or to vote. If in the opinion of the Executive Officer any proposal before the Anchalik Panchayat is violative of or inconsistent with the provisions of this Act, or any other law, rule or order made thereunder, it shall be his duty to bring the same to the notice of the Anchalik Panchayat.