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EXTRAORDINARY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LAW DEPARTMENT

NOTIFICATION

The 17th May 1976

No.LJL.111/76/12.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT VIII OF 1976

(Received the assent of the Governor of Assam on 7th May, 1976)

THE ASSAM PANCHAYATI RAJ (FOURTH AMENDMENT)
ACT, 1976

An
Act

further to amend the Assam Panchayati Raj Act, 1972.

Preamble. Whereas it is expedient further to amend the Assam Panchayati Raj Act, 1972 hereinafter called the principal Act, in the manner hereinafter appearing ;

It is hereby enacted in the Twenty Seventh year of the Republic of India as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Assam Panchayati Raj (Fourth Amendment) Act, 1976.

(2) It shall have like extent as the principal Act.

(3) It shall be deemed to have come into force with effect from 29th April, 1974.

Amendment
of Section
2 of Assam
Act XI of
1973.

2. In Section 2 of the principal Act, in sub-section (11), the semi-colon “;” at the end shall be substituted by a full stop “.” and thereafter the following shall be added namely :—

“Such *Ex-Officio* members or Councillors shall have no right to attend the meeting of the Gaon Panchayat or the Mohkuma Parishad held for the purpose of electing its office bearers”.

Amendment
of Section 9
of Assam Act
XI of 1973.

3. In Section 9 of the principal Act, in sub-section (1), in clause (e) between the words “nominate” and “one” the words “in the manner prescribed” shall be deleted.

Amendment
of Section 10
of Assam Act
XI of 1973.

4. In Section 10 of the principal Act, in sub-section (1) the words “such members from amongst themselves in the manner prescribed” shall be substituted by the words “its elected and nominated members if any, from amongst themselves.”

Amendment
of Section 12
of Assam Act
XI of 1973.

5. In Section 12 of the principal Act —

(a) in sub-section (1) in clause (i), the words “revenue or dues or loans of Government of Assam” shall be substituted for the words “Government revenue or dues or loans.”

(b) after sub-section (1), the following shall be inserted as a new sub-section (2) viz.

"(2) No Councillor, Chairman, Chief Executive Councillor, Deputy Chief Executive Councillor of a Mohkuma Parishad or a President, Vice-President or member of a Gaon Panchayat shall seek election to the Assam Legislative Assembly or as a member of any of the Houses of Parliament from any Constituency in Assam.

If any such person aforesaid seeks any such election he shall immediately cease to hold the office of the Councillor, Chairman, Chief Executive Councillor, Deputy Chief Executive Councillor of a Mohkuma Parishad or the President, Vice-President or Member of a Gaon Panchayat as the case may be."

Amendment
of Section 20
of Assam Act
XI of 1973.

6. In Section 20 of the principal Act—

(1) in clause (d) of sub-section (1) between the words "nominate" and "not" the words "in the manner prescribed" shall be deleted.

(2) in clause (b) of sub-section (2) for the words "Chairman and Chief Executive Councillor" the words "Chairman, Chief Executive Councillor and Deputy Chief Executive Councillor" shall be substituted.

Amendment
of Section 21
of Assam Act
XI of 1973.

7. In Section 21 of the principal Act—

(a) in sub-section (1), for the words "a Chairman and a Chief Executive Councillor of the Mohkuma Parishad by its Councillors from amongst themselves in the manner prescribed" the words "a Chairman, a Chief Executive Councillor and a Deputy Chief Executive Councillor of the Mohkuma Parishad by its elected and nominated Councillors, if any from amongst themselves" shall be substituted.

(b) after sub-section (1) the following new proviso shall be inserted, namely:—

"Provided that the first election of the Deputy Chief Executive Councillor shall be held within three months from the date of publication of the Assam Panchayati Raj (Fourth Amendment) Act, 1976 in the official Gazette and the procedure for election of the Chief Executive Councillor shall *mutatis mutandis* be followed in respect of such election".

Amendment of Section 22 of Assam Act XI of 1973. 8. In sub-section (1) of Section 22 of the principal Act, between the words "Chief Executive Councillor" and "and" the punctuation comma "(,)" and the words "Deputy Chief Executive Councillor" shall be inserted.

Amendment of Section 22-A of Assam Act XI of 1973. 9. In Section 22-A of the principal Act, after the words "Chief Executive Councillor" wherever these occur, the punctuation comma "(,)" and words, "Deputy Chief Executive Councillor" shall be inserted.

Amendment of Section 23 of Assam Act XI of 1973. 10. In Section 23 of the principal Act, after sub-section (2), a new sub-section (3) shall be inserted, namely:—

"(3) The Deputy Chief Executive Councillor shall discharge all functions and duties of the Chief Executive Councillor under the Act and Rules made thereunder during vacancy in the office of the Chief Executive Councillor or temporary absence of the Chief Executive Councillor."

Amendment of Section 24 of Assam Act XI of 1973. 11. In Section 24 of the principal Act in between the words, "Chief Executive Councillor" and "or" the punctuation comma "(,)" and the words "Deputy Chief Executive Councillor" shall be inserted.

Amendment of Section 25 of Assam Act XI of 1973. 12. In Section 25 of the principal Act —

(1) in sub-section (1) in between the words, "Chief Executive Councillor" and "or" the words "or Deputy Chief Executive Councillor" shall be inserted.

(2) in sub-sections (2), (3) and (4) in between the words "Chief Executive Councillor" and "or" the words "or Deputy Chief Executive Councillor" shall be inserted.

Amendment of Section 26 of Assam Act XI of 1973. 13. In Section 26 of the principal Act—

(1) in sub-section (1),

(a) between the words "Chief Executive Councillor" and "or" the words "or Deputy Chief Executive Councillor" shall be inserted.

(b) for the words "two" in between the words "within" and "months" the word "six" shall be substituted.

(c) the words and punctuation comma "(,)" "by holding bye-election," appearing between the words "occurred" and "in" shall be deleted.

(2) in sub-section (2), between the words "Chief Executive Councillor" and "or" the words "or Deputy Chief Executive Councillor" shall be inserted.

Amendment of Section 28 of Assam Act XI of 1973

14. Clause (a) of sub-section (2) of Section 28 of the principal Act shall be substituted by the following, namely:—

"(2) (a) The Mohkuma Parishad shall have an Executive Committee consisting of the Chief Executive Councillor, Deputy Chief Executive Councillor and all the Presidents of the Standing Committees formed under sub-section (1). The Chief Executive Councillor and the Secretary of the Mohkuma Parishad shall function as the President and the Secretary respectively of the Executive Committee."

Amendment of Section 156 of Assam Act XI of 1973.

15. In Section 156 of the principal Act —

(1) sub-section (3) shall be renumbered as sub-section (4) and after sub-section (2) the following shall be inserted as new sub-section (3), namely:—

"(3) Any rule framed under this Act and sub-sections (1) and (2) above may be given retrospective effect."

(2) in sub-section (1) the punctuation "(,)" occurring after the word "may" shall be deleted and the words and punctuation "(,)" "after previous publication," shall also be deleted.

MD. SAADULLAH,
Joint Secretary to the Govt. of Assam,
Law Department.