



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 19th October, 2023

No. LGL.236/2017/35.— The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 17th October, 2023 is hereby published for general information.

ASSAM ACT NO. LI OF 2023

(Received the assent of the Governor 17th October, 2023)

THE ASSAM PANCHAYAT (AMENDMENT) ACT, 2023

AN ACT

further to amend the Assam Panchayat Act, 1994.

Preamble

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

**Assam
Act No.
XVIII of
1994**

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

Short title,
extent and
commencement

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

Amendment of
section 2

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

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

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

Insertion of
section 3A

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

“Constitution of
District Delimitation
Commission

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

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

- (a) The District Commissioner Chairman
- (b) The Chief Executive Officer of Zilla ParishadMember Secretary
- (c) The Election Officer Member”

Insertion of
section 4A

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

“Ward
Sabha

4A. Composition of Ward Sabha :

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

4B Meeting :

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

4C Quorum:

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

4D Powers and functions of Ward Sabhas:

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

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

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

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

Amendment of
section 5

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

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

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

- (a) Category ‘A’ district having higher population density shall have Gaon Panchayats with a population range from 10200 to 13800,
- (b) Category ‘B’ district having medium population density shall have Gaon Panchayats with a population range from 8500 to 11500, and
- (c) Category ‘C’ district having lower population density shall have Gaon Panchayats with a population range from 6000 to 9200,”

Amendment of
section 6

6. In the principal Act, in section 6,

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

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

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

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

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

Amendment of
section 9

7. In the principal Act, in section 9,

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

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

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

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

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

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

Amendment of
section 10

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

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

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

Amendment of
section 11

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

Amendment of
section 15

10. In the principal Act, in section 15,

- (i) in sub-section (4) in between the word “A” and “Vice President” the word “President” shall be inserted.

- (ii) in sub-section (5), for the second proviso, the following shall be substituted, namely:-

“Provided further that no confidence motion shall not be initiated for the first two and half years from the taking over charge of the post of President and Vice-President as the case may and after that there shall be only 1 (one) no-confidence motion throughout the term :

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

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

- Amendment of section 67 15. In the principal Act, in section 67, in sub-section (1), the following shall be substituted, namely:-
“ (1) Fifty percent of the seats including the number of seats reserved for women belonging to the Scheduled Caste and the Scheduled Tribes under sub-section (2) of section 66 for Zilla Parishad, the total number of seats shall be filled up from amongst the members as under sub-section (1), of section 65 and shall be reserved for women and such seats may be allotted by rotation and by lottery in such manner as may be prescribed in every term to different constituencies under the Zilla Parishad and the lottery shall be held before holding of the Panchayat elections.”
- Amendment of section 70A 16. In the principal Act, in section 70A, for sub-section (3), the following shall be substituted, namely:-
“ (3) Fifty percent (including the number of the offices reserved for women belonging to the Scheduled caste and Scheduled tribes), of the total number of the offices of the President and Vice-President of a Zilla Parishad shall be reserved for women and such offices may be allotted by rotation and by lottery in such manner as may be prescribed and in every term the lottery shall be held before the holding of the Panchayat elections.”
- Amendment of section 73 17. In the principal Act, in section 73, in sub-section (2), for the last proviso, the following shall be substituted, namely :-
“ (2) Provided that no-confidence motion shall not be initiated for the first two and half years of taking over charge of the post of President and Vice-President and that there shall be only 1 (one) no-confidence motion throughout the term of the Zilla Parishad:
Provided also that a President and a Vice President so removed under sub-section (1), shall continue to be a member of the Zilla Parishad.”
- Amendment of section 90 18. In the principal Act, in section 90, after sub-section (2), the following sub-section shall be inserted, namely:-
“ (3) The President of the Zila Parishad shall nominate members of the Zilla Parishad to supervise and monitor the progress of activities and functions mentioned under sub-section (1) in a manner as may be prescribed.”
- Amendment of section 98 19. In the principal Act, in section 98, after sub-section (2), a new sub-section shall be inserted, namely:-

- “(3) (i) The audit of accounts of Zilla Parishad shall be carried out by the Accountant General of Assam.
- (ii) In audit, if any major financial anomaly or irregularities appear, the Government may initiate inquiry under the Commissions of Inquiry, Act 1952.” **Act No. 60 of 1952**
- Amendment of section 107 20. In the principal Act, for section 107, the following shall be substituted, namely:-
- “107. No private haats, ghats and fisheries shall be allowed to operate within the area under the jurisdiction of a Gaon Panchayat without prior approval of the concerned Panchayat authorities and Government. The Panchayat shall impose such fees as may be prescribed.”
- Amendment of section 111 21. In the principal Act, for section 111,
- (i) in sub-section 2, in clause (b), the following shall be substituted, namely:-
- “who has not passed the H.S.L.C or equivalent examination under any Council or Board recognised by the State or the Central Government, as the case may be, for the post of Gaon Panchayat member:
- Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, other Backward Classes (OBC) and More Other Backward Classes (MOBC) the minimum educational qualification shall be studied up to Class X
- (ii) in sub-section (2), in clause (c), the following shall be substituted, namely:-
- “who has not passed the H.S.S.L.C or equivalent examination under any Council or Board recognised by the State or the Central Government, as the case may be, for the post of Zilla Parishad and Anchalik Panchayat member:
- Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC) and More Other Backward Classes (MOBC) the minimum educational qualification shall be the H.S.L.C or equivalent examination passed under any Council or Board recognised by the State or the Central Government, as the case may be.” **Central Act No. 6 of 2007**
- (iii) in sub-section (2), clause (d), shall be deleted.

- (iv) after clause (e), the following new clause, shall be inserted, namely :-

“(f) who either by himself or herself or his or her spouse has violated the legal age of marriage under the Prohibition of Child Marriage Act, 2006.”

- (v) after sub-section (2), the following new sub-section shall be inserted, namely:-

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

(a) voluntarily gives up the membership of a political party after the election results;

(b) changes the party affiliation with less than 50% of members of his/her political party;

(c) votes or abstains from voting in contrary to the respective political party in the election of President, Vice President, members of a Standing Committee or in a voting of a no-confidence motion against any one of them;

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

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

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

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

Explanation :- For the purpose of this section, “voting machine” means any machine or apparatus whether operated electronically or

otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used.”

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

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

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

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

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

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

Assam Act
No XLII
of 2023

GEETANJALI DAS SAIKIA,

Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.