

The Thengal Kachari Autonomous Council (Amendment) Bill, 2024.

A

Bill

further to amend the Thengal Kachari Autonomous Council Act, 2005.

Preamble

Whereas it is expedient further to amend the Thengal Kachari Autonomous Council Act, 2005, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
No. XXXVIII
of 2005

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

Short title, extent and commencement

1. (1) This Act may be called the Thengal Kachari Autonomous Council (Amendment) Act, 2024.
- (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,
 - (i) in clause (g), the words “and ‘Village Council Fund’” shall be deleted;
 - (ii) in clause (l), the words “the Village Council or” shall be deleted;
 - (iii) clause (r) and clause (s) shall be deleted.

Amendment of section 3

3. In the principal Act, in section 3, in sub-section (1), in the third line, the words “of the Village Councils” shall be deleted.

Omission of section 4

4. In the principal Act, section 4 shall be omitted.

Amendment of section 20

5. In the principal Act, in section 20, sub-section (5) shall be deleted.

Amendment of section 23

6. In the principal Act, in section 23, in sub-section (1), in the sixth line, for the words and the figures, “sections 18, 19, 43 and 44”, the figures and words “sections 18 and 19” shall be substituted.

Omission of sections 31 to 47

7. In the principal Act, after section 30, the words, “CHAPTER-V THE VILLAGE COUNCIL” and sections 31 to 42 and the words “CHAPTER-VI POWERS AND FUNCTIONS OF THE VILLAGE COUNCIL” and sections 43 to 47 shall be omitted.

Amendment of section 48

8. In the principal Act, in section 48,
 - (i) sub-section (1) shall be deleted and sub-sections (2) and (3) shall be renumbered as sub-sections (1) and (2) respectively;
 - (ii) in sub-section (2), so renumbered, in the third line,

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the words “the Village Council Area or” and in the fifth line, the words “the Village Council and” shall be deleted.

- Amendment of section 50
9. In the principal Act, in section 50,
- (i) in sub-section (1), in the fourth and sixth line, for the word “Village” the word “General” shall be substituted;
 - (ii) sub-section (2) shall be deleted and sub-section (3) and (4) shall be renumbered as sub-sections (2) and (3) respectively;
 - (iii) for sub-section (2), so renumbered, the following shall be substituted, namely:-
 - “(2) Persons whose names are included in the electoral roll as per sub-section (1) above, shall be the electorate for the election of members of the General Council.”
- Amendment of section 52
10. In the principal Act, in section 52, in the third line, the words “and the Village Council” appearing in between the words “Council” and “shall be” shall be deleted.
- Amendment of section 53
11. In the principal Act, in section 53,
- (i) in the marginal heading, the words “Village Council or” shall be deleted.
 - (ii) in the second line, the words “either the Village Council or” appearing in between the words “member of” and “the General” shall be deleted.
- Amendment of section 54
12. In the principal Act, in section 54,
- (i) in the marginal heading, the words “Village Council or” shall be deleted;
 - (ii) in sub-section (1), in the first line, for the words “either to the Village Council or” appearing in between the words “elected” and “the General”, the word “to” shall be substituted;
 - (iii) in clause (e), in the third line, the words and punctuation mark “Village Council,” shall be deleted;
 - (iv) in clause (h), in the proviso, in the third line, for the words and punctuation mark “a member, President or Vice-President of the Village Council or” appearing in between the words “his being” and “a member” shall be deleted.

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- Amendment of section 57 13. In the principal Act, in section 57, in first line, the words "Village Councils and" and in third line, the words "the Village Councils and" shall be deleted.
- Amendment of section 58 14. In the principal Act, for section 58, the following shall be substituted, namely:-
- "58. If an elected member is chosen to be a Member of Parliament or the State Legislature then at the expiration of fourteen days from the date of publication in the Official Gazette of India or the Official Gazette of state, as the case may be, of the declaration that he has been so chosen, the seat of such member in the General Council shall become vacant unless he has previously resigned his seat in the Parliament or the State Legislature, as the case may be."
- Amendment of section 59 15. In the principal Act, in section 59,
- (i) in sub-section (1), in the proviso, in the first line, the words and punctuation mark "Assistant District Judge, in case of member of Village Council and" and in the fourth line, the words and punctuation mark "in case of member of the General Council," shall be deleted;
- (ii) in sub-section (2), in clause (a), in the third line, the words "the Village Council or" and in the fourth line, the words and punctuation mark ", as the case may be" shall be deleted.
- Amendment of section 60 16. In the principal Act, in section 60, in the third line, the words "to the Village Councils and" appearing in between the words "election" and "to the" shall be deleted.
- Amendment of section 61 17. In the principal Act, in section 61,
- (i) in the marginal heading, the words "and Village Council Fund" shall be deleted;
- (ii) for sub-section (1), the following shall be substituted, namely:-
- " (1) For the General Council there shall be a fund called General Council Fund."
- (iii) for sub-section (2), the following shall be substituted, namely:-
- " (2) The fund as aforesaid shall be under separate sub-head within the state budget to be held for the purpose of this Act and all moneys realized or realizable under this Act and all moneys otherwise received by the General Council shall be credited to this fund."

- (iv) sub-section (3) to (12) shall be deleted;
- (v) sub-section (13) shall be renumbered as sub-section (3) and as so renumbered, in sub-section (3), in the first line, the words, "and the Village Council" shall be deleted.
- Amendment of section 62 18. In the principal Act, in section 62, in the fifth line, the words "and Village Council" and in the tenth, twelfth and sixteenth lines, the words "and the Village Councils" shall be deleted.
- Amendment of section 63 19. In the principal Act, in section 63,
- (i) in sub-section (1), the words, "The Village Councils also shall prepare its budget in the like manner and shall submit the same to the General Council for consideration and onward transmission to the Government on or before the 1st October of the current financial year." shall be deleted;
- (ii) for sub-section (2), the following shall be substituted, namely:-
- “(2) The Government may within such time as may be prescribed, either approve the budget or return it to the General Council, for reconsideration on the observations of the Governments, if any. The General Council shall thereupon resubmit the budget along with its comments on the observation and if the approval of the Government upon such submission or resubmission as the case may be, is not received by the General Council, the budget shall be deemed to have been approved by the Government”.
- (iii) in sub-section (3), in the second line, for the words "as well as the budget of the Village Councils are" appearing in between the words "Council" and "either" the word "is" shall be substituted.
- Amendment of section 64 20. In the principal Act, in section 64, in third line, the words "or the Village Councils" appearing in between the words "Council" and "as the case" shall be deleted.
- Amendment of section 67 21. In the principal Act, in section 67,
- (i) in the first line, in the beginning, before the word "Subject", the number and brackets "(1)" shall be deleted;
- (ii) sub-sections (2) and (3) shall be deleted.

Amendment of section 68

22. In the principal Act, in section 68,
- (i) in the marginal heading, for the words and punctuation mark, "Dissolution of General Council, Executive Council, and Village Council" the words "Dissolution of General Council and Executive Council" shall be substituted;
 - (ii) in sub-section (1), in the ninth line, for the words and punctuation mark " , the Executive Council and the Village Council", and in tenth line, for the the words and punctuation mark " , the Executive Council and the Village Councils and", the words "and the Executive Council" shall be substituted.

Amendment of section 69

23. In the principal Act, in section 69,
- (i) in clause (a), in the first line, for the words and punctuation mark " , Executive Council and the Village Council", the words "and the Executive Council" shall be substituted;
 - (ii) in clause (b), in the second line, for the words and "the Executive Council and the Village Council", the words "and the Executive Council" shall be substituted.

Amendment of section 72

24. In the principal Act, for section 72, the following shall be substituted, namely :-

"72. The Chief Executive Councilor and the Executive Councilors of the General Council shall be deemed to be public servants within the meaning of section 21 of the India Penal Code, 1860 or sub-section 28 of section 2 of the Bharatiya Nyaya Sanhita, 2023".

Central Act
No 45 of 1860
Central Act
No 45 of 2023

Amendment of section 73

25. In the principal Act, in section 73, in the second line, the words and punctuation mark "or the Village Council", appearing in between the words "Council" and "as the case" shall be deleted.

Amendment of section 74

26. In the principal Act, in section 74, in the second line, the words "or the Village Council" appearing in between the words "Council" and "or any" shall be deleted.

Amendment of section 80


27. In the principal Act, in section 80, in the third line, for the punctuation mark and words " , The Interim Executive Council shall, in addition, look after the duties of the Village Councils till the same are constituted under this Act" shall be deleted.

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STATEMENT OF OBJECTS AND REASONS

The bill proposes to Amendment of the Thengal Kachari Autonomous Council Act, 2005 to remove the provisions of Village Council.

Due to the presence of a functioning Panchayati Raj System at the grass root level, another similar organization in the name of Village Councils under the Act is not required.



Dr. Ranaj Pegu
Minister

Department of Tribal Affairs (Plain), Assam



Principal Secretary
Assam Legislative Assembly

FINANCIAL MEMORANDUM

The bill proposes for Amendment of the Thengal Kachari Autonomous Council Act, 2005 to remove the provisions of Village Council will not have financial burden on the State Exchequer.



Dr. Ranoj Pegu
Minister
Department of Tribal Affairs (Plain), Assam

MEMORANDUM OF DELEGATED LEGISLATION

The Bill involves no proposals for delegation of legislative power to anyone.



Dr. Ranoj Pegu
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