

The Tiwa Autonomous Council (Amendment) Bill, 2024.

A

Bill

further to amend the Tiwa Autonomous Council Act, 1995.

Preamble

Whereas it is expedient further to amend the Tiwa Autonomous Council Act, 1995, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act No.
XXV of 1995

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 Tiwa 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 (i), 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.
 - (iv) in clause (v), for the words "Welfare of Plain Tribes and Backward Classes" the words "Tribal Affairs (Plain)" shall be substituted.

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" appearing in between the words "areas" and "as may be" 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), for the figures and punctuation marks "18, 19, 43 and 44" the figure and word "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 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, 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;

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- (ii) sub-section (2) shall be deleted and sub-section (3), (4) and (5) shall be renumbered as sub-sections (2), (3) and (4) 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.”
- (iv) in sub-section (4) so renumbered, in the second line, the words “the Village Councils and” appearing in between the words “election to” and “the General” shall be deleted.
- Amendment of section 52 10. In the principal Act, in section 52, in the fourth 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; and in last line,
for the word and brackets “(e)” appearing in between the words “clause” and “of” the word and bracket, “(f)” shall be substituted.
- Amendment of section 54 12. In the principal Act, in section 54,
(i) in the marginal heading, the words “Village Council and for” shall be deleted;
(ii) in the beginning, in first line, the bracket and number “(i)”, appearing in between the figures “54” and words “A person” shall be deleted;
(iii) in the second 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;
(iv) in clause (e), in the fourth line, the words “Village Council” appearing in between the words “of the” and “General” shall be deleted;
(v) in clause (h), in the proviso, in the third line, for the words “a member, President or Vice-President of the Village Council or” appearing in between the words “his being” and “a member,” shall be deleted.
- Amendment of section 57 13. In the principal Act, in section 57, in the first line, for the words “Village Councils or” and in the fourth line, for 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 Gazette of India or the Official Gazette, 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

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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), for the proviso, the following shall be substituted, namely:-
“Provided that no person below the rank of District Judge within the meaning of Article 236 of the Constitution shall be appointed for the purpose .”
 - (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 fourth 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) There shall be a fund called the General Council Fund.”;
 - (iii) in sub-section (2),
 - (a) in the first line, in the beginning, for the word “Each”, the word “The” shall be, substituted;
 - (b) in the fifth line, the words and punctuation mark “or the Village Council, as the case may be,” shall be deleted;
 - (c) in the last line, for the words “its respective” the words “this” shall be substituted;
 - (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 second line, the words, “and the Village Council” appearing in between the words “Council” and “shall be” shall be deleted.
- Amendment of section 62
18. In the principal Act, in section 62, in the sixth line, the words “and Village Council” and in the twelfth, fourteenth and eighteenth 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

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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 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 the 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, in the beginning, the number and brackets “(1)” appearing before the word “Subject” and the 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 tenth line, for the words and punctuation mark “, the Executive Council and the Village Council” and in thirteenth line, for the words and punctuation mark “, the Executive Council and the Village Councils”, 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 second line, for the words and punctuation mark “, Executive Council and the Village Councils”, the words “and the Executive Council” shall be substituted;
 (ii) in clause (b), in the second line, for the words and punctuation mark “, Executive Council and the Village Councils”, 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, Deputy Chief Executive Councilor, the Executive Chairman of the General Council shall be deemed to be public servants within the meaning of section 21 of the Indian 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 “the case” shall be deleted.

Amendment of section 74 26. In the principal Act, in section 74, in the third line, the words “or the Village Council” appearing in between the words “Council” and “or any member” shall be deleted.

Amendment of section 80 27. In the principal Act, in section 80, in the third line, the words “to perform in addition, the functions of the Village Councils” appearing in between the words “there-from” and “till the” shall be deleted.

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FINANCIAL MEMORANDUM

The bill proposes for Amendment of the Tiwa Autonomous Council Act, 1995 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
Minister
Department of Tribal Affairs (Plain), Assam

STATEMENT OF OBJECTS AND REASONS

The bill proposes to Amendment of the Tiwa Autonomous Council Act, 1995 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. Ranoj Pegu
Minister
Department of Tribal Affairs (Plain), Assam



Principal Secretary
Assam Legislative Assembly