

**The Mising Autonomous Council (Amendment) Bill, 2024.**

**A  
Bill**

further to amend the Mising Autonomous Council Act, 1995.

Preamble Whereas it is expedient further to amend the Mising Autonomous Council Act, 1995 hereinafter referred to as the principal Act, in the manner hereinafter appearing; **Assam Act No. XXVI 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 Mising 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 (s) shall be deleted.  
(iv) in clause (v), in the fourth line, for the words "Welfare of Plain Tribes and Backward Classes" appearing in between the words and punctuation mark "Department, of" and "Government of Assam", 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 second line, the words "of the Village Councils" appearing in between the words, "of the 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 6 5. In the principal Act, in section 6, for sub-section (1), the following shall be substituted, namely:-  
"(1) The General Council shall consist of 45 members of which 40 (Forty) shall be directly elected and 5 (five) shall be nominated by the Government with the concurrence of the Mising Autonomous Council from amongst the groups of communities residing in the council Area and not otherwise represented in the General Council. Out of 40 (forty) seats, 28 (twenty eight) seats shall be reserved for Scheduled Tribes and 7 (seven) seats shall be reserved for women of any community."
- Amendment of section 15 6. In the principal Act, in section 15, in the second line for the figures and word, "10 (ten)" appearing in between the words, "shall be" and "member", the figure and words "23 (twenty-three)" shall be substituted.
- Amendment of section 20 7. In the principal Act, in section 20, sub-section (5) shall be deleted.
- Amendment of section 23 8. In the principal Act in section 23, in sub-section (1), in the fourth line, the words "18, 19, 43 and 44" appearing in between the words, "sections" and "for regulations", the figures and words "18 and 19" shall be substituted.
- Omission of sections 31 to 47 9. 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.

*das*  
**NETTED BY THE  
LEGISLATIVE DEPARTMENT  
ON 07.02.2024**

- Amendment of section 48
10. In the principal Act, for section 48, the following shall be substituted, namely:-
- “(1) There shall be 40 (forty) constituencies in the Council Area for electing members to the General Council. Each constituency shall be a single member constituency.
- (2) The Government shall, by order published in the Official Gazette, determine the territorial limits of the constituencies into which the Council area shall be delimited for the purpose of election of members to the General Council.”
- Amendment of section 50
11. In the principal Act, for section 50, the following shall be substituted, namely:-
- “(1) Subject to the provisions of this Act and the rules made there under, so much of the electoral roll for the Assembly Constituency in force on the last date of nomination, as is relatable to a General Council Constituency, as defined in clause (b) of section 2, shall be the electoral roll for that General Council Constituency.
- (2) Persons, whose names are included in the electoral roll as aforesaid in sub-section (1) above, shall be the electorate for the election of members of the General Council.”
- Amendment of section 52
12. In the principal Act, in section 52, in the third line, the words “and the Village Council” appearing in between the words, “General Council” and “shall” shall be deleted.
- Amendment of section 53
13. In the principal Act, in section 53, in the marginal heading, the word “Village Council or” and in the first line, the words “either to the Village Council or” appearing in between the words “member” and the “General Council” shall be deleted.
- Amendment of section 54
14. 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 sub-section (1), in clause (e), in the third line, the words “Village Council” appearing in between the words, “behalf of ” and “General Council” shall be deleted.
- (iv) in sub-section (1), in clause (h), in the proviso, in the second line, 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
15. In the principal Act, in section 57, in the first line, the words “Village Council and” appearing in between the words “elected to” and “and” and in the third line, the words “the Village Council” appearing in between the words “the” and “and” shall be deleted.
- Amendment of section 58
16. 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 Parliament or the State Legislature, as the case may be.”

Amendment of section 59

17. In the principal Act, in section 59,
- (i) in sub-section (1), the proviso shall be substituted by the following, namely:-

“Provided that no person below the rank of District Judge , within the meaning of Article 236 of the Constitution, in case of member of the General Council shall be appointed for the purpose.”
  - (ii) in sub-section (2), for clause (a), the following shall be substituted, namely:-

“(a) that on the date of his election the returned candidate was not qualified or was disqualified to be chosen to fill the seat in the General Council.”

Amendment of section 60

18. In the principal Act, in section 60, in the third line, the words, “to the Village Council and” appearing in between the words, “election” and “to the” shall be deleted.

Amendment of section 61

19. 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 General Council Fund 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-heads within the state budget to be held for the purpose of the Act and all money realized or realizable under this Act and all money otherwise received by the General Council shall be credited to this fund.”
  - (iv) sub-section (3) to sub-section (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” appearing in between the words “ Council” and “shall” shall be deleted.

Amendment of section 62

20. In the principal Act, in section 62, in the sixth, seventh and tenth line, the words “and the Village Councils” shall be deleted.

Amendment of section 63

21. 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 concerned, as the case may be, for reconsideration on the observations of the Government, if any. The General Council concerned shall thereupon resubmit the budget along with its comments on the observations and if the approval of the Government upon such submission or resubmission as the case may be, is not received by the budget shall be deemed to have been approved by the Government.”

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

“(3) No expenditure shall be incurred unless the budget of the General Council is either approved or deemed to have been approved by the Government.”

- Amendment of section 64 22. In the principal Act, in section 64, in the second line, the words “or the Village Councils” appearing in between the words “Executive Council” and “as the case” shall be deleted.
- Amendment of section 67 23. In the principal Act, in section 67, sub-sections (2) and (3) shall be deleted.
- Amendment of section 68 24. In the principal Act, in section 68,  
(i) in the marginal heading for the words and punctuation mark, “Dissolution of General Council, Executive Councils and Village Council” ,the words “Dissolution of General Council and Executive Council” shall be substituted.  
(ii) in sub-section (1), in the seventh line, the words, “and the Village Council” appearing in between the words “Executive Council” and “before” shall be deleted.
- Amendment of section 69 25. 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 first line, for the words, and punctuation mark, “, Executive Council and the Village Council”, the words “and the Executive Council” shall be substituted.
- Amendment of section 72 26. In the principal Act, for section 72, the following shall be substituted, namely:-  
“72. The Chief Executive Councilor, Deputy Chief Executive Councilor, the Executive Councilor 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.”
- Amendment of section 73 27. In the principal Act in section 73, in the first line, the words “or the Village Council” appearing in between the words, “Council” and “as the case” shall be deleted.
- Amendment of section 74 28. 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 member” shall be deleted.
- Amendment of section 80 29. In the principal Act, in section 80, in the fourth 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.

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

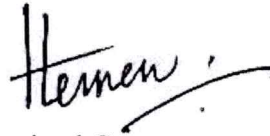
**STATEMENT OF OBJECTS AND REASONS**

The bill proposes to Amendment of the Mising 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

**FINANCIAL MEMORANDUM**

The bill proposes for Amendment of the Mising 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.



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