CHAPTER-2

LOCAL SELF GOVERNMENT IN ASSAM: A PROFILE

Present chapter gives a brief profile of the Local Self Government in Assam. This chapter has four sections. First section deals with the profile of Panchayati Raj System in Assam. Second section deals with the profile of Municipal System in Assam. Third section deals with the profile of administrative system in Assam under the Sixth Schedule of the Constitution. And finally, the fourth section deals with the profile of administrative system (Autonomous Council) under the State Legislation in Assam.

SECTION-I

PANCHAYATI RAJ SYSTEM IN ASSAM

Evolution of Panchayati Raj System in Assam: - Assam has experimented with Panchayati Raj right from the dawn of the Independence. After independence Assam has seen five Panchayats Acts. These are: (1) Assam Rural Panchayat Act, 1948, (2) Assam Panchayati Raj Act, 1959, (3) Assam Panchayati Raj Act, 1972, (4) Assam Panchayati Raj Act, 1986 and finally, (5) Assam Panchayat Act, 1994. Presently, the Panchayat Raj System in Assam is working in accordance with the Assam Panchayat Act, 1994. 72

Assam Rural Panchayat Act, 1948:- In Assam the first Panchayati Raj legislation was the Assam Rural Panchayat Act, 1948. Under this system there were two tiers of Panchayats – Primary Panchayats at village level and Rural Panchayats at Mouza (Circle) level. This Act was passed to establish and develop Local Self Government in the rural areas of the Assam and to make better provision for rural administration, reconstruction and development. 73 The Act provided for the division of rural Assam into several Rural Panchayat areas. Each Rural Panchayat consisted of a number of villages. Each village, again, had a

Primary Panchayat. All adult persons in the Primary Panchayat area had the right to vote. The President, the Vice-President and the members of the Primary Panchayats have to be elected for a term of three years by adult suffrage. Every Primary Panchayat has to elect one representative to the Rural Panchayat. The President and the Vice-President of the rural Panchayat have to be elected by the members for a term of three years. The Act empowered the Primary Panchayat to set up an executive authority. Accordingly, each Primary Panchayat had an executive body comprising minimum of 9 and maximum of 15 members including the President and the Vice-President of the Primary Panchayat. A Rural Development Officer under the Deputy Commissioner of the District looked after the functioning of these Panchayats both at village level and also at Mouza level.⁷⁴

**Assam Panchayati Raj Act, 1959**: The Panchayat Act of 1948 could not function properly for several reasons. Firstly, all the Rural Panchayats and the Primary Panchayats were not established in the village areas. Secondly, the paucity of fund was also a vital point in this respect. Thirdly, the local boards existed at that time were also allowed to function in the rural areas, which was not in conformity with the Assam Rural Panchayat Act. As the Rural Panchayat Institutions established in accordance with the Assam Rural Panchayat Act, 1948 could not function properly and hence the Government of Assam appointed a Panchayat Enquiry Committee in July, 1953 with Hitendra Chandra Chakraborty as its chairman to examine the working of the Panchayats and to make recommendations. In the meantime, the Community Development Programme was launched nationwide to accelerate the process of rural development. This was supported by the introduction of National Extension Service later on. In 1957, the Planning Commission appointed a study team under the Chairmanship of Shri Balwant Rai Mehta to review the working of the Community Development Programme. The Mehta Committee recommended at three-tier system of Panchayats. Keeping in mind the recommendations of the Enquiry

Committee of Assam, the Balwant Rai Mehta Committee report and after having a prolong discussion, the Assam Panchayat Act, 1959 was passed. This Act provided for three tier system i.e., Gaon Panchayat at the village level, Anchalik Panchayat at the block level and Mahkuma Parishad at the sub-divisional level. The Gaon Panchayat consisted of not more than eleven and not less than nine members directly elected on the basis of adult suffrage. The Anchalik Panchayat consisted of the representatives of the Gaon Panchayats, the members of Parliament (MP) and members of State Legislature (MLA), the representatives of Cooperative Societies within the area of Anchalik Panchayat. The BDO acted as the Secretary of Anchalik Panchayat. The Mahkuma Parishad consisted of Presidents of Anchalik Panchayats, the MPs, MLAs, the DC and the SDO within the area of Mahkuma Parishad.  

**Assam Panchayati Raj Act, 1972:-** The Assam Panchayati Raj Act, 1959 was further amended as it did not work successfully. The Assam Panchayat Act, 1959 was replaced by the Assam Panchayati Raj Act, 1972. Under the Act of 1972, the Government of Assam wanted to abolish the intermediate level and centralized more and more power at the Sub Divisional level. Accordingly, a two tiers Panchayat system having Mahkuma Parishad at the Sub Divisional level and the Gaon Panchayat at the lower level was introduced. A salient feature of the Act was the extension of Panchayati Raj System to tea garden areas. The Gaon Panchayat had 15 elected members with the President directly elected. Vice-President of Gaon Panchayat was elected from amongst the members of the Gaon Panchayat. The electorates of Gaon Panchayat area elected one councillor to the Mahkuma Parishad. The directly elected councillors constituted the Mahkuma Parishad. The Chief Executive Councillor, who was the head of the Mahkuma Parishad, was elected from amongst the councillors. The Deputy Chief Executive Councillor of the Mahkuma Parishad was also elected from amongst the councillors. The Chief Executive Councillor was assisted by an Executive

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75 Rao V Venkata and Hazarika Niru, “Local Self-Government in India”, S. Chand and Co- Ltd, Ram Nagar, New Delhi, pp 69-75
76 http://sirdassam.in/PDF/Panchayati_Raj/Book_Publication/Strengthening_Panchayati_Raj_Institution
Committee. Provision for representation of SC and ST people including women at both the levels was also there. The Anchalik Panchayats which existed earlier were abolished and instead of those, Block Advisory Committee with the GP Presidents and the councillors of the block area as the members were formed. In fact, the Act of 1972 brought about changes more or less akin to the recommendations of the Ashok Mehta Committee (1978).\textsuperscript{77}

\textbf{Assam Panchayati Raj Act, 1986:-} The provisions of Assam Panchayati Raj Act, 1972 have been found inadequate to provide sound infrastructure relating to rural development and reconstruction. The Act (1972) provided for Mahkuma Parishad at the sub-divisional level and Gaon Panchayat at the village level and virtually, all the powers were vested in the Mahkuma Parishad. Gaon Panchayats were practically not involved in any of the rural development activities. It has been considered necessary to bring the institution of Anchalik Panchayat in the Panchayati Raj system through a three-tier system of Mahkuma Parishad, Anchalik Panchayat and Gaon Panchayat. As a result, the Panchayati Raj Act of 1986 was introduced in order to bring about democratic decentralisation of power for the development of rural areas.\textsuperscript{78} This Act re-introduced the three tier local self-government in the rural areas of Assam with the Gaon Panchayat at the village level, Anchalik Panchayat at the Block level and Mahkuma Parishad at the sub-divisional level in place of two tier system of Gaon Panchayat and Mahkuma Parishad. In the new Act, Mahkuma Parishad assumed a supervisory role. This Act was passed in order to consolidate the laws relating to the Assam Panchayat Act of 1972 and to enable the rural self governing institutions to function more effectively. The Act, 1986 was introduced in order to bring about democratic decentralization of powers for the development of rural areas. The Assam Panchayati Raj Act, 1986 came into force on Nov 2, 1991.\textsuperscript{79}

\textbf{Assam Panchayat Act, 1994:} The Government of India passed the 73\textsuperscript{rd} Constitutional Amendment Act, 1992 to remove the shortcomings of Panchayati

\textsuperscript{78} Ibid, pp124-125
Raj system in India. This amendment of the constitution sought to give some uniformity to Panchayati Raj Institutions throughout India by providing guidelines and directives. Following this development, Assam Panchayat Act, 1994 was passed with features in conformity with the new provisions of the Indian constitution with regard to Panchayati Raj. Keeping with the provisions of the 73rd Amendment Act, the Assam Panchayat Act, 1994 was enacted and it replaced the Assam Panchayati Raj Act, 1986. The Assam Panchayat Act, 1994 came into force on 5th May, 1994. This Act has retained the three tier system of Panchayati Raj Institutions These institutions are Gaon Panchayat at the village level, the Anchalik Panchayat at the Block level and the Zilla Parishad at the District level. The Act extends over the rural areas of Assam, except the autonomous district under the 6th Schedule of the Constitution of India and area under Autonomous Councils established under State Legislation. It also excluded any area which is included in a Municipality or a Town Committee or a Cantonment or a Municipal Corporation.  

Features of Assam Panchayat Act, 1994:

1. The Assam Panchayati Raj Act, 1994 was passed under the 73rd Constitutional Amendment Act. Thus, the Panchayats under this Act get constitutional status.

2. This Act has abolished Mahkuma Parishad. In place of Mahkuma Parishad, provision has been made for the creation of Zilla Parishad in each District of Assam.

3. Provision for Gaon Sabha is introduced. Gaon Sabha is a democratic device through which people may take part in the development of villages directly.

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4. The Act provided for the constitution of a District Planning Committee to draw up the district plan.\(^{81}\)

5. Provisions for the welfare of SCs and STs are also included.

6. The term of office of every Gaon Panchayat has been fixed as 5 years.

7. It has made provision for reservation of 1/3 seats in the Panchayats for women.

8. Provision for a Finance Commission has been made to advise the government for distribution of money among the Panchayat.

9. The Act has taken steps to make the Panchayats financially strong and independent.

10. In order to conduct free and fair Panchayat elections provision has been made to establish a State Election Commission.\(^{82}\)

The Assam Panchayat Act of 1994 is still in force in Assam. The main provisions of the Act are briefly discussed below.

**Gaon Sabha**

It is a democratic device through which people may take part in the development of villages directly. *Gaon Sabha* is an important device to control, supervise and guide the Panchayat. Gaon Sabha consists of persons registered in electoral rolls relating to a village or a group of villages comprised within the area of the Gaon Panchayat. The Gaon Sabha meets from time to time but a period of three months should not intervene between any two meetings. Every meeting of Gaon Sabha is presided over by the President of concerned Panchayat or in his/ her absence by the Vice-President or any person to be selected by the majority of the Gaon Sabha members from the meeting. Gaon Sabha performs the functions relating to mobilization of voluntary labour and contribution in kind and cash for the community welfare programmes, identification of beneficiaries for the

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implementation of development schemes pertaining to the villages, and rendering all kinds of assistance in the implementation of development schemes pertaining to villages and rendering services in the villages. Gaon Sabha considers the matters like the report in respect of development programme of the Gaon Panchayat relating to the preceding year and development programme proposed to be undertaken during the current year, the promotion of unity and harmony among all sections of society in the village and such other matters as may be prescribed and finally may make recommendations and suggestions to the Gaon Panchayats.  

Gaon Panchayat

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 or other such administrative unit or part thereof to be a Gaon Panchayat with population of its territory not less than six thousand and not more than ten thousand. Gaon Panchayat consists of ten members directly elected by the voters from each territorial constituency of Gaon Panchayat for a period of five years. The state government divides the area of the Gaon Panchayat into ten territorial constituencies with allotment of one seat for each constituency. The President of Gaon Panchayat is elected directly by the voters of all territorial constituencies of the Gaon Panchayat. In every Gaon Panchayat 1/3 seats is reserved for women. Seats are also reserved for scheduled caste and scheduled tribes in every Gaon Panchayat on the basis of their population in the Gaon Panchayat area.

Standing Committees of Gaon Panchayats

There are provisions of three Standing Committees in each Gaon Panchayat. In each Committee there are three or four members including President and Vice President elected from amongst the elected members of the Panchayat. The Standing Committees perform the functions relating to the development of the rural areas and its people to the extent powers are delegated from the Gaon

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83 Ibid, pp10-12
84 Ibid, pp12-15
Panchayat. The President of the Gaon Panchayat is the ex-officio member and Chairman of all the three Committees. These Standing Committees are:-

1. The Development Committee: The Development Committee performs the functions relating to agricultural production, animal husbandry, rural industries, and poverty alleviation programmes.
2. The Social Justice Committee: The functions of the Social Justice Committee are related to promotion of educational, economic, social, cultural, and other interests of scheduled caste and scheduled tribes and backward classes, protection of such castes and classes from social injustice and any form of exploitations and welfare of women and children.
3. The Social Welfare Committee: Finally, the Social Welfare Committee performs the functions in respect of education, public health, public works and other functions of the Gaon Panchayat.  

Powers and Functions of Gaon Panchayat

Gaon Panchayat is entrusted with all powers and functions which are necessary for the social and economic welfare of the rural areas. A Gaon Panchayat have powers to do all acts necessary for carrying out the functions entrusted, assigned or delegated to it. Every Gaon Panchayat performs certain general functions. These are:-

1. Preparation of Annual Plans for the development of the Gaon Panchayat area.
2. Preparation of Annual Budget of Gaon Panchayat
4. Removal of encroachments on public properties.
5. Organizing voluntary labours and contribution for community works.

85 Ibid, pp 28-29
In addition to the above mentioned General Functions, the Gaon Panchayat has different functions to perform in accordance with the Assam Panchayat Act, 1994. These functions are- functions relating to Agriculture, Animal Husbandry, Dairy Development, Poultry, Fisheries, Social and Farm Forestry, Village and Cottage industries, Rural Housing, Drinking Water, Road, Buildings, Culverts, Bridges, Ferries, Waterways and other means of Communication, Rural Electrification, Poverty Alleviation Programme, Education, Cultural Activities, Market, Rural Sanitation, Public Health and Family Welfare, Women and Child Development, Social Welfare, Welfare of the Weaker Section and in particular the Scheduled Castes and Scheduled Tribes, Public Distribution System, Community Assets, Construction and Maintenance of Dharmasalas, Construction and Maintenance of Cattle Sheds, Public Parks and Play Grounds, Construction and maintenance of Slaughter House, Maintenance and regulation of Manure. Gaon Panchayat also performs such other functions as may be entrusted from time to time by order of the Government in the department of Panchayat and Rural Development.\footnote{Ibid, pp 22-28}

Anchalik Panchayat

The Government of Assam determines the administrative area of an Anchalik Panchayat excluding such portions of the Block as are included in a Town Committee and as are included in a Municipality or under the Municipal Corporation. Anchalik Panchayat consists of one member from each Gaon Panchayat to be directly elected from the territorial constituencies of the Gaon Panchayat. The President of the Gaon Panchayat falling within the jurisdiction of the Anchalik Panchayat and finally the members of the House of the People and the Legislative Assembly of the State representing constituencies under the Anchalik Panchayat area are wholly or partly the members of the Anchalik Panchayat having right of voting in the meetings of Anchalik Panchayat. Seats are reserved for Scheduled Castes, Scheduled Tribes. 33% seats of Anchalik Panchayat are reserved for women. The President and Vice-President are elected by the elected members of the Anchalik Panchayat from amongst the members.

\footnote{Ibid, pp 22-28}
The Anchalik Panchayat has powers to do all acts necessary for the carrying out of the function entrusted or delegated to it. The Anchalik Panchayat may exercise some additional powers like power to raise loans, power to issue instructions to the Gaon Panchayat within its jurisdiction, power to impose certain additional taxes and charges in addition to existing rates. The functions which are exercised by three Standing Committees of Anchalik Panchayat are the functions of the Anchalik Panchayat.87

**Standing Committees of Anchalik Panchayat:** There are three Standing Committees in Anchalik Panchayat. Each Standing Committee consists of such number of members but not exceeding six including the Chairman, as may be specified by the Anchalik Panchayat, and chosen by the Anchalik Panchayat from amongst its members. The President of Anchalik Panchayat is the Chairman of General Standing Committee and Finance, Audit and Planning Committee. The Vice-President of Anchalik Panchayat is the chairman of Social Justice Committee. The Standing Committees perform the functions relating to the development of the rural areas and its people to the extent powers are delegated from the Anchalik Panchayat. These Standing Committees are:-

1. **General Standing Committee-** The functions of the General Standing Committee are related to establishment matters, communication, building, water supply, rural housing, relief against natural calamities and all miscellaneous residuary matters.

2. **Finance, Audit and Planning Committee-The Finance, Audit and Planning Committee performs the functions relating to the finance of the Anchalik Panchayat, framing of budget, scrutinizing proposals for increase of revenue, examination of receipts and expenditure statement, consideration of all proposals affecting the finance of the Anchalik Panchayat and general supervision of the revenue and expenditure of the Anchalik Panchayat, planning and consolidating the Anchalik Panchayat plans, small saving schemes and any other functions relating to the development of Anchalik Panchayat areas

87 Ibid, pp 35-56
3. Social Justice Committee- The Social Justice Committee performs the functions related to the promotion of educational, economic, social, cultural and other interests of the Scheduled Castes, Scheduled Tribes and Backward Classes, protecting them from social injustices and all forms of exploitation and securing social Justice to the Scheduled Castes, Scheduled Tribes, women and other weaker sections of the society.\(^{88}\)

**Functions of Anchalik Panchayat**

Anchalik Panchayat has the same powers and functions as enjoyed by the Gaon Panchayat which has been discussed earlier. Every Anchalik Panchayat performs certain General Functions. These are:-

1. Preparation of Annual plan in respect of the schemes entrusted to it by virtue of the Act and those assigned to it by the Government or the Zilla Parishad and submission thereof to the Zilla Parishad within the prescribed time for integration with the District Plan;
2. Consideration and consolidation of the Annual plans of all Gaon Panchayats under the Anchalik Panchayats and submission of consolidated plan to the Zilla Parishad;
3. Preparation of Annual budget of the Anchalik Panchayat and submission to Zilla Parishad for approval within the prescribed time.
4. Performing such functions and executing such works as may be entrusted to it by Government or the Zilla Parishad;
5. To assist the Government in relief operation in natural calamities.
6. Such other development works as may be entrusted.\(^{89}\)

In addition to the above mentioned General Functions, the Anchalik Panchayat has different functions to perform in accordance with the Assam Panchayat Act, 1994. These functions are- functions relating to Agriculture, Land Improvement and Soil Conservation, Minor Irrigation, Water Management, Watershed Development, Poverty Alleviation Programme, Animal Husbandry, Dairying and

\(^{88}\) Ibid, pp49-51 
\(^{89}\) Ibid, pp45-49

Anchalik Panchayat performs such other functions that may be entrusted by the Government or Zilla Parishad from time to time.\(^\text{90}\)

**Zilla Parishad:**

At the apex of the Panchayat structure is the Zilla Parishad. The powers and functions of Zilla Parishad includes matters related to the administration, reconstruction and all round development of the rural areas of the district. It is the co-coordinating supervisory body for implementation of plan and programmes as manifested by each Gaon Panchayat of the district. In every District there is a Zilla Parishad having jurisdiction, over the entire district excluding such portions of the district as are included in a Municipality or a Municipal Corporation, as the case may be, or under the authority of Town Committee or Cantonment area or any notified area contrary to it under any law for the time being in force. It consists of the elected members from the territorial constituencies of the district on the guidelines of one member for not less than thirty thousand rural people including the members of Parliament and the MLAs of the District. The Presidents of the Anchalik Panchayats are also the members of the Zilla Parishad. Seats are also reserved for the SCs, STs and Women. If women from SC, ST category and women from general category are not represented in the Zilla Parishad the Government may nominate one member from each community. Directly elected members of the Zilla Parishad in its first meeting, convened by the Deputy Commissioner, elects from amongst the member one as President and another one as Vice-President of Zilla Parishad. The Zilla Parishad have powers

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\(^{90}\)Ibid, pp45-49
to do all acts necessary for carrying out of the functions entrusted or delegated to it under this Act. 91

**Standing Committees of Zilla Parishad**

Zilla Parishad has four Standing Committees. A Standing Committee consists of not more than five members including the Chairman. They are elected by the members of the Zilla Parishad from amongst its members for one year. The President of the Zilla Parishad is the Chairman of the General standing Committee and the Finance and Audit Committee. Social Justice Committee and Planning and Development Committee elect the Chairman from among the members. These Standing Committees are:-

1. **General Standing Committee:** The General Standing Committee performs the functions relating to establishment matters and functions relating to communications, buildings, rural housing, village extensions, relief against natural calamities and rural development programme of Government of India.

2. **Finance and Audit Committee:** The Finance and Audit Committee performs the functions relating to the finance of the Zilla Parishad, framing of budgets, and general supervision of the revenue and expenditure of the Zilla Parishad etc.

3. **Social Justice Committee:** The Social Justice committee performs the functions relating to the promotion of educational, social, economic, cultural and other interests of the Scheduled Castes, Scheduled Tribes and Backward classes, protecting them from social injustices and all forms of exploitation and securing social justice to the SCs, STs, women and other weaker sections of the society.

4. **Planning and Development Committee:** The Planning and Development Committee performs the functions related to education, health service, hospitals, water supply, family welfare, industrial development, village and cottage industries, agriculture production and etc within the District. 92

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91 Ibid, pp57-66
92 Ibid, pp66-69
Powers and Functions of Zilla Parishad

It is the function of a Zilla Parishad to prepare plans for economic development and social justice of the District. It is also the function of a Zilla Parishad to ensure the coordinated implementation of various plans relating to Agriculture, Irrigation, Ground water resources and Watershed development, Horticulture, Rural Electrification, Soil Conservation, Social Forestry, Animal Husbandry and Dairying, Minor Forest Produce, Fisheries, Household and Small Scale Industries, Rural roads and Inland Waterways, Health and Hygiene, Rural Housing, Education, Social Welfare and Welfare of Weaker Sections, Poverty Alleviation Programme and Social Reforms Activities.

The Zilla Parishad may be vested by the State Government with such powers under any Act as the Government may deem fit. Zilla Parishad of two or more adjacent districts may jointly undertake and execute any development schemes on such terms and conditions as may be mutually agreed upon.\textsuperscript{93}

District Planning Committee

In every district a District Planning Committee has to be constituted to consolidate the plans prepared by Zilla Parishad, Anchalik Panchayats, Gaon Panchayats, Town Committees, Municipal Boards and Municipal Corporations and to prepare a draft development plan for the district as a whole. The District Planning Committee consists of the members of the Lok Sabha who represent the whole or part of the district, the members of the Assam Legislative Assembly whose major part of the constituencies fall within the district, the President of the Zilla Parishad, the Mayor or the Chairpersons of the Municipal Corporation/Municipal Board/Town Committee as the case may be, such number of persons not less than “four /fifth” of the total number of members as may be specified by the Government elected from amongst the members of the Zilla Parishad, Municipal Corporation or the Municipal Board and Town Committees in the districts on rotation annually. The Deputy Commissioner is permanent invitee of the Committee as an Ex-Officio Member. The Chief Executive Officer

\textsuperscript{93} Ibid, pp69-76
of the Zilla Parishad is the Ex-officio Secretary of the Committee. The President of the Zilla Parishad is the Ex-officio Chairman of the District Planning Committee.\textsuperscript{94}

**Finance Commission**

The State Government may constitute a Finance Commission to review the financial position of the Panchayat Bodies. The Finance Commission consists of a Chairman and two other members to be appointed by the Governor. In order to perform its functions the Commission may call for any record from any officer or authority, may summon any person to give evidence or to produce records and may exercise such other powers as may be prescribed for the performance of its functions. Finance Commission may make recommendations to the Governor relating to following matters.

1. The distribution between the State and the Panchayats the net proceeds of the taxes, duties, tolls and fees levied by the State which may be divided between them and allocation between Panchayats at all levels of their respective share of such proceeds;

2. The determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Panchayats;

3. The grants-in-aid to the Panchayats from the consolidated fund of the state.

4. The measures needed to improve the financial position of the Zilla Parishad, Anchalik Panchayats and Gaon Panchayats.\textsuperscript{95}

**State Panchayat Election Commission**

There is a State Election Commission to prepare electoral roll, supervise, direct, control, and to conduct all elections to the Panchayats. State Election Commission consists of a State Election Commissioner to be appointed by the Governor. The conditions of service and tenure of office of the State Panchayat

\textsuperscript{94} Ghosh B K, "The Assam Panchayat Act with Rules", Assam Law House, Guwahati, 2007, pp8-10

\textsuperscript{95} Ibid, pp93-95
Election Commissioner are to be such as the Governor may, by rule determine. The Government when so requested by the State Election Commissioner makes available staff as may be necessary to the State Election Commission for the discharge of the functions conferred on the State Panchayat Election Commission under the Act. The Returning officers, Assistant Returning Officers, Presiding Officers, Polling Officers and any other officer appointed under the Act and any Police Officers designated for the time being by the State Government for the Conduct of the Panchayat election are deemed to be on deputation to the State Election Commission for the period commencing on and from the date of notification calling for Panchayat election and ending with the date of declaration of the results of the election and accordingly such officers during that period subject to the control, superintendence and discipline of the State Election Commission. The State Legislature, subject to the provision of Constitution of India, may make provision with respect to all matters relating to or in connection with election to the Panchayats.

**Present System of Reservation for Women in Panchayati Raj of Assam**

Presently, the Panchayat Raj System in Assam is working in accordance with the Assam Panchayat Act, 1994. The Assam Panchayat Act, 1994 has made provision for 1/3 reservation of seats for women in the Panchayat bodies and in accordance with this provision 2002 and 2008 Panchayat elections provided 33% reservation of seats to women. On 10th Nov, 2012 the Assam Government has brought some modifications in the reservation policy and announced 50% reservation of seats for women in Panchayat bodies. The Government further stated that the Scheduled Caste and Scheduled Tribe women would also enjoy the 50% seat reservation in the Panchayats. Accordingly, in the last Panchayat election (January and February, 2013) there was 50% reservation of seats for women in all Panchayts bodies of Assam.

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96 Ibid, pp94-95
97 [http://pnrdaassam.nic.in](http://pnrdaassam.nic.in)
SECTION-II

MUNICIPAL SYSTEM IN ASSAM

Even after the independence, municipal administration in Assam was carried on in accordance with the Assam Municipal Act, 1923. The Municipal Act of 1923 was in force for 33 years i.e., from 1923 to 1956. In 1956, the Act of 1923 was repealed by the Assam Municipal Act, 1956.

The Assam Municipal Act, 1923 provided that the Chairman, the Vice-Chairman and all the members of Municipal bodies should be elected. The Act provided for the appointment of a number of committees and the delegation of powers to them. Under this Act, Municipal Board had full freedom in regard to the levy of taxes. Powers relating to sanitation, water supply, lighting, drainage and etc were given to Municipal Board.98

The Assam Municipal Act of 1956 is still in force in Assam. Presently, the Municipal administration of urban areas of Assam other than the city of Guwahati and the areas of three Autonomous Councils under the 6th Schedule of the Constitution is carried on in accordance with the Assam Municipal Act, 1956. Guwahati has its own Municipal Act i.e., Guwahati Municipal Corporation Act, 1969 and Municipal administration of Guwahati city is carried on in accordance with this Act. In the areas where Autonomous Councils exist, under the 6th Schedule of the Constitution, there are Municipal Boards and Town Committees, but they are completely under the purview of Autonomous Councils.99

The most important step relating to urban self government was taken by Govt. of India in the form of 74th Constitutional Amendment Act, 1992, which came into force in 1993. In order to incorporate the changes made by the 74th Constitutional Amendment Act, the Government of Assam brought some

modifications in ‘Assam Municipal Act, 1956’ in 1994’. Now in Assam we have three types of Urban Local Bodies i.e., (a) Town Committee, (b) Municipal Board and (c) Municipal Corporation.

**Town Committees**

Town Committee can be constituted in an urban area which has a population of less than 10,000. The State Government may by notification, declare a specified transitional area, a notified area, to be termed as ‘Small Towns’. For each of such notified areas a Town Committee is formed. Town Committee is constituted by the Government in an urban area where it is not possible to create a Municipal Board but such place may require some urban facilities. So, the Assam Municipal Act provides provision for the creation of Town Committees for such areas. At present there are 52 Town Committees in Assam. Town Committee consists of such number of members as may be fixed by the State Government from time to time but generally a Town Committee consists of not more than 10 and not less than 4 members. The State Government may appoint two members from the Scheduled Castes and the Scheduled Tribes to represent these people in the Committee. The State Government may appoint any person, whether a member of the Town Committee or not, to be its Chairman or Vice-Chairman, or may authorize any Town Committee to elect its Chairman or Vice-Chairman or both, and fix the term of office of Member or Chairmen or Vice-Chairman of the town Committee. In every Town Committee seats are reserved for Scheduled Castes and the Scheduled Tribes in proportion of their population in the total population. One-third of seats also are reserved for women in every Town Committee.

**Functions of Town Committee**

Town Committee performs the functions relating to all round development of the town area. It also looks after the overall development of the people of the town area. Town Committee performs functions relating to health, sanitation, sanitation, sanitation, and many other local administrative duties.

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construction, repair and maintenance of road, culvert, drain etc, maternity and child welfare, maintain and establish town halls, children parks, markets, street lighting, supply of electricity, drinking water, health facilities, schools, keeping records of weaker sections of the people and poverty alleviation programmes for them, basic amenities for the residents, registration of birth and deaths and improvement of urban life etc. The Town Committee looks after the overall welfare of the people of the city. It must keep an eye on over all aspects of town life.

The functions of the Town Committees depend upon its financial resources. Its activities may be regulated by the Government. The Government has the right of inspection and supervision over them. A Town Committee may also be dissolved by the Government of Assam.102

Municipal Boards

A Municipal Board can be constituted in an urban area which has a population of more than 10,000. There are Municipal Boards in most of the District and Sub-divisional headquarters of Assam. Presently, Assam has 27 Municipal Boards. A Municipal Board consists of not more than 30 and not less than 10 members. The members of the Board are called Commissioners. The State Government may nominate persons having special knowledge or experience in Municipal Board. The nominated members have the right to attend and speak at all meetings of the Board but have no right to vote. In every Municipality seats are reserved for Scheduled Castes and the Scheduled Tribes in proportion of their population in the total population. One-third of seats are reserved for women. An executive officer looks after the day to day administration of the Municipality.103

Committees of Municipal Board

The Board at a meeting may appoint Committees to assist it in the discharge of any specific duty. It may delegate to any such Committee all or any of its powers.

103 Ibid, pp12-40
or withdraw all, or any of such powers necessary for the purpose of rendering assistance. All questions pertaining to the removal or resignations of Commissioners from Committee are settled by the Board at a meeting. The proceedings of Committee are subject to confirmation by the Board at a meeting.  

Functions of Municipal Board

Municipal Board performs the functions relating to all round development of the municipal area. It also looks after the overall development of the people of the municipal area. Municipal Board performs functions relating to health, sanitation, construction, repair and maintenance of road, culvert, drain etc, maternity and child welfare, maintain and establish town halls, children parks, markets, street lighting, supply of electricity, drinking water, health facilities, schools, keeping records of weaker sections of the people and poverty alleviation programmes for them, basic amenities for the residents, registration of birth and deaths and improvement of urban life etc. The Board looks after the overall welfare of the people of the city. It may also make provisions to supply essential commodity for the benefit of the people. It must keep an eye on over all aspects of city-life.

Guwahati Municipal Corporation


The members of the Corporation are called ‘Councillors’ and they are elected by the people of the city. The term of office of the members is 5 years. The

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105 Ibid, pp47-50
nominated members have the right to attend the meetings but cannot vote.\textsuperscript{107} The Corporation consists of Elected Councillors; subject to a maximum of 60. The State Government may nominate persons having special knowledge or experience in Municipal Administration. MPs and MLAs representing the constituencies which comprise fully or partly the Corporation are the Ex-officio Members. The seats in the Corporation are reserved for Scheduled Castes and the Scheduled Tribes in proportion of their population in the total population. One third Seats are also reserved for women.\textsuperscript{108}

**Standing Committees**

There are five Standing Committees of the Municipal Corporation. Each Standing Committee consists of five members elected by the Corporation from amongst its members other than the Mayor. No Councillors can be a member of more than one Committee. The term of office of a member of the Committee is one year. These Committees are:-

1. Finance Committee.
2. Public Works Committee.
4. Assessment, Markets and Trades Committee.
5. Appeals Committee.\textsuperscript{109}

**Powers and functions of the Guwahati Municipal Corporation**

The Guwahati Municipal Corporation is responsible for the all-round development of the city. It must keep an eye over all aspects of city-life. Guwahati Municipal Corporation has the power to make adequate provisions for the construction, maintenance and cleaning of drains and public latrines, urinals and similar conveniences, registration of birth and deaths, preventing and checking the spread of dangerous and contagious diseases, establishment and

\textsuperscript{107} Paul Kripesh Chandra, “Political Theory and Indian Constitution”, Arun Prakashan, Guwahati, 2001, p-328


maintenance of hospitals, dispensaries and maternity and child welfare. The Corporation is responsible for the supply of safe drinking water, electricity, trade, industry or commerce, run schools, promote public safety, health, convenience or general welfare, urban planning including town planning, planning for economic and social development, slum improvement and upgradation, urban poverty alleviation.\textsuperscript{110} The functions of the Municipal Corporation are related to the welfare of the people. The standard of city-life depends on the efficiency of the Corporation. The Corporation also takes steps for providing recreation to the people by holding exhibitions, sports and games etc. It may also make provisions to supply essential commodities for the benefit of the people.\textsuperscript{111}

\textbf{SECTION-III  \\
ADMINISTRATIVE SYSTEM UNDER THE SIXTH SCHEDULE OF THE CONSTITUTION}

The Constituent Assembly appointed the “North Eastern Frontier (Assam) Tribal and Excluded Areas Committee” to study and suggest measures for the administration of tribal areas and for the protection of tribal interests. The Committee submitted a scheme for tribal administration which was approved by the Constituent Assembly and incorporated in the Sixth Schedule of the Constitution of India. The Sixth Schedule has mentioned a separate administrative arrangement for the hill tribes of Northeast. According to it an administrative area can be created by the Governor for the administration of the hill areas. Such administrative unit is known as District Council (Autonomous Council). District Council is an autonomous body which has the authority to administer the tribal areas. Presently, in Assam there are three District Councils (Autonomous Council) under the Six Schedule of our Constitution. These are (a) Dima Hasao Autonomous Council, 1952 (earlier North Cachar Hills Autonomous Council), (b) The Karbi Anglong Autonomous council, 1952 and (c) Bodoland Territorial Areas District Council, 2003. The administration of the areas under the

\textsuperscript{110} Ibid, pp65-68
\textsuperscript{111} Ibid, pp 64-65
jurisdiction of the Sixth Scheduled in Assam is carried on by these three Autonomous Councils.

The members of the Council are elected by the people of the respective area. The term of office of a member of the District Council is five years. Each District Council has an Executive Council with a Chief Executive Councillor and he is responsible for the administration of the District Council. Apart from this, the District Council has a Secretariat with Chief Secretary and other Secretaries. The District Council acts as the legislature of the areas within its jurisdiction. Councils have the power to make acts, rules, but the Governor must give his assent to these acts and rules. The Governor has the power to suspend any act or resolution of the Council if he is satisfied that it is likely to endanger the safety and security of India. The District Council is an autonomous body which is entrusted with numerous powers and functions viz., legislative, administrative, financial and judicial.

The District Council performs the activities like management of forest not being reserved forest, regulation of Jhum, marriage and divorce, social customs, establishment of village court, trial of intra-tribal suits both civil and criminal, construction and management of primary schools, markets, dispensary, etc. The District Council may establish, construct or manage primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, road and waterways in the district and in particular may prescribe the language and manner in which primary education should be imparted in the primary schools of the district.

No Act of Parliament or of the State Legislature can apply to these areas unless the Governor by public notification so directs. Matters relating to labour and employment, and setting up of industries (excepting those declared by Parliament to the necessary for defense or war or expedient in the public interest) fall usually under the jurisdiction of the District Councils. The concurrence of the District Council is necessary for the purpose of prospecting for, or extraction of minerals, and the royalties thereof will be shared with the District Council. Any dispute

regarding sharing of such royalties shall be referred to the Governor for final decision.¹¹³

SECTION-IV

ADMINISTRATIVE SYSTEM UNDER THE STATE LEGISLATION

There are some Autonomous Councils in Assam which have been created to provide certain autonomy to the plain tribes of Assam outside the 6th schedule of the constitution. In this direction first step was taken by Govt. of Assam in 1993 when Bodoland Autonomous Council was created. From 1993 to 2003 Bodoland Autonomous Council was under the State Government which was upgraded to the Bodoland Territorial Areas District Council in 2003 under the Sixth Schedule of the Constitution.¹¹⁴ Presently, there are Six Autonomous Councils under the State Legislation in Assam. These are Missing Autonomous Council (1995), Rabha Hasong Autonomous Council (1995), Lalung (Tiwa) Autonomous Council (1995), Deori Autonomous Council (2005), Sonowal Kachari Autonomous Council (2005), and Thengal Kachari Autonomous Council (2005).¹¹⁵

The Autonomous Council is composed of a General Council, Executive Council, Village Council and a Chief Executive Councillor. The term of office of General Council is five years. The powers of the Autonomous Council are generally entrusted with the General Council and they are basically exercised by the Executive Council. The Autonomous Council has been given the legislative, executive and limited financial powers. Autonomous Council has power to decide on subjects like cottage industry, education, rural roads, social welfare, fisheries, tourism, transport etc. However, the Autonomous Council is not financially autonomous as it is fully dependent on the state government. Therefore the autonomy through autonomous council is regarded as “Puppet Autonomy”.¹¹⁶

The General Council can prepare its budget in such manner as may be prescribed

for each financial year and submit it to the Government by 1st November of current financial year. The Government may either approve the budget or may return it to the General Council or to the Village Council, as the case may be, for reconsideration on the observations of the government, if any. It cannot generate fund by itself.

This chapter gives a brief profile of the Local Self Government in Assam. Panchayati Raj system extends over the rural areas of Assam, except the autonomous districts constituted under the 6th Schedule of the Constitution of India and area under Autonomous Councils established under State Legislation. Regarding the Urban Self Government, Assam has three types of Local Bodies i.e., (a) Town Committee, (b) Municipal Board and (c) Municipal Corporation. Assam has only one Municipal Corporation i.e., Guwahati Municipal Corporation which is responsible for the Municipal administration of Guwahati city. In the areas where District Councils exist, under the 6th Schedule of the Constitutions, there are Municipal Boards and Town Committees, but they are completely under the purview of District Councils. In Assam there are three District Councils (Autonomous Councils) under the Six Schedule of the Constitution. The administration of the areas under the jurisdiction of the Sixth Schedule is carried on by these three Autonomous Councils. There are six Autonomous Councils in Assam under the State Legislation and these Councils extend over the plain tribes areas of Assam. The unique feature of the local self government in Assam is that it presents a myriad of institutions for Local Self Government, such as: Rural local bodies represented by PRIs, Urban local bodies under Municipal system, Autonomous Councils for the Hill tribes under Sixth Schedule of the Constitution and Autonomous Councils for the Plain tribes.

After presenting a brief profile of the local self government of Assam in this chapter we propose to present the socio-economic profile of the study area and respondents of the study in the next chapter.