Appendix--1

The constitution (Seventy – Third Amendment) Act, 1992

[20th April. 1993]

An Act further to amend the Constitution of India

Be it enacted by parliament in the forty-third year of the Republic of India as follows:

1.1) This act may be called the constitution (Seventy-third Amendment) Act 1992.

1.2) It shall come into force on such date as the central Government may, by notification in the Official Gazette appoint.

2. After part VIII of the Constitution, the following part shall be inserted, namely:

Part-IX

THE PANCHAYATS

243. In this part, unless the context otherwise requires,

a) “District” means a district in a State;

a. “Gram Sabha” means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;

b. “Intermediate level” means a level between the village and district level specified by the Governor of a State by public notification to the intermediate level for the purposes of this part;

c. “Panchayat” means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;

d. “Panchayat area” means the territorial area of a Panchayat;
e. "Population" means the population as ascertained at the last preceding 
census of which the relevant figures have been published;

f. "Village" means a village specified by the Governor by public notification 
to be a village for the purposes of this part and includes a group of villages 
so specified.

243A. A Gram Sabha may exercise such powers and perform such functions 
at the village level as the Legislature of a State may, by law, provide.

243B.1) There shall be constituted in every State, Panchayat at the village, 
intermediate and district level on accordance with the provisions of this 
part.

2) Notwithstanding anything is clause (1), Panchayats at the intermediate 
level may not be constituted in a State having a population not 
exceeding twenty lakhs.

243C.1) Subject to the provisions of this part, the Legislative of a State may, by 
law, make provisions with respect to the composition of Panchayats:

Provided that the ratio between the population of the territorial area of 
a Panchayat at any level and the number of seats in such Panchayat to be filled 
by election shall, so far as practicable, be the same throughout the State.

2) All the seats in a Panchayat shall be filled by persons chosen by direct 
election from territorial constituencies in the Panchayat area and; for 
this purpose, each Panchayat area shall be divided into territorial 
constituencies in such manner that the ration between the population of 
each constituency and the number of seats allotted to it shall, so far as 
practicable, be the same throughout the Panchayat area.

3) The Legislature of a State may, by law, provide for the representation:
a) Of the Chairperson of the Panchayat at village level, in the Panchayats at the intermediate level or in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level.

b) Of the Chairperson of the Panchayat at the intermediate level, in the Panchayats at the district level.

c) Of the members of the House of the people and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;

d) Of the members of the Council of State and the members of the Legislative Council of the State, where they are registered as electors within-
   i. A Panchayat area at the intermediate level in Panchayat in the intermediate level;
   ii. Panchayat area in the district level, in Panchayat at the district level.

4) The Chairperson of a Panchayat and other Members a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of a Panchayat.

5) The Chairperson of
   a) A Panchayat in the village level shall be elected in such manner as the Legislative of a State may, by law, provide, and

   b) A Panchayat in the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

243D.1) Seats shall be reserved for-
a) The Scheduled Caste; and

b) The Scheduled Tribes, in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Caste in that Panchayat area or of the Scheduled Tribes in that Panchayat bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Caste and Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

4) The offices of the Chairperson in the Panchayat at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of officers of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bear to the total population of the State:
Provided further that not less than one-third of the total numbers of offices of Chairperson in the Panchayats at each level shall be reserved for women.

Provided also that the number of offices reserved under this clause shall be allotted by rotation to a different Panchayat at each level.

5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairperson (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

6) Nothing in this part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

243E. 1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

2) No amendment of any low for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in cause (1).

3) An election to constitute a Panchayat shall be completed-
   a) Before the expiry of its duration specified in clause (1).
   b) Before the expiration of a period of six months from the date of its dissolution.

   Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not
be necessary to hold any election under this clause for continuing the Panchayat for such period.

4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.

243F. 1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat-

   a) If he is so disqualified by or under any for the time being in force for the purposes of elections to Legislative of the State concerned. Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one year.

   b) If he is so disqualified by or under any law made by the Legislative of the State.

2) If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in clause (1) the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provided.

243G. Subject to the provision of this constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect.

   a) The preparation of plans for economic development and social justice;
b) The implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

243H. The Legislature of a State may, by law –

a) Authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits.

b) Assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purpose and subject to such condition and limits.

c) Provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and

d) Provide for constitution of such Funds for crediting all money received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom, as may be specified in the law.

343-1.1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendation to Governor as to –

a) The principles which should govern –

i. The distribution between the State and the Panchayats of the next proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds.
ii. The determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats;

iii. The grants-in-aid to the Panchayats from the Consolidated Fund of the State.

b) The measures need to improve the financial position of the Panchayat;

c) Any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.

2) The Legislature of the State may, by law, provide for the composition of the Commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.

3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them.

4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243 J. The Legislature of the State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

243 K.1) The Superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.
2) Subject to the provisions of any law made by the Legislature of a State, the condition of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine, provided the State Election Commissioner shall not be removed from office except in like manner and on the like grounds as a Judge of the High Court and the conditions of service of the state Election Commission shall not be varied to his disadvantage after his appointment.

3) The Governor of State shall, when so requested by the State Election Commission, make available to the State Election Commission such stuff as may be necessary for the discharge of functions conferred on the State Election Commission by clause (1).

4) Subject to the provisions of this constitution, the Legislature of a State may, by Law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayat.

243 L. The Provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly, provided that the President may, by public notification, direct that the provisions of the Part shall apply to any Union territory or Part thereof subject to such exceptions and modifications as he may specify in the notification.

243M.1) Nothing in this Part shall apply to the Scheduled Area referred to in clause (1), and the Tribal Areas referred to in clause (2), of article 244.

2) Nothing in this Part shall apply to –
a) The State of Nagaland, Meghalaya and Mizoram;

b) The hills in area in the State of Manipur for which district Councils exists under any law for the time being in force.

3) Nothing in this Part –

a) Relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;

b) Shall be construed to affect the functions and powers to the Darjeeling Gorkha Hill Council constituted under such law.

4) Notwithstanding anything in this constitution, -

a) The Legislature of a State referred to in sub-clause (a) of clause (2) may, by law, extend this Part to that State, except the areas, if any referred to in clause (1), if the Legislative Assembly of that State passes a resolution to the effect by a majority of the total membership of the House and by a majority of not less than two-third of the members of that House present and voting;

b) Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the Tribal Areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purpose of article 368.

243 N. Notwithstanding anything of this part, any provision of any law relating to Panchayats in force in the State immediately before the commandment of the Constitution (Seventy-third Amendment) Act, 1992. Which is in constants with the provisions of this part shall
continue to be in force until amended or repealed by a competent Legislature or other competent authority of until the expiration of one year from such commandment, whichever is earlier; provided that all the Panchayats existing immediately before such commandment shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or in the case of a State having a Legislative Council, by each House of the Legislature of the State.

243 O. Notwithstanding anything in this Constitution,

a) The validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies made or purporting to be made under article 243K, shall not be called in question in any called;

b) No election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State;

ELEVENTH SCHEDULE
(ARICLE 243G)

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. ‘Animal husbandry,’ dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produced.
8. Small scale industries, including food processing industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, Culverts Bridge, Ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy source.
17. Allocation, including primary and secondary school.
18. Technical training and vocational education.
19. Adult and non-formal education.
21. Cultural activities.
22. Market and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sanctions, and in the particular, of the Scheduled Caste and Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets.

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APPENDIX –II

GOVERNMENT OF ASSAM
The Assam Panchayat Act, 1994
Assam Act No. XVIII of 1994

(Received the assent of the Governor on 5th May, 1994)

LEGISLATIVE DEPARTMENT
LEGISLATIVE BRANCH: DISPUR

Published in an Extra-ordinary issue of Assam Gazette No. 49,
Dated 6th May 1994 (Page No. 593 to 688)

GOVERNMENT OF ASSAM
ORDER BY THE GOVERNOR
LEGISLATIVE DEPARTMENT: LEGISLATIVE BRANCH

NOTIFICATION
The 6th May, 1994

No. LGL. 17/94/509 – The following Act of the Assam Legislative Assembly
which received the assent of the Governor is published for general information.
ASSAM ACT NO XVIII OF 1994
(Received the assent of the Governor on 5th May, 1994)
THE ASSAM PANCHAYAT BILL 1994
AN
ACT
To amend and consolidate laws relating to Panchayats in Assam.

Preamble
Whereas it is expedient to amend and consolidate laws relating to Panchayats in Assam.

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

Short title
1. (i) This Act may be called the Assam Panchayat Act, 1994

Extent and Commencement
(ii) It shall extend to the whole of Assam in the rural areas except the Autonomous Districts under the Sixth Schedule of the Constitution of India and shall exclude any area which has been or hereinafter may be included in a Municipality or a Town Committee or a Cantonment constituted under the Assam Municipal Act, 1956 and the Cantonment Act, 1924 respectively or by any other Act.

(iii) It shall come into force at once.

Definition
2. In this Act, unless there is anything repugnant in the subject or context:-

(1) “Gaon Sabha” means a body consisting of persons registered in the electoral roll relating to a village comprised within the area of “Gaon Panchayat”.

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(2) "Gaon Panchayat" means a Gaon Panchayat established under this Act;

(3) "Anchalik Panchayat" means an Anchalik panchayat established under this Act;

(4) "Zilla Parishad" means a Zilla Parishad established under this Act;

(5) "Local Authority" including Gaon sabha, Gaon Panchayat Anchalik Panchayat, Zilla Parishad, Municipal Corporation, Municipal Board and Town Committees;

(6) "Notification" means a notification published in the official Gazette;

(7) "Panchyati Raj Bodies" means the Gaon Panchayat, Anchalik Panchayat and Zilla Parishad;

(8) "Adult" means a person male or female having completed his or her eighteen years of age;

(9) "Village" means any local area, recorded as a village in the revenue record of the District in which it is situated and includes any areas which the State Government may, by general or special order, declare to be a village for the purpose of this Act;

(10) "Co-operative Society" means a society registered or deemed to be registered under the Assam Co-operative Societies Act, 1949, or
under any Central Act regulating the registration of Co-operative societies;

(11) “Member” means a member of a Gaon Panchayat of an Anchalik Panchayat or of a Zilla Parishad;

(12) “Ex-officio Member” means a member who is appointed to be a member by virtue of his office, and for the purpose of Gaon Panchayat or Anchalik Panchayat or Zilla Parishad and may include local Members of Parliament, local Members of Legislative Assembly, State Government Officials, Representative of local Co-operative Societies and representative of local scheduled or non-scheduled banks:

(13) “Co-operated Member” means a person co-opted to be a member of a Gaon Panchayat or Anchalik Panchayat or Zilla Parishad;

(14) “Scheduled Caste” means such caste, race or tribe or part of or group within such caste race of tribe as is deemed to be Scheduled Caste in relation to the State of Assam under Article 341 of the Constitution of India;

(15) “Scheduled Tribe” means such tribe or tribal community as is deemed to be Scheduled Tribe in relation to the state of Assam under Article 342 of the Constitution of India;

(16) “Public-Servant” means a public servant as defined in Section 21 of the Indian Penal Code, 1860;
(17) "Public Property" means any property belonging to Government or any local authority;

(18) "District" means a district in a State;

(19) "Bazar, Haat or Market" means any place within the administrative control of the local authority where persons assemble daily or bi-weekly or periodically for sale or purchase of article for human or animal consumptions or of livestock or of other merchandise;

(20) "Carriage" means any wheeled vehicle with springs or other appliances acting as spring or a kind ordinarily used for conveyance of human being and includes bicycles, tricycles, rickshaws, of all kinds and country boat whether operated with or within engine but does not include motor-vehicle and perambulators;

(21) "Cart" means any cart, wheeled vehicle with or without spring which is not a carriage as defined in sub-section 20;

(22) "Cattle" include such quadrupeds as are included in the cattle Trespass Act, 1981;

(23) The expression "Complaint" and "Offence" shall have the same meaning as in Section 2 of the Code of Criminal Procedure, 1973;

(24) "Bye-Law" means bye-law made and approved under the provision of this Act;
(25) The Expression "Decree Holder" "Judgement" "Debtor" Legal representative" and "Moveable Property" shall have the same meaning as in action 2 of the Code of Civil Procedure, 1988;

(26) (i) “Financial year” means the year commencing on the first day of April every year and ending on the thirty-first day of March next year.

(ii) “Panchayat Year” means the year commencing on the first day of July or on such other date as the State Government may by notification appoint.

(27) “House-hold” means a house or house used by a family for dwelling purpose (house includes building);

(28) “Prescribed” means prescribed by the State Government by rules made under this Act;

(29) “Proceedings” means any proceeding specified under this Act, other than ‘case; ‘action’ or ‘suit;

(30) “Water Course” includes river, stream, channel, tank, well and aqueduct;

(31) “Sur-charge” means an additional change or payment;

(32) “Development Departments” under the provision of this Act shall include such departments as may be notified by the State Government from time to time:
(33) "State Government" means the Government in the Panchayat and Rural Development Department.

(34) "President" means a non-official who is elected as the President of Gaon Panchayat or Anchalik Panchayat or Zilla Parishad;

(35) "Vice-President" means a non-official who is elected as the Vice-President of Gaon Panchayat or Anchalik Panchayat or Zilla Parishad;

(36) "Block Development Officer" means an officer who is notified as such for a development block;

(37) "Chief Executive Officer" means the executive head of the office of Zilla Parishad;

(38) "Executive Officer" means the Block Development Officer, who shall function as Executive Officer of an Anchalik Panchayat, the boundary of which is coterminous with that of the Development Blocks;

(39) "Secretary" means the Secretary of a Gaon Panchayat;

(40) "Deputy Commissioner" means the Deputy Commissioner of a district so notified by the Government. The term Deputy Commissioner shall mean and include an Additional Deputy Commissioner and a Sub- Divisional Officer of an outlying Sub-Division.
CHAPTER- II
CONSTITUTION OF DISTRICT PLANNING
COMMITTEE

Constitution 3.(1) The Government shall constitute in every district of a District Planning Committee to consolidate the plans prepared by Zilla Parishad, Anchalik Panchayats, Goan Panchayats, Town Committees, Municipalities, and Municipal Corporations in the district and to prepare a draft development plan for the district as a whole.

(2) The District Planning Committee shall consist of:
   a) The members of the House of people who represent the Whole or part of the district;

   b) The members of the Assam Legislative Assembly whose major part of the constituencies fall within the District;

   c) The President of the Zilla Parishad;

   d) The Mayor or the Chairperson of the Municipal Corporation/Municipal Board/Town Committee as the case may be having Jurisdiction over the Head quarter of the District.

   e) Such number of persons not less than four fifth of the total number of Members as may be specified by the Government, elected in the prescribed manner from amongst the members of the Zilla Parishad, Councilors of Municipal Corporation or the Municipalities as the case may be, and the members of the Town Committees in the District on rotation annually and in proportion to
the ratio between the population of the rural areas and of the urban areas of the District.

(3) The Deputy Commissioner shall be a permanent invitee of the Committee as an Ex-Officio Member.

(4) The Chief Executive Officer of the Zilla Parishad shall be the Ex-Officio Secretary of the Committee.

(5) The President of the Zilla Parishad shall be Ex-Officio Chairman of the District Planning Committee.

(6) The District Planning Committee shall consolidate the plan prepared by the Zilla Parishad, Anchalik Panchayats and Goan Panchayats, Town Committees, Municipalities and Municipal Corporation in the District and prepare a draft development plan for the District as a whole;

(7) Every District Planning Committee shall in preparing the draft development plan;
(a) Have regard to –
   i) The matter of common interest between Zilla Parishad, Anchalik Panchayats, Goan Panchayats, Municipalities or Municipal Corporation as the case may be, and the Town Committee in the District including Sectoral Planning sharing of water and other physical and natural resources, the integrated development of infrastructures and environmental conservation;

   (ii) The extent and type of available resources whether financial or otherwise;
(iii) Consult such instructions and organizations as the Governor may by order, specify.

(8) The Chairperson of every District Planning Committee shall forward the District plan as recommended by such committee, to the Government for approval within a specified period as may be prescribed by the State Government.

CHAPTER – III
GAON SABHA

Gaon Sabha 4. Subject to the general orders of the Government
(i) the Gaon Sabha shall meet from time to time but a period of three months shall not intervene between any two meetings.
(ii) the Gaon Sabha shall consist of persons registered in electoral rolls relating to a village or a group of villages comprised within the area of the Gaon Panchayat;
(iii) the Gaon Sabha shall consider the following matters and may make recommendations and suggestions to the Gaon Panchayats;
(a) 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;
(b) the promotion of unity and harmony among all sections of society in the villages;
(c) such other matters as may be prescribed.

(d) The Gaon Panchayat shall give due consideration to the recommendations and suggestions of the Gaon Sabha.

(5) Every meeting of the Gaon Sabha may be presided over by the President of the concerned Gaon Panchayat and in his absence by the Vice-President or any person to be selected by the majority of the Gaon Sabha members for that meeting.

(6) The meeting of the Gaon Sabha shall be convened by the Secretary of the Gaon Panchayat with due approval of the President of the Gaon Panchayat and in consultation with the Block Development Officer concerned provided wide publicity is given fifteen days ahead of the date for holding the Gaon Sabha meeting.

(7) If the President fails to approve the convening of the Gaon Sabha, the Secretary of the Gaon Panchayat shall convene the Gaon Sabha in time in consultation with the B.D.O Whenever, Anchalik Panchayat direct for holding such Gaon Sabha for the purpose for selection of beneficiary of Rural Development Programmes, the Secretary of the Gaon Panchayat will convene the meeting within twenty days’ time.

Quorum (8) (i) the quorum for a meeting of the Gaon Sabha shall be one-tenth of the total members or one hundred numbers of voters of the village/villages whichever is less.
(ii) If at the time of appointment for the meeting, a quorum is not present, the presiding authority shall wait for thirty minutes, and if within such period, there is no quorum, the presiding authority shall adjourn the meeting to same day of the following week or any other date or time which shall not be less than twenty four hours and more than seven days. The adjourned meeting shall not require quorum for taking up the business which could not be considered at the meeting so fixed.

(9) Resolution: Any resolution to the matter entrusted to the Gaon Sabha under this Ordinance shall have to be passed by a majority of votes of the members present.

(a) Functions: The Gaon Sabha shall perform the following functions namely: mobilizing voluntary labour and contribution in kind and cash for the Community Welfare Programmes;

(b) identification of beneficiaries for the implementation of development schemes pertaining to the village:

Provided that in case the Gaon Sabha fails to identify the beneficiaries within a reasonable time, the Secretary of the Gaon Panchayat in consultation with the President of the Gaon Panchayat and the Block Development Officer concerned will identify the beneficiaries including the beneficiaries under Integrated Rural Development Programme;

Provided further that if the Secretary fails to convene the Gaon Sabha in time Selection of beneficiaries
for Rural Development Programme, the Block Sabha for such specific purpose:

c) Rendering all kinds of assistance in the implementation of development schemes pertaining to villages and rendering service in the villages.

(10) The President, Vice-President and the members of the Gaon Panchayat/Anchalik Panchayat shall not be entitled to any sitting allowance for attending the Gaon Sabha.

CHAPTER – IX
GENERAL POWERS OF INSTITUTION SUPERVISION AND CONTROL OF STATE GOVERNMENT

General Powers Of Government 112. (1) The Officers as are empowered by the Government in this behalf shall have general powers of inspection, supervision, over the performance of the administrative duties of a Zilla Parishad, Anchalik Panchayat or Gaon Panchayat and without prejudice to the generality of the foregoing powers may:

(a) Enter into and inspect any immovable property in the occupation or control or any work in progress under the direction of a Zilla Parishad, Anchalik Panchayat or Gaon Panchayat;

(b) Call for and inspect any document which may, for the purpose of this Act, be in the possession or control of a Zilla Parishad, Anchalik Panchayat or Gaon Panchayat;
(c) Require, by an order, in writing a Zilla Parishad, Anchalik Panchayat or Gaon Panchayat to furnish such statements, accounts reports, proceedings as they think it;

(d) Give such a vice in writing in respect of the aim is native works, duties and proceedings as they think necessary, also are that all proceedings of a Zilla Parishad, Anchalik Panchayat or Gaon Panchayat are in conformity with law and annal any proceedings which is considered not to be in conformity with law and may do all things necessary to secure such conformity;

(e) Institute an enquiry in respect of any matter relation to a Zilla Parishad, Anchalik Panchayat or Gaon Panchayat and rectify an act or omission.

CHAPTER – X
CONSTITUTION OF FINANCE COMMISSION AND STATEELECTION COMMISSION FOR PANCHAYAT BODIES.

Finance Com-
Mission 113. The State Government shall as soon as may be within one from the date of commencement of the Constitution (seventy-third amendment) Act, 1992 and thereafter at the expiration of every fifth year constitute a Finance Commission to review the financial position of the Panchayats and make recommendations to the Governor as to-

(a) The principals which should govern -

(i) The distribution between the State and the Panchayats net proceeds of the taxes, duties, tolls and fees leviable by the State which may be divided between them and allocation between
Panchayats at all levels of their respective sale of such proceeds.

(ii) The determination of the taxes, duties, tolls and feeds which may be assigned to or appropriated by the Panchayats.

(iii) The Grants-in-aid to the Panchayats from the consolidated fund of the State.

(b) The measures needed to improve the financial position of the Zilla parishads, Anchalik Panchayats and Gaon panchayats.

(c) Any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Panchayats;

(d) The Finance Commission shall consist of a Chairman and two other members to be appointed by the Governor.

(3) The Chairman and the members of the Finance Commission shall possess such qualification and shall be appointed in such manner as may be prescribed by Government.

(4) The Finance Commission shall determine its procedures.

(5) The Chairman or a member of the Finance Commission may resign his office by writing under his hand and addressed to the Chief Secretary to the Government of Assam, but he shall continue in his office until his resignation is accepted by the Government.

(6) The casual vacancy created by the resignation of the member of Chairman under sub-section (5) or for any other reason, may be filled by fresh appointment and a member or Chairman so
appointed shall hold office for the remaining period for which the member or Chairman in whose place he has been appointed would have held office.

(7) The Commission shall have the following powers in the performance of its functions namely –

(a) To call for any record from any Officer or authority;

(b) To summon any person to give evidence or produce records; and

(c) Such other powers as may be prescribed.

(8) The Governor of the State shall cause every recommendation made by the Finance Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the House of the State Legislature.

State Panchayat
Election Commission.

114. (1) The Superintendence, direction and control of the preparation of electoral roll for, and the conduct of all election to the Panchayat shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) The conditions of service and tenure of office of the State Panchayat Election Commissioner shall be such as the Governor may by rule determine, provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of the High Court and the conditions of service of the State Panchayat Election Commissioner shall not be varied to his disadvantage after his appointment,
(3) The Government shall when so requested by the State Election Commissioner, make available to the State Election Commissioner such staff as may be necessary for the discharge of the functions conferred on the State Panchayat Election Commission under this Act.

(4) Subject to the provisions of Constitution of India as amended, the State Legislature may by law, make provision with respect to all matters relating to, or in connection with Election to the Panchayats.

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APPENDIX III
QUESTIONNAIRE

Socio-economic Profile:

Section -1

1.1 Name : 

1.2 Sex : Male □ Female □

1.3 Category : Gen □ OBC □ MOBC □ SC □

1.4 Education : i. Illiterate □ ii. Upto Primary □ iii. Upto Middle Primary □ iv. Upto Higher Secondary □ v. Upto Graduate and above □

1.5 Occupation : I : Land owner □ II : Farmer □ III : Daily Wage Farmer □ IV : Service □ V : Businessman □ VI : Any Other □

1.6 Income : I : Monthly □ II : Annually □

1.7 Property : I : Movable (Cattle/ Household Appliances/ Agricultural tools/ Vehicle) □ II : Immovable (Land/ House) □

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Questionnaire for Panchayat Members
Section 2

Title of the section:
Gaon Sabha, Policy making of Rural Development and Political linkage.

2:1 Were you elected in the last Panchayat?
I. Yes ☐
II. No ☐
III. No Response ☐

2:2 If yes, how effective was your participation as a member?
I. Very effective. ☐
II. Not much ☐
III. Don’t know

2:3 Are you aware of RD Programmes initiated by the Govt.? 
I. Yes ☐
II. No ☐
III. No Response. ☐

2:4 How many of these programmes have been implemented Granted by Panchayat?
I. All ☐
II. Some of these ☐
III. Not at all. ☐

2:5 How often do you convene the meeting of Gaon Sobha?
I. Regularly ☐
II. As per the provisions of the Act. ☐
III. Not at all ☐
IV. No response. ☐
2:6 How decision are taken in the Gaon Sabha?
   I. Through majority.
   II. Through elected member.
   III. Through the dictate of the party leader.
   IV. Through consensus
   V. Don’t know.

2:7 How often do you attend the meetings of the Gaon Sabha?
   I. Regularly
   II. Not often.
   III. Only when some schemes are being discussed.
   IV. Not at all

2:8 Are the members of Gaon Sabha satisfied with the process of beneficiary selection?
   I. Yes
   II. No
   III. No Response.

2:9 Do you get support from the officials for the implementation of RDP?
   I. Yes
   II. No
   III. Partially.

2:10 Do you submits report to the Govt. regarding the implementation?
   I. Yes
   II. No.

2:11 Do you think that the village Panchayat is an effective tool of RD?
   I. Yes
   II. No
   III. No response.
2:12 Do you think that political parties try to influence the selection and implementation of RDP?

I. Yes
II. No
III. No response.
IV. No response

2:13 Do you feel that the official should consult the local leaders in discharging their duties?

I. Yes
II. No
III. No response.

Questionnaire for Beneficiaries
Section 3

Title of this section:
Awareness and participation in Panchayat functioning:

3:1 Did you take active participation in the last Panchayat election?
I. Yes
II. No
III. No Response

3:2 Which factor influence you in choice of a candidate for voting at the time of Panchayat election.
I. Relation with higher level leaders.
II. His/her party affiliation.
III. Any other.
IV. Don’t know.
3:3 Are you aware of the RD Programmes in your locality?
I. Yes
II. No
III. No Response

3:4 If Yes, from which poverty alleviation programme?
I. I.A.Y
II. I.G.N.O.A.P.
III. N.F.B.S
IV. KALPATARU
V. Any Other.

3:5 How many of these programmes are implemented by your Panchayat?
I. All
II. Some of these
III. Not at all

3:6 How does your Panchayat select the beneficiaries for RDP?
I. Govt. Rule
II. Liking of the members
III. Political affiliation of the beneficiaries
IV. Recommendation of Important people
V. Any other.

3:7 Have you received any other loan from RDP?
I. Yes
II. No
III. No Response

3:8 Mentioned the purpose for which the loan was given?
I. Pan shop
II. Cutting & Tailoring
III. Any other
3:9 Did the money help you in your wellbeing?
   I. Yes □
   II. No □
   III. No Response □

3:10 If Yes, what is your record of the loan return?
   I. Regular □
   II. Irregular □
   III. As and when □
   IV. Not at all. □

3:11 Do you think that the officials should implement the programme directly?
   I. Yes □
   II. No □
   III. No Response. □

Questionnaire for RD Officials

Section 4

Title of the section: Policy making, implementation of RDP & Political linkage.

4:1 What is the Primary function of the Gaon Sobha?
   I. To select the beneficiaries □
   II. To select the development Programme □
   III. Don't know □

4:2 Do you think Panchayat members take sufficient interest in the RDPs?
   I. Full support □
   II. Indifferent □
   III. Put obstacles □
   IV. Not support □
   V. No response. □
4:3 To what extent Panchayat member support the officials in mobilizing popular support for its programmes?
   I. full  [ ]
   II. Halfhearted support [ ]
   III. Not at all [ ]
   IV. No [ ]
   V. No response. [ ]

4:4 Do you think member of Gaon Panchayat/ Anchalik Panchayat/ Zilla Parishad members put pressure on officials to get improper demand?
   I. Yes [ ]
   II. No [ ]
   III. Sometimes [ ]
   IV. No response. [ ]

4:5 What is the public response in regard to the RDP?
   I. Positive [ ]
   II. Negative [ ]
   III. Don’t know. [ ]

4:6 Do you think that all villagers have a good knowledge about RDP?
   I. Yes [ ]
   II. No [ ]
   III. No response. [ ]

4:7 If yes what do they understand about the meeting of RD?
   I. Agriculture development [ ]
   II. Village development [ ]
   III. Educational development [ ]
   IV. Financial Development [ ]
   V. Communication development [ ]
   VI. All [ ]
   VII. Don't know. [ ]
4:8 Do you change the list of beneficiaries selected by the Gaon Panchayat?
I. Yes
II. No
III. Sometimes
IV. No response.

4:9 Do you think that Panchayat is helpful to the official implementing the RDP?
I. Yes
II. No
III. No response.

4:10 How often do officials ask for favour from political leaders?
I. Frequently
II. Sometimes
III. Rarely
IV. Never

4:11 How often do political leaders ask for special favour from officials?
I. Frequently
II. Sometimes
III. Rarely
IV. Never

4:12 To what extent political party puts pressure on you for giving specific programmes to the Panchayat bodies?
I. Not at all
II. Sometimes
III. Always
IV. No response.
4:13 How would you describe the attitude of political leaders towards officials?
I. Helpful
II. Indifferent
III. Unhelpful
IV. Can’t say.

4:14 Do you think that RDP through Panchayat is successful in your G.P. / Block/ District?
I. Yes
II. No
III. No response.