

## **THE ASSAM GAZETTE**

EXTRAODINARY  
PUBLISHED BY AUTHORITY

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GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
LAGISLATIVE DEPARTMENT ::: LEGISLATIVE BRANCH

NOTIFICATION  
The 11<sup>th</sup> May, 2005

No. LGL.33/2005/40 The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XXV OF 2005  
(Received the assent of the Governor 8<sup>th</sup> May, 2005)

THE DEORI AUTONOMOUS COUNCIL ACT, 2005  
AN  
ACT

To provide for the establishment of an administrative authority in the name and style of Deori Autonomous Council and for certain matters incidental thereto and connected therewith.

Preamble. Whereas it is expedient to provide for the establishment of a Deori Autonomous Council within the state of Assam with maximum autonomy within the framework of the constitution comprising of the satellite areas of Village Councils formed out of blocks of contiguous revenue villages, each having 50% and above Deori and other Scheduled Tribes population without having any compact area for social, economic, educational, ethnic and cultural advancement of the Deori and other Scheduled Tribes communities residing therein.

It is hereby enacted in the Fifty-Sixty year of the Republic of India, as follows:-

1596 THE ASSAM GAZETTE EXTRAORDINARY, MAY 17,2005

### CHAPTER -I **PRELIMINARY**

Short title, extent and commencement:

1. (1) This Act may be called the Deori Autonomous Council Act, 2005.
- (2) It extends to the whole of the state of Assam.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of the Act or different areas.

Definitions.3.

- (2) In this Act, unless the context otherwise requires.
  - (a) 'Bye-law' means the bye-law framed by the General Council.
  - (b) 'Constitution' means the Constitution of India.

- (c) 'Constitution' means a constituency referred to in section 48.
- (d) 'Council Area' means the Deori Autonomous Council Area.
- (dd) "Core Areas" means the compact and contiguous areas predominantly inhabited by Deori community and having more than 50% Scheduled Tribes populations as a whole in the area and not necessarily in the individual villages.
- (e) 'Executive Council' means the executive body of the General Council of the Deori Autonomous Council constituted under section 3 (3) and 24.
- (f) 'Elector' in relation to a constituency means a person whose name is entered in the electoral roll of that constituency.
- (g) 'General Council Fund' and 'Village Council Fund' means the funds constituted under section 61.
- (h) 'Government' means the State Government of Assam.
- (i) 'Governor' means the Governor of Assam;
- (j) 'General Council' means the General Council of the Deori Autonomous Council of the Deori Autonomous Council referred to in section 3;
- (k) 'Gaon Panchayat', 'Anchalik Panchayat' and 'Zila Parishad' have the same meaning defined in the Assam Panchayat Act, 1994;
- (l) 'Member' means a member of the Village Council or the General Council or the Executive Council, as the case may be;
- (m) 'Municipality' has the same meaning as in the Assam Municipal Act, 1956;
- (n) 'Notification' means the notification issued under this Act;
- (o) 'Official Gazette' means the Official Gazette of Assam;
- (p) 'Prescribed' means prescribed by rules made under this Act;
- (q) 'Satellite area' means the area or areas consisting of non contiguous cluster or villages predominantly inhabited by Deori community and having more than 50% Schedule Tribes population as a whole in the cluster and not necessarily in the individual villages;
- (r) 'Village Council' means the Village Councils referred to in section 4 and
- (s) 'Village Council Area' means the area declared to be the area of a Village Council by the Government by notification in the Official Gazette.

### **Deori Autonomous Council:**

3. (1) There shall be an autonomous council to be called the Deori Autonomous Council within the State of Assam comprising of the areas of the Village Councils as may be specified by the Government by notification in the Official Gazette.
- (2) The Deori Autonomous Council shall have maximum autonomy within the frame work of the Constitution.
- (3) The Deori Autonomous Council shall have a General Council and an Executive Council as provided hereinafter.

### **Village Council:**

4. (1) There shall be a Village Council for each block of villages, each village having 50% or more Scheduled Tribe population.
- (2) Each Village Council area shall consist of approximately 3000 to 5000 population.
- (3) Each Village Council shall consist of 10 (Ten) elected members out of which 5 (Five) will be form Scheduled Tribe Community. Out of 5 (Five) reserved seats 1 (One) shall be reserved for a women member.

## CHAPTER –II

### THE GENERAL COUNCIL

#### **Incorporation of the General Council:**

5. The General Council shall be a body corporate having perpetual succession and a common seal with powers to acquire, hold and dispose of property and to contract and shall sue or be sued by its corporate name.

#### **Constitution of the General Council:**

6. (1) The General Council shall consist of 20 (Twenty) elected members out of which 2 (Two) members shall be nominated by the Government of Assam to give representation to those group/communities of the council area which are not otherwise represented in it. Out of 18 (Eighteen) seats, 14 (Fourteen) seats shall be reserved for scheduled tribes and 3 (Three) seats shall be for women.

(2) The Members of Parliament and the members of the legislative Assembly, Assam belonging to Scheduled Tribes Reserved Constituencies of the Council Area shall be ex-officio members of the General Council.

(3) Every member of the General Council shall be entitled to such allowances as may be fixed by the General Council and approved by the Government.

(4) The elected members of the General Council shall at the first meeting after the election, for the purpose of constitution of the Executive Council, elect from amongst themselves, in the manner prescribed:-

(i) One member to be the Chairman;

(ii) One member to be the Deputy Chairman;

(iii) One Chief Executive Councilor of the Executive Council;

(iv) One Deputy Chief Executive Councilor of the Executive Council;

(v) As many Executive Councilor as may be decided by the General Council, but not exceeding one-third of the total members of the members of the General Council”

#### **Term of Office:**

7. (1) The term of office of the General Council shall be five years from the date of the first meeting as appointed by the Government after the election of the members unless dissolved earlier under section 68.

(2) Notwithstanding anything contained in sub-section (1) above, the Chief Executive Councilor or the Executive Councilors shall cease to hold office as such forthwith if he, for any reason, ceases to be a member.

(3) Notwithstanding anything contained in sub-section (1) the Governor may, if he is satisfied that circumstances so exist which render the holding of the election, as provided, impracticable, extend the term for a period not exceeding one year.

#### **Resignation of members of the General Council:**

8. (1) Any member of the General Council may, at any time, by giving notice in writing addressed to the Chief Executive Councilor, resign his office;

Provide that in case of the Chief Executive Councilor, the notice shall be addressed to any of the Executive Councilors.

(2) Such resignation shall take effect from such date as specified in the notice or if no such date is specified, from the date of its receipt by the office bearer addressed.

#### **Removal of Members of General Council:**

9. (1) The Chief Executive Councilor or the Executive Councilors or any one of them or all of them all of them may be removed from office by a resolution carried by a majority of the total number of the elected members at a special meeting of the General Council called for the purpose upon a requisition made in writing by not less than one third of the members of the General Council.

(2) The Government, after giving an opportunity to an elected member of the General Council to show cause against the action proposed to be taken against him and after giving a reasonable opportunity of being heard, may by order, remove him from the office, if he-

(a) after his election, is convicted by a criminal court of an offence involving moral turpitude punishable with imprisonment for any period exceeding six months, or

(b) in case any of the disqualification's mentioned in section 54 after his election as member of the General Council.

(c) is absent from three consecutive meetings of the General council.

(3) (1) Any member of the General Council who is removed from the office under sub-section (2) above, may within thirty days from the date of the order, appeal to such Judicial Authority as the Government may prescribe and the authority so prescribed after admitting an appeal may, after complying with the normal and fundamental principles of judicial proceedings, pass such order or orders either confirming or codifying or setting aside the order appealed against and pending the final disposal of the appeal may pass such other interlocutory order or orders including stay of operation of the order appealed against.

(4) The order, passed, by the Judicial Authority referred to in sub-section (3) above, on such appeal shall be final.

#### **Salaries, allowances and other emoluments:**

10. (1) The Executive Councilor and the Executive Councilors shall be whole time functionaries and shall be paid out of the General Council Fund such salaries and allowances as may be prescribed.

(2) The other term and conditions of service of the Chief Executive Councilor and the Executive Councilors shall be such as may be prescribed.

#### **Filling up of Vacancies:**

11. (1) Where the office of any member falls vacant by reason of his death, resignation, removal or otherwise, the vacancy shall be filled up by election in accordance with the provisions of this Act and the rules framed there under.

Provided that any vacancy in the office of the Chief Executive Councilor or the Executive Councilors shall be filled up by the General Council by electing. A member thereof in the manner prescribed for the election of the Chief Executive Councilor or the Executive Councilors, as the case may be.

(2) Any member elected in accordance with the provisions of sub-section (1) above, shall hold such office only for the remainder of the term of the General Councilors, as the case may be.

**Powers, functions and duties of the Chief Executive Councilor:**

12. (1) The Chief Executive Councilor Shall-
- (a) be responsible of the maintenance of the records of the General Council;
  - (b) have general responsibility for the financial and executive administration of the General Council;
  - (c) exercise administrators supervision and control over the officers and employees of the General council and the officers and employees whose services may be placed at the disposal of the General Council by the Government ;
  - (d) of traction of business under this Act or for the purpose of making any order under this Act, exercise such power, perform such functions and discharge such duties as may be exercised, performed or discharged by the General Council under this Act or the rules made thereunder;

Provided that the Chief Executive Councilor shall not exercise such power, perform such functions of discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the General Council at a meeting.

**Meeting of the General Council:**

13. (1) The General Council shall meet at least once in every three months for transaction of its business.

(2) The meeting of the General Council shall be held at the head quarter of the Deori Autonomous Council at such time as may be, notified by the Chief Executive Councilor.

Provided that the first meeting of the General Council after the election shall be held on such date as may be appointed by the Government.

**Oath of affirmation by members:**

(14) Every member of the General Council