



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 522 Dispur, Thursday, 1st November, 2018, 10th Kartika, 1940 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

PANCHAYAT & RURAL DEVELOPMENT DEPARTMENT

## NOTIFICATION

The 31st October, 2018

**No. PDA.206/2007/Pt-II/107.-** In exercise of the powers conferred under sub-section (1) of section 141 and sub-section (2) of section 111 of the Assam Panchayat Act, 1994 (Act No. XVIII of 1994), the Governor of Assam is hereby pleased to make the following rules further to amend the Assam Panchayat (Constitution) Rules, 1995, hereinafter referred to as the principal Rules, namely:-

Short title and  
commencement.

1. (1) These rules may be called the Assam Panchayat (Constitution) (Amendment) Rules, 2018.
- (2) They shall come into force on the date of their publication in the Official Gazette.

Insertion of  
rule 62.

2. In the principal Rules, after rule 61, the following new rule 62 shall be inserted, namely :-

“62. Conditions and procedure of disqualification under sub-section (2) of section 111 of the Act.-

- (1) (a) Subject to the provisions of the Act, at the time of filing of nominations, candidates shall furnish affidavit that he / she has not more than two living children from a single or multiple partners;
- (b) The State Government or Concerned District Authority shall remove any President, Vice-President or Member of Zilla Parishad, Anchalik

Panchayat and Gaon Panchayat if he or she is having two or more than two children from single or multiple partners prior to the date of commencement of the Act i.e. 19/03/2018 and gives birth to an additional child thereafter ;

- (c) If any Panchayati Raj Institution (PRI) member divorces his wife after assuming office and subsequently his separated wife gives birth to a third child without remarrying with another person within a period of nine months from the date of separation, he shall be removed from his office with due procedure;
- (d) If the second child birth are twins, then he / she shall not be removed from membership of Panchayati Raj Institutions (PRI);
- (e) If the first child birth are triplets, then he/she shall not be removed from membership of Panchayati Raj Institutions (PRI);
- (f) The Gaon Panchayat Secretary on receipt of information of such additional child birth in respect of President, Vice-President, Member of the Gaon Panchayat shall inform the matter to the concerned Block Development Officer who in turn shall inform the concerned Deputy Commissioner through Chief Executive Officer, Zilla Parishad. The concerned Deputy Commissioner shall examine the matter and on establishment of fact, shall remove the President, Vice-President, Member of the Gaon Panchayat concerned accordingly under intimation to the State Government as well as Assam State Election Commission;
- (g) The Executive Officer of Anchalik Panchayat on receipt of information of such additional child birth in respect of President, Vice-President, Member of the Anchalik Panchayat shall inform the matter to the concerned Deputy Commissioner through the Chief Executive Officer, Zilla Parishad. The concerned Deputy Commissioner shall

examine the matter and on establishment of fact, shall remove the President, Vice-President, Member concerned of Anchalik Panchayat accordingly and inform the matter to the State Government in Panchayat and Rural Development Department as well as Assam State Election Commission;

- (h) The concerned Chief Executive Officer on receipt of information of such additional child birth in respect of President, Vice-President, Member of the Zilla Parishad shall inform the matter to the State Government through concerned Deputy Commissioner for removal of the President, Vice-President, Member concerned and accordingly, on establishment of such fact, the State Government in Panchayat and Rural Development Department shall remove the President, Vice-President, Member concerned of the Zilla Parishad under intimation to the Assam State Election Commission .
- (2) Subject to the provisions of the Act, at the time of filing of nominations, candidates shall furnish affidavit regarding their required Educational Qualifications along with true copy of such Certificates and also should produce the original Certificates before the concerned Authorised Officers failing which, concerned candidates shall be disqualified.
- (3) (a) Subject to the provisions of the Act, the availability of a functional sanitary toilet in his/her residence shall be part of the affidavit at the time of filing nominations.

Explanation :

“Functional sanitary toilet” means the toilet facilities that protect human health by preventing contamination of the environment with human faecal waste. A toilet is a piece of hardware used for the collection or disposal of human urine and faeces. In other words, “Toilets are sanitation facilities at the user interface that allow the safe and convenient urination and defecation”.

- (b) The State Government or Concerned District Authority shall remove any President, Vice-President or Member of Zilla Parishad, Anchalik Panchayat and Gaon Panchayat if he or she does not have a functional sanitary toilet in his/her residence.
- (c) The Gaon Panchayat Secretary on receipt of information of having no functional sanitary toilet in the residence of President, Vice-President, Member of the Gaon Panchayat shall inform the matter to the concerned Block Development Officer who in turn shall inform the Deputy Commissioner through the Chief Executive Officer, Zilla Parishad. The Deputy Commissioner shall examine the matter and on establishment of fact, shall remove the President, Vice-President, Member concerned of the Gaon Panchayat accordingly under intimation to the State Government as well as Assam State Election Commission.
- (d) The Executive Officer of Anchalik Panchayat on receipt of information of having no functional sanitary toilet in the residence of President, Vice-President, Member of the Anchalik Panchayat shall inform the matter to the concerned Deputy Commissioner through the Chief Executive Officer, Zilla Parishad. The Deputy Commissioner shall examine the matter and on establishment of such fact, shall remove the President, Vice-President, Member of the concerned Anchalik Panchayat accordingly and inform the matter to the State Government in Panchayat and Rural Development Department as well as Assam State Election Commission.
- (e) The concerned Chief Executive Officer on receipt of information of having no functional sanitary toilet in the residence of President, Vice-President, Member of the Zilla Parishad shall inform the matter to the State Government for removal of

the President, Vice-President, Member concerned of the Zilla Parishad and accordingly, on establishment of such fact, State Government in Panchayat and Rural Development Department shall remove the President, Vice-President, Member concerned of the Zilla Parishad under intimation to the Assam State Election Commission.

**J. B. EKKA,**

Principal Secretary to the Govt. of Assam,  
Panchayat & Rural Development Department.