



## **The Mising Autonomous Council Act, 1995**

Act No. 26 of 1995

Amendments appended: 21 of 2005, 6 of 2008, 16 of 2024

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# THE MISING AUTONOMOUS COUNCIL ACT, 1995\*

(ACT No. XXVI OF 1995)

(Received the assent of the Governor on 27th October, 1995)

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\*. Published in the Assam Gazette Extraordinary No. 232 dated 30th October, 1995.

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## THE MISING AUTONOMOUS COUNCIL ACT, 1995

*An Act*

*to provide for the establishment of an administrative authority in the name and style of "Mising Autonomous Council" and for certain matters incidental thereto and connected therewith.*

**[Preamble.-** Whereas it is expedient to provide for the establishment of a Mising Autonomous Council within the State of Assam with maximum autonomy within the framework of the Constitution, comprising of the Satellite Areas and Core Areas, for social, economic, educational, ethnic and cultural advancement of the Mising and other Scheduled Tribes communities residing therein.]<sup>1</sup>

It is hereby enacted in the Fifty-sixth Year of the Republic of India, as follows:-

### CHAPTER-I

#### PRELIMINARY

**1. Short title, extent and commencement.-** (1) This Act may be called the Mising Autonomous Council Act, 1995.

(2) It extends to the whole of the State of Assam.

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1. Substituted the "Preamble" by the Assam Act No. XXI of 2005. Published in the Assam Gazette Extraordinary No. 195 dated 17th May, 2005.

In the Preamble for the words "comprising of the satellite areas of Village Councils formed out of blocks of contiguous revenue villages, each having more than 50% population of Mising Community, without having any compact area" the words "comprising of core areas covering the existing tribal Belts & Blocks, Tribal Sub-Plan areas irrespective of population pattern therein and the satellite areas and other villages having 50% or more tribal population" was substituted by the Assam Act No. VIII of 2001. (See Assam Gazette Extraordinary No. 51 dt. 29th March, 2001.

**Note:-** The original "Preamble" was:- Whereas it is expedient to provide for the establishment of a Mising 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 more than 50% population of Mising Community, without having any compact area for social, economic, educational, ethnic and cultural advancement of the Mising Community residing therein.

(3) It shall deemed to have come into force with effect from 13-07-95.

**2. Definitions.-** In this Act, unless the context otherwise requires,-

- (a) 'bye-law' means the bye-law framed by the General Council;
- (b) 'Constituency' means the constituency referred to in Section 48;
- (c) 'Constitution' means the Constitution of India;
- (d) 'Council Area' means the Mising Autonomous Council Area;
- (e) 'Elector' in relation to a constituency means a person whose name is entered in the electoral roll of that constituency;
- (f) 'Executive Council' means the executive body of the General Council of the Mising Autonomous Council constituted under Section 3 (3) and 24;
- (g) 'Gaon Panchayat', 'Anchalik Panchayat' and 'Zilla Parishad' have the same meaning defined in the Assam Panchayat Act, 1994 (**Assam Act XVIII of 1994**);
- (h) 'General Council' means the General Council of the Mising Autonomous Council referred to in Section 3;
- (i) 'General Council Fund' and 'Village Council Fund' means the funds constituted under Section 61;
- (j) 'Government' means the State Government of Assam;
- (k) 'Governor' means the Governor of Assam;
- (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 (**Assam Act XV of 1957**);
- (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 of villages predominantly inhabited by Scheduled Tribes population having 50% and above 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*.
- \*[(t) 'Authority' means the Authority as may be notified under this clause by the Government for carrying out the duties and functions assigned to it under this Act;]<sup>1</sup>
- [(u) 'Core Areas' means the compact and contiguous areas predominantly inhabited by Scheduled Tribes population having 50% and above as a whole in the area and not necessarily in the individual villages;]\*\*
- [(v) 'Tribal Belts/Blocks/Tribal Sub Plan Areas' means areas notified as such under the Assam Land and Revenue Regulation, 1886 (**Assam Regulation I of 1886**) and also identified by the Department of Welfare of Plains Tribes & Backward Classes, Govt. of Assam].

**3. Mising Autonomous Council.**- (1) There shall be an Autonomous council to be called the Mising Autonomous Council within the State of Assam comprising of the areas of the Village Councils as may be [notified]<sup>2</sup> by the Government [ ]<sup>2</sup> in the *Official Gazette*.

(2) The Mising Autonomous Council shall have maximum autonomy within the framework of the Constitution.

(3) The Mising Autonomous Council shall have a General Council and an Executive Council as provided hereinafter.

\*. Inserted new clauses "(t)", "(u)" and "(v)" by the Assam Act No. VIII of 2001.

\*\* Substituted clauses "(q)" and "(u)" by the Assam Act No. XXI of 2005.

Before substitute the clauses read as follows:-

"(q) 'Satellite Area' means the area of different revenue villages;"

"(u) 'Core Area' means compact areas as may be notified by the Government under this Act;"

1. Substituted clause "(t)" by the Assam Act No. VI of 2008.

Before substitute the clause read as follows:-

"(t) 'Commission' means the Assam State Election Commission constituted vide Govt. Notification No. PDA.116/94/6 dated 31-5-1994;"

2. Substituted for the words "specified", and the words "by notification" omitted by the Assam Act No. VIII of 2001.

**4. Village Council.**- \*[(1) There shall be a Village Council for each block of villages as may be notified by the Government under sub-section (1) of Section 3 consisting of approximately 6000 to 8000 tribal population.]

\*(2) For the purposes of sub-section (1) above, there shall be as many village councils as may be specified by the Government by notification in the Official Gazette.

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\* In Section 4, for the existing sub-sections (1) and (2), substituted as sub-section (1), and sub-section (3) renumbered as sub-section (2) by the Assam Act No. VIII of 2001. Published in the Assam Gazette Extraordinary No. 51, dt. 29th March, 2001.

Before substitution sub-sections (1) and (2) read as follows:-

"(1) There shall be a Village Council for each block of villages, each village having 50% or more Mising population.

(2) Each Village Council area shall consist of approximately 6000 to 8000 population.

## CHAPTER-II

**THE GENERAL COUNCIL**

**5. Incorporation of the General Council.**- 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.

**6. Constitution of the General Council.**- \*[(1) The General Council shall consist of 40 (forty) members of which 36 (thirty six) shall be directly elected and 4 (four) shall be nominated by the Government with the concurrence of the Mising Autonomous Council from amongst the groups or communities residing in the Council Area and not otherwise represented in the General Council. Out of the 40 seats, \*\*[25 (twenty five)] seats shall be reserved for \*\*[Scheduled Tribes] Community and 6 (six) seats shall be reserved for women of any community].

(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 to be convened by an officer authorized by the Government, after the election for the purpose of constitution of the Executive Council, elect from amongst themselves by a secret

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\*. Substituted "sub-section (1)" and "sub-section (4)" of Section 6 by the Mising Autonomous Council (Amendment) Act, 2001 (No. VIII of 2001).

Before substituted read as- "(1) The General Council shall consist of 40 (forty) members of which 35 (thirty five) shall be directly elected and 5 (five) shall be nominated by the Government from amongst the groups or communities residing in the Council Area and not otherwise represented in the General Council. Out of the 40 seats, 20 seats shall be reserved for Mising Community and out of these 20 (twenty) reserved seats, at least 6 seats shall again be reserved for women."

"(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 Chief Executive Councilor who shall also be the President of the General Council;
- (ii) One member to be the Deputy Chief Executive Councilor who shall act as President of the General Council in absence of the Chief Executive Councilor;
- (iii) Seven Executive Councilors.

\*\* Substituted for the words "Tribals belonging to Missing" and for figure, brackets and word "20 (twenty)" by the Assam Act No. XXI of 2005.



ballot one of the members to be the Chairman of the meeting to conduct the proceeding where he shall also cast his vote and 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;
- (v) As many Executive Councilors as may be decided by the General Council, but not exceeding one-third of the total number of the members of the General Council.]

**7. Term of Office.**- (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, the Deputy 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 exist which render the holding of the election, as provided, impracticable, extend the term for a period not exceeding one year.

**8. Resignation of Members of the General Council.**- (1) Any member of the General Council including the Deputy Executive Councilor may, at any time by giving notice in writing addressed to the Chief Executive Councilor, resign his office :

Provided that in case of the Chief Executive Councilor, the notice shall be addressed to the Deputy Chief Executive Councilor.

(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.

**9. Removal of Members of General Council.**- (1) The Chief Executive Councilor, the Deputy Chief Executive Councilor or the Executive Councilors or any one of them or 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) incurs any of the disqualifications mentioned in Section 54 after his election as member of the General Council, or
- (c) is absent from three consecutive meetings of the General Council.

(3) 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 modifying 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.

**10. Salaries, allowances and other emoluments.**— (1) The Chief Executive Councilor, Deputy Chief Executive Councilor and the Executive Councilors shall be wholetime 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, Deputy Chief Executive Councilor and the Executive Councilors shall be such as may be prescribed.

**11. Filling up Vacancies.**— (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 provision of this Act and the rules framed thereunder :

Provided that any vacancy in the office of the Chief Executive Councilor, Deputy 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, Deputy 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 Council or the period extended under sub-section (3) of Section 7.

**12. Powers, functions and duties of the Chief Executive Councilor.-** (1) The Chief Executive Councilor shall-

- (a) be responsible for 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 administrative 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) for transaction of business under this Act or for the purpose of making any order under this Act, exercise such powers, 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 powers, perform such functions or 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;

- (e) exercise such other powers, perform such other duties as the General Council may, by general or special resolution, direct or as the Government may, by rules made in this behalf, prescribe.

**13. Meeting of the General Council.-** (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 headquarter of the Mising 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.

**14. Oath of affirmation by members.-** Every member of the General Council shall, before taking his seat, make and subscribe before such person as may be appointed by the Governor in this behalf an oath or affirmation in the manner and forms as may be prescribed.

**15. Quorum.-** The quorum necessary for transaction of business at a meeting of the General Council shall be 10(ten) members and the decision of the General Council shall be by a single majority of votes of the members present.

**16. Headquarter of the General Council.-** The Government may, by notification in the official *Gazette*, declare any place within the Council Area to be the headquarter of the General Council.

**17. Secretariat of the Mising Autonomous Council.-** (1) There shall be a Secretariat for the Mising Autonomous Council at the head-quarter of the General Council headed by a Principal Secretary to be appointed by the Government in consultation with the Chief Executive Councilor.

(2) The Principal Secretary shall be the Principal Executive Officer of the General Council and all other officers of the General Council shall be subordinate to him.

(3) The Principal Secretary shall be present and take part in the discussion of all the meeting of the General Council or the Executive Council or any Committee of the General Council and may, with the consent of the Chief Executive Councilor or any other person presiding over such meeting for the time being, as the case may be, at any time make a statement or give explanation of the facts and circumstances but shall not be entitled to vote in any such meeting.

(4) The Principal Secretary and the other officers of the Secretariat shall be paid out of the General Council Fund.

(5) The term of appointment of the Principal Secretary shall be for a period of three years but may be extended by the Government in consultation with the Chief Executive Councilor.

(6) The Government may appoint such other Secretaries for the General Council on such terms and conditions as the

Government may, in consultation with the Chief Executive Councilor, determine.

(7) The Government may, in consultation with the Chief Executive Councilor, depute such other officers or experts, as may be required to assist the General Council on such terms and conditions as may be determined by the Government.

(8) The Government may from time to time post officers of the rank of Class-II and above within the Council Area in accordance with the exigencies, but while making such postings due regard may be given to the views of the General Council.

(9) All officers and other staff posted in the Council Area shall be accountable to the General Council for their performance and assessment of their works recorded by the Executive Council shall be incorporated in their Annual Confidential Reports by the Government.

(10) Notwithstanding anything contained in sub-section (5) above, the Government may, at any time in consultation with the Chief Executive Councilor, withdraw the Principal Secretary or any other officer posted or appointed by it in the Secretariat.

## CHAPTER-III

**POWERS AND FUNCTIONS OF THE GENERAL COUNCIL**

**18. Subjects to be under the control and administration of the General Council.**- Notwithstanding anything contained in any other law or rules for the time being in force, the General Council shall have executive powers in relation to the Council Area over the following subjects:-

1. Cottage Industry,
2. Animal Husbandry and Veterinary,
3. Forest, other than Reserved Forest,
4. Agriculture,
5. Rural Roads and Bridges,
6. Sericulture,
7. Education,
  - (a) Adult Education,
  - (b) Primary Education,
  - (c) Upto Higher Secondary including Vocational Training,
8. Cultural Affairs,
9. Soil Conservation,
10. Co-Operation,
11. Fisheries,
12. Panchayat & Rural Development,
13. Handloom and Textile,
14. Public Health Engineering - Drinking Water,
15. Minor Irrigation,
16. Social Welfare,
17. Flood Control schemes for protection of villages (not of highly technical nature),
18. Sports and Youth Welfare,
19. Weights and measures,
20. Library Services,
21. Museum and Archaeology,
22. Urban Development, Town and Country Planning,
23. Tribal Research,
24. Land and Land Revenue,

\*["Provided that no allotment or settlement of land shall be made in the Council Area without the recommendation of the Executive Council."]

25. Publicity and Public Relation,
26. Tourism,
27. Transport,
28. Any other matter connected with development,
29. Municipal Board, Improvement Trust, District Boards and other local-self Government of Village Administration,
30. Tribal Welfare,
31. Market and Fair,
32. Lotteries, Theatres, Dramatic performance & Cinema,
33. Vital Statistics including registration of birth and deaths,
34. Food and Civil Supplies.

**19. Other matters to be under the control and administration of the General Council.**- Subject to the general policy of the Government, the General Council shall-

- (i) formulate integrated development plans for the Council Area;
- (ii) implement schemes and programmes for the development of the Council Area;
- (iii) have powers to appoint Class-III and Class-IV staff within the Council Area;
- (iv) have powers to regulate trade and commerce within the Council Area in accordance with the existing law including issue of permits or licenses to individuals within the Council Area;
- (v) guide customs and traditions and social justice of the Missing community according to the traditional laws;
- (vi) organize special recruitment drive into Army, Navy, and other para-military forces, Police Forces and other Central Government establishments for appointment of the persons belong to the Mising community;

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\*. Inserted proviso in entry 24, after the word "Revenue" in Section 18, by the Assam Act No. XXI of 2005. Published in the Assam Gazette Extraordinary No. 195 dated 17th May, 2005.

- (vii) allot permits for trade and commerce to the people residing in the Council Area preference being given to the Mising Community.

**20. Powers to impose, levy and collect taxes.**- (1) Subject to the provisions of any other law for the time being in force, the General Council shall have the powers to collect within the Council Area such taxes as are payable under the law for time being in force in the manner as may be prescribed :

Provided that the tax or taxes as aforesaid shall be collected from such date as may be appointed by the Government by notification in this behalf in the official *Gazette*.

(2) Subject to sub-section (1) and such maximum rates as the Government may prescribe, the General Council shall-

- (a) levy tolls on persons, vehicles or animals of any class, for the use of any bridge or road other than kacha road, or ferry constructed or established and managed by it;
- (b) levy the following fees and rates, namely:-
- (i) fees on the registration of boats or vehicles;
  - (ii) fees for providing sanitary arrangements at such places of worship, pilgrimage, fairs, melas, other public places within the Council Area as may be specified by the Government by Notification in the *Official Gazette*;
  - (iii) fees for licenses;
  - (iv) water rates, where arrangements for irrigation or drinking water is made by it within the Council Area;
  - (v) lighting rate where arrangements for lighting of public street or places are made by it within the Council Area.

(3) Notwithstanding anything contained in the foregoing sub-sections, the General Council shall not undertake registration of any vehicle or levy any fees in respect thereof and shall not provide sanitary arrangements at places of worship, pilgrimage, fairs, melas or other public places within the Council Area or levy and fees in respect thereof if such vehicle has already been registered by any other authority under the law for the time being in force, or if such provisions for sanitary arrangements have already been made by the Government or any other local authority.



(4) The collection of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be prescribed by the bye-laws. Such bye-laws may, inter alia, provide for exemption from all or any class of cases.

(5) The General Council may levy fee or taxes on any or all the subjects assigned to the Village Council.

**21. Power to entrust functions.-** Notwithstanding anything contained in this Act, the Government may, in consultation with the General Council, entrust, either conditionally or without any condition, to the General Council or their officers any function in relation to any matter not enumerated in Section 18 to which the executive powers of the Government extends.

**22. Power to acquire, hold and dispose of property.-** Notwithstanding anything contained in Section 5, the General Council, subject to the previous approval of the Government and subject to such terms and conditions as may be imposed by the Government, shall have the power to acquire, hold or dispose of any immovable property or movable property the value of which exceeds Rupees one lakh and to enter into contract or agreement with any party or authority.

**23. Power to make bye-laws.-** (1) The General Council may, subject to the provisions of this Act and the rules made thereunder and subject to the approval of the Government, make bye-laws to be applicable within the Council Area with respect to all or any of the matters enumerated in Sections 18, 19, 43 and 44 for regulation, control and administration thereof.

(2) All bye-laws made under sub-section (1) above, shall have effect upon their publication in the *Official Gazette*.

## CHAPTER-IV

**THE EXECUTIVE COUNCIL**

**24. The Executive Council.-** (1) The Executive Council shall consist of the Chief Executive Councilor, and the []\* Executive Councilors elected in accordance with the provisions of sub-section (4) of Section 6.

(2) The Chief Executive Councilor shall be the Chairman of the Executive Council and shall preside over the meetings thereof:

Provided that in case of the absence the Chief Executive Councilor, the Deputy Chief Councilor shall preside over the meeting of the Executive Council.

(3) Any casual vacancy among the members of the Executive Council occurring by reasons of death, resignation, removal or otherwise shall be filled through election by the members of the General Council in the same manner as provided in sub-section (4) of Section 6 :

Provided that no act or proceeding of the Executive Council shall be called in question or shall become invalid merely by reason of any vacancy among its members.

(4) The manner of transaction of business of the Executive Council shall be such as may be determined by the General Council by bye-laws made by it with the approval of the Government.

(5) The Executive Council shall be collectively responsible to the General Council.

**25. Term of office of the Executive Council.-** A member of the Executive Council shall hold office until he-

- (a) ceases to be a member of the General Council, or
- (b) resigns his office in writing under his hand addressed to the Chief Executive Councilor in which case the resignation shall take effect from the date of acceptance thereof :

Provided that in case of the Chief Executive Councilor, the resignation shall be addressed to any one of the Deputy Chief Executive Councilor.

**26. Powers and functions of the Executive Council.-** (1) The executive powers of the General Council shall vest in the Executive Council.

(2) All orders or instructions made or executed by the Executive

\*. Omitted word "seven" by the Assam Act No. VIII of 2001.

Council shall be deemed to have been made or executed by or under the authority of the General Council.

(3) Every order made or instruction issued or resolution passed by the General Council shall be authenticated by the signature of the Chief Executive Councilor in his absence by Deputy Chief Executive Councilor.

**27. General powers of the Chief Executive Councilor.-** (1) The Chief Executive Councilor shall be the Chief of the Missing Autonomous Council and shall exercise such powers and discharge such functions as are conferred on him by or under this Act or the rules made thereunder.

(2) The Chief Executive Councilor, shall for the smooth and convenient transaction of business of the Executive Council, allocate among the Executive Councilors such business in such manner as he may deem fit.

**28. Special power of the Chief Executive Councilor.-** (1) The Executive Council may, in cases where the Chief Executive Councilor is required to take, in accordance with the provisions of this Act or the rules made thereunder or any other law for the time being in force, any action subject to the approval of the Executive Council, by a general or special resolution, authorize the Chief Executive Councilor to take such action subject to such condition, if any, as may be specified therein, in anticipation of such approval.

(2) Whenever the Chief Executive Councilor takes any action under sub-section (1) above, he shall inform the Executive Council forthwith and shall obtain the approval thereof.

**29. Meeting of Executive Council.-** (1) The Executive Council shall meet at least once in every three months for transaction of its business at such place and time as the Chief Executive Councilor may direct.

(2) The meeting shall be convened by the Chief Executive Councilor by giving seven clear days notice in writing to each member of the Executive Council.

**\*[30. Quorum.-** The Quorum for transaction of business at a meeting of the Executive Council shall be one-third of the total strength of the Executive Councilors. The meeting shall be conducted by the Chief Executive Councilor by giving 7(seven) days clear notice in writing to each member of the Executive Council.]

\*. Substituted by the Assam Act No. VIII of 2001.

"30. Quorum.- The Quorum for transaction of business at a meeting of the Executive Council shall be three members including the Chief Executive Councilor."

CHAPTER-V  
**THE VILLAGE COUNCIL**

**31. Incorporation of the Village Council.-** The Village Council shall be a body corporate having perpetual succession and a common seal with powers to acquire, hold and dispose of property and shall sue or be sued by its corporate name.

**32. Constitution of the Village Council.-** (1) The Village Council shall consist of 10(ten) members of which 5(five) seats shall be reserved for the Missing community out of which at least one shall be a woman.

(2) Every member of the Village Council shall be entitled to such sitting allowances as may be fixed by the Village Council subject to the approval of the General Council and the Government.

(3) The elected members of the Village Council shall, at the first meeting after the election, elect from among themselves, in the manner prescribed,-

- (i) one member to be the President who shall also be the Chief of the Village Council, and
- (ii) one member to be the Vice President who shall be the Chief of the Village Council.

**33. Term of Office.-** (1) The term of office of the Village 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 :

Provided that the Governor may, if it is satisfied that circumstances exist which render the holding of election, as provided, impracticable, extend the term for a period not exceeding one year.

(2) Notwithstanding anything contained in sub-section (1) above, the President or the Vice President of a Village Council 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) or sub-section (2) above, the term of the Village Council shall be co-terminus with the General Council.

**34. Resignation of members of the Village Council.-** (1) Any member of the Village Council may, at any time by giving notice in writing addressed to the President, resign his office :

XI

পঞ্জীভুক্ত নম্বৰ - ৭৬৮/৯৭

Registered No. - 768/97

অসম



ৰাজপত্ৰ

# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY AUTHORITY

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নং 195 দিশপুৰ, মঙ্গলবাৰ, 17 মে', 2005, 27 বহাগ, 1927 (শক)  
No.195 Dispur, Tuesday, 17th May, 2005, 27th Vaisakha, 1927 (S.E.)

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

NOTIFICATION

The 11th May, 2005

**No. LGL.118/95/159.**-- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XXI OF 2005

(Received the assent of the Governor on 8th May, 2005)

THE MISING AUTONOMOUS COUNCIL (AMENDMENT) ACT, 2005

AN

ACT

further to amend the Mising Autonomous Council Act, 1995.

Whereas it is expedient further to amend the Assam Mising Autonomous Council Act, 1995, hereinafter referred to as the principal Act, in the manner XXVI of hereinafter appearing; 1995

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:-

**Short title, extent and commencement**

- 1 (1) This Act may be called the Mising Autonomous Council (Amendment) Act, 2005.  
(2) It shall have the like extent as the principal Act.  
(3) It shall come into force at once.

**Amendment of the preamble**

- 2 In the principal Act, for the existing Preamble, the following shall be substituted, namely :-

“ Preamble. Whereas it is expedient to provide for the establishment of a Mising Autonomous Council within the State of Assam with maximum autonomy within the framework of the Constitution, comprising of the Satellite Areas and Core Areas, for social, economic, educational, ethnic and cultural advancement of the Mising and other Scheduled Tribes communities residing therein.”

**Amendment of section 2**

- 3 In the principal Act, in section 2, for the existing clauses (q) and (u), the following shall be substituted, namely:-

“(q) “Satellite Areas” means the area or areas consisting of non-contiguous cluster of villages predominantly inhabited by Scheduled Tribes population having 50% and above as a whole in the cluster and not necessarily in the individual villages;”

(u) “ Core Areas” means the compact and contiguous areas predominantly inhabited by Scheduled Tribes population having 50% and above as a whole in the area and not necessarily in the individual villages;”

**Amendment of section 4**

4 In the principal Act, in section 4, in sub-section (1), the word "Mising" shall be substituted by the word "Scheduled Tribes".

**Amendment of section 6**

5 In the principal Act, in section 6, in sub-section (1), -  
(i) for the words "Tribals belonging to Mising", the words "Scheduled Tribes" shall be substituted;

(ii) for figure, brackets and word " 20 (twenty)", the figure, brackets and word " 25 (twenty five)" shall be substituted.

**Amendment of section 18**

6 In the principal Act, in section 18, in entry 24, after the word "Revenue", the following proviso shall be inserted, namely :-  
" Provided that no allotment or settlement of land shall be made in the Council Area without the recommendation of the Executive Council."

**Amendment of section 63**

7 In the principal Act, in section 63, after sub-section (3), the following new sub-section (4) shall be inserted, namely :-

"(4) The General Council may prepare in each financial year a supplementary estimate providing for any modification of its budget for the year and may submit to the Government for approval."

**M. K. DEKA,**  
Commissioner & Secy. to the Govt. of Assam,  
Legislative Department, Dispur.



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 103 দিশপুৰ, শুক্ৰবাৰ, 4 এপ্ৰিল, 2008, 15 চ'ত, 1930 (শক)  
No. 103 Dispur, Friday, 4th April, 2008, 15th Chaitra, 1930 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

## NOTIFICATION

The 4th April, 2008

**No. LGL.118/95/172.** -- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. VI OF 2008

(Received the assent of the Governor on 3rd April, 2008)

**THE MISING AUTONOMOUS COUNCIL (AMENDMENT) ACT, 2008**

AN

ACT

further to amend the Mising Autonomous Council Act, 1995.

### **Preamble**

Whereas it is expedient further to amend the Mising Autonomous Council Act, 1995, hereinafter referred to as the principal Act, in the manner herein after appearing;

**Assam Act  
XXVI of 1995**

It is hereby enacted in the Fifty-ninth Year of the Republic of India as follows:-

### **Short title, extent and commencement**

- (1) This Act may be called the Mising Autonomous Council (Amendment) Act, 2008.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.



- Amendment of section 2**                      2.      In the principal Act, in section 2, for clause (t), the following shall be substituted namely:-
- “(t) “Authority” means the Authority as may be notified under this clause by the Government for carrying out the duties and functions assigned to it under this Act;”
- Amendment of section 50**                      3.      In the principal Act, in section 50 , in sub-section (4), for the word “Commission”, the word “Authority” shall be substituted.
- Amendment of section 52**                      4.      In the principal Act, in section 52, for the word “Comission”, the word “Authority” shall be substituted.
- Amendment of section 57**                      5.      In the principal Act, in section 57, for the word “Commission”, the word “Authority” shall be substituted.
- Amendment of section 60**                      6.      In the principal Act, in section 60, in caluse (a), for the word “Commission”, the word “Authority” shall be substituted.

**MOHD. A. HAQUE,**  
Secretary to the Government of Assam,  
Legislative Department.



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 144 দিশপুৰ, শুক্ৰবাৰ, 15 মাৰ্চ, 2024, 25 ফাগুন 1945 (শক)  
No. 144 Dispur, Friday, 15th March, 2024, 25th Phalgun, 1945 (S. E.)

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

## NOTIFICATION

The 15th March, 2024

**No. LGL.07/2024/5.**— The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 14th March, 2024 is hereby published for general information.

**ASSAM ACT NO. XVI OF 2024**  
(Received the assent of the Hon'ble Governor on 14th March, 2024)  
**THE MISING AUTONOMOUS COUNCIL**  
(AMENDMENT) ACT, 2024

## AN ACT

further to amend the Mising Autonomous Council Act, 1995.

**Preamble**                      Whereas it is expedient further to amend the Mising Autonomous Council Act, 1995 hereinafter referred to as the principal Act, in the manner hereinafter appearing; **Assam Act  
No. XXVI of  
1995**

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

- |   |   |
|---|---|
| <b>Short title, extent and commencement</b> | 1.    (1) This Act may be called the Mising Autonomous Council (Amendment) Act, 2024.<br>(2) It shall have the like extent as the principal Act.<br>(3) It shall come into force at once.   |
| <b>Amendment of section 2</b>               | 2.    In the principal Act, in section 2,<br>(i) in clause (i), the words “and ‘Village Council Fund” shall be deleted.<br>(ii) in clause (l), the words “the Village Council or” shall be deleted.<br>(iii) clause (r) and (s) shall be deleted.<br>(iv) in clause (v), in the fourth line, for the words “Welfare of Plain Tribes and Backward Classes” appearing in between the words and punctuation mark “Department, of” and “,Government of Assam”, the words “Tribal Affairs (Plain)” shall be substituted.   |
| <b>Amendment of section 3</b>               | 3.    In the principal Act, in section 3, in sub-section (1), in the second line, the words “of the Village Councils” appearing in between the words, “of the areas” and “as may be” shall be deleted.  |
| <b>Omission of section 4</b>                | 4.    In the principal Act, section 4, shall be omitted.  |
| <b>Amendment of section 6</b>               | 5.    In the principal Act, in section 6, for sub-section (1), the following shall be substituted, namely:-<br><br>“(1) The General Council shall consist of 45 members of which 40 (Forty) shall be directly elected and 5 (five) shall be nominated by the Government with the concurrence of the Missing Autonomous Council from amongst the groups of communities residing in the Council Area and not otherwise represented in the General Council. Out of 40 (forty) seats, 28 (twenty eight) seats shall be reserved for Scheduled Tribes and 7 (seven) seats shall be reserved for women of any community.” |
| <b>Amendment of section 15</b>              | 6.    In the principal Act, in section 15, in the second line, for the figures and word, “10 (ten)” appearing in between the words, “shall be” and “member”, the figure and words “23 (twenty-three)” shall be substituted.   |
| <b>Amendment of section 20</b>              | 7.    In the principal Act, in section 20, sub-section (5) shall be deleted.  |

- Amendment of section 23      8. In the principal Act in section 23, in sub-section (1), in the fourth line, the words "18, 19, 43 and 44" appearing in between the words, "sections" and "for regulations", the figures and words "18 and 19" shall be substituted.
- Omission of sections 31 to 47      9. In the principal Act, after section 30, the words, "CHAPTER-V THE VILLAGE COUNCIL" and sections 31 to 42 and the words "CHAPTER-VI POWERS AND FUNCTIONS OF THE VILLAGE COUNCIL" and sections 43 to 47 shall be omitted.
- Amendment of section 48      10. In the principal Act, for section 48, the following shall be substituted, namely:-
- “(1) There shall be 40 (forty) constituencies in the Council Area for electing members to the General Council. Each constituency shall be a single member constituency.
- (2) The Government shall, by order published in the Official Gazette, determine the territorial limits of the constituencies into which the Council area shall be delimited for the purpose of election of members to the General Council.”
- Amendment of section 50      11. In the principal Act, for section 50, the following shall be substituted, namely:-
- “(1) Subject to the provisions of this Act and the rules made there under, so much of the electoral roll for the Assembly Constituency in force on the last date of nomination, as is relatable to a General Council Constituency, as defined in clause (b) of section 2, shall be the electoral roll for that General Council Constituency.
- (2) Persons, whose names are included in the electoral roll as aforesaid in sub-section (1) above, shall be the electorate for the election of members of the General Council.”
- Amendment of section 52      12. In the principal Act, in section 52, in the third line, the words "and the Village Council" appearing in between the words, "General Council" and "shall" shall be deleted.
- Amendment of section 53      13. In the principal Act, in section 53, in the marginal heading, the word "Village Council or" and in the first line, the words "either to the Village Council or" appearing in between the words "member" and the "General Council" shall be deleted.
- Amendment of section 54      14. In the principal Act, in section 54,
- (i) in the marginal heading, the words "Village Council or" shall be deleted.
- (ii) in sub-section (1), in the first line, for the words "either to the Village Council or" appearing in between the words, "elected" and "the General", the word "to" shall be substituted.
- (iii) in sub-section (1), in clause (e), in the third line, the words "Village Council" appearing in between the words, "behalf of" and "General Council" shall be deleted.

- (iv) in sub-section (1), in clause (h), in the proviso, in the second line, the words “a member, President or Vice-President of the Village Council or” appearing in between the words “ his being” and “ a member” shall be deleted.
- Amendment of section 57      15. In the principal Act, in section 57, in the first line, the words “Village Council and” appearing in between the words “elected to” and “and” and in the third line, the words “the Village Council” appearing in between the words “the” and “and” shall be deleted.
- Amendment of section 59      16. In the principal Act, in section 59,
- (i) in sub-section (1), the proviso shall be substituted by the following, namely:-  
“Provided that no person below the rank of District Judge, within the meaning of Article 236 of the Constitution, in case of member of the General Council shall be appointed for the purpose.”
- (ii) in sub-section (2), for clause (a), the following shall be substituted, namely:-  
“(a) that on the date of his election the returned candidate was not qualified or was disqualified to be chosen to fill the seat in the General Council.”
- Amendment of section 60      17. In the principal Act, in section 60, in the third line, the words, “to the Village Council and” appearing in between the words, “election” and “to the” shall be deleted.
- Amendment of section 61      18. In the principal Act, in section 61,
- (i) in the marginal heading, the words “and Village Council Fund” shall be deleted.
- (ii) for sub-section (1), the following shall be substituted, namely:-  
“(1) For General Council Fund there shall be a fund called General Council Fund.”
- (iii) for sub-section (2), the following shall be substituted, namely :-  
“(2) The fund as aforesaid shall be under separate sub-heads within the state budget to be held for the purpose of the Act and all money realized or realizable under this Act and all money otherwise received by the General Council shall be credited to this fund.”
- (iv) sub-section (3) to sub-section (12) shall be deleted.
- (v) sub-section (13), shall be renumbered as sub-section (3) and as so renumbered, in sub-section (3), in the first line, the words, “and the Village Council” appearing in between the words “ Council” and “shall” shall be deleted.
- Amendment of section 62      19. In the principal Act, in section 62, in the sixth, seventh and tenth line, the words “and the Village Councils” shall be deleted.

- Amendment of section 63
20. In the principal Act, in section 63,
- (i) in sub-section (1), the words, “The Village Councils also shall prepare its budget in the like manner and shall submit the same to the General Council for consideration and onward transmission to the Government on or before the 1st October of the current financial year.” shall be deleted.
  - (ii) for sub-section (2), the following shall be substituted, namely:-

“(2) The Government may within such time as may be prescribed, either approve the budget or return it to the General Council concerned, as the case may be, for reconsideration on the observations of the Government, if any. The General Council concerned shall thereupon resubmit the budget along with its comments on the observations and if the approval of the Government upon such submission or resubmission as the case may be, is not received by the budget shall be deemed to have been approved by the Government.”
  - (iii) for sub-section (3), the following shall be substituted, namely:-

“(3) No expenditure shall be incurred unless the budget of the General Council is either approved or deemed to have been approved by the Government.”
- Amendment of section 64
21. In the principal Act, in section 64, in the second line, the words “or the Village Councils” appearing in between the words “Executive Council” and “as the case” shall be deleted.
- Amendment of section 67
22. In the principal Act, in section 67, sub-sections (2) and (3) shall be deleted.
- Amendment of section 68
23. In the principal Act, in section 68,
- (i) in the marginal heading for the words and punctuation mark, “Dissolution of General Council, Executive Councils and Village Council”, the words “Dissolution of General Council and Executive Council” shall be substituted.
  - (ii) in sub-section (1), in the seventh line, the words, “and the Village Council” appearing in between the words “Executive Council” and “before” shall be deleted.
- Amendment of section 69
24. In the principal Act, in section 69,
- (i) in clause (a), in the first line, for the words and punctuation mark, “, Executive Council and the Village Council”, the words “and the Executive Council” shall be substituted.
  - (ii) in clause (b), in the first line, for the words, and punctuation mark, “, Executive Council and the Village Council”, the words “and the Executive Council” shall be substituted.
- Amendment of section 72
25. In the principal Act, for section 72, the following shall be substituted, namely:-
- “72. The Chief Executive Councilor, Deputy Chief Executive Councilor. the Executive Councilor of the General Council

shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 or sub-section (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023.”

**Central Act  
No. 45 of 2023**

- |                         |   |
|-------------------------|---|
| Amendment of section 73 | 26. In the principal Act, in section 73, in the first line, the words “or the Village Council” appearing in between the words, “Council” and “as the case” shall be deleted.  |
| Amendment of section 74 | 27. In the principal Act, in section 74, in the second line, the words “or the Village Council” appearing in between the words “Council” and “or any member” shall be deleted.                                      |
| Amendment of section 80 | 28. In the principal Act, in section 80, in the fourth line, the words “to perform in addition, the functions of the Village Councils” appearing in between the words “there-from” and “till the” shall be deleted. |

**GEETANJALI DAS SAIKIA,**  
Secretary to the Government of Assam,  
Legislative Department, Dispur, Guwahati-6.