

THE THENGAL KACHARI AUTONOMOUS COUNCIL (AMENDMENT)
BILL, 2025

A
BILL

Preamble further to amend the Thengal Kachari Autonomous Council Act, 2005.

Whereas it is expedient further to amend the Thengal Kachari Autonomous Council Act, 2005, hereinafter referred to as the principal Act, in the manner hereinafter appearing ;

Assam Act
No. XXVIII
of 2005

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

Short title,
extent and
commencement

1. (1) This Act may be called the Thengal Kachari Autonomous Council (Second Amendment) Act, 2025.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

Amendment of
section 58

2. In the principal Act, for section 58, the following shall be substituted, namely:-

“58. If an elected member is chosen to be a Member of the Parliament or the State Legislature, then at the expiration of fourteen days from the date of the publication in the Gazette of India or in the Official Gazette, as the case may be, of the declaration that he has been so chosen, the seat of such member in the General Council shall become vacant unless he has previously resigned his seat in the Parliament or the State legislature, as the case may be.”

Amendment of
section 61

3. In the principal Act, in section 61, after sub-section (13), the following new sub-section(14) shall be inserted, namely :-

“(14) (i) Notwithstanding anything contained anywhere in this Act, the State Government shall not be responsible for any financial transactions of the Autonomous Council except the grants-in-aid. No financial liability shall be vested in the Government for the acts done and contracts entered into by the Autonomous Council.

(ii) All bid documents of Request For Proposal (RFPs) or tenders floated by the Autonomous Council shall include a clause that the Government shall not be responsible for the financial liabilities arising out of the contracts entered into by the Autonomous Council.

(iii) All procurements of the Autonomous Council which are fully or partially funded from the State budgetary grants shall be within the framework of the Assam Public Procurement Act, 2017 and the rules made thereunder.

Assam Act
No XXIV
of 2017

(iv) All the rules and regulations applicable for the Public Financial Management in the Government shall be equally applicable for the Autonomous Council.”


DRAFTED BY THE
LEGISLATIVE DEPARTMENT

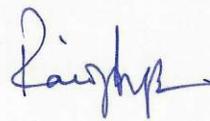
02.09.2025

STATEMENT OF OBJECTS AND REASONS

The primary purpose of the Thengal Kachari Autonomous Council (Amendment) Bill, 2025 is to: (1) bring financial discipline in the functioning of Autonomous Council and (2) to remove the word "Village Council" that appears in Section 58 as this provision no longer exists in the Thengal Kachari Autonomous Council Act, 2005.

The core objective of inserting a new sub-section (14) to Section 61 is to bring financial discipline in the functioning of the Thengal Kachari Autonomous Council by inserting the following:

- (i) Notwithstanding anything contained anywhere in this Act, the State Government is not responsible for any financial transaction of Autonomous Council except the Grants-in-Aid. No financial liability is vested in the Government for acts done, contracts entered into by the Autonomous Council;
- (ii) All bid documents of Request For Approval (RFAs) or tenders floated by the Autonomous Council must include a clause that the Government of Assam shall not be responsible for the financial liabilities arising out of the contracts entered into by Autonomous Council;
- (iii) All procurements of the Autonomous Council which are fully or partially funded from the State Budgetary grants shall be within the framework; of the Assam Public Procurement Act, 2017 and the rules made thereunder.
- (iv) All the Rules and regulations applicable for the Public Financial Management in the Government shall be equally applicable for the Autonomous Council.



(Dr. Ranoj Pegu)
Minister

Department of Tribal Affairs (Plain), etc Assam



Principal Secretary
Assam Legislative Assembly

FINANCIAL MEMORANDUM

The Bill will not have extra financial burden on the State Exchequer once it comes into force.

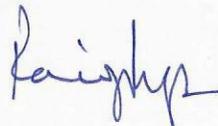


(Dr. Ranoj Pegu)
Minister

Department of Tribal Affairs (Plain),etc Assam

MEMORANDUM OF DELEGATED LEGISLATION

The Bill involves no proposals for delegation of legislative power to anyone.



(Dr. Ranoj Pegu)
Minister

Department of Tribal Affairs (Plain),etc Assam

Existing provision of the Thengal Kachari Autonomous Council Act, 2005 and the proposed provision of the Thengal Kachari Autonomous Council (Amendment) Bill, 2025

Amended Section	Existing Provision	Proposed Provision
Amendment of Section 58	If an elected member is chosen to be a Member of Parliament or the State Legislature, and of General Council in case of a member of the Village Council, then at the expiration of fourteen days from the date of publication in the Gazette of India or the Official Gazette, as the case may be, of the declaration that he has been so chosen the seat of such member in the General Council or the Village Council, as the case may be shall become vacant unless he has previously resigned his seat in the Parliament or the State Legislature or the General Council, as the case may be	If an elected member is chosen to be a Member of the Parliament or the State Legislature, then at the expiration of fourteen days from the date of the publication in the Gazette of India or in the Official Gazette, as the case may be, of the declaration that he has been so chosen, the seat of such member in the General Council shall become vacant unless he has previously resigned his seat in the Parliament or the State legislature, as the case may be.
Amendment of Section 61	(1)For General Council Fund there shall be a fund called General Council Fund. (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.	In the principal Act, in section 61, after sub-section (13), the following new sub-section(14) shall be inserted, namely :- " (14) (i) Notwithstanding anything contained anywhere in this Act, the State Government shall not be responsible for any financial transactions of the Autonomous Council except the grants-in-aid. No financial liability shall be vested in the Government for the acts done and contracts entered into by the Autonomous Council.

	<p>(3) The accounts of the General Council shall be kept in such form and manner as may be prescribed in consultation with the Accountant General, Assam</p>	<p>(ii) All bid documents of Request For Proposal (RFPs) or tenders floated by the Autonomous Council shall include a clause that the Government shall not be responsible for the financial liabilities arising out of the contracts entered into by the Autonomous Council.</p> <p>(iii) All procurements of the Autonomous Council which are fully or partially funded from the State budgetary grants shall be within the framework of the Assam Public Procurement Act, 2017 and the rules made there under.</p> <p>(iv) All the rules and regulations applicable for the Public Financial Management in the Government shall be equally applicable for the Autonomous Council."</p>
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