

ASSAM

FINANCE

COMMISSION

(MISCELLANEOUS

PROVISION)

ACT, 1995

ASSAM FINANCE COMMISSION
(MISCELLANEOUS PROVISION) ACT, 1995
(Assam Act No.VI of 1995)

[Received the assent of the Governor on 18th April, 1995]

**An act to determine the qualification requisite for
appointment as Members of the Assam Finance Commission
and the manner in which they shall be selected and to
prescribe their powers.**

Preamble. It is hereby enacted in the Forty-sixth Year of the
Republic of India as follows:

1. Short title and commencement.

(1) This Act may be called the Assam Finance Commission
(Miscellaneous Provision) Act, 1995.

(2) It shall come into force on such date as the
Government may, by notification, appoint.

2. Definitions.

In this Act unless the context otherwise required-

- (1) **“Commission”** means the Assam Finance Commission constituted by the Governor pursuant to sub-Cl. (1) of Art. 243-I of the Constitution;
- (2) **“Government”** means the Government of Assam.
- (3) **“Governor”** means the Governor of Assam.
- (4) **“Member”** means the Member of the Assam Finance Commission;
- (5) **“Chairman”** means the Chairman of the Assam Finance Commission;
- (6) **“Member Secretary”** means the Member of the Assam Finance Commission, specially designated as Member Secretary.

3. Qualification for appointment and the manner of selection of members of the Commission.

The Chairman of the Commission shall be selected from among persons, who have wide experience in public affairs, with special reference to economic and financial matters and four other members including the Member-Secretary shall be selected from among person’s who-

- (a) are or have been or are qualified to be appointed as Judges of a High Court; or

- (b) have special knowledge of the finance and accounts of a Government; or
- (c) have had wide experience in financial matters and in administration; or
- (d) have special knowledge of economics; or
- (e) have had long experience as an administrator at senior levels with particular reference to financial and economic matters.

4. Personal interest to disqualify members.

Before appointment of a person as a Chairman or a member of the Commission, the Governor shall satisfy himself that the person shall have no such financial or other interest as is likely to affect prejudicially his functions as a member the Commission, and the Governor shall also satisfy himself from time to time with respect to every member that he has no such interest and any person who is, or whom the Governor proposes to appoint to be a member shall, whenever required by the Governor so to do, furnish to him such information as the Governor considers necessary to satisfy himself in this regard as also for the performance by him of his duties as the Chairman or a Member of the Commission.

5. Disqualification for being a member of the Commission.

A person shall be disqualified for being appointed as, or for being a member-

- (a) if he is of unsound mind;
- (b) if he is an un-discharged insolvent;
- (c) if he has been convicted of an offence involving moral turpitude; and
- (d) if he has such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission.

6. Terms of Office of members and eligibility for re-appointment.

Every member shall hold office for such period as may be specified in the orders of the Governor appointing him but shall be eligible for re-appointment:

Provided that he may, by letter addressed to Governor, resign his office.

7. Conditions of service and other allowances of members.

- (1) The members shall render whole-time or part-time service to the Commission as the Governor may in each case specify.
- (2) Members shall be paid such fees or salaries and such allowances as the Governor may, by order made in this behalf, determine.

8. Procedure and powers of the Commission.

- (1) The Commission shall determine their procedure and in the performance of their functions shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:
 - (a) summoning and enforcing the attendance of the witness;
 - (b) requiring the production of any document;
 - (c) the requisitioning of any public record from any court or office.

- (2) Commission shall have the power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to any matter under the consideration of the Commission and any person so required shall notwithstanding anything contained in Sub-S. (2) of S.54 of the Indian Income Tax Act, 1922 or in any other law for the time being in force, be deemed to be legally bound to furnish such information within the meaning of S.176 of the Indian Penal Code.
- (3) The Commission shall be deemed to be a Civil Court for the purpose of Ss. 345 and 346 of the Code of Criminal Procedure, 1973 (Act.II of 1974).

Explanation. For the purpose of enforcing attendance of witness, the legal limits of the Commission's jurisdiction shall be the limits of the territory of India.

