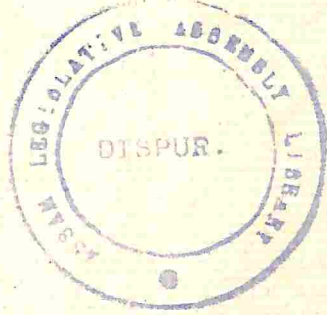


348,541.62

Assam Panchayati Raj Act, 1986

(Assam Act XVII of 1986)



GLR PUBLISHING HOUSE,
Sikaria Building, A.T. Road, Gauhati-781001



348.54162-18849

Publisher

GLR PUBLISHING HOUSE
Sikaria Building, A.T. Road
GUWAHATI-781 001

Price Rs. 25/-

Printed by :

DHAWAN PRINTING WORKS
A/26, MAYAPURI PHASE I,
NEW DELHI-110064.

OUR OTHER IMPORTANT

PUBLICATIONS

GAUHATI LAW REPORTS

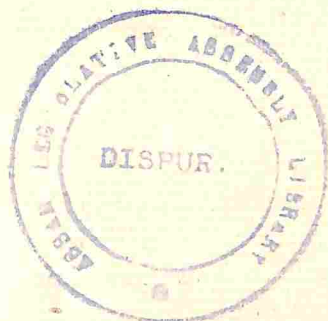
A monthly Law journal reporting judgments of the Gauhati High Court and its outlying Benches at Shillong, Imphal Agartala and Kohima and important Acts, Rules and Notifications of the five States.

(Published since 1981)

Back Volumes

1981, 1982 and 1983 out of print

1984 vol. 1	Bound	Rs. 185/-
1984 vol. 2	Bound	Rs. 185/-
1985 vol. 1	Bound	Rs. 185/-
1985 vol. 2	Bound	Rs. 185/-
1986 vol. 1	Bound	Rs. 185/-
1986 vol. 2	Bound	Rs. 185/-



Current Subscription

Rs. 320/- Ordinary post

Rs. 353/- Registered post

STATUS OF NORTH EAST INDIA

By Dr. B.P. Saraf and Ashok K. Saraf

(A complete manual of all the unrepealed Acts of North East India)

Vol. 1 : Containing Assam Acts : A-C Rs. 140/-

Vol. 2 : Containing Assam Acts D-G Rs. 180/-

Vol. 3 : Containing GMC Acts and Assam

Acts H-L Rs. 195/-

Vol. 4 : Containing Assam Acts M-R Rs. 195/-

Vol. 5 : Containing Assam Acts S-Z

(to be released in February '87)

RULES AND ORDERS OF NORTH EAST INDIA

By Dr. B. P. Saraf and Ashok K. Saraf

(A complete manual of all the Rules, Regulations and orders of North East India)

Vol. 1 Containing Assam Rules A-C Rs. 160/-

Subsequent volumes under preparation)

ASSAM JAIL MANUAL

(A manual containing laws relating to Jail Administration in Assam)

By Dr. B.P. Saraf and Ashok K. Saraf Rs. 275/-

ASSAM POLICE MANUAL

(A manual containing laws relating to Police Administration in Assam covering in two volumes all the six parts of Police Manual)

First Volume Rs. 225/-

✓
342.5416209
GLR

ASSAM
LEGISLATIVE ASSEMBLY
LIBRARY.
ACC. No. B 18849
DATE OF REGD 12.12.91

THE ASSAM PANCHAYATI RAJ ACT, 1986

(ASSAM ACT XVII OF 1986)

(The text of the Act printed here is as on 31-12-1986)

ARRANGEMENT OF SECTIONS

Preamble

SECTIONS

CHAPTER—I

1. Short title, extent and commencement
2. Definition

CHAPTER—II

ESTABLISHMENT AND CONSTITUTION OF SUB-DIVISIONAL PLANNING AND DEVELOPMENT COUNCIL

3. Establishment and Constitution of Sub-Divisional
Planning and Development Councils

CHAPTER—III

ESTABLISHMENT AND CONSTITUTION OF MAHKUMA PARISHAD, ANCHALIK PANCHAYAT AND GAON PANCHAYAT

4. Establishment of Mahkuma Parishad
5. Establishment of Anchalik Panchayat
6. Notification declaring any area to be a Gaon Panchayat
7. Application of rules, bye-laws, etc. on Mahkuma Parishad, Anchalik Panchayat, and Gaon Panchayat
8. List of voters of Gaon Panchayats
9. Meeting of the Gaon Panchayat
10. Strength of elected members and election of Gaon Panchayat President
11. A General meeting of Gaon Panchayat
12. (1) Filling up of casual vacancies of Gaon Panchayat
12. (2) Disqualification of the President, Vice-President and member of the Gaon Panchayat
13. Constitution of Anchalik Panchayat
14. Election of a President and a Vice-President of an Anchalik Panchayat ..
15. Term of Office of the President, Vice-President and Members of an Anchalik Panchayat
16. Office of Anchalik Panchayat and Executive officer
17. Duties of Executive officer

18. Constitution of the Mahkuma Parishad
20. (1) Election of the President and the Vice-President of the Mahkuma Parishad
22. Office of the Mahkuma Parishad
23. Resignation of the President and Vice-President or a member of a Mahkuma Parishad and Anchalik Panchayat and a Gaon Panchayat
24. Removal of President or Vice-President or Member of a Gaon or Anchalik Panchayat or Mahkuma Parishad
25. Filling up of casual vacancy of an Anchalik Panchayat or a Mahkuma Parishad
26. Conduct of business of an Anchalik Panchayat
27. Conduct of business of a Mahkuma Parishad
28. Irregularities which do not vitiate any act
29. Appointment of staff of the Mahkuma Parishad, the Anchalik Panchayat and the Gaon Panchayat
30. Officers for organisation, Inspection, Supervision of Gaon Panchayat or Anchalik Panchayat or Mahkuma Parishad
31. Review of work of Anchalik Panchayat
32. Incorporation of a Gaon or an Anchalik Panchayat
33. Implementation of various Development Programme within the territorial jurisdiction of Anchalik Panchayat
34. Co-ordinating Department in respect of Development Programme in the Anchalik Panchayat Area

**ADMINISTRATIVE FUNCTIONS AND POWER OF GAON
PANCHAYAT AND ANCHALIK PANCHAYAT AND
MAHKUMA PARISHAD**

35. Functions of Development Departments
36. Duties and functions of Gaon Panchayat
37. Duties and functions of Anchalik Panchayat
38. Duties and functions of Mahkuma Parishad
39. Power of the State Government to increase taxation
40. Power to cause Improvement of sanitation.
41. Transfer of certain duties from the Local authority or private persons to the Gaon or Anchalik Panchayat
42. Power of a Gaon or an Anchalik Panchayat as to roads, embankments, waterways, bridges and culverts

43. Power of a Gaon or an Anchalik Panchayat to prevent spread of water hyacinth
44. Emergent power on the outbreak or epidemic
45. Duties of a Gaon or an Anchalik Panchayat to scare away or destroy pests and animals to save crops from being damaged
46. Power to enter into contract for collection of tax or revenue
47. Power of entry of Gaon or Anchalik Panchayat or Mahkuma Parishad Officers into premises
48. Public Servant
49. Village Volunteer Force
50. Power to frame Bye-Laws
51. Power to close Markets
52. Disinfection of buildings and articles
53. Information to be given on infectious diseases
54. Removal to Hospital of Patients suffering from infectious diseases.
55. Promotion of vaccination
56. Water Supply
57. Penalty for encroachment of roads, etc.

CHAPTER—V

FINANCE AND PROPERTY OF THE GAON PANCHAYAT AND ANCHALIK PANCHAYAT AND MAHKUMA PARISHAD

58. Assam Rural Development Fund
59. Application of the Assam Rural Development Fund
60. District Rural Development Fund
61. Distribution of the District Rural Development Fund
62. The Gaon and Anchalik Panchayat Fund
63. Credit to the Gaon Panchayat Fund
64. Credit to the Anchalik Panchayat Fund
65. Credit to the Mahkuma Parishad Fund
66. The Anchalik Panchayat may raise loans and may form sinking Fund
67. Application of the Gaon or Anchalik Panchayat Fund
68. Application of the Mahkuma Parishad Fund
69. Preparation of the Budget of the Gaon and the Anchalik Panchayat

- 70. Preparation of the Budget of the Mahkuma Parishad
- 71. Power of taxation of the Gaon Panchayat
- 72. Power of taxation of the Anchalik Panchayat
- 73. Settlement of hats, distribution of proceeds and maintenance and regulation thereof
- 74. Settlement of Public Ferry and distribution of sale proceeds thereof
- 75. Transfer of Government fisheries to the Gaon and Anchalik Panchayat
- 76. Settlement of fisheries and distribution of proceeds thereof

CHAPTER—VI

- 77. General power of Inspection, Supervision and Control of State Government
- 78. Inspector of Local Works
- 79. Control or prohibition of any act by a Panchayati Raj Institution which is an excess or ultra-vires.
- 80. Dissolution or supervision of a Panchayati Raj Institution
- 81. Appeal against any order of a Panchayati Raj Institution
- 82. Delegation of powers to the Deputy Commissioner, Sub-Divisional Officer any other Gazetted officer

CHAPTER—VII

PENALTY

- 83. Penalty for contravening any provision of the Act or rule or bye-law framed thereunder.
- 84. Institution of suit, case or proceedings against an agent or employee of a Gaon Panchayat or Anchalik Panchayat or Mahkuma Parishad
- 85. Penalty for obstructing the Panchayats and damaging property
- 86. Power of the Gaon or Anchalik Panchayat to compound cases
- 87. Liability of members of the Panchayats for misuse or unauthorised diversion of funds

88. Members of the Gaon or Anchalik Panchayat are not to acquire interest in Panchayat property or contract work
89. Penalty on members or officers of the Gaon or Anchalik Panchayat being interested in contracts made
90. Compensation
91. Dispute between local authorities
92. Recovery of taxes and demand not otherwise provided for
93. Co-operation with Government officers

CHAPTER—VIII

MISCELLANEOUS

94. Continuation of any assessment, tax, rate cess, fee until re-assessment under the Act
95. State Government is the final authority in cases of any dispute or difficulty
96. Taking of oath
97. Police to report Commission of offence to the Panchayats
98. Power of the State Government to frame rules
99. Power of the Gaon or the Anchalik Panchayat to make subsidiary rules

CHAPTER—IX

100. Repeal and savings

STATEMENT OF OBJECTS AND REASONS

The provisions of the Assam Panchayati Raj Act, 1972 (Assam Act No. XI of 1973) have been found to be not quite adequate to provide a sound infrastructure relating to rural development and rural reconstruction for work. The Act provided for Mahkuma Parishads at the Subdivisional level and Gaon Panchayats at the village level. Virtually, all the powers were vested in the Mahkuma Parishads. Gaon Panchayats were practically not involved in any of the rural development activities.

It has been considered necessary to bring in the institution of Anchalik Panchayats in the Panchayati Raj system and to revert to a three-tier system of Mahkuma Parishad, Anchalik Panchayat and Gaon Panchayat in place of existing two-tier system of Mohkuma Parishad and Gaon Panchayat.

It is proposed to make the Anchalik Panchayats the main institution in the entire Panchayati Raj system. Planning will be initiated and development schemes will be implemented by the Anchalik Panchayats and also the Gaon Panchayats. The role of the Mohkuma Parishads in the new pattern will be primarily supervisory in nature.

The amendments to the Assam Panchayati Raj Act are proposed in order to bring about democratic decentralisation of powers for development of rural areas. It is expected that the new Panchayati Raj institutions, as proposed in the Bill, will be able to effectively and efficiently implement the various development programmes. (*Assam Gazette, Extraordinary, dt. 3-4-1986*).

THE ASSAM PANCHAYATI RAJ ACT, 1986

(ASSAM ACT XVII OF 1986)

(Received the assent of the President on 23rd November, 1986)

[Published in the Assam Gazette, Extraordinary, dated 9th December, 1986]

An

Act

to amend and consolidate the laws relating to the Assam Panchayati Raj Act, 1972 (Assam Act No. XI of 1973).

Whereas it is expedient to amend and consolidate the laws relating to Local Self Government in the rural areas of the State of Assam with a view to enable the Panchayati Raj Institutions to function more effectively as units of Local Self-Government ;

It is hereby enacted in the Thirty-Seventh Year of the Republic of India as follows :—

CHAPTER—I

1. Short title, extent and commencement.—(1) This Act may be called the Assam Panchayati Raj Act, 1986.

(2) It shall extend to the whole of the State of Assam, in the rural areas, except the Autonomous Districts under the Sixth Schedule of the Constitution of India and shall exclude any area which has been or hereafter may be included in a Municipality or a Town Committee or a Cantonment constituted under the Assam Municipal Act, 1956 (Assam Act XV of 1957) and Cantonment Act, 1924 (Act II of 1924) respectively or by any other Act.

(3) It shall come into force on such date as the State Government may, by notification, direct.

(4) The State Government may, by notification, withdraw the operation of the whole or part of this Act from any area or areas to which it may have been extended and may make any alternative arrangement deemed necessary.

2. Definition.—In this Act, unless there is anything repugnant in the subject or context—

(1) “Gaon Panchayat” means a Gaon Panchayat established under this Act ;

(2) “Anchalik Panchayat” means an Anchalik Panchayat established under this Act ;

(3) “Mahkuma Parishad” means a Mahkuma Parishad established under this Act ;

(4) “Local Authority” includes Gaon Sabhas, Gaon Panchayats, Anchalik Panchayats, Mahkuma Parishads, Municipal Boards and Town Committee ;

(5) “Notification” means a notification published in the Official Gazette ;

(6) “Panchayati Raj Bodies” means the Gaon Panchayats, Anchalik Panchayats and Mahkuma Parishads ;

(7) “Adult” means a person male or female having completed his or her twenty-first year of age ;

(8) “Village” means any local area, recorded as village in the revenue records of the district in which it is situated and includes any area which the State Government may, by general or special order, declare to be a village for the purpose of this Act ;

(9) “Co-operative Society” registered or deemed to be registered under the Assam Co-operative Societies Act, 1949 or under any Central Act regulating the registration of Co-operative Societies ;

(10) “Member” means a member of the Gaon Panchayat or of the Anchalik Panchayat or the Mahkuma Parishad ;

(11) “Ex-officio member” means a member who is appointed to be a member by virtue of his office, and for the purpose of Gaon Panchayat or Anchalik Panchayat, or Mahkuma Parishad and may include local members of the Parliament, Local members of the State Legislative Assembly, State Government officials, representative of the local Co-operative Societies and representative of the local Scheduled or non-scheduled Banks ;

(12) “Co-opted member” means a person co-opted to be a member of a Gaon Panchayat or an Anchalik Panchayat or a Mahkuma Parishad ;

(13) “Scheduled Caste” means such caste, race or tribe or part of or

group within such caste, race or tribe as is deemed to be Scheduled Caste in relation to the State of Assam under Article 341 of the Constitution of India;

(14) "Scheduled Tribe" means such tribe or tribal community or part of or a group within which such tribe or tribal community as is deemed to be Scheduled Tribe in relation to the State of Assam under Article 342 of the Constitution of India ;

(15) "Public Servant" means a public servant as defined in Section 21. of the Indian Penal Code, 1860 ;

(16) "Public Property" means any property belonging to Government or any Local Authority ;

(17) "Sub-Division" means a Sub-Division created or maintained under Section 7 of the Code of Criminal Procedure, 1973 or a district which has no such Sub-Division ;

(18) "Bazar" or "Hat" or "Market" means any place within the administrative control of the Local Authority where persons assemble daily or bi-weekly or periodically for sale or purchase of articles for human or animal consumptions or of livestock or of other merchandise ;

(19) "Carriage" means any wheeled vehicle with springs or other appliances acting as spring or a kind ordinarily used for conveyance of human beings and includes bi-cycles, tri-cycles, rickshaws of all kinds and country boat whether operated with or without engine but does not include motor vehicles and perambulators ;

(20) "Cart" means any cart, hackney, or wheeled vehicle with or without springs which is not a carriage as defined in sub-section (19) ;

(21) "Cattle" included such quadrupeds as are included in the Cattle Trespass Act, 1871 ;

(22) the expressions "complaint" and "offence" shall have the same meaning as in Section 2 of the Code of Criminal Procedure, 1973 ;

(23) "Bye-law" means bye-law made and approved under the provision of this Act;

(24) The expression "decree holder", "Judgment debtor", "Legal representative" and "movable property" shall have the same meaning as in Section 2 of the Code of Civil Procedure, 1908;

(25) "Financial year" means the year commencing on the 1st day of July or on such other date as the State Government may by notification appoint ;

(26) "House hold" means a house or houses used by a family for dwelling purpose (house includes building) ;

(27) "Prescribed" means prescribed by the State Government by rules made under this Act ;

(28) "Proceeding" means any proceeding specified under this Act other than "Case", "Action" or "Suit";

(29) "Water Course" includes river, stream, channel, tank and well and aquaduct ;

(30) "Surcharge" means an amount not passed by audit and which must be refunded by the person responsible for the amount ;

(31) "Development Departments" under the provision of this Act shall include such Departments as may be notified by the State Government from time to time.

CHAPTER — II

ESTABLISHMENT AND CONSTITUTION OF SUB-DIVISIONAL PLANNING AND DEVELOPMENT COUNCIL

3. Establishment and constitution of Sub-Divisional Planning and Development Councils.—(1) The State Government shall by notification establish in each Administrative Sub-Division, a Sub-Divisional Planning and Development Council consisting of a Chairman and as many Members as may be prescribed :

(2) The Sub-Divisional Council shall have the powers and functions as under:—

(1) To prepare the Sub-Divisional Level Annual and Five Year Plans and submit to the State Government for approval after obtaining Block plan from the respective Anchalik Panchayats.

(b) To review and Co-ordinate the activities of different Development Departments in the Sub-Division and make such recommendations to the State Government as it may deem necessary.

(c) To undertake evaluation, monitoring and review of the activities of the different Development Departments in the Sub-Division and issue such instructions as it deems necessary.

(d) To undertake such other business as the State Government may entrust to the Council from time to time.

(e) To carry out such directives as the Planning and Development Department, Assam, may issue to the Council from time to time.

CHAPTER—III

**ESTABLISHMENT AND CONSTITUTION OF MAH-
KUMA PARISHAD, ANCHALIK PANCHAYAT
AND GAON PANCHAYAT.**

4. Establishment of Mahkuma Parishad.—(1) The State Government shall by notification establish a Mahkuma Parishad in each Civil Sub-Division and where there is no Civil Sub-Division, in each District, declaring the name and territorial jurisdiction of such Mahkuma Parishad.

(2) The State Government may by notification, alter or reduce the area of operation of a Mahkuma Parishad.

5. Establishment of Anchalik Panchayat.—(1) In each area declared as Mahkuma Parishad under Section 4 there may be as many Anchalik Panchayats as may be deemed necessary by the State Government.

(2) The State Government shall, by notification, declare and publish the name and territorial jurisdiction of such Anchalik Panchayat and may at any time, by notification, include any area or exclude any area from the territorial jurisdiction of an Anchalik Panchayat :

Provided that the area of an Anchalik Panchayat shall coincide with the area of a Development Block.

6. Notification declaring any area to be a Gaon Panchayat.—(1) The State Government may, by notification, declare any area to be a Gaon Panchayat area for the purpose of this Act.

(2) The State Government shall declare the name and territorial jurisdiction of each Gaon Panchayat under sub-section (1) and may at any time by notification, include any area in, and exclude any area from, the territorial jurisdiction of the Gaon Panchayat:

Provided that the area of a Gaon Panchayat shall have a population of not more than 8 thousand and not less than 6 thousand:

Provided further that the area of any revenue village or a forest village shall be included entirely within the area of one Gaon Panchayat.

7. Application of rules, bye-laws, etc., on Mahkuma Parishad, Anchalik Panchayat and Gaon Panchayat.—(1) Where any area is included in a Mahkuma Parishad under Section 4, such area shall become subject to all the rules, regulations, bye-laws and orders under this or any other enactment in force in the area within the jurisdiction of such Mahkuma Parishad.

(2) Where any area is included in an Anchalik Panchayat or Gaon Panchayat under Sections 5 and 6 respectively, such area shall become subject to all the rules, regulations, bye-laws and orders under this or any other

enactment in force in the area within the jurisdiction of the aforesaid Panchayats.

8. List of voters of Gaon Panchayat.—(1) Where electoral roll of the Assam Legislative Assembly prepared under the provisions of the Representation of the Peoples Act, 1951 and in force on such day as the State Government by general or special order notify in this behalf for such part of the constituency of the Assembly as is included in the Gaon Panchayat shall be the list of voters for such Gaon Panchayat.

(2) An officer empowered by the Deputy Commissioner or the Sub-Divisional Officers, as the case may be, in this behalf, shall prepare a list of voters for each such Gaon Panchayat and shall publish the same in the manner prescribed:

Provided that the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, may include the name of any person whose name is not included in the list of voters if such person makes an application within ten days of the publication of the list and satisfies the Deputy Commissioner or the Sub-Divisional Officer as the case may be, that his name appears in the upto-date electoral roll of the Assam Legislative Assembly, prepared and in force after the day notified under sub-section (1).

9. Meeting of the Gaon Panchayat.—(1) A meeting of the members of the Gaon Panchayat may be called by the President at any time provided that more than two months shall not intervene between its last sitting in one meeting and the date appointed for its first sitting in the next meeting. Such meeting shall be called to review the progress of works of the preceding period and to draw up plans for the succeeding period or year and shall be held at such date, time and place as the president may notify. At least seven days notice in writing of the meeting and its agenda shall be given to the members. The President shall call a meeting if two third or more members of a Gaon Panchayat send requisition for a meeting in writing or if directed by the Deputy Commissioner or the Sub-Divisional Officer or any other Officer so authorised by the Deputy Commissioner or the Sub-Divisional Officer, as the case may be.

(2) Every meeting shall be presided over by the President of the Gaon Panchayat and in his absence by the Vive-President of the Gaon Panchayat.

(3) The business of meetings shall be transacted in the language of the region and minutes of the proceedings shall be recorded and entered in a book kept for the purpose and shall be signed at the meeting by the President.

(4) Any member of a Gaon Panchayat after giving at least three clear days' notice in writing to the President may in any meeting move any

resolution or put any question on matters connected with the administration of the Gaon Panchayat.

(5) The voting shall be by show of hands.

10. Strength of elected members and Election of Gaon Panchayat President.—(1) Every Gaon Panchayat shall consist of ten members be elected in the manner prescribed:

Provided the voters of the Gaon Panchayat area shall elect from amongst themselves one to be a President of the Gaon Panchayat in the manner prescribed:

Provided further that the Gaon Panchayat shall co-opt two women members if no woman is elected, and one woman member if only one is elected:

Provided further that wherever five per cent or more of the population of a Gaon Panchayat are Scheduled Castes, there shall be one member co-opted to the Gaon Panchayat from the Scheduled Caste, if no member from this community is elected to the Gaon Panchayat:

Provided further that wherever five per cent or more of the population of a Gaon Panchayat are Scheduled Tribes, there shall be one member co-opted to the Gaon Panchayat from the Scheduled Tribe, if no member from this Community is elected to the Gaon Panchayat:

Provided further that the representation shall continue as long as special representation for the Scheduled Castes and Scheduled Tribes continues to be provided for in the Constitution of India :

Provided further that the co-opted members shall be in addition to the members provided in this Section.

(2) When the Gaon Panchayat has been constituted under this Section the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall call a meeting of the Gaon Panchayat (which shall be called the first meeting of the Gaon Panchayat) for election of a Vice-President from amongst its members in the manner prescribed.

(3) The term of office of the President, the Vice-President and the members of the Gaon Panchayat shall be five years from the date of the first meeting of the Gaon Panchayat :

Provided that the term of the office fixed under this sub-section shall be held to include any period which may elapse between the expiration of the said period and the date of the first meeting of the Gaon Panchayat newly constituted at which a quorum shall be present, when a Gaon Panchayat is thus duly constituted the old Gaon Panchayat shall stand dissolved.

(4) The Gaon Panchayat shall carry out all functions and duties assigned to it under this Act.

(5) **Office of the Gaon Panchayat.**—A Gaon Panchayat shall maintain an office in the manner prescribed.

(6) **Secretary of Gaon Panchayat.**—The State Government may appoint a Secretary of the Gaon Panchayat. The Secretary shall be responsible for the maintenance of the office.

(7) **Conduct of Business by the Gaon Panchayat.**—The meeting of the Gaon Panchayat shall be called by the President and shall be held in the Gaon Panchayat office or in such place in the areas as he may notify.

(8) An ordinary meeting of the Gaon Panchayat shall be held at least once in every two months.

(9) Every meeting shall be presided over by the President and in his absence by the Vice-President.

(10) For any meeting of the Gaon Panchayat, one-third of the total number of members shall form the quorum and the decision of the majority at a meeting shall be binding in all matters save as otherwise provided. The president shall not be entitled to vote in the first instance but when voting is equal he shall have a casting vote:

Provided that *Ex-officio* members shall not be counted for the purpose of quorum.

(11) The voting shall be by show of hands except in case of election or no-confidence motion when voting shall be by secret ballot.

(12) For want of quorum, a meeting may be adjourned to a date not exceeding seven days period :

Provided that no quorum shall be necessary for a meeting adjourned for want of quorum :

Provided further that the president shall issue notice at least 48 hours ahead of the meeting on the seventh day from the day of the adjourned meeting.

(13) The Gaon Panchayat Secretary shall send copies of the proceeding of all meeting of the Gaon Panchayat to the Deputy Commissioner or the Sub-Divisional Officer, as the case may be and also the Secretary of the Anchalik Panchayat concerned.

(14) Resolutions of the Gaon Panchayat shall be carried out by the President who is the Executive Officer of the Panchayat.

11. A General meeting of Gaon Panchayat.—(1) A general meeting of the voters within a Gaon Panchayat areas, shall be called by the President of the Gaon Panchayat at the beginning of every financial year, on such date and at such time and place as he may notify and in such manner as may be

prescribed. Such meeting shall be held at least twice a year to review the progress of Works of the Gaon Panchayat during the preceding period and to consider the working Plan and Programme for the current-year.

(2) One hundred voters shall form the quorum for such meeting.

(3) In the absence of a quorum the meeting shall be adjourned to a date not later than 15 days from the date of this meeting.

(4) No quorum shall be required for the adjourned meeting.

12. Filling up of casual vacancies of Gaon Panchayat.—(1) If a President, Vice-president, or a member of the Gaon Panchayat dies, resigns, or is removed or otherwise a vacancy is created, the Gaon Panchayat shall fill up such vacancy in the manner these Offices are filled.

(2) Disqualification of the President, Vice-President and member of the Gaon Panchayat.—No person shall be elected (or co-opted) and remain as President or Vice-President or Member of the Gaon Panchayat, if he or she

(a) has been convicted of an offence involving moral turpitude or ordered to give security for good behaviour under Section 110 of the Code of Criminal Procedure, 1973, unless a period of four years has elapsed on the date fixed for holding election from the date of his release in case of a sentence or imprisonment and in case of sentence other than imprisonment and in case of sentence other than imprisonment from the date of conviction; or

(b) has been dismissed from Government service for commission of act involving moral turpitude unless a period of five years has elapsed on the date fixed for holding election from the date of his dismissal; or

(c) applies to be declared as an uncertified bankrupt or undischarged insolvent; or

(d) has been proclaimed a tout under the Legal Practitioners Act; or

(e) holds any service of profit under Government (or any educational institution recognised by and receiving grant from the Government) or holds any remunerated office under Gaon or Anchalik Panchayat or Mahakuma Parishad or holds any contract under any of the aforesaid bodies or under the Government ; or

(f) has been during the four years immediately preceding the date of the election convicted of an offence punishable under Section 135, or Clause (a) or Sub-section (2) of Section 136 of the Representation of the People Act, 1951 or has been found by a competent authority to have resorted to corrupt practice resulting in setting aside of his election to any local body or to any Legislature in India ; or

(g) has been a defaulter of payment of any rate, tax, cess or fee imposed under the provisions of this Act and the Rules framed thereunder or of any loan of Co-operative Society.

(3) The State Government may appoint any Government Officer as Ex-Officio member of the Gaon Panchayat who shall have the right to attend all meetings and participate in the discussions but shall have no right to vote.

13. Constitution of Anchalik Panchayat.—(1) The Anchalik Panchayat as established under Section 5 shall consist of—

(a) all Presidents of the Gaon Panchayats falling within the jurisdiction of the Anchalik Panchayat ;

(b) ten members to be directly elected by the Gaon Panchayat in the manner prescribed ; the area of Anchalik Panchayat shall be divided in to constituencies for electing such members in the manner perscribed ;

(c) One representative from the Co-operative Societies falling within the jurisdiction of the Anchalik Panchayat nominated by the Government.

(2) Wherever five per cent or more of the population of the Gaon Panchayat comprising the Anchalik Panchayat are Scheduled Castes or Scheduled Tribes, as the case may be, and in case no person belonging to the Scheduled Castes or Scheduled Tribes, as the case may be, is elected as member to the Anchalik Panchayat, the members of the Anchalik Panchayat shall co-opt one person belonging to the Scheduled Castes or Scheduled Tribes, as the case may be as member:

Provided that this representation shall continue as long as special representation for the Scheduled Castes or Scheduled Tribes continues to be provided for in the Constitution of India.

(3) The Anchalik Panchayat shall from within the area of its jurisdiction, co-opt one woman member if no woman is elected to it.

(4) All members of the State Legislative Assembly and of the Parliament whose constituency falls within the Anachalik Panchayat area shall be *ex-officio* members of the Anchalik Panchayat without the right to vote.

(5) The State Government may nominate such officers as *ex-officio* member of the Anchalik Panchayat as may be deemed necessary. Such *ex-officio* members shall have no right to vote :

Provided that the Sub-Divisional Officers of various Development Departments, a representative of the Sub-divisional level of the Department of Statistics, and the Sub-divisional Planning Officer, shall be nominated *ex-officio* members :

Provided further that the State Government may nominate, as *ex-officio* member, if deemed necessary, to the Anchalik Panchayat any officer of development departments represented at the Sub-Divisional Level including scheduled or non-scheduled bank.

(6) No person shall be elected, co-opted, or nominated and remain as member of the Anchalik Panchayat, if he or she suffers from any of the disqualifications mentioned in sub-section (2) Clauses (a) to (g) of Section 12.

14. Election of a President and a Vice-President of an Anchalik Panchayat.—

(1) When the Anchalik Panchayat has been constituted under Section 13, the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall call a meeting of the Anchalik Panchayat (which meeting shall be called the first meeting of the Anchalik Panchayat) for the election of a President and a Vice-President from amongst its members in the manner prescribed.

15. Term of office of the President, Vice-President and Members of an Anchalik Panchayat.—(1) The term of office of the President, the Vice-President and the Members of an Anchalik Panchayat shall be 5 (five) years from the date of the first meeting of the Anchalik Panchayat under sub-section (1) of section 14 :

Provided that the term of the office fixed under this Section shall be held to include any period which may elapse between the expiration of the said period and the date of the first meeting of the Anchalik Panchayat newly constituted. When an Anchalik Panchayat is thus duly constituted and called to meet for the first time the old Anchalik Panchayat shall stand dissolved:

Provided further that the term of the office of a member elected or co-opted or nominated or the President or the Vice-President to fill-up a casual vacancy shall be the remainder of the term of office of the member, the President or the Vice-President whom he replaces.

(2) If in the opinion of the State Government the affairs of an Anchalik Panchayat cannot be administered within the provisions of this Act, then the State Government may dissolve the existing Anchalik Panchayat:

Provided that such dissolution shall be made by notification :

Provided further that in case of dissolution, State Government may by a notification order formation of an Ad-hoc Body or may make such alternative arrangements as deemed fit.

16. (1) An Anchalik Panchayat shall have an office and an Executive Officer appointed by the State Government who shall be the *ex-officio* Secretary and shall be responsible for its maintenance :

Provided that the Block Development Officer or such other Officer as may be appointed by Government shall hold the post of the Executive Officer and Secretary of the Anchalik Panchayat.

17. The Executive Officer shall be responsible to the Anchalik Panchayat. Resolutions and directions of the Anchalik Panchayat shall be carried out by the Executive Officer.

18. **Constitution of the Mahkuma Parishad.**—(1) The Mahakuma Parishad as established under Section 4 shall consist of—

(a) all the Presidents of Anchalik Panchayats within the area of the Mahakuma Parishad,

(b) the Deputy Commissioner and the Sub-Divisional Officer of a Civil Sub-Division as *ex-officio* members,

(c) all members of Parliament and members of the State Legislature, representing the area of the Mahakuma Parishad as *ex-officio* members,

(d) the State Government may nominate as *ex-officio* member, if deemed necessary to the Mahkuma Parishad any officer of Development Departments,

(a) such Government Officials as the State Government may appoint from time to time :

Provided that if no person belonging to the Scheduled Castes or Scheduled Tribes, as the case may be, is a member, the Mahakuma Parishad shall co-opt from within its area one such member from amongst the Scheduled Castes or Scheduled Tribes, as the case may be :

Provided that this representation shall continue only as long as special representation for the Scheduled Castes or Scheduled Tribes continues in the Constitution of India :

Provided further that notwithstanding anything contained in the foregoing provisions no reservation either for a Scheduled Castes or Scheduled Tribes member shall be made where population of such community exceeds half the total population within the jurisdiction of the Mahkuma Parishad:

Provided further that the Mahkuma Parishad shall from within the area of its jurisdiction, co-opt one woman member, if there is no woman member.

19. (1) No person shall be elected or co-opted and remain as member of the Mahkuma Parishad, if he/she suffers from any of the disqualifications mentioned in sub-section (2), clauses (a) to (g) of Section 12.

(2) An *ex-officio* member of the Mahkuma Parishad shall have no right to vote.

20 Election of the President and the Vice-President of the Mahkuma Parishad.—(1) When the Mahkuma Parishad has been constituted under Section 18, the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall call a meeting of the Mahkuma Parishad (which meeting shall be called the first meeting of the Mahkuma Parishad) for the election of the President and the Vice-President from amongst its members in the manner prescribed.

(2) If the President of an Anchalik Panchayat is elected as the President of the Mahkuma Parishad he/she shall on and from the date of election as such, cease to be, and vacate the office of the President of the Anchalik Panchayat but such cessation shall not effect in any way his/her election as the President of the Mahkuma Parishad as such and he shall continue to hold the office of the President of the Mahkuma Parishad.

(3) The President may delegate such of his/her powers to the Vice-President as prescribed.

(4) **Additional Member of the Mahkuma Parishad.**—The President of the Anchalik Panchayat who vacates his/her office because of his/her having been elected as the President of the Mahkuma Parishad shall also be the member of such Mahkuma Parishad.

21. Term of office of the President, Vice-President and the members of the Mahkuma Parishad.—(1) The term of office of the President, the Vice-President and the members of a Mahkuma Parishad shall be five years from the date of the first meeting of the Mahkuma Parishad.

Provided that the term of the office fixed under this Section shall be held to include any period which may elapse between the expiration of the said period and the date of the first meeting of the Mahkuma Parishad newly constituted. When a Mahkuma Parishad is thus duly constituted and it meets for the first time the old Mahkuma Parishad shall stand dissolved :

Provided further that the term of office of a member, the President or the Vice-President, as the case may be, to fill up a casual vacancy shall be the remainder of the term of office of the member, the President or the Vice-President whom he/she replaces.

(2) No person shall be entitled to continue as a member of a Mahkuma Parishad if he/she ceases to be—

(a) the President of the Anchalik Panchayat, or

(b) the Member of the Parliament or the State Legislature as the case may be.

(3) No person appointed by virtue of his/her office under Clause (e), sub-section (1) of Section 18 shall continue as a member of a Mahkuma Parishad if he/she ceases to hold the office.

22. Office of the Mahkuma Parishad.—(1) The Mahkuma Parishad shall have an office and a Secretary, appointed by the State Government. He shall be responsible to the Mahkuma Parishad and subject to the overall control of the President he shall carry out the resolutions and directions of the Mahkuma Parishad.

23. Resignation of the President and Vice-President or a Member of a Mahkuma Parishad and Anchalik Panchayat and a Gaon Panchayat.—(1) The President of a Mahkuma Parishad or an Anchalik Panchayat or a Gaon Panchayat may resign during the term of his/her office by intimating in writing his/her intention to do so to the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, and on such resignation being accepted by the Deputy Commissioner or the Sub-Divisional Officer, he/she shall be deemed to have vacated his/her office.

(2) A Vice-President of a Mahkuma Parishad, Anchalik Panchayat or Gaon Panchayat or a member of a Gaon Panchayat or an Anchalik Panchayat or a Mahkuma Parishad may resign during the term of his/her office by intimating in writing his/her intention to do so to the President concerned and on such resignation being accepted by the President he/she shall be deemed to have vacated his/her office.

24. Removal of President or Vice-President or Member of a Gaon or Anchalik Panchayat or Mahkuma Parishad.—(1) A President or a Vice-President or a Member of a Gaon Panchayat or an Anchalik Panchayat or a Mahkuma Parishad shall immediately cease to hold office,

(a) if he/she suffers from any disqualifications mentioned in sub-section (2) of Clauses (a) to (g) of Section 12 ;

(b) if he/she absents himself/herself without assigning any cause, from three consecutive meetings of the Gaon Panchayat or the Anchalik Panchayat or the Mahkuma Parishad, as the case may be ;

(c) a President or a Vice-President of a Gaon Panchayat or an Anchalik Panchayat or a Mahkuma Parishad shall immediately cease to hold office if by three-fifth majority of votes of members present, a motion of no-confidence is passed by them in a meeting of the Gaon Panchayat or the Anchalik Panchayat or the Mahkuma Parishad, as the case may be, where at least a minimum of two-thirds of total number of members is present :

Provided that at least seven days' notice in writing shall be given by the intending movers of the no-confidence motion to the President and the Vice-President of the Gaon Panchayat or the Anchalik Panchayat or the Mahkuma Parishad, as the case may be, before such a motion can be discussed ;

(d) a President or Vice-President of a Gaon Panchayat or Anchalik Panchayat or Mahkuma Parishad, as the case may be, shall immediately

cease to hold office, if he/she ceases to be a member of the Gaon Panchayat or the Anchalik Panchayat or the Mahkuma Parishad, as the case may be.

(2) A President or Vice-President or member of the Gaon Panchayat or the Anchalik Panchayat or the Mahkuma Parishad may be disqualified from holding office by the State Government :—

(a) if he/she refuses to act or becomes incapable of acting ; or

(b) if he/she is guilty of misconduct or wilful neglect in the discharge of his/her duties ; or

(c) if his/her continuance in office is dangerous to the public peace or is likely to bring the administration of a Gaon Panchayat or an Anchalik Panchayat or a Mahkuma Parishad into contempt.

(3) A President or Vice-President or member of the Gaon Panchayat or Anchalik Panchayat or Mahkuma Parishad who immediately ceases to hold office according to the provision of sub-section (1) or is disqualified by the State Government according to the provision of sub-section (2) shall be removed in the manner prescribed :

Provided that no such person as aforesaid shall be removed until he/she has been given a reasonable opportunity of showing cause against the action proposed to be taken against him/her:

Provided further that notwithstanding anything contained in this Section, the State Government may, at any time, suspend a President or a Vice-President of a Gaon Panchayat, or an Anchalik Panchayat or a Mahkuma Parishad pending his/her removal if his/her continuance in office is considered inadvisable by the State Government on any grounds for which he/she may be disqualified under sub-section (2) of this Section or on the ground of public interest.

(4) No person who has been removed from office under the provision of this Section shall be eligible for re-election to the vacancy so created:

Provided that if the President or the Vice-President of an Anchalik Panchayat or a Mahkuma Parishad is removed by a motion of no-confidence on the grounds other than the disqualification as mentioned in Section 12 shall however, continue as the member of the Anchalik Panchayat or the Mahkuma Parishad, as the case may be.

25. Filling up of casual vacancy of an Anchalik Panchayat or a Mahkuma Parishad.—If a vacancy in the office of the President or the Vice-President of an Anchalik Panchayat or a Mahkuma Parishad occurs by reason of death, resignation or removal or when he/she ceases to be a member of an Anchalik Panchayat or a Mahkuma Parishad, as the case may be, members shall in a meeting fill up such vacancy as early as possible in the manner prescribed.

26. Conduct of business of an Anchalik Panchayat.—(1) The meeting of an Anchalik Panchayat shall be called by the Secretary in consultation with the President and shall be held in its office or at such place within its area as the Secretary may notify.

(2) An ordinary meeting of an Anchalik Panchayat shall be held at least once in two months,

(3) The Secretary of an Anchalik Panchayat in consultation with the President may at any time or shall upon a requisition in writing of not less than one-fifth of the members of the Anchalik Panchayat or if directed by the Deputy Commissioner or the Sub-divisional Officer or by the President of the Anchalik Panchayat call a special meeting.

(4) Every meeting of an Anchalik Panchayat shall be presided over by the President and in his/her absence, by the Vice-President.

(5) For any meeting of an Anchalik Panchayat one-third of the total number of members shall form the quorum and the decision of the majority in a meeting shall be binding in all matters save as otherwise provided. The President shall not be entitled to vote in the first instance but when voting is equal he/she shall have a casting vote.

(Explanation.—For the purpose of quorum, ex-officio members shall not be counted.)

(6) The voting shall be by show of hands except in case of election or no-confidence motion when voting shall be by secret ballot.

(7) For want of quorum, a meeting of an Anchalik Panchayat may be adjourned to a future date to be fixed by the President and four days notice of such meeting shall be given:

Provided that no quorum shall be necessary for a meeting of an Anchalik Panchayat adjourned for want of quorum:

Provided further that a motion of no-confidence shall not be discussed in an adjourned meeting.

(8) Notice shall be sent in the manner prescribed to the members of an Anchalik Panchayat seven days before the date fixed for an ordinary or a special meeting in which the nature of the business to be transacted shall be described :

Provided that non-receipt of notice by a member shall not vitiate the proceedings of a meeting of an Anchalik Panchayat.

(9) Minutes of every meeting of an Anchalik Panchayat shall be re-

corded at the time of the meeting in a book kept for the purpose and shall be signed by the President of the meeting.

(10) The Secretary of an Anchalik Panchayat shall send copies of the minutes of all meetings of an Anchalik Panchayat to all its members and to the President of the Mahkuma Parishad concerned and to the Deputy Commissioner or the Sub-divisional Officer, as the case may be, and to the State Government and to the Director of Panchayat & Community Development and to the Local Heads of Departments concerned whenever necessary. A copy of the minutes of the Anchalik Panchayat shall also be sent by the Secretary to each of the Gaon Panchayats concerned.

(11) The Director of Panchayat and Community Development may, on receipt of report from the Deputy Commissioner of the District in which the Anchalik Panchayat situates, direct modification of or set aside any resolution of an Anchalik Panchayat.

27. Conduct of business of a Mahkuma Parishad.—(1) A meeting of a Mahkuma Parishad shall be called by the Secretary in consultation with the President and shall be held at such place as the Secretary may notify.

(2) An ordinary meeting of the Mahkuma Parishad shall be called at least once in three months.

(3) The Secretary of the Mahkuma Parishad may at any time or if directed by the President of the Mahkuma Parishad call a special meeting.

(4) Every meeting of Mahkuma Parishad shall be presided over by the President and in his/her absence by the Vice-President.

(5) The Secretary of the Mahkuma Parishad shall send copies of the proceedings of all meetings of the Mahkuma Parishad to all members, the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, to the State Government, to the Director of Panchayat & Community Development and to the Local Departments concerned and to the Presidents of the Anchalik Panchayat.

(6) The provisions of sub-sections (5), (6) and (8) of Section 26 shall apply *mutatis mutandis* in relation to the conduct of business of the Mahkuma Parishad.

28. Irregularities which do not vitiate any act.—(1) No act of a Goan Panchayat or an Anchalik Panchayat or a Mahkuma Parishad or a Committee or a Sub-Committee under this Act shall be declared invalid by reason only that the number of members at the time of doing of such act was less than the required strength or by reason of any irregularity or defect in the election of any member.

(2) Until the contrary is proved, any document or minute which pur-

ports to be a record of the proceedings of a Gaon Panchayat or an Anchalik Panchayat or a Mahkuma Parishad or a Committee or a Sub-Committee shall if substantially made and signed in the manner prescribed for the making and signing of the record of such proceedings, be deemed to be a correct record of the proceedings of a duly convened meeting held by a duly constituted Gaon Panchayat or an Anchalik Panchayat or a Mahkuma Parishad or a Committee or a Sub-Committee.

(3) The powers of a Gaon Panchayat or an Anchalik Panchayat or a Mahkuma Parishad or a Committee or a Sub-Committee may be exercised notwithstanding any vacancy in their number.

(4) Accidental omission to serve notice of meeting on any member of a Gaon Panchayat or an Anchalik Panchayat or a Mahkuma Parishad or a Committee or a Sub-Committee shall not affect the validity of a meeting of a Gaon Panchayat or an Anchalik Panchayat or any Committee or any Sub-Committee, as the case may be.

29. Appointment of staff of the Mahakuma Parishad, the Anchalik Panchayat and the Gaon Panchayat.—(1) The Mahkuma Parishad or the Anchalik Panchayat or the Gaon Panchayat may have such staff as may be prescribed by the State Government and appointed by the Director of Panchayat from time to time.

(2) Salary, promotion and other conditions of service including disciplinary action of such staff shall be determined by rules to be made for the purpose.

30. Officers for organisation, inspection, supervision of Gaon Panchayat or Anchalik Panchayat or Mahkuma Parishad.—For the organisation, inspection and supervision of the working of a Gaon Panchayat or an Anchalik Panchayat, Mahkuma Parishad, the State Government may appoint such officer or officers as may be deemed necessary.

31. Review of work of Anchalik Panchayat.—The President of an Anchalik Panchayat may convene a general meeting of all members of the Gaon Panchayats falling within the area of an Anchalik Panchayat to review the action taken during the preceding year and to present the working plan for the succeeding year of the Anchalik Panchayat.

32. Incorporation of a Gaon or Anchalik Panchayat.—Every Anchalik Panchayat and every Gaon Panchayat shall by the name notified under this Act, be a body corporate having perpetual succession and a common seal and shall subject to any restriction or condition proposed under this or any other enactment in force, have power to acquire by purchase, gift

or otherwise, to hold, administer and transfer property both movable and immovable and to enter into any contract, and shall by the said name sue or be sued and do all other things necessary for the purposes of this Act.

33. Implementation of various Development Programmes within the territorial jurisdiction of Anchalik Panchayat.—Whereas the territorial jurisdiction and the Headquarter of an Anchalik Panchayat shall coincide with that of a Development Block, all development works of various line Development Departments within the boundary of the Anchalik Panchayat shall be subject to control, supervision and guidance or assistance of any kind of the Block Administration:

Provided that the Block Development Officer shall initiate and execute such works with prior approval and as per decision of the Anchalik Panchayat:

Provided further that such works shall be undertaken and executed as per the guidelines that may be issued from time to time by the appropriate authority and the decision of the Anchalik Panchayat as referred to in the first proviso shall not contradict or obstruct the contents of such instructions of the appropriate authority.

34. Co-ordinating Department in respect of development programme in the Anchalik Panchayat area.—The Panchayat and Community Development Department shall co-ordinate the activities of various Development Departments for the Anchalik Panchayat, areas provided that the Agriculture Production Commissioner shall be responsible for day to day co-ordinating works of the Panchayat and Community Development Department :

Provided further that subject to control of the Panchayat and Community Development Department, the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall co-ordinate the activities in the Anchalik Panchayat areas of various Development Departments, at the District and Sub-Divisional levels respectively.

35. (1) The Development Departments shall channelise their development schemes, for the Anchalik Panchayat areas, with funds, officers and staff through the Panchayat and Community Development Department :

Provided that Officer or staff so transferred shall be under control of the Panchayat and Community Development Department during their incumbency in the Block Administration :

Provided further that the Block Development Officer shall be the controlling officer of such officers and staff working in the Development Block:

Provided further that the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall control such officers and staff of the Block at the District and Sub-Divisional level respectively.

(2) The Director of Panchayat and Community Development shall be responsible for rendering accounts of funds, channelised through the Panchayat and Community Development Department, to the concerning Department.

CHAPTER-IV

ADMINISTRATIVE FUNCTIONS AND POWERS OF GAON PANCHAYAT AND ANCHALIK PANCHAYAT AND MAHKUMA PARISHAD

36. Duties and functions of Gaon Panchayat—

Subject to the rules as may be made in this behalf, a Gaon Panchayat within the limits of funds and resources at its disposal provide for the requirements of the area under its jurisdiction in respect of the matter specified below:

Provided that as and when necessary it would be within the right of the Block Administration and Anchalik Panchayat to supervise, guide or assist in the efforts of such Gaon Panchayat.

1. IN THE SPHERE OF SANITATION AND HEALTH

- (a) Sanitation and conservancy of the Panchayat area ;
- (b) the opening and regulating of burial and cremation grounds for the dead bodies of human beings and regulating places for disposal of dead animals and other offensive matter;
- (c) the cleaning of public roads, drains, bunds, tanks, wells and other public places or works ;
- (d) the lay out and maintenance of play ground for village children and of public gardens;
- (e) the disposal of unclaimed corpses and unclaimed cattle ;
- (f) the construction and maintenance of public latrines and urinals;
- (g) the taking of measures to prevent the outbreak, spread or recurrence of any infectious disease ;

(h) the removal of rubbish heaps, jungle growth, the filling in of disused wells, insanitary ponds or wells, pools ditches, etc., the prevention of water logging in any area and other improvements of sanitary condition.

2. IN THE SPHERE OF PUBLIC WORKS

(a) Regulation and development of grazing grounds and community property ;

(b) Controlling and maintaining buildings, institutions and property belonging to or vested in it or which may be transferred to it for management ;

(c) The planting of tree along roads and public places and maintenance thereof ;

(d) To establish, maintain and manage cattle pounds and to perform such functions as may be transferred to it by Notification under Section 31 of the Cattle Trespass Act, 1871 ;

(e) Destruction of stray and ownerless dog ;

(f) Removal of obstructions in public places and sites which are not private property ;

(g) Construction, maintenance and repair of buildings, waterways, public roads, drains, bunds and bridges:

Provided that if such roads, drains, waterways, bunds, and bridges concern more than one Gaon Panchayat or vest in any other public authority such works shall not be undertaken without the consent of that authority.

(h) Control, maintenance and regulation of bus-stand, carriage stand, cart-stand, rickshaw-stand, boat and ferry-ghat and fairs ;

(i) Excavation, cleaning and maintenance of ponds for supply of water to animals ;

(j) Construction, maintenance and control of all slaughter houses ;

(k) Establishment and maintenance of warehouses ;

(l) Establishment of hat and maintenance and regulation thereof according to the provisions of this Act.

3. IN THE SPHERE OF EDUCATION AND CULTURE

(a) Establishment and maintenance of library, reading room, club, or other places of recreation or games ;

(b) Popularization of village sports, organization and celebration of national and public festivals ;

(c) Spread of education upto Middle English and Middle vernacular standards ;

(d) Establishment and maintenance of youth club and other places of recreation ;

(e) Establishment and maintenance of theatres for promotion of art and culture ;

4. IN THE SPHERE OF SELF-DEFENCE AND VILLAGE DEFENCE

(a) Watch and ward of the village and of the crops therein provided that the cost of watch and ward shall be levied and recovered by the Panchayat from such persons in the village and in such manner as may be prescribed ;

(b) Rendering assistance in all disasters.

5. IN THE SPHERE OF ADMINISTRATION

(a) Maintenance of records relating to agricultural produce, census of village industries, population census, cattle census, spinning wheel and weaving machine census, census of unemployed persons and landless persons or persons having no economic holding and other statistics as may be prescribed ;

(b) Registration of births, deaths, marriages and maintenance of registers for the purpose ;

(c) Distribution of reliefs as may be granted by Government or other agencies ;

(d) Supplying local information as required to the Government or any other statutory authority ;

(e) Acting as an executing agent of the Anchalik Panchayat when funds for specific purposes are provided ;

(f) Numbering of promises ;

(g) The drawing up of programme for increasing the output of agricultural and non-agricultural produce in the village ;

(h) The preparation of a statement showing the requirement of the supplies and finances needed for carrying out rural development schemes;

(i) The control of cattle stands, threshing floors, grazing grounds and community waste land ;

- (j) Reporting to proper authorities complaints which are not entertainable by Panchayat ;
- (k) The preparation of plans for the development of the village ;
- (l) Establishment, maintenance and regulations of fairs, pilgrimages and festivals.

6. IN THE SPHERE OF THE WELFARE OF THE PEOPLE

- (a) Organization of welfare activities among women and children and among illiterate sections of the community ;
- (b) Welfare of the backward classes ;
- (c) Organizing voluntary labour for community works and works for the uplift of the village.

7. IN THE SPHERE OF AGRICULTURE AND PRESERVATION OF FORESTS

- (a) Construction and maintainance of places for the storage of cowdung, oil cakes and other manure and regulating its collections, removal and disposal ;
- (b) Arrange agricultural finances to the cultivators with the assistance of Government, Co-operative Societies, Banks and other financial institutions ;
- (c) Bringing under cultivation waste and fallow lands vested in the Gaon Panchayat.

DUTIES AND FUNCTIONS OF ANCHALIK PANCHAYAT

37. Anchalik Panchayat shall execute all development schemes and programmes at the Block level save as otherwise provided, within the limits of funds and resources at its disposal provided for all the development works within its jurisdiction excepting those functions specifically assigned to Gaon Panchayat/line departments and in particular, it may provide for the requirement of the area under its jurisdiction in respect of the matters specified below:—

I. IN THE SPHERE OF SANITATION AND HEALTH

- (a) Public health and sanitation including taking curative and preventive measures in respect of an epidemic ;

- (b) Medical relief including establishment and maintenance of hospitals and dispensaries ;
- (c) Maternity and child welfare ;
- (d) Supply of water for drinking and domestic use ;
- (e) Encouragement of human and animal vaccination.

2. IN THE SPHERE OF PUBLIC WORKS

- (a) Construction and maintenance of minor irrigation works ;
- (b) Construction, repair, maintenance of buildings, roads, bridges embankments, drains and waterways ;
- (c) Maintenance and regulation of the use of public buildings, grazing lands, forest lands including lands assigned under Section 28 of the Indian Forest Act, 1972 (*sic*, 1927) ;
- (d) Establishment of hat and maintenance and regulation thereof in accordance with the provisions of this Act ;
- (e) Establishment and maintenance of any institution, farm or industries or undertaking or any scheme for making provision of rural employment ;
- (f) Establishment and maintenance of warehouse, trading centres, workshops for repair of agricultural implements and machineries ;
- (g) Management of community lands.

3. IN THE SPHERE OF EDUCATION AND CULTURE

- (a) The spread of education above the middle school standard ;
- (b) Establishment and maintenance of theatres for promotion of art and culture.

4. IN THE SPHERE OF ADMINISTRATION

- (a) General power of supervision over Gaon Panchayat ;
- (b) To approve the budgets of Gaon Panchayats ;
- (c) To settle hats, public ferries, fisheries invested in it and fix rents and tolls :

Provided that no revision of such settlement shall be permissible and the rate of highest bidder in case of settlement shall only be considered:

Provided further that the State Government shall prescribe conditions for such settlement ;

- (d) Drawing up of programmes for increasing the output of agricultural and non-agricultural produce ;
- (e) Preparation of statistics of unemployment ;
- (f) Preparation of development plans for the area under the jurisdiction of the Anchalik Panchayat ;
- (g) Acting as agent of the Block Administration for development works ;
- (h) To help actively and effectively the Block Administration in the matter of implementation of the rural development programme in the Anchalik Panchayat area ;
- (i) To approve the bye-laws of the Gaon Panchayat within the frame work of this Act and such rules and regulations of other authorities of the State and Central Government in this behalf ;
- (j) Preparation of statistics of unemployment ;
- (k) Preparation of development plans for the Anchalik Panchayat area.

5. IN THE SPHERE OF WELFARE OF PEOPLE

- (a) Relief of distress caused by floods, drought, earthquakes and scarcity condition and other calamities;
- (b) Organisation of Welfare activities among women, children and backward classes ;
- (c) Organisation of voluntary labour for community works and works for the uplift of the village.

6. IN THE SPHERE OF AGRICULTURE AND PRESERVATION OF FORESTS

- (a) Development of agriculture and horticulture ;
- (b) Provision of agricultural finance with the assistance of Government and Co-operative Banks ;
- (c) Measures for encouraging soil conservation, land reclamation and plantation ;
- (d) Improvement of cattle and poultry including popularisation of the use of Veterinary Services, cattle inoculation facilities, exstiation on scientific lines and establishment of artificial insemination centres ;
- (e) Ensuring minimum standards of cultivation in the village with a view to increasing agricultural production;
- (f) Crop experiments and crop protection.

7. IN THE SPHERE OF BREEDING AND PROTECTING CATTLE

- (a). Improvement of cattle breeding and general care of live-stock.

8. IN THE SPHERE OF VILLAGE INDUSTRIES

- (a). Promotion, improvement and encouragement of cottage and village industries.

DUTIES AND FUNCTIONS OF MAHKUMA PARISHAD

38. The Mahkuma Parishad shall perform the following duties, namely :—

- (a) Scrutiny and approval of the Budget of the Anchalik Panchayat in accordance with the directives issued by the State Government :

Provided that if the budget is not approved within a month of receipt it shall be taken as approved :

Provided further that in case of dispute between the Mahkuma Parishad and Anchalik Panchayat the matter shall be referred to the State Government whose decision shall be final.

- (b) Reviewing of the work of the Anchalik Panchayat from time to time ;

- (c) Giving guidance or assistance to the Anchalik Panchayat when it is sought ;

- (d) Co-ordination of the work of the Anchalik Panchayat where the work or programme pertains to more than one Anchalik Panchayat or has repercussion on the works carried out or on conditions outside an Anchalik Panchayat :

Provided that if in the interpretation of this section a difference of opinion exists between the Mahkuma Parishad and the Anchalik Panchayat, the matter shall be referred to the State Government whose decision shall be final :

Provided further that if in the interest of inter-Anchalik Co-ordination some work has to be executed which an Anchalik Panchayat refuses to do or is not in a position to do, then the matter shall be referred to the State Government who may get such work executed by such agency as it deems fit ;

(e) Advising State Government in the distribution and allocation of funds and grants to the different Anchalik Panchayats ;

(f) Advising the Deputy Commissioner or the Sub-divisional Officer, as the case may be, in the distribution of the District rural development fund ;

(g) Advising in such other matters as may (*sic, be*) referred to it by the State Government.

39. Powers of the State Government to increase Taxation.—(1) If, in the opinion of the State Government, the regular income of a Gaon Panchayat or an Anchalik Panchayat falls below what is necessary for the proper discharge of the duties at specified in this Act, the State Government may require the Gaon Panchayat or Anchalik Panchayat, as the case may be, to take steps within six months to increase its income to such extent as the State Government considers necessary. If the Gaon Panchayat or Anchalik Panchayat fails to take adequate steps to increase its income to the required extent, the State Government may require it to levy any of the taxes or fees as prescribed under this Act, or increase the rate at which any of such taxes or fees is levied :

Provided that the State Government shall not require such Gaon Panchayat or Anchalik Panchayat to levy any tax or fee or increase the rate thereof beyond the maximum rate prescribed in this behalf.

(2) If such Gaon Panchayat or Anchalik Panchayat fails to levy a tax or fee or to enhance the rate of any tax or fee as required under sub-section (1) the State Government may, by notification, levy or enhance the rate of such taxes and fees.

40. Power to cause improvement of sanitation.—(1) If the Anchalik Panchayat or any Gaon Panchayat is of the opinion that it is necessary so to do for the promotion of public health or for the prevention of dangers to life and property, the Anchalik Panchayat or the Gaon Panchayat may direct the owner or occupiers of any building or place by a written notice and within a reasonable period to be specified therein :—

(a) to remove hats wholly or partly ;

(b) to remove, alter or construct private drains ;

(c) to remove, alter or construct any public drain, to fill up, clean or deepen any water course, well, pool, ditch, tank, pond or any place containing or used for collection of drainage or filth, to drain out stagnant water which appears to be injurious to health or offensive to the neighbourhood, or to take such action therewith as may be deemed necessary; and

(d) To clear any land, which by reason of thick vegetation, under growth or jungle appears to be dangerous to health.

(2) If any work required to be done under this section is not executed within the period specified in the notice, the Gaon Panchayat or the Anchalik Panchayat, as the case may be, may itself cause such work to be executed or done and the cost incurred may be recovered from the owner or the occupier as arrear of Panchayat assessment.

(3) Any person who wilfully disobeys any direction issued under sub-section (1) shall be liable to fine which may extend upto ten rupees.

(4) If a Gaon or an Anchalik Panchayat considers that any person affected by action under sub-section (1) has suffered loss it may award such compensation as it may deem adequate from the fund of the Gaon or the Anchalik Panchayat concerned.

41. Transfer of certain duties from the local authority or private persons to the Gaon or Anchalik Panchayat.—(1) Subject to such rules as may be prescribed and to such conditions as may be agreed upon, a Gaon or an Anchalik Panchayat may take over the management of any institution or the execution or maintenance of any work or the performance of any duty within its jurisdiction.

(2) Subject to such rules as may be prescribed and to such conditions as may be agreed upon, a Gaon or an Anchalik Panchayat may with the consent of a Local Authority or any person, make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within its jurisdiction.

42. Power of a Gaon or an Anchalik Panchayat as to roads, embankments, waterways, bridges and culverts.—A Gaon or an Anchalik Panchayat shall have control of all roads, embankments, waterways, bridges and culverts belonging to them, not being private property and not being under the control of the State or Central Government or any other Local Authority and may do all things necessary for the maintenance and repair thereof and may:—

(a) lay out and make new roads ;

(b) construct new bridges, culverts and embankments ;

(c) divert, discontinue or close any road, bridge or culvert or embankment under its control ;

(d) widen, open, enlarge or otherwise improve any such road, bridge, culvert or embankment ;

(e) construct, deepen or otherwise improve waterways under its control ;

- (f) cut any hedge or branch of any tree projecting on to a public road;
- (g) notify the setting apart of any public water course for drinking purposes, and prohibit bathings, washing of clothes and animals and doing of other acts likely to pollute the water course so set apart ;
- (h) provide for the lighting of any road or public places within the Panchayat ; and
- (i) prohibit the use of a public road by a class of animals or vehicles as may be prescribed in the bye-laws to be framed for purpose.

43. Power of a Gaon or an Anchalik Panchayat to prevent spread of Water Hyacinth.—The Gaon or an Anchalik Panchayat shall be deemed to be a Local Body under the terms of section 2(2) of the Assam Water-Hyacinth Act, 1926.

44. Emergent power on the out-break of epidemic.—In an emergency, a Gaon or an Anchalik Panchayat shall exercise such powers for controlling and preventing an out-break of any epidemic or infectious disease within the limits of its area, which may be necessary for stopping the movement of infected persons or goods in and out of its area for inoculation or for seizure of polluted food stuff notwithstanding the provisions of the Prevention of Food Adulteration Act, 1954, for disinfecting wells, tanks or other sources of water and controlling the removal of water and doing such other acts as may be necessary under the circumstances. A Gaon or an Anchalik Panchayat shall immediately inform the Government authorities concerned and also neighbouring Panchayats so that united action may be taken.

45. Duty of a Gaon or an Anchalik Panchayat to scare away or destroy pests and Animals to save crops from being damaged.—A Gaon or an Anchalik Panchayat shall by itself or conjointly with each other take steps to scare away monkeys, squirrels, elephants, birds, locusts and other pests in order to save crops from being damaged.

46. Power to enter into contract for collection of tax or revenue.—A Gaon or Anchalik Panchayat may, in accordance with rule made in this behalf, enter into a contract in respect of its area with the State Government to collect all or any class of tax or revenue or fee or due payable to the Government on being allowed a prescribed percentage of collection charges.

47. Power of entry of Gaon or Anchalik Panchayat or Mahkuma Parishad Officers into premises.—Any member, officer or employee of a Gaon or an Anchalik Panchayat or a Mahkuma Parishad may enter into, or upon any house, building or land, with or without assistants or workman, in order to make any inspection or execute any work under any provision of the Act :

- (1) Provided that no such entry shall be made between sunset and sunrise,

(2) no entry to a dwelling house may be made, unless with the consent of the occupier thereof, without giving the said occupier at least 24 hours previous notice signed by the President or the Vice-President of the intention to make such entry ;

(3) due regard shall always be had to the social and religious usages of the occupants of the premises entered.

48. Public Servant.—Every member or employee of a Mahkuma Parishad, or an Anchalik Panchayat or member or employee of a Gaon Panchayat shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

49. Village Volunteer Force.—A Gaon Panchayat may organise and maintain a Village Volunteer Force consisting of adult persons to assist it in furtherance of the object of this Act as prescribed.

50. Power to frame Bye-laws.—(1) An Anchalik Panchayat or a Gaon Panchayat may frame bye-laws from time to time consistent with their respective powers and functions as provided in this Act or Rules framed thereunder for carrying out the purposes of this Act ;

(2) such bye-laws may also make provisions of penalty for every breach thereof ;

(3) bye-laws prepared by the Anchalik Panchayat shall take effect only after they have been approved by the State Government ;

(4) bye-laws prepared by the Gaon Panchayat shall take effect only after they have been approved by the Anchalik Panchayat ;

Provided that if there be any confusion about the proviso in the proposed bye-laws, then this shall be referred to the State Government for opinion.

51. Power to close Markets.—(1) The Anchalik Panchayat with a view to preventing the spread of any infectious or contagious disease may order that for a specified time any market or shop within the jurisdiction of the Anchalik Panchayat shall be closed and forbid any person to attend any such market or shop ;

(2) such order shall be publicly notified in such manner and at such places as the Anchalik Panchayat shall direct, and notice thereof shall be served on the owner, occupier or farmer of the market or shop ;

(3) after complying with the notice, the owner, occupier or farmer of the market or shop or any person interested may appeal to the State Government if he considers the notice to be unreasonable and the order of the State Government shall be final ;

(4) when an order has been notified under sub-section (2) and has

not been set aside under sub-section (3) any owner, occupier or farmer of a market or a shop, who neglects to close the market or shop, shall be liable to a fine which may extend to three hundred rupees, and any person who attends such market or shop in contravention of the terms of the order, shall be liable to a fine which may extend to thirty rupees.

52. Disinfection of building and Articles.—(1) If a Gaon Panchayat is of opinion that the cleansing or disinfecting of a building or any part thereof, or of any article therein, or within the premises of the building, which is likely to retain infection, will tend to prevent or check the spread of any disease ; it may by notice, require the owner or occupier to cleanse or disinfect the same in the manner and within the time prescribed in each notice.

(2) (a) If within the time specified as aforesaid from the receipt of the notice, the person on whom the notice is served fails to have the building or part thereof or the article disinfected ; or

(b) If the occupier or owner gives his consent, the Gaon Panchayat may at the cost of such owner or occupier cause the building or part thereof and article to be cleaned and disinfected :

Provided that the Gaon Panchayat may in its discretion pay the whole or any part of such cost.

53. Information to be given on infectious diseases.—Any person who being a medical practitioner or a person openly and constantly practising the medical profession, and in the course of such practice becoming cognizant of the existence of any infectious or contagious disease in any dwelling other than a public hospital, fails to give information forthwith to such officers as the Anchalik Panchayat or the Gaon Panchayat may direct, gives false information in respect of the existence of such diseases shall be punishable with fine which may extend to fifty rupees.

54. Removal to hospital of patients suffering from infectious diseases.—In any Gaon Panchayat area, when any person suffering from any infectious or contagious disease is found to be—

- (a) without proper lodging accommodation ;
- (b) living in a sarai or other public hostel ;

(c) living in a room or house which neither he/her nor any one, of whom he/she (*sic she is*) dependant, either owns or pays rent for, the Gaon Panchayat, or any person authorised by it may on the advice of any medical officer of rank not below the rank of an Assistant Surgeon Grade-I, remove the patient to any hospital or place at which persons suffering from such diseases are received for medical treatment, and may do anything necessary for such removal.

55. Promotion of vaccination.—Subject to rules, an Anchalik Panchayat may provide for appointment, pay and management for public vaccination within its area and may provide for the promotion of free vaccination.

56. Water Supply.—(1) An Anchalik Panchayat may take such action as may be necessary for proper and sufficient supply of water to any area within its jurisdiction and for this purpose may construct, repair and maintain water works, wells or tanks and do any other necessary acts.

(2) All rivers, streams, channels, water course, tanks, springs and wells situated within the Anchalik Panchayat, not being the property of any private person or under the control or administration of any other local authority, or any servant of the Government as such shall, for the purposes of this Act be under the control and administration of the Anchalik Panchayat.

(3) The Anchalik Panchayat may, by an order published at such places and in such manner as it may think fit, set apart convenient tank, stream, channel or water course, situated within its area for the supply of water for drinking or for any other purpose :

Provided that where the tank, spring, well or parts of river, stream, channel or water course is the property of any private person or under the control and administration of any other local authority or any servant of the Government as such, no such order shall be made without the consent of such owner, local authority or servant of the Government.

57. Penalty for encroachment of roads etc.—Any person who encroaches upon any road or upon any public drain, sewer, aquaduct water course, or ghat belonging to an Anchalik Panchayat or a Gaon Panchayat by making any excavation or by erecting any wall, fence, rail post, projection or other obstruction, or by depositing any movable property, shall for every such offence be liable to a fine not exceeding fifty rupees, and in the case of a continuing offence to a further fine of twenty rupees for every day during which the offence is continued.

CHAPTER V

FINANCE AND PROPERTY OF THE GAON PANCHAYAT AND ANCHALIK PANCHAYAT AND MAHKUMA PARISHAD

58. Assam Rural Development Fund.—The State Government shall establish and maintain a fund to be called the Assam Rural Development Fund and there shall be placed to the credit thereof—

(a) such contributions from the Union or the State Exchequer as may be made to this Fund, and

(b) Contribution from other sources.

59. Application of the Assam Rural Development (sic, Fund).—The Assam Rural Development Fund shall be applied to the furtherance of the purposes of this Act and be distributed in the prescribed manner.

60. District Rural Development Fund.—(1) In every District there shall be a fund called the District Rural Development Fund the accounts of which shall be kept in accordance with the rules and in the prescribed manner.

(2) The following shall be credited to the Fund:—

(a) contribution from the Assam Rural Development Fund ;

(b) contribution from any Local Authority or private individual ;

(c) all other sums including revenues which may be assigned to it by the State Government.

61. Distribution of the District Rural Development Fund.—(1) The Deputy Commissioner in consultation with the Mahkuma Parishad, shall distribute each year District Rural Development Fund in the following manner:—

(a) necessary expenditure of the equipment, establishment and salaries of the Sub-divisional Cadre of Panchayat employees including the Gaon Panchayat Employees ; and

(b) equitable allotment of sums to each Gaon or Anchalik Panchayat for the purposes of carrying out the provisions of this Act as prescribed.

(c) Notwithstanding anything contained in this Act, the State Government may by order divert funds of the Gaon Panchayat and Anchalik Panchayat for carrying out the purposes of this Act to any other body, associations or individuals and may prescribe the mode of collection, allocation and disbursement of the said funds by such body, associations or individuals, as the case may be.

(3) The Deputy Commissioner shall not delegate his/her powers under this Section to any other officer.

(4) (a) The Deputy Commissioner shall inform every Anchalik and Gaon Panchayat of the sum allotted to such Panchayats one month previous to the time fixed under the Rules for preparation and submission of the budgets by such Panchayats.

(b) The Gaon or Anchalik Panchayat, as the case may be, shall add the money, if so allotted, to its opening balance and then prepare the budget for the year as prescribed.

62. The Gaon and Anchalik Panchayat Fund.—In every Gaon Panchayat and Anchalik Panchayat constituted under this Act there shall be a fund vested in the Gaon and the Anchalik Panchayat, which shall be called the Gaon Panchayat Fund, and Anchalik Panchayat Fund respectively, and shall be utilised by Gaon Panchayat or Anchalik Panchayat, as the case may be, to meet charges in connection with their duties under this Act. The accounts of the Gaon Panchayat or Anchalik Panchayat Funds shall be kept in the prescribed manner.

63. Credit to the Gaon Panchayat Fund.—(1) The following shall be credited to the Gaon Panchayat Fund—

(a) proceeds of any tax, cess or any assessment, or fines imposed under this Act or under rules or bye-laws framed under this Act by the Gaon Panchayat;

(b) fees for the issue of the permits imposed under this Act or under rules or bye-laws framed under this Act;

(c) all other sums ordered by any authority or any court to be placed to the credit of the Gaon Panchayat Fund ;

(d) contribution from any Local Authority or private individuals;

(e) all sums which may be assigned to the Gaon Panchayat by the State Government as well as grants from the Union or the State Government ;

(f) such allotment as the Deputy Commissioner may make out of the District Rural Development Fund ;

(g) the sale-proceeds of all pounds, dust, dirt, dung or refuse collected by its employees ;

(h) sums received by way of loan or gift ;

(j) contribution from Government including a share of Land revenue which shall be a sum not less than fifty paise per rupee and per capita of the population, and local rate collected from the area of the Gaon Panchayat calculated at twenty-five paise per capita of the population :

Provided that the State Government may direct the Gaon Panchayat to spend a specified share of the net receipt of local rate for any purpose that may be specified by the State Government.

(2) (a) The Gaon Panchayat Fund shall be administered by the President of the Gaon Panchayat and shall be held in a current or savings account with the nearest branch of the State Bank of India or Assam Co-operative Apex Bank.

(b) The Gaon Panchayat Fund shall be maintained by the Secretary of the Gaon Panchayat in the prescribed manner.

64. Credits to the Anchalik Panchayat Fund.—(1) The following shall be credited to the Anchalik Panchayat Fund—

(a) proceeds of any tax, cess or any assessment assigned to the Anchalik Panchayat and fines realised under this Act by the Anchalik Panchayat ;

(b) such allotment as the Deputy Commissioner may make out of the District Rural Development Fund ;

(c) all other sums collected by the Anchalik Panchayat by the State Government as well as grants from the union or the State Government, including a share of land revenue which shall not be less than fifty paise per capita of the population, and surcharge on local rate at the rate of five paise per rupee ;

(d) the sums received by way of loan or gift or otherwise and all sale proceeds of the institutions of the Anchalik Panchayat ;

(e) all receipts in respect of hats or bazars, buildings, institutions or works constructed by or vested in the Anchalik Panchayat ;

(f) all sums received on account of fees on boats including steam boats and other vessels mooring within the jurisdiction of the Anchalik Panchayat; and

(g) all sums levied by or accruing to the Anchalik Panchayat from public ferries within the jurisdiction of the Anchalik Panchayat.

2. (a) The Anchalik Panchayat Fund shall be operated by the Executive Officer/Secretary, Anchalik Panchayat who shall operate the account of the Fund with the nearest Branch of the State Bank of India or any Nationalised Bank or Assam Co-operative Apex Bank ;

(b) the Executive Officer/Secretary shall be responsible for the maintenance of the accounts of the Anchalik Panchayat Fund.

65. Credit to the Mahkuma Parishad Fund.—(1) The Mahkuma Parishad Fund shall compose of such share or income from the remunerative assets as has been provided for in this Act.

2. (a) The Mahkuma Parishad Fund shall be operated by the Secretary of the Mahkuma Parishad ;

(b) subject to approval of the Mahkuma Parishad, the Fund shall be operated in the local branch of the State Bank of India or any Nationalised Bank or Assam Co-operative Apex Bank ;

(c) the Secretary of the Mahkuma Parishad shall be responsible for the maintenance of the accounts of the Mahkuma Parishad Fund.

66. The Anchalik Panchayat may raise Loans and may form sinking fund.—It shall be lawful for an Anchalik Panchayat, with the approval of the State Government and subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, to raise loans for the purpose of carrying out any of the provisions of this Act, and to guarantee the payment of interest on such loans and to form a sinking fund.

67. Application of the Gaon or Anchalik Panchayat Fund.—The Gaon or Anchalik Panchayat Fund shall be applicable to the following objects in order of the priority as shown below, namely—

(a) to the payment of interest upon loans raised under this Act and to the formation of a sinking fund when required ;

(b) to the payment of the salaries and allowances of the prescribed staff under this Act ;

(c) to defray expenses incurred by the Gaon Panchayat in the performance of the duties imposed, or in the exercise of the powers conferred under this Act ;

(d) to the payment of expenses incurred by the Gaon or Anchalik Panchayat subject to rules as prescribed in the acquisition by purchase or otherwise of lands and construction and maintenance of buildings for offices and out-offices of the Gaon or the Anchalik Panchayat ;

(e) to the payment of any expenses that may be incurred through the default of the Gaon Panchayat or in carrying out of the duties imposed on it under this Act ;

(f) to the payment of all other expenses not mentioned in the foregoing clauses which the Gaon Panchayat or the Anchalik Panchayat wants to incur within its jurisdiction provided that such expenses shall be only incurred with the prior approval of the State Government and shall be declared by the Gaon or the Anchalik Panchayat to be an appropriate charge on the Gaon or the Anchalik Panchayat Fund, as the case may be ;

(g) to the payment of all expenses including all incidental charges thereto incurred by the Gaon Panchayat or the Anchalik Panchayat in connection with duties imposed under the provision of this Act.

68. Application of the Mahkuma Parishad Fund.—The Mahkuma Parishad Fund shall be applicable to the following objects :—

(a) to the payment of salaries and allowances of the prescribed staff under this Act ;

(b) to the payment of all expenses including all incidental charges thereto incurred by the Mahkuma Parishad in connection with duties imposed under the provision of this Act ;

(c) to the payment of all other expenses not mentioned in the foregoing clauses provided that such expenses shall only be incurred with the prior approval of the State Government.

69. Preparation of the Budget of the Gaon and the Anchalik Panchayat.—

(1) A Gaon or an Anchalik Panchayat shall at such time and in such form as prescribed prepare and submit a budget, showing the probable estimates of receipt and expenditure it proposes to incur and may from time to time furnish a supplementary estimate providing any modification which it may deem advisable to make in the distribution of the amount so raised and expended in each financial year, in the case of a Gaon Panchayat to the Anchalik Panchayat and in the case of an Anchalik Panchayat to the Mahkuma Parishad.

(2) The Budget of the Gaon Panchayat after being approved by the Anchalik Panchayat shall be binding on the Gaon Panchayat :

Provided that the Anchalik Panchayat may issue necessary instructions to the Gaon Panchayat for modification of the estimates :

Provided further that if the Budget is non-approved within a month from the date of receipt, it shall be taken as approved.

(3) The Budget of the Anchalik Panchayat after being approved by the Mahkuma Parishad shall be binding on the Anchalik Panchayat :

Provided that the Mahkuma Parishad may issue necessary instructions to the Anchalik Panchayat for modification of the estimates.

Provided further that if the Budget is not approved within a month from the date of receipt, it shall be taken as approved.

70. Preparation of the Budget of the Mahkuma Parishad.—(1) A Mahkuma Parishad shall at such time and in such form as prescribed prepare and submit a budget showing the probable estimate of receipt and expenditure, it proposes to incur and may from time to time furnish a supplementary estimate providing any modification which it may deem advisable.

(2) The Budget of the Mahkuma Parishad shall be submitted to the Director of Panchayat and Community Development for approval :

Provided that the Director of Panchayat & Community Development may issue necessary instructions to the Mahkuma Parishad for modification of the estimates :

Provided further that the Budget after being approved by the Director of Panchayat & Community Development shall be binding on the Mahakuma Parishad:

Provided further that if the Budget is not approved within a month from the date of receipt, it shall be taken as approved.

71. Power of taxation of the Gaon Panchayat.—(1) Subject to the rules and bye-laws framed in this respect and subject to the approval of the appropriate authority, a Gaon Panchayat may impose the following taxes in addition to the existing local rates collected from the area of the Gaon Panchayat:—

(a) house ;

(b) Sale of firewood and thatch, conservancy, and slaughter house;

(c) private hat ;

(d) shops, pharmacies, tailoring, laundry, hair-cutting saloon, carpentry works, and automobile workshop ;

(e) cultivable land lying fallow for two consecutive years at a rate not exceeding fifty paise per standard acre for every year, being payable jointly or severally by the owners of such land :

(2) a cess or fee on :—

(a) registration of cattle sold within the local area ;

(b) licence for starting tea stalls, hotels, sweet meat stalls, restaurants;

(c) carts, carriages, boats and rickshaw of any kind ;

(3) The taxes etc. shall be imposed, assessed and realised at such time and in such manner as may be prescribed.

(4) Any person aggrieved by the assessment, levy or imposition of any tax or fee may appeal to the Anchalik Panchayat whose decision in this regard shall be final.

(5) The State Government may suspend the levy or imposition of any tax or fee and may at any time rescind such imposition.

72. Powers of taxation of the Anchalik Panchayat.—(1) Subject to the rules and bye-laws framed in this respect, and subject to approval of the appropriate authority, the Anchalik Panchayat may impose the following taxes and charges in addition to the existing local rates collected from the area directly administered by the Anchalik Panchayat :—

(a) cess or water rate for recovery of cost of minor irrigation works taken up within the jurisdiction of an Anchalik Panchayat and such levy

as may be necessary for the purpose of maintenance and repair of such works;

(b) a tax on supply of water and lighting ;

(c) a tax on profession, trades, calling, manufacture and production save and except those levied under any provision of this Act, or under any enactment for the time being in force;

(d) a licence fee for Cinema Halls, brick or tile kilns, Saw Mills, Timber Depots, Oil mills, Petrol & Diesel Sale-Depots, rice mills and Hullers, fairs, confectionary and bakery, private fisheries or vegetable gardens used for commercial purposes.

(2) The taxes etc. shall be imposed, assessed and realised at such time and in such manner as may be prescribed.

(3) Any person aggrieved by the assessment, levy or imposition of any tax or fee may appeal to the Mahkuma Parishad whose decision in this regard shall be final.

(4) The State Government may suspend the levy or imposition of any tax or fee and may at any time rescind such imposition.

73. Settlement of hats, distribution of proceeds and maintenance and regulation thereof.—(1) All hats within the territorial jurisdiction of the Anchalik Panchayat shall be settled in the manner prescribed for a period coincide (*sic, coinciding*) with and not exceeding one Panchayat financial year by inviting tenders at the office of the Anchalik Panchayat by its President.

(2) Detailed procedure for inviting, submission, examination and final acceptance of such tenders shall be such as may be prescribed.

(3) All settlement made under sub-section (1) shall be subject to the confirmation by the Mahkuma Parishad :

Provided that in case of any dispute the Mahkuma Parishad may refer such cases to the State Government whose decision in this regard shall be final :

Provided further that as and when deemed necessary the State Government may intervene in the matter of a particular settlement and its decision in this regard shall be final.

(4) Failure to settle any hat for want of adequate price, the Gaon Panchayat concerned as may be decided by the Mahkuma Parishad, may be entrusted with the direct management of the hat.

(5) All sale proceeds of hats shall be deposited in the Anchalik Panchayat Fund distributed in the manner hereinafter provided :

(a) An amount equivalent to ten per cent of the sale proceeds of hats shall be made over to the Mahkuma Parishad Fund.

(b) An amount equivalent to fifty per cent of the sale proceeds of hats shall be retained in the Anchalik Panchayat Fund:

Provided that amount due if any on account of annual instalment for repayment of the loan with interest incurred by the erstwhile Mahkuma Parishad and Gaon Panchayat for improvement of hats falling within the jurisdiction of the Anchalik Panchayat concerned shall be paid out of the fifty per cent share of sale proceeds of hats made over to the Anchalik Panchayat.

(c) An amount equivalent to forty per cent of sale proceeds of hats shall be distributed equally amongst the Gaon Panchayat falling within the jurisdiction of the Anchalik Panchayat.

74. Settlement of Public Ferry and Distribution of sale proceeds thereof.—

(1) All Public ferries other than Government ferries within the territorial jurisdiction of an Anchalik Panchayat shall be settled in the manner prescribed for a period coinciding with and not exceeding one panchayat financial year by inviting tenders at the office of the Anchalik Panchayat by its president.

(2) Detailed procedure for inviting, submission, examination and final acceptance of such tenders may be such as may be prescribed.

(3) All settlements made under sub-section (1) shall be subject to confirmation by the Mahkuma Parishad :

Provided that in case of any dispute the Mahkuma Parishad may refer such cases to the State Government whose decision in this regard shall be final :

Provided further that as and when deemed necessary the State Government may intervene in the matter of a particular settlement and its decision in this regard shall be final:

Provided further that the State Government may issue order to a Mahkuma Parishad for the settlement of a public ferry falling within the jurisdiction of more than one Anchalik Panchayat or Mahkuma Parishad.

(4) All sale proceeds of public ferry shall be deposited in the Anchalik Panchayat Fund and thereafter the proceeds of inter-Anchalik Panchayat Public ferry, if there be any, shall be equitably distributed to the Anchalik Panchayats concerned and thereafter the proceeds remaining to an Anchalik Panchayat fund shall be distributed in the manner hereinafter provided:—

(a) An amount equivalent to ten per cent of the sale proceeds of public ferries shall be made over to the Mahkuma Parishad Fund.

(b) An amount equivalent to fifty per cent of the sale proceeds of public ferries shall be retained in the Anchalik Panchayat Fund:

Provided that the Anchalik Panchayat shall meet all expenses, if there be any, for maintenance and improvement of public ferries from out of the fifty per cent share of sale proceeds of public ferries received by it :

Provided further that if any Anchalik Panchayat fails to make improvement of or neglects to maintain the portion of the inter-Anchalik Panchayat public ferry falling within the jurisdiction of that Anchalik Panchayat, such expenditure incurred for maintenance and improvement shall be deducted from the share of the defaulting Anchalik Panchayat.

(c) An amount equivalent to forty per cent of the sale proceeds of public ferries shall be equally distributed among all the Gaon Panchayats falling within the jurisdiction of the Anchalik Panchayat.

(4) The sale of all public ferries falling within two or more Anchalik Panchayats shall be conducted by the concerned Anchalik Panchayats by rotation.

75. Transfer of Government fisheries to the Gaon and Anchalik Panchayat.—(1) Notwithstanding anything in any law for the time being in force the State Government shall transfer such Government Fishery which has fetched an income of Rupees five thousand or less in any year, to the Gaon Panchayat with the jurisdiction of which the fishery is situated :

Provided that a transfer under this sub-section shall be given effect to from the next following year of such income.

(2) The State Government may transfer such other Government fisheries as it may decide, with power of their control and administration to the Anchalik Panchayat within the jurisdiction of which such fisheries are situated.

76. Settlement of fisheries and distribution of proceeds thereof.—(1) Save as otherwise provided in this Act or rules framed thereunder all fisheries of an Anchalik Panchayat or the Gaon Panchayat shall be settled by the Anchalik Panchayat in the manner prescribed for a period coinciding with and not exceeding one Panchayat financial year by inviting tenders at the office of the Anchalik Panchayat by its President.

(2) Detailed procedure for inviting, submission, examination and final acceptance of such tenders may be such as may be prescribed.

(3) All settlements made under sub-section (1) shall be subject to the confirmation by the Mahkuma Parishad ;

Provided that in case of any dispute the Mahkuma Parishad may refer such cases to the State Government whose decision in this regard shall be final :

Provided further that as and when deemed necessary the State Government may intervene in the matter of a particular settlement and its decision in this regard shall be final.

(4) All sale proceeds of public fisheries shall be deposited in the Anchalik Panchayat Fund and shall be distributed in the manner hereinafter provided.

(a) Ten per cent of sale proceeds of Anchalik Panchayat fisheries shall be made over to the Mahkuma Parishad Fund.

(b) Fifty per cent of the sale proceeds of Anchalik Panchayat fisheries shall be retained with the Anchalik Panchayat Fund.

(c) Forty per cent of the sale proceeds of Anchalik Panchayat fisheries shall be distributed equally amongst the Gaon Panchayat falling within the jurisdiction of the Anchalik Panchayat.

CHAPTER VI

77. General power of inspection, supervision and control of State Government.— (1) The Director of Panchayat, the Deputy Commissioner, the Additional Deputy Commissioner (Development) and the Sub-Divisional Officer of outlying Sub-Division and such other officers as are empowered by the State Government in this behalf shall have general power of inspection, supervision and control over the performance of the administrative duties of a Gaon Panchayat, Anchalik Panchayat or Mahkuma Parishad and without prejudice to the generality of the foregoing power may:—

(a) enter into and inspect any immovable property in the occupation or control or any work in progress under the direction of a Gaon Panchayat, Anchalik Panchayat or a Mahkuma Parishad ;

(b) call for and inspect any document which may for the purpose of this Act, be in the possession or control of a Gaon Panchayat, Anchalik Panchayat or a Mahkuma Parishad ;

(c) require by an order in writing a Gaon Panchayat, Anchalik Panchayat or Mahkuma Parishad to furnish such statements, accounts, reports, proceedings as they think fit;

(d) give such advice in writing in respect of the administrative work, duties, and proceedings as they think necessary and also see that all proceedings of a Gaon Panchayat, Anchalik Panchayat or a Mahkuma Parishad are in conformity with law and annul any proceeding which is considered

not to be in conformity with law and may do all things necessary to secure such conformity ;

(e) institute an enquiry in respect of any matter relating a Gaon Panchayat, Anchalik Panchayat or Mahkuma Parishad and rectify any act or omission.

78. Inspector of Local works.—(1) The State Government may appoint an Officer of the Government to be the Inspector of Local Works for one or more Sub-Divisions.

(2) The Inspector of Local Works shall—

(a) inspect and render advice with regard to all public works under construction or repairs vested in or under the control and administration of any Panchayati Raj Institutions within his charge, and

(b) perform such duties and exercise such powers as may be assigned to him by rules.

(c) In particular and without prejudice to the powers referred to in clause (b) of sub-section (2) the Inspector of local works may at all times enter upon or into and inspect any immovable property in the occupation of or any work in progress under the orders of any Panchayati Raj Institution, within his charge, and every such Panchayati Raj Institution shall furnish such statements, estimates and reports as he may require.

(d) A report of every inspection made under this section shall be prepared and a copy thereof shall be forwarded to the Panchayati Raj Institution concerned.

79. Control or prohibition of any act by a Panchayati Raj Institution which is in excess or abuse of powers, or ultra vires.—The State Government may by an order in writing at its own initiative or on receipt of any information rescind in part or in whole any resolution, order, notice or decision of the concerning Panchayati Raj Institution, and may also prohibit the doing of any act in pursuance of such resolution, order, notice or decision whenever in the opinion of the State Government such resolution, order, notice or decision or act is in excess or abuse of the powers conferred upon a Panchayati Raj Institution by this Act or by any rules and bye-law framed thereunder, or in contravention of any Act, rules or order of the Government.

80. Dissolution of supersession of a Panchayati Raj Institution.—(1) If in the opinion of the State Government a Panchayati Raj Institution makes default in the performance of the duties imposed upon it or abuses its powers, by or under this Act or any other Act, the Panchayati Raj Institution concerned may after giving sufficient opportunity to show cause to the contrary, by an order in writing specifying the reason for so doing, supersede

the concerning Panchayati Raj Institution for such time not exceeding six months or dissolve the concerning Panchayati Raj Institution.

(2) On the dissolution of a Panchayati Raj Institution under sub-section (1):—

(a) all members of the concerning Panchayati Raj Institution shall from the date specified in the order, vacate their office as such members;

(b) all properties vested in the Panchayati Raj Institution concerned shall be vested in and such of the liabilities as may have been incurred in the discharge of legitimate function of the Panchayati Raj Institution concerned of which have been incurred in course of duties performed in the genuine interest of the Panchayati Raj Institution concerned be transferred to the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, who shall make such arrangement as may be deemed necessary until the Panchayati Raj Institution is reconstituted ;

(c) it shall be reconstituted in the manner prescribed under this Act.

81. Appeal against any order of a Panchayati Raj Institution.—Any employee under a Panchayati Raj Institution or any person aggrieved by any order or Act of a Panchayati Raj Institution may file an appeal within fifteen days from the date of receipt of such order or performance of such act, to the Director of Panchayat whose decision in this regard shall be final.

82. Delegation of powers to the Deputy Commissioner, Sub-Divisional Officer, any other Gazetted Officer.—(1) The State Government may delegate any of their powers under this Act or rules framed under this Act except where expressly provided to the contrary of any Government Officer of gazetted rank.

(2) Except where expressly provided to the contrary, the State Government may delegate all or any of the powers of the Deputy Commissioner or the Sub-Divisional Officer under this Act or Rules framed under this Act to any Government Officer of Gazetted rank.

(3) Except where expressly provided to the contrary, the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, may delegate all or any of their powers under this Act or Rules framed under this Act to any Government Officer of Gazetted rank.

(4) The delegation of power under sub-sections (1), (2) and (3) shall be by an order in writing and such order may be modified or withdrawn at any time.

CHAPTER VII

PENALTY

83. Penalty for contravening any provision of the Act or any rule or bye-law framed thereunder.—Whoever contravenes any provision of this Act,

or the rules or bye-laws framed under it, shall on conviction be liable unless otherwise prescribed, to a fine which may extend to rupees two hundred and in case of a continuing breach, with a further fine which may extend to ten rupees for every day during which the breach continues after conviction of the first breach.

84. Institution of suit, case or proceedings against an agent or employee of a Gaon Panchayat or Anchalik Panchayat or Mahkuma Parishad.—(1) No action, civil or criminal, shall lie against a member or agent or employee of a Gaon Panchayat or Anchalik Panchayat or Mahkuma Parishad acting under its direction, in respect of anything done in good faith under this Act or any rule or bye-laws made thereunder.

(2) No suit shall be brought against a Gaon or Anchalik Panchayat or Mahkuma Parishad or a member, agent or employee thereof in respect of any act purporting to be done in its or his official capacity until the expiry of sixty days after notice in writing has been served. The notice shall state the cause of action, the name and address of the plaintiff and the relief which he claims and the plaint shall contain a statement that such notice has been duly delivered.

(3) No such action shall be entertained if instituted after six months of the accrual of the alleged cause of action.

85. Penalty for obstructing the Panchayats and damaging property.—

(1) Whoever obstructs a Gaon or Anchalik Panchayat or any member, employee or agent thereof, or prevents or attempts to prevent any such person from doing anything which he is empowered or required to do under the provisions of this Act, bye-laws or rules made thereunder ; or

(2) Whoever without lawful authority removes, or destroys, defaces or otherwise obliterates any notice, materials of public street or bridge, lamp post, direction post, stand post or other such property exhibited or erected by the Gaon or the Anchalik Panchayat or under its authority, shall be liable on conviction to a fine not exceeding fifty rupees.

86. Power of the Gaon or Anchalik Panchayat to compound cases.—(1)

The Gaon or Anchalik Panchayat may either before or after the institution of any case, compound an offence against this Act or any rule or any bye-law made thereunder on payment of such sum in cash to the Fund of the Panchayat concerned as may be agreed upon.

(2) When an offence has been compounded, the offender shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

87. Liability of members of the Panchayats for misuse or unauthorised diversion of funds.—The members of the Gaon or Anchalik Panchayat shall

be jointly and severally liable for misuse of the fund and unauthorised diversion of the same for purposes other than those authorised under this Act or rules framed thereunder or laid down by the State Government or other local authorities in accordance with the provisions of this Act or rules framed thereunder and the value of such properties and fund misused or diverted as aforesaid shall be recoverable under the orders of the State Government as an arrear of land revenue.

88. Members of the Gaon or Anchalik Panchayat are not to acquire interest in Panchayat property or contract work.—No member of the Gaon Panchayat or Anchalik Panchayat or other officers having any duty to perform in connection with any sale or contract work under this Act, shall directly or indirectly bid for, or acquire any interest in any property sold at such sale or accept a contract work.

89. Penalty on members or officers of the Gaon or Anchalik Panchayat being interested in contracts made.—If any member or employee of the Gaon or the Anchalik Panchayat or any officer having any duty to perform under this Act, has directly or indirectly, any share or interest in any work done by the order of such Panchayat of which he is a member or employee thereof or an officer having a duty to perform regarding such work under the Act or rules framed under the Act or in any contract with or under such Panchayat, he shall be liable on conviction before a criminal court to a fine which may extend upto five hundred rupees:

Provided that the penalty herein prescribed shall not be deemed to apply by reason only of a person

(a) Having a share in any Joint Stock Company which shall contract with or be employed by or on behalf of such Panchayat ;

or

(b) Having a share or interest in any newspaper in which any advertisement relating to the affairs of such Panchayats may be inserted ;

Nevertheless, it shall not be lawful for a person having any share or interest, such as is described in clauses (a) and (b) to act as a member of that Panchayat in any matter relating to a contract or agreement between that Panchayat and such company or the manager or publisher of such newspaper:

Provided further that nothing in this section shall apply to any member of the Gaon or the Anchalik Panchayat, who subject to rules, undertakes or executes on behalf of that Panchayat, any work in a fiduciary capacity without deriving therefrom any pecuniary profit :

Provided further that nothing in this section shall apply to any member of the Gaon or the Anchalik Panchayat, who being a member of the legal

profession, employed by such Panchayat to give legal advice or to conduct any case on behalf of the Panchayat concerned receives fees for such work.

90. Compensation.—Every Gaon or Anchalik Panchayat may pay compensation out of its Fund, to any person sustaining any damage by reason of the exercise of any power conferred by this Act.

91. Disputes between local authorities.—If a dispute arises between two or more Mahkuma Parishads, a Mahkuma Parishad and a local authority or between any two local authorities, the matter shall be referred to the State Government or to such authority as the State Government may direct and the decision of the State Government or such authority shall be final and conclusive.

92. Recovery of taxes and demand not otherwise provided for.—The Gaon or Anchalik Panchayat may recover any tax leviable on demand payable under this Act, or under any rule or bye-law made thereunder, the recovery of which is not otherwise provided for, as if the same were an arrear of land revenue recoverable under the Assam Land and Revenue Regulation, 1886.

93. Co-operation with Government officers.—The Gaon or the Anchalik Panchayat, or the Mahkuma Parishad, so far as practicable, shall act in co-operation with and shall assist any Government officer who works for the welfare of the rural population in the performance of his duties within its area.

CHAPTER VIII MISCELLANEOUS

94. Continuation of any assessment, tax, rate, cess, fee, until reassessment under the Act.—(1) When any local area is declared to be a Gaon Panchayat's area under Section 5 of this Act, any assessment made, tax, cess, rate or fee levied in such area by the erstwhile Gaon Panchayat concerned under the provisions of the Assam Panchayati Raj Act, 1972 shall continue to be in force until reassessed under this Act and all sums due on account of such tax, cess, rate or fee shall be collected under the provisions of the Act by the Gaon Panchayat within the jurisdiction of which, the area of erstwhile Gaon Panchayat is included under this Act and shall be credited to the Gaon Panchayat Fund.

(2) When any area is declared to be an Anchalik Panchayat area under Section 4 of this Act, any assessment made, tax, cess, rate or fee levied in such area by the erstwhile Mahkuma Parishad concerned under the provisions of the Assam Panchayati Raj Act, 1972 shall continue to be in force until reassessed under the provisions of this Act, and all sums due on account of such tax, cess, rate or fee shall be collected by the Anchalik Panchayat and shall be credited to the Anchalik Panchayat Fund :

Provided that the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, shall collect the taxes, cess, rate or fees or any sum of money due to the Anchalik Panchayat in areas where no Anchalik Panchayat is functioning.

(3) When the provisions of this Act are withdrawn from any Gaon or Anchalik Panchayat or Mahkuma Parishad area, all the properties, funds and dues which are vested in such Gaon Panchayat, Anchalik Panchayat or Mahkuma Parishad shall be vested in the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, who shall make such allocation of the properties as he deems fit with the prior approval of the State Government.

(4) The Bengal Village Choukidari Act, 1870 shall have no operation in the area where Panchayats are established under this Act.

95. State Government is the final authority in cases of any dispute or difficulty.—If, in establishing a Gaon or Anchalik Panchayat or in the working of such Gaon or Anchalik Panchayat or any dispute or interpretation of any provision of this Act or any rule or any bye-law made thereunder or any matter not provided in this Act, the same shall be referred to the State Government whose decision thereon shall be final unless otherwise decided by a Court of Law.

96. Taking of Oath.—Every person who is elected or appointed to be a member of Gaon or Anchalik Panchayat or Mahkuma Parishad shall, before taking his seat, make at a meeting of Gaon or Anchalik Panchayat or Mahkuma Parishad an oath or affirmation of his allegiance to the Constitution of India in the following form, namely:—

“I, A. B. being a member of the Gaon/Anchalik Panchayat/ Mahkuma Parishad do swear in the name of God (or solemnly affirm) that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter .”

97. Police to report commission of offence to the Panchayats.—Every police officer shall report the commission of any offence under this Act coming to his knowledge to the Gaon or the Anchalik Panchayat concerned and shall assist all members or employees of such Panchayat in the exercise of their lawful authority.

98. Power of the State Government to frame rules.—(1) The State Government may, frame rules for carrying out the purpose and object of this Act and such rules may provide penalty not exceeding rupees two hundred for a breach thereof.

(2) In particular, and without prejudice to the generality of the foregoing power, the State Government may make rules,—

(a) with reference to all matters expressly or by implication, required or allowed by this Act to be prescribed ;

(b) any rule framed under this Act and sub-sections (1) and (2) above may be given retrospective effect.

99. Power of the Gaon or the Anchalik Panchayat to make subsidiary rules.—Subject to the approval of the State Government every Gaon or Anchalik Panchayat may, by subsidiary rules, consistent with this Act and with any rules made thereunder provide for—

(a) the time and place of its meetings, the business to be transacted at the meetings, and the manner in which the notice of meetings be given ;

(b) the duties, and control of employees working under it ;

(c) the custody of the common seal and the purposes for which it shall be used ;

(d) the division of duties among its members and employees ;

(e) the powers to be exercised by the office-bearers to whom particular duties have been assigned ;

(f) the persons by whom receipts shall be granted for money received under this Act.

CHAPTER-IX

100. Repeal and savings.—On and from the date on which this Act comes into force the Assam Panchayati Raj Act, 1972 (Assam Act XI of 1973) shall be deemed to be repealed. The Gaon Panchayats and Mahkuma Parishads existing immediately before the commencement of this Act shall cease to exist:

Provided that—

(a) the said repeal shall not affect the validity or invalidity of anything already done under the said enactment ;

(b) all rules and bye-laws, notifications, orders, appointments made, permissions and sanctions granted, taxes, cess, fees or rates levied, contract entered into, suits instituted and proceedings taken under the Assam Panchayati Raj Act, 1972 (Assam Act XI of 1973) and in force immediately before the commencement of this Act, shall continue to be in force and so far as they are not inconsistent with this Act, shall be deemed to have been retrospectively made, granted, levied, entered into, instituted and taken under this Act until new provisions are made under this Act ;

(c) all assets and liabilities including the funds which are vested in an erstwhile Gaon Panchayat constituted under the provisions of the Assam Panchayati Raj Act, 1972 (Assam Act XI of 1973) shall vest in the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, and shall be held by him in trust until it can be made over to the Gaon Panchayat constituted under this Act and within the jurisdiction of which the area of the erstwhile Gaon Panchayat is included.

(d) all assets and liabilities including the funds which are vested in Mahkuma Parishad constituted under the provision of the Assam Panchayati Raj Act, 1972 (Assam Act XI of 1973) shall vest in the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, held by him in trust until it can be made over on a basis that shall be prescribed by the State Government to the Anachalik Panchayat constituted under the provisions of this Act;

(e) notwithstanding the repeal of the Assam Panchayati Raj Act, 1972 (Assam Act XI of 1973) any arrears of taxes, cess, fees or rates which were levied by the Gaon Panchayats or the Mahkuma Parishads under provisions of the Assam Panchayati Raj Act, 1972 (Assam Act XI of 1973) or any amount of money on account of fine or otherwise which was due to the Gaon Panchayats or the Mahkuma Parishads, established under the Assam Panchayati Raj Act, 1972 (Assam Act XI of 1973) shall be recovered by the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, and credited into the District Rural Development fund ;

(f) those employees in the employment of the Gaon Panchayats or the Mahkuma Parishads immediately before the commencement of this Act, if considered suitable for retention or absorption or otherwise by the appropriate authority and subject to availability of suitable vacancy may be absorbed in the Gaon or the Anchalik Panchayat.

(g) Every Gaon or Anchalik Panchayat formed under this Act shall be deemed to be a local authority within the meaning of the Assam Local Authorities Grants (Charged) Act, 1959.

18849