

Control of Public Property. 81. The State Government may allocate to the Gaon Panchayat or Mohkuma Parishad any public property situated within its jurisdiction where upon such property shall vest in or belong to and come under control of such bodies.

Power of Chief Executive Councillor to call for and inspect Records containing Assessment or Rates. 82. The Chief Executive Councillor or Secretary of Mohkuma Parishad may at any time call for the papers of any Gaon Panchayat containing assessment of rates imposed within its area and may make inspection thereof or make suggestions for alteration, addition or modification of the assessment or rates imposed. When such papers containing the assessment or rates imposed are returned with suggestions, the Gaon Panchayat concerned in a meeting shall reconsider the matter and adopt a resolution on the point and send a copy of the resolution to the Chief Executive Councillor of the Mohkuma Parishad.

(2) The Chief Executive Councillor and Secretary of the Mohkuma Parishad and the Block Development Officer of the Development Block may be vested with the power of the Deputy Commissioner under section 69 of the Assam Land and Revenue Regulation 1886 (as amended) for recovery of the arrear dues to the Mohkuma Parishad and Gaon Panchayat respectively under provision of this Act as may be deemed necessary by the State Government.

CHAPTER V

Establishment of Panchayati Adalat. 83. Subject to provisions of any other laws in force the State Government may by notification in the Official Gazette establish a Panchayati Adalat for each Gaon Panchayat area as notified under Section 4 and invest it with or withdraw from it all or any of the Judicial powers under this chapter as may be deemed necessary.

Appointment of members to Panchayati Adalat. 84. (1) When a Panchayati Adalat is established under Section 83 the members of a Gaon Panchayat shall appoint in a meeting as prescribed, five persons to act as members of the Panchayati Adalat:

Provided that such members shall not be members of the Gaon Panchayat, councillors of the Mohkuma Parishad or members of the Assam Legislative Assembly or Parliament.

(2) No person shall be appointed as a Member of the Panchayati Adalat if he—

- (i) is not above 35 years of age and is not below 65 years ;
- (ii) is not a permanent resident of the Gaon Panchayat area ;
- (iii) is not capable of reading and writing the language of the region ;
- (iv) is a legal practitioner or a lawyer's clerk or writer or extra writer of Sub-Registrar or Sub-Deputy Collector's Office ;
- (v) incurs one or more of the disqualifications mentioned in Section 12 ;
- (vi) is a lessee or contractor of the Government or of any local authority.

85. (1) The District Judge in whose jurisdiction the area of the Selection of Panchayati Adalat falls, shall select one of the members of the the Chair- Panchayati Adalat, who is able to record proceedings, as Chairman of man of the the Adalat. Adalat.

(2) Every member of an Adalat shall take an oath of office in the prescribed manner.

Resignation of the Chair-
man or
Member of
the Adalat. 85. (1) A member of a Panchayati Adalat may resign by sub-
mitting his resignation in writing to the Chairman, who may accept
the resignation. The Chairman may resign by submitting his resigna-
tion to the District Judge who may accept such resignation.

(2) (i) If in the opinion of the District Judge a member of a Panchayati Adalat has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or neglects or refuses to perform, or has become incapable of performing any of the duties as a member of the Panchayati Adalat, the District Judge may remove such member after giving him an opportunity of being heard and after such enquiry as is deemed necessary.

(ii) If any enquiry is held under clause (i) the District Judge may suspend such member from being in the Panchayati Adalat for such period as he thinks fit.

(iii) On removal of a member from Panchayati Adalat under clause (i) his office shall become vacant and he shall be disqualified for being chosen as a member of the Mohkuma Parishad or Gaon Panchayat and also of the Adalat for a period of three years from the date of his removal or such lesser period as District Judge may allow for any particular case.

87. If any member of a Panchayati Adalat fails to complete his term of office either by death, removal or resignation, the vacancy shall be filled up by appointing another person in the manner prescribed and thereupon the member so appointed shall fill such vacancy for the term for which such member would otherwise have continued in office.

88. No Member or Chairman of a Panchayati Adalat shall take part in any case, suit or proceeding to which he or his near relation, dependent, employer, employee or partner in business is a party or in which any of them may be personally interested.

Explanation: Near relation means any person related within the second degree to a person or his spouse.

89. (1) Subject to the provisions of Section 83 and notwithstanding anything contained in the Code of Criminal Procedure, 1898 a Panchayati Adalat shall have jurisdiction similar to that of Criminal Court within the local limits of whose jurisdiction it is situated for the trial of all offences (including abetment thereof or attempt to commit any such offence) specified in Section 92 of the Act and may try any such offence, if the case is transferred to it by a District Magistrate, Subdivisional Magistrate, or any other Magistrate empowered to receive petitions under Section 190 of the Code of Criminal Procedure, 1898. Act V of 1898.

(2) A Panchayati Adalat may be conferred with any of the powers specified in parts I and II of schedule III of the Code of Criminal Procedure, 1898 except clauses (1), (2), (7), (8), (9), (10), (11), (12) and (14) of Part I and clause (2) of Part II. Act V of 1898.

90. A District Magistrate (Judicial) or Subdivisional Magistrate (Judicial) for reasons to be recorded may transfer any case from Panchayati Adalat to any other competent Court subordinate to him.

91. Subject to such rules as may be prescribed under any law in force any Magistrate before whom a complaint made relating to any offence cognizable by a Panchayati Adalat may transfer the complaint petition to the Panchayati Adalat in whose jurisdiction the offence is alleged to have been committed.

Offences
triable by
an Adalat.

92. A Panchayati Adalat shall take cognizance and try all or any of the following offences (including abetment thereof or attempt to commit any such offence) committed within its jurisdiction subject to the provisions of section 83.

(a) Under the Indian Penal Code, 1860

| | SECTION |
|--|---------------------|
| Negligently doing any act known to be likely to spread the infection of any disease dangerous to life. | 269 |
| Fouling the water of public spring or reservoir ... | 277 |
| Causing danger, obstruction or injury to any person in any public way. | 283 |
| Voluntarily causing hurt | 323 |
| Assault or use of criminal force otherwise than on grave and sudden provocation, etc. | 352, 355 to 358. |
| Theft, where the value of the property stolen does not exceed rupees fifty. | 379 |
| Mischief when the loss or damage caused does not exceed rupees fifty in value. | 426 |
| Intentional insult with intent to provoke a breach of peace. | 504 |
| Criminal intimidation | 506 (First part) |
| Misconduct in public by a drunken person. ... | 510 |

(b) (I) Under the Prevention of Cruelty to Animals Act, 1890

| | |
|--|-----|
| Practising phooka | 4 |
| Killing animals with unnecessary cruelty | 5 |
| Being in possession of the skin of a goat killed with unnecessary cruelty. | 5 A |
| Employing animals unfit for labour | 6 |
| Boiling or inciting animals to fight | 6 C |
| Permitting diseased animals to go at large or to die in public places. | 7 |

(2) Under the Cattle Trespass Act, 1871

Offences under sections 20, 21, 22, 23 and 24.

(3) Under the Vaccination Act, 1880

| | |
|---|----|
| Inoculation and entering any vaccination area after inoculation. | 6 |
| Disobedience of order of Magistrate for vaccination without just cause or excuse. | 18 |

(4) Under the Northern Indian Ferries Act, 1878

All offences except those under Sections 26 and 28.

(5) Under the Assam Students Juvenile Smoking Act, 1923

Offences under the Act.

(c) Any other offence under any other enactment declared by the State Government to be cognizable by such Adalat.

Lodging of complaints. 93. A case before a Panchayati Adalat may be instituted by complaint made orally or in writing to the Chairman or in his absence to any member of a Panchayati Adalat authorised by him, on payment of a prescribed fee. If the complaint is made orally, the Chairman or the member shall record the same, the name and address of the complainant and of the accused person or persons and shall direct the complainant to appear before it on a day fixed.

Dismissal of frivolous, vexatious or false cases. 94. If on consideration of the complaint or on examination of the complainant, a Panchayati Adalat is of opinion that the allegation is frivolous or vexatious or false, it shall dismiss the case by an order in writing.

The Adalat is to direct certain cases to the proper Court.

95. If it appears to a Panchayati Adalat that—

- (i) it has no jurisdiction to try the case ; or
- (ii) the offence is one for which it cannot award adequate punishment ; or
- (iii) the case is of such a nature or complexity that it should be tried by a Magistrate's Court ;

It shall direct the complainant to the proper Court.

Dismissal of
a case for
Default.

96. If a complainant without showing sufficient cause fails to appear before a Panchayati Adalat on the day fixed, or if in its opinion he shows negligence in prosecution of his case, it may dismiss the case for default and discharge the accused persons by an order in writing.

Appearance
of accused,

97. (1) If the complaint be not dismissed, a Panchayati Adalat shall, by summoning or otherwise, require an accused to appear and answer the petition.

(2) If the accused fail to appear or cannot be found, a Panchayati Adalat shall request the nearest Magistrate who may issue a warrant for the arrest of the accused and when arrested may forward him for trial to it or release him on bail to appear before it.

(3) A Panchayati Adalat shall release an accused brought before it under sub-section (2) on his executing a bond for a sum not exceeding one hundred rupees to appear before it whenever called for the pending case.

(4) A Panchayati Adalat may not compel a woman to appear in person against her will as a witness, but she may be examined on commission in the manner prescribed.

Exclusion
the Ada-
lat's juris-
diction in
certain cases

98. No Panchayati Adalat shall take cognizance of any offence in which the accused :—

- (a) has been previously convicted of an offence with imprisonment, simple or rigorous, or fined under Chapter XVII of the Indian Penal Code, 1860 ; (Act XLV of 1860).
- (b) has been bound over to be of good behaviour under section 109 or 110 of the Code of the Criminal Procedure, 1898. (Act V of 1898).

Finding of
case.

99. (1) The Adalat after hearing both parties and their witnesses, if any, shall give its finding in writing stating reasons thereof.

(2) The Adalat is required to follow the spirit of the provisions of the Criminal Procedure Code, or the Indian Evidence Act but the deposition of the parties or of their witnesses, if any, shall be recorded and kept as prescribed.

(3) If the Chairman of the Adalat is not sitting, the presiding member shall be chosen by lot.

(4) No decision in any case shall be arrived at by an Adalat if at least 3 of its members are not present at all sittings.

(5) If the members of an Adalat are not unanimous, the majority decision shall stand. In the event of equal voting, the record shall be forwarded to the District Magistrate (Judicial) or Subdivisional Magistrate (Judicial), as the case may be, for decision.

Sentence inflicted by an Adalat.

100. (1) No sentence of imprisonment, simple or rigorous, whether substantive or in default of payment of fine shall be inflicted by any Panchayati Adalat :

Provided that when the Adalat considers that any sentence short of imprisonment will not meet the justice of the case, it may forward the case to the District Magistrate (Judicial) or Subdivisional Magistrate (Judicial), as the case may be, for disposal according to law.

(2) A conviction by an Adalat under this Act shall not be deemed to be a previous conviction for the purpose of the Provisions of the Code of Criminal Procedure.

Limit of Fine.

101. (1) In no case shall a Panchayati Adalat inflict sentence of fine exceeding rupees two hundred and fifty.

(2) A Panchayati Adalat instead of sentencing to fine may discharge after due admonition a youthful offender who, in the opinion of the Adalat, was on the date of the commission of the offence was not over sixteen years of age.

Compensation to the complainant,

102. The Panchayati Adalat may award any compensation to the complainant out of the fine imposed on the accused.

Compensation to the accused.

103. If any Panchayati Adalat, after enquiry, is satisfied that a Criminal case brought before it is false or frivolous or vexatious, such Adalat may order the complainant to pay to the accused such compensation not exceeding rupees twenty-five as it deems fit.

Recovery of fine imposed or compensation awarded,

104. (1) The amount of fine imposed or compensation awarded by Panchayati Adalat under this Act shall be paid to the Adalat within fifteen days of the order imposing or awarding it.

(2) If after the expiry of the said fifteen days, the amount remains unpaid, the Adalat shall proceed to recover it under the provisions of Section 386 of the Code of Criminal Procedure and may, if it finds any difficulty in its recovery certify the fact to the District Magistrate (Judicial) or the Subdivisional Magistrate (Judicial) within whose jurisdiction the Adalat lies, and such Magistrate shall recover it as if the sentence of fine or the award of compensation had been passed by him, and remit the amount to the Adalat.

Appeal, etc.

105. No Panchayati Adalat shall have any power to revise any sentence or order passed by itself, nor shall such order or sentence be subject to appeal or revision by any court, except that the Assistant Sessions Judge or where there is no Assistant Sessions Judge, the Sessions Judge having jurisdiction over the area concerned may on his own motion or on application of any party within thirty days from the date of the order, excluding the time taken in obtaining certified copy of the order, set aside or modify any conviction, order or sentence on the ground of want of jurisdiction, corruption, partiality or misconduct on the part of the Adalat or any member thereof or on the ground that there has been a miscarriage of justice.

Civil Jurisdiction.

106. Notwithstanding anything contained in the Bengal, Act XII of 1887, Agra and Assam Civil Courts Act, 1887, the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, Act IX of 1887, 1908 and subject to the provision of this Act, every suit Act V of 1908. instituted under this Act, shall be instituted before the Adalat.

Extent of Civil Jurisdiction.

107. The Panchayati Adalat shall have jurisdiction to try any suit of the following description if its value does not exceed five hundred rupees:—

- (1) (a) a suit for money due on a contract other than a contract in respect of immovable property ;
- (b) a suit for recovery of movable property or for the value thereof ;
- (c) a suit for compensation for wrongfully taking or injuring a movable property ;
- (d) suit for damages caused by cattle trespass ;
- (e) a suit for damages for malicious prosecution in the Adalat ;
- (f) a suit for recovery of rent in cash or kind ;
- (g) any class of suits of such nature the value of which does not exceed two hundred and fifty rupees which the State Government may by notification in the Official Gazette, direct ; and
- (h) by a mortgagee of immovable property of the value of Rupees five hundred or less for the enforcement of the mortgage by foreclosure or sale of the property or otherwise, or by a mortgagor of an immovable property of like value for the redemption of the mortgage.

Exclusion of Civil Jurisdiction in certain Classes of suits.

108. No suit shall lie in a Panchayati Adalat—

- (1) on a balance of any partnership account, unless the balance has been struck by the parties or their agents;
- (2) for a share or part of a share under an intestacy or for a legacy or part of a legacy under a will;

- (3) by or against the Government (Union or State) or public servant for acts done in his official capacity;
- (4) by or against minors or persons of unsound mind;
- (5) by a mortgagee of immovable property of the value of more than rupees five hundred for the enforcement of the mortgage by foreclosure or sale of the property or otherwise, or by a mortgagor of immovable property of like value for the redemption of the mortgage.

Institution
of suits.

109. (1) A suit or a proceeding before an Adalat may be instituted by petition in writing and the value of the claim be stated in the petition, and, at the same time, the prescribed fee shall be paid.
- (2) The Court Fees Act, 1870 shall not apply to Act VII of 1870.
an Adalat.
- (3) Every suit instituted before a Panchayati Adalat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the Panchayati Adalat.
- (4) If a plaintiff omits to sue in respect of or relinquishes any portion of his claim, he shall not afterwards sue in respect of the portions so omitted or relinquished.

Dismissal of
suits.

110. (1) If at any time, the Adalat is of opinion that the suit is barred by limitation as laid down in schedule 'A' to this Act, the Adalat shall dismiss the suit or proceeding by an order in writing.
- (2) If at any time, it appears to the Adalat that it has no jurisdiction to entertain the suit or proceeding, it shall direct the petitioner to the proper Court.
- (3) If the suit or the proceedings is entertained, the Court shall fix a date, and shall by summons or otherwise require the defendant to appear on that date to answer the suit or proceeding in writing.
- (4) The Adalat shall then proceed with the suit or proceeding and give hearing as prescribed.

Dismissal of
suit for
default.

111. The Adalat may dismiss any suit or proceeding for default—

- (1) if on the date fixed the plaintiff fails to appear without sufficient reasons or takes no steps :

Provided that the Adalat may restore such suit or proceeding dismissed for default, if within fifteen days from the date of such dismissal, the plaintiff satisfies the Adalat that he was prevented by sufficient cause from appearing on payment of reasonable cost to the opposite party if he has appeared on that date.

Resjudicata.

112. (1) No Adalat shall try any suit or proceeding in respect of which any matter is pending for decision in, or has been decided by a competent court in a former suit for the same cause of action and for similar issues and between the same parties under whom they or any of them claim.

(2) The decision of a Panchayati Adalat on the question of title, legal character, contract or obligation shall not bind the parties except in respect of the suit in which such matter is decided.

Ex-parte hearing.

113. If the defendant fails to appear and the Adalat is satisfied that he received notice of the date fixed for hearing the Adalat may decide the suit *ex-parte*.

Revival of suits.

114. If the defendant against whom a case has been decided *ex-parte* applies to the Adalat within fifteen days of date of such decision or from the date of his knowledge of such decision and if the Adalat is satisfied that the defendant did not get due notice of the hearing or was prevented from appearing by any sufficient cause, the Adalat may revive the suit or proceeding and fix a date for hearing of the suit on payment of reasonable costs to the opposite party.

Explanation:—Sufficient cause is a matter of fact and varies with the circumstances of each case.

Notice to Opposite Party on revival of suits.

115. No decision or order of an Adalat shall be modified or set aside under section 111 or 114 without serving a notice to the opposite party.

Exercise of jurisdiction in suits on the motion of both the parties.

116. Notwithstanding anything contained in this Act or in any other enactment for the time being in force, it shall be lawful for an Adalat to decide any civil dispute arising within its local area and not pending in any other court if the parties by a joint petition pray for trial of any suit or proceeding.

Revenue Proceedings. 117. Notwithstanding anything contained in the Assam Land And Revenue Regulation, 1886 (Regulation I of 1886), any proceeding regarding mutation before a Revenue Court may be sent to the Panchayati Adalat within the local limits of which the land concerned is situated, for the Adalat to decide the question of possession. The finding of the Adalat shall be accepted by the Revenue Court :

Provided that where the land included in the local area of more than one Adalat is concerned the Revenue Court may be sent it to any be of the Adalat concerned.

Hearing of suits. 118. (1) A Panchayati Adalat shall receive such evidence as the parties or their lawful agents may produce and may call for such evidence in the interest of justice, equity and good conscience which the Adalat deems necessary.

(2) The Adalat may make an investigation at the place to which the dispute relates.

(3) The Adalat may add as parties to a suit or proceeding any personnel residing within the limits of its jurisdiction and whose presence as parties, it considers necessary for a proper decision thereof, and shall enter the names of such persons as parties in the register of suit and that suit shall be tried as between the parties whose names are entered in the said register.

(4) When any party is added under sub-section (3) notice shall be given to him and the parties to the suit and he shall be given an opportunity of appearing and contesting the suit or the proceeding.

(5) If the new party appears under sub-section (4) and prays for a *denovo* trial the Adalat may allow such prayer.

(6) The Adalat shall ascertain the merits of every suit or proceeding by every lawful means in its powers and thereafter shall, by written order pass such decree as it may deem just, equitable and according to good conscience, stating in the decree the amount payable as fees and costs and the person by whom such amounts are payable.

(7) The Adalat may direct in writing in the decree that payment of a sum of money or the delivery of any movable property be made by instalment.

Appeal or Revision. 119. (1) The decision of an Adalat in every suit or proceeding shall be final as between the parties to the suit and shall not be open to appeal or revision in any court :

Provided that if there has been miscarriage of justice, want of jurisdiction or apprehension of miscarriages of justice, the Assistant District Judge or where there is no Assistant District Judge, the District Judge having jurisdiction over the area concerned may on application of any party at any time in a pending suit or proceeding and within thirty days from the date of decree or order excluding the time

taken in obtaining the certified copy of the judgement or on his motion call for records of the suit or proceeding from the Adalat for reasons to be recorded, and

- (i) cancel the jurisdiction of the Panchayati Adalat with respect to such suit or proceeding, or
- (ii) cancel or quash the decree or the order passed in such suit or proceeding by the Adalat, or
- (iii) modify the decree or the order or direct a retrial by the same or any other Panchayati Adalat or by any court subordinate to him.

(2) The District Judge may with the approval of the State Government confer on any Additional District Judge, Subordinate Judge and Additional Subordinate Judge having jurisdiction in the District, the powers exercisable by him under sub-section (1).

(3) Notwithstanding anything contained in the Indian Limitation Act, 1908 (Act IX of 1908) when the District Judge or the Assistant District Judge passes any order under sub-section (1) (i) the plaintiff may institute a suit on the same cause of action and for the same relief in the court of the Munsiff, and the period from the date of institution of the suit before the Panchayati Adalat to the date of such order shall be excluded in computing the period of limitation for the fresh suit.

Agents may appear.

120. Any party to a suit or proceeding may appear before a Panchayati Adalat either in person or by such partner or relation authorised by him in writing as the Adalat may admit as a fit person to represent him but no legal practitioner or a pleader's clerk shall appear, plead or act on behalf of any party in any suit or proceeding before the Panchayati Adalat.

Legal Representative.

121. If the plaintiff or defendant in any suit or proceeding dies before the suit or proceeding has been decided, the suit or proceeding may be proceeded with, at the instance of or against the legal representatives of the deceased plaintiff or the defendant, as the case may be.

President of the Gaon Panchayat is to assist the hearing : Adalat.

122. The Adalat may ask the President of the Gaon Panchayat to be present and assist the Adalat when any case, suit or proceeding by or against any person residing in such Gaon Panchayat is called upon for the hearing :

Provided that the President of a Gaon Panchayat shall not be called upon or asked to assist the Panchayati Adalat in any case, suit or proceeding to which one of the party is a relative, employer, employee or partner in business with the President of the Gaon Panchayat concerned.

Execution of
Decrees.

123. (1) A decree or the order passed by an Adalat shall be executed in such a manner as may be prescribed.

(2) (i) If the property of a defendant is situated outside the jurisdiction of the Adalat passing the order or decree and the Adalat is unable to effect satisfaction thereof, it may transfer the decree or order for execution in the prescribed manner to the Adalat within whose jurisdiction the property is situated; or

(ii) If there is no such Panchayati Adalat or if the Panchayati Adalat passing the decree or the order finds difficulty in executing the same, it shall certify the decree or the order and forward the same to such Civil Court as would have had jurisdiction if this Act had not been passed, and the Court then shall execute the decree as if it were passed by it.

Satisfaction
of Decrees.

124. If, on the application of the decree-holder or the judgement debtor, the Adalat which passed the decree or the order finds after enquiry that the decree has been satisfied wholly or partly, the Adalat shall enter the fact in the prescribed register.

Summoning
witnesses.

125. (1) The Panchayati Adalat may by summons or otherwise send for any person living within the Panchayat area to appear and give evidence or to produce or cause the production of any document :

Provided that no person who is exempted from personal appearance in Court under section 133 (1) of the Code of Civil Procedure, 1908, (Act V of 1908) shall be required to appear in person before an Adalat.

(2) The Adalat may refuse to summon a witness where in the opinion of the Adalat, the attendance of the witness, cannot be produced without delay, expense or inconvenience which under the circumstances of the case, would be unreasonable.

(3) If any person wilfully and without sufficient cause disobeys any summon, notice or order to appear or give evidence or to produce any document before it, the Adalat may take cognisance of such offence and may sentence any person convicted thereof to a fine not exceeding fifty rupees.

Register,
Record, and
Returns of
an Adalat.

126. A Panchayati Adalat shall maintain such registers and records, supply copies of records and submit such returns as may be prescribed.

The Adalat
is not to try
certain case,
suit or pro-
ceedings.

127. No suit, case or proceeding shall lie in a Panchayati Adalat against any Gaon Panchayat or Mohkuma Parishad, its members or councillor or employees for act done or purporting to be done in discharge of their duties.

Fees levied
by the Pan-
chayati Ad-
alat.

128. (1) A Panchayati Adalat shall levy fees for the civil suit at such rate as may be prescribed.

(2) A Panchayati Adalat may levy fees for the institution of criminal cases except for those which are cognisable under the Indian Penal Code 1860 (Act XIV of 1860) at such rate as may be prescribed:

Provided that the fees and the rates so levied under sub-sections (1) and (2) shall not exceed the fees prescribed in the Court Fees Act, 1870 (Act VII of 1870) for the time being in force in the State.

CHAPTER VI CONTROL

General Power of Inspection, Supervision and Control of State Government. 129. (1) The State Government and such officers as are empowered by the Government in this behalf shall have general power of inspection, supervision and control over the performance of the administrative duties of a Gaon Panchayat or Mohkuma 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 or Mohkuma 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 or Mohkuma Parishad ;
- (c) require by an order in writing a Gaon Panchayat or Mohkuma 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 fit and also see that all proceedings of a Gaon Panchayat or Mohkuma 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 to a Gaon Panchayat or Mohkuma Parishad and rectify any act or commission.

(2) (i) When any area comes under the operation of this Act, the State Government shall appoint a Secretary of a Mohkuma Parishad of such rank as may be deemed necessary with such powers and functions as prescribed ;

- (ii) When any area comes under the operation of this Act the State Government shall appoint such officers for the State and for every District or Subdivision and for every Development Block, as may be deemed necessary, with such powers and functions as prescribed.

Inspection, Supervision, etc, over Panchayati Adalat. 130. The State Government and all officers empowered by the Government in this behalf shall have general powers of inspection, supervision, advice and guidance over a Panchayati Adalat.

Inspector of Local Works Government. 131. (1) The State Government may appoint an officer of the Government to be the Inspector of Local Works for one or more subdivisions.

- (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 Mohkuma Parishad or Gaon Panchayat within his charge ; and
 - (b) perform such duties and exercise such powers as may be assigned to him by rules.

132. (1) 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 Mohkuma Parishad or Gaon Panchayat within his charge, and every such Mohkuma Parishad or Gaon Panchayats, shall furnish such statements, estimates and reports as he may require.

(2) A report of every inspection made under this section shall be prepared and a copy thereof shall be forwarded direct to every Mohkuma Parishad or Gaon Panchayat concerned.

(3) Every Mohkuma Parishad or Gaon Panchayat within the charge of an Inspector of Local Works shall in all matters of technical detail, be guided by his report.

Control or prohibition of any act by a Mohkuma Parishad or Gaon Panchayat which is in excess or abuse of powers or ultravires.

133. The State Government may by 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 a Mohkuma Parishad or Gaon Panchayat, 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 is in excess or abuse of the powers conferred upon a Mohkuma Parishad or Gaon Panchayat as the case may be, by this Act or by any rules and bye-law framed thereunder, or in contravention of any Act, rules or orders of the Government.

Dissolution or Supersession of a Gaon Panchayat.

134. (1) If the State Government are of opinion that a Gaon Panchayat persistently makes default in the performance of the duties imposed upon it, by or under this Act or any other Act or abuses its power, they may after giving sufficient opportunity to show cause to the contrary, by an order in writing specifying the reason for so doing, supersede the Gaon Panchayat for such time not exceeding six months or dissolve the Gaon Panchayat.

(2) On the dissolution of a Gaon Panchayat under sub-section (1)—

(i) All members of the Gaon Panchayat, shall from the date specified in the order, vacate their office as such members ;

(ii) All properties vested in the Gaon Panchayat or any balance of the fund of the Gaon Panchayat shall be vested in, and such of the liabilities as may have been incurred in the discharge of legitimate functions of the

Gaon Panchayat or which have been incurred in course of duties performed in the genuine interest of the Gaon Panchayat, be transferred to the Deputy Commissioner or Subdivisional Officer as the case may be, who shall make such arrangement as may be deemed necessary until the Gaon Panchayat is reconstituted;

(iii) It shall be reconstituted in the manner prescribed under this Act.

(3) (i) On the supersession of a Gaon Panchayat, under sub-section (1) all members of the Gaon Panchayat shall, from the date specified in the order, vacate their office as such members;

(ii) All the powers and duties of the Gaon Panchayat shall during the period of supersession, be exercised and performed by such person or persons as the State Government may from time to time, appoint in that behalf;

(iii) All the properties vested in the Gaon Panchayat and any balance of the Fund of the Gaon Panchayat shall be vested in, and such of the liabilities as may have been incurred in the discharge of legitimate functions of the Gaon Panchayat or which may have been incurred in course of duties performed in the genuine interest of the Gaon Panchayat be transferred to the Deputy Commissioner or Subdivisional Officer as the case may be, who shall make such arrangement as may be deemed necessary until the Gaon Panchayat is restored or reconstituted; and

(iv) On the expiry of the period of supersession, the Gaon Panchayat, if not restored, shall be reconstituted in the manner prescribed under this Act.

Power to supersede or dissolve a Mohkuma Parishad in case of incompetency, default or abuse of Powers. 135. (1) If in the opinion of the State Government the Mohkuma Parishad is not competent to perform, or persistently makes default in the performance of the duties imposed on the Mohkuma Parishad by or under this Act or otherwise by law, or exceeds or abuses its powers, or in the event of failure on the part of the Mohkuma Parishad to provide such services as the State Government may, by notification declare and are essential services, the State Government after giving the Mohkuma Parishad sufficient opportunity to show cause to the contrary, may by notification stating the reason for so doing, declare such Mohkuma Parishad to be incompetent, or in default, or to have exceeded or abused its power, as the case may be, supersede the Mohkuma Parishad for a period not exceeding six months at a time or dissolve the Mohkuma Parishad and order for a fresh constitution in the manner prescribed under this Act.

(2) When an order of supersession or dissolution has been passed under sub-section (1) the following consequences shall ensure:—

(i) all councillors of the Mohkuma Parishad shall as from the date of the order, vacate their offices as such councillors; and

- (ii) all the powers and duties which under this Act may be exercised and performed by the Mohkuma Parishad, shall during the period of supersession or in the case of dissolution till the Mohkuma Parishad is reconstituted, be exercised and performed by such officer or officers as the State Government may direct ; and
- (iii) all the properties vested in the Mohkuma Parishad shall during the period of supersession or dissolution as the case may be, vest in the State Government.

Dissolution of a Gaon Panchayat or Mohkuma Parishad in case of dead-lock. 136. If for any reason there is a dead-lock in the functioning of a Gaon Panchayat or a Mohkuma Parishad, the State Government may dissolve the Gaon Panchayat or the Mohkuma Parishad, as the case may be, and may make any alternative arrangement, as may be deemed necessary for the working of the Gaon Panchayat or the Mohkuma Parishad concerned till it is reconstituted in the manner prescribed under this Act.

Dissolution of a Panchayati Adalat by the State Government. 137. If the State Government are of opinion that a Panchayati Adalat exceeds or abuses its powers or is incompetent to perform or makes persistent default in the performance of the duties imposed upon it by or under this Act, they may by notification stating the reason for so doing, dissolve the Panchayati Adalat and on such dissolution ;

- (i) all members of the Panchayati Adalat shall, from the date specified in the order, vacate their office as such members ; and
- (ii) all cases, proceedings and suits of the Panchayati Adalat shall be transferred by a District Magistrate or Subdivisional Magistrate to any court having jurisdiction.

Appeal against any Order of a Gaon Panchayat or Mohkuma Parishad. 138. (1) (a) Any employee under a Gaon Panchayat or any person aggrieved by any order or act of a Gaon Panchayat may file an appeal within fifteen days from the date of receipt of such order or performance of such act, to the Chief Executive Councillor of the Mohkuma Parishad, within the jurisdiction of which such Gaon Panchayat is falling, and the decision of the Chief Executive Councillor of the Mohkuma Parishad in this regard shall be final.

(b) Any employee under a Mohkuma Parishad or any person aggrieved by any order or act of a Mohkuma Parishad may file an appeal within thirty days of receipt of such order or performance of such act, to the State Government the decision of which in this regard shall be final.

(2) Notwithstanding anything contained in the foregoing sub-section (1), the State Government may at any time call for the records in any matter from a Gaon Panchayat or Mohkuma Parishad and give such order as may be deemed necessary after examination of such records. The order of the State Government, in this regard shall be final.

Delegation of Powers to the Deputy Commissioner, Sub-divisional Officer or any other Gazetted Officer.

139. (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, to 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 Subdivisional 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 Subdivisional 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

Penalty for contravening any provision of the Act or Rules or bye-laws framed thereunder.

140. 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 five hundred and in case of a continuing breach, with a further fine which may extend to fifty rupees for every day during which the breach continues after conviction of the first breach.

Institution of suit, case or proceedings against a Member or Councillor or Agent or Employee of Gaon Panchayat or Mohkuma Parishad and privileges to them.

141. No action civil or criminal, shall lie against a Member or Councillor of the Gaon Panchayat or Mohkuma Parishad respectively or Agent or Employee of a Gaon Panchayat or Mohkuma Parishad acting under its legitimate direction, in respect of anything done in good faith under this Act or any rule or bye-law made thereunder.

(2) No suit shall be brought against a Gaon Panchayat or Mohkuma Parishad or a Member or Councillor of a Gaon Panchayat or Mohkuma Parishad respectively, 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.

Penalty for obstructing the Gaon Panchayat or Mohkuma Parishad and Damaging property. 142. (1) Whoever obstructs a Gaon Panchayat or Mohkuma Parishad or any Member or Councillor, 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, rules or bye-laws 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 Panchayat or Mohkuma Parishad or under its authority, shall be liable on conviction to a fine not exceeding fifty rupees.

Power of Gaon Panchayat or Mohkuma Parishad to Compound Cases. 143. (1) The Gaon Panchayat or Mohkuma Parishad may either before or after the institution of any case, compound an offence against this Act or any rule or bye-law made thereunder on payment of such sum in cash to the fund of the Gaon Panchayat or Mohkuma Parishad 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.

Application of the Judicial Officer's Protection Act, 1850. 144. Act XVII of 1850 shall apply to the members of the

Surcharge for Recovery of any Loss, Waste, Misuse or Misapplication of any Fund or Property of the Gaon Panchayat or Mohkuma Parishad. 145. (1) The members of the Gaon Panchayat or councillors of the Mohkuma Parishad shall be jointly or severally liable for misuse of the fund or properties of such Gaon Panchayat or Mohkuma Parishad or for 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 such local authorities in accordance with the provision of this Act or rules framed thereunder and the value of such properties or fund misused or diverted as aforesaid shall be recovered as surcharge from the person or persons as may be made liable according to findings of the Deputy Commissioner or Subdivisional Officer as the case may be, by instituting a surcharge proceeding against such person or person in the prescribed manner.

(2) The President or Vice-President of the Gaon Panchayat, the Chairman of the Mohkuma Parishad, the Chief Executive Councillor or Executive Councillors of the Mohkuma Parishad or any direct employee of the Gaon Panchayat or Mohkuma Parishad shall be liable for any loss, waste, misuse or misappropriation of fund or property of the Gaon Panchayat or Mohkuma Parishad which may be caused by such person or persons, due to negligence or deliberate action or otherwise, and the value of such property or fund shall be recovered as surcharge from such person or persons as may be made liable according to the findings of the Deputy Commissioner or Subdivisional Officer as the case may be, by instituting a surcharge proceedings against such person or persons in the prescribed manner.

(3) If any employee of the Government is found liable for any loss, waste, misuse or misappropriation of fund or properties of the Gaon Panchayat or Mohkuma Parishad the Deputy Commissioner or Subdivisional Officer, as the case may be, shall report the matter forthwith to the State Government for taking appropriate action against such employee.

(4) In case of failure by any person to make payment of surcharge within the period specified in the order issued by the Deputy Commissioner or Subdivisional Officer, as the case may be, under sub-section (1) or (2) the same shall be recoverable as arrears of land revenue under the Assam Land and Revenue Regulation, 1886.

(5) Any person to whom an order is issued under sub-section (1) or (2) may appeal against imposition of surcharge on him to the State Government within thirty days from the date of receiving such order and the decision of the State Government thereon shall be final.

146. No member of a Gaon Panchayat or Panchayati Adalat or Member of a Gaon Panchayat or Panchayati Adalat, Councillor of a Mohkuma Parishad 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. Councillor of a Mohkuma Parishad are not to acquire interest in property or contract of such Bodies.

Penalty on
Members or
Councillors
of a Gaon
Panchayat
or Mohkuma
Parishad res-
pectively or
employees
or officers
there of
being inter-
ested
in contracts
made.

147. If any member or Councillor of a Gaon Panchayat or Mohkuma Parishad respectively, or any employee or officer thereof 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 Gaon Panchayat or Mohkuma Parishad, of which he is a member or councillor or an employee or an officer having a duty to perform regarding such work under this Act, or rules framed under this Act or in any contract with or under such Gaon Panchayat or Mohkuma Parishad, 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 person--

- (a) having a share in any Joint Stock Company which shall contract with or be employed by, or on behalf of such Gaon Panchayat or Mohkuma Parishad ; or
- (b) having a share or interest in a newspaper in which any advertisement relating to the affairs of such Gaon Panchayat or Mohkuma Parishad 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 or councillor of that Gaon Panchayat or Mohkuma Parishad, as the case may be, in any matter relating to a contract or agreement between the Gaon Panchayat or Mohkuma Parishad 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 Panchayat or Councillor of a Mohkuma Parishad, who subject to rules undertakes or executes on behalf of that Gaon Panchayat or Mohkuma Parishad as, the case may be, 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 a Gaon Panchayat or any Councillor of a Mohkuma Parishad, who being a member of the legal profession employed by such Gaon Panchayat or Mohkuma Parishad to give legal advice or to conduct any case on behalf of the Gaon Panchayat or Mohkuma Parishad concerned and receives fees for such work.

Compen-
sation. 148. A Gaon Panchayat or Mohkuma Parishad may pay compensation out of its fund, to any person sustaining any damage by reason of the exercise of any powers conferred by this Act.

Dispute be-
tween local
authorities. 149. If a dispute arises between two or more local authorities the matter shall be referred to the State Government or to any such authority as the State Government may direct and the decision of the State Government or such authority shall be final and conclusive.

Recovery of Taxes and Demand not otherwise provided for. 150. The Gaon Panchayat or Mohkuma Parishad may recover any tax leviable or 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 Revenue Regulation, 1886 (Regulation I of 1886).

Exclusion of Civil Jurisdiction. 151. No civil court shall take cognisance of any order passed or action taken by a competent authority under the provision of this Act or Rules under this Act and also issue any stay order or injunction.

CHAPTER VIII

MISCELLANEOUS

Continuation of any area under section 4 of this Act, any assessment made, tax, cess, rate or fee levied in such area by the erstwhile Gaon Panchayats concerned under the provisions of the Assam Panchayat Act, 1959 (Assam Act XXIV of 1959) 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 the erstwhile Gaon Panchayat is included under this Act and shall be credited to the Gaon Panchayat Fund :

Provided that the receipt of such taxes, cess, fee or rate which the Mohkuma Parishad is entitled to receive under the provisions of this Act shall be paid to the Mohkuma Parishad concerned ;

(2) When any area is declared to be a Mohkuma Parishad area under section 3 of this Act, any assessment made, tax, cess, rate or fee levied in such area by the erstwhile Anchalik Panchayat concerned under the provisions of the Assam Panchayat Act, 1959 (Assam Act XXIV of 1959) 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 provision of the Act, by the Mohkuma Parishad within the jurisdiction of which the area of such Anchalik Panchayat is included, and shall be credited to the Mohkuma Parishad fund:

Provided that the receipt of such tax, cess, fee or rate which the Gaon Panchayat is entitled to receive under the provisions of this Act, shall be paid to the Gaon Panchayat concerned ;

(3) When any area is declared to be a Mohkuma Parishad area under section 3 of this Act, any settlement made, cess or rate levied by the Mohkuma Parishad established under the provisions of the Assam Panchayat Act, 1959 (Assam Act, XXIV of 1959) shall continue to be in force until reassessed under the provisions of this Act, and all sums due on account of such settlement, cess, or rate shall be collected by of the Mohkuma Parishad which has been established under the provisions of this Act and shall be credited to the Mohkuma Parishad Fund ;

(4) When the provisions of this Act are withdrawn from any Gaon Panchayats or Mohkuma Parishad area all the properties, funds and dues which are vested in such Gaon Panchayat or Mohkuma Parishad shall be vested in the Deputy Commissioner or Subdivisional Officer, as the case may be, who shall make such allocation of the properties as he deems fit, with prior approval of the State Government and his order thereon shall be final;

(5) The Bengal Village Chowkidari Act, 1870 (Bengal Act VI of 1870) shall have no operation in the areas where Gaon Panchayat are established under this Act.

153. If in establishing a Gaon Panchayat or Mohkuma Parishad or Panchayati Adalat, or in the working of such Gaon Panchayat or Mohkuma Parishad or Panchayati Adalat, any dispute or difficulty arises regarding the 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.

State Government
the final
authority in
case of any
dispute or
difficulty.

154. Every person who is elected or appointed to be a member of a Gaon Panchayat or Councillor of a Mohkuma Parishad shall, before taking his seat, make at a meeting of Gaon Panchayat or Mahkuma Parishad, as the case may be, an oath or affirmation of his allegiance to the Constitution of India in the following form, namely:—

Taking of
Oath.

“I, A. B., being a member/councillor of the.....
Gaon Panchayat/Mohkuma 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”.

155. Every Police Officer shall report the commission of any offence under this Act coming to his knowledge to the Gaon Panchayat or Mohkuma Parishad concerned and may assist all members of Gaon Panchayat and Councillors of the Mohkuma Parishad or officers or employees thereof in the exercise of their lawful authority.

Police to
report com-
mission of
offence to
the Gaon
Panchayat
or Mohkuma
Parishad.

156. (1) The State Government may, after previous publication, the State frame rules for carrying out the purposes and object of this Act and Government such rules may provide penalty not exceeding rupees two hundred for a breach thereof;

Power of
the State
Government
to frame
rules.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules with reference to all matters expressly or by implication, required or allowed by this Act to be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Assam Legislative Assembly while it is in Session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of the Gaon Panchayat and Mohkuma Parishad to make subsidiary rules.

157. (1) Subject to the approval of the State Government every Gaon Panchayat or Mohkuma Parishad 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 notice of meetings shall 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 amongst its members or councillors ;
- (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.

(2) Subject to the approval of the State Government every Mohkuma Parishad, in addition to its power specified under sub-section (1) may by subsidiary rules, consistent with this Act and with any rules made thereunder also provide for—

- (a) the appointment, leave, leave allowances, and punishment including suspension and removal of the employees working under it or under the Gaon Panchayats ;
- (b) the conditions under which any employee of a Mohkuma Parishad or Gaon Panchayat who is appointed to any office under the Government may on his retirement from the service of the Government, receive a gratuity in respect of his service as an employee of the Mohkuma Parishad, or Gaon Panchayat ;
- (c) other similar matters including contributory provident fund, gratuities or pensions or other benefits to any employee of the Mohkuma Parishad or Gaon Panchayat.

CHAPTER IX

158. On and from the date on which this Act comes into force the Assam Panchayat Act, 1959 (Assam Act XXIV of 1959) shall be deemed to be repealed. The Gaon Panchayats, Anchalik Panchayats and Mohkuma Parishads existing immediately before the commencement of this Act shall cease to exist:

Provided that—

- (a) the said repeal shall not effect 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, contracts entered into, suits instituted and proceedings taken under the Assam Panchayat Act, 1959 (Assam Act XXIV of 1959) 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 respectively 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 Panchayat Act, 1959 (Assam Act XXIV of 1959) shall vest in the Deputy Commissioner or the Subdivisional 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 Anchalik Panchayat constituted under the provisions of the Assam Panchayat Act, 1959 (Assam Act XXIV of 1959) shall vest in the Deputy Commissioner or Subdivisional Officers, as the case may be, and shall be held by him in trust until it can be made over to the Mohkuma Parishad constituted under this Act, and within the jurisdiction of which the area of such Anchalik Panchayat is included ;
- (e) all assets and liabilities including the funds which are vested in a Mohkuma Parishad constituted under the provisions of the Assam Panchayat Act, 1959 (Assam Act XXIV of 1959) shall vest in the Deputy Commissioner or Subdivisional Officer, as the case may be, and shall be held by him in trust until it can be made over to the Mohkuma Parishad, constituted for the same area under the provision of this Act ;

- (f) notwithstanding the repeal of the Assam Panchayat Act, 1959 (Assam Act XXIV of 1959) any arrears of taxes, cess, fees or rates which were levied by the Gaon Panchayats, Anchalik Panchayats or Mahkuma Parishads under provisions of the Assam Panchayat Act, 1959 (Assam Act XXIV of 1959) or any sum of money on account of fine or otherwise which was due to the Gaon Panchayats, Anchalik Panchayats or Mohkuma Parishads established under the Assam Panchayat Act, 1959 (Assam Act XXIV of 1959) shall be recovered by the Deputy Commissioner or the Subdivisional Officer, as the case may be, and paid to the Subdivisional Rural Development Fund;
- (g) as many employees in the employment of the Gaon Panchayats, Anchalik Panchayats and Mohkuma Parishads immediately before commencement of this Act, as are considered suitable for either retention or absorption or otherwise by the Mohkuma Parishad or Gaon Panchayat constituted under this Act, shall be so retained or absorbed in the Mohkuma Parishads or Gaon Panchayats under the provisions of this Act;
- (h) all Panchayati Adalats established under the provisions of the Assam Panchayat Act, 1959 (Assam Act XXIV of 1959) shall continue to function until Panchayati Adalats are constituted under the provisions of this Act, notwithstanding the repeal of the Assam Panchayat Act, 1959 (Assam Act XXIV of 1959).

159. Every Gaon 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.

CHAPTER X

AMENDMENT OF THE NORTHERN INDIA FERRIES ACT, 1878 (ACT No. XVII OF 1878)

160. The enactment specified in the third column of the Schedule 'B' shall be amended to the extent specified in the fourth column thereof.

SCHEDULE 'A'

(See Section 110)

Period of limitation for certain suits

| Serial No. (1) | Description of suits (2) | Period of limitation (3) | Time from which period begins to run (4) |
|-------------------|---|-----------------------------|---|
| 1 | For money on a contract | 3 years | When the money become due to the Plaintiff. |
| 2 | For the recovery of movable property or the value thereof. | 1 year | When the Plaintiff becomes entitled to the delivery of movable property. |
| 3 | Compensation for wrongfully taking or injuring movable property. | 1 year | When the movable property is wrongfully taken or when injury occurs. |
| 4 | For damages caused by cattle trespass. | 1 year | The date of trespass. |
| 5 | For damages for a malicious prosecution in the Panchayati Adalat. | 6 months | When the Plaintiff is acquitted or the prosecution is otherwise terminated. |
| 6 | For arrears of rent in cash or kind. | 1 year | When the arrears become due. |

SCHEDULE 'B'
(See Section 160)

| No. (1) | Year (2) | Short title (3) | Amendment (4) |
|------------|-------------|---------------------------------------|--|
| XVII | 1878 | The Northern India Ferries Act, 1878. | For section 7A the following shall be substituted, namely "7A—The State Government may direct that any public ferry wholly or partly within the area subject to the authority of a Mohkuma Parishad in the State be managed by the Mohkuma Parishad and thereupon that ferry shall be managed accordingly. |