

CHAPTER III

35. Duties and functions of Gaon Panchayats—

Administrative Functions and Powers of Gaon Panchayat and Mohkuma Parishads.

Subject to the rules as may be made in this behalf, a Gaon Panchayat may, 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:—

I. IN THE SPHERE OF SANITATION AND HEALTH

- (1) Cleaning and lighting of streets;
- (2) Sanitation and conservancy of the Gaon Panchayat area and the prevention of public nuisance therein;
- (3) The opening and regulating of burial and cremation ground for the dead bodies of human beings and regulating places for disposal of dead animals and other offensive matters;
- (4) Supply of water for drinking and domestic use;
- (5) Cleaning of public roads, drains, bunds, tanks, wells and other public places or works;
- (6) The layout and maintenance of play-grounds for village children and of public garden;
- (7) The construction and maintenance of public latrines;
- (8) Taking of measures or assisting in the programme for prevention of the outbreak, spread of or recurrence of any infectious disease;
- (9) The removal of rubbish heaps, jungle growth, the filling in of disused wells, unsanitary ponds, pools, ditches, etc., the prevention of water logging, and water hyacinth in irrigated areas, and other improvement of sanitary condition.

II. IN THE SPHERE OF PUBLIC WORKS

- (1) The control, regulations and development of grazing grounds, village common and other community property vested in it;
- (2) Controlling and maintaining buildings, institutions and property belonging to or vested in it or which may be transferred to it for management;
- (3) The planting of trees along roads and public places and maintenance thereof;

(4) 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 and improvement thereof;

(5) Destruction of stray and ownerless dog;

(6) Control, maintenance and regulation of bus stands, cart stands or carriage stands;

(7) Construction, maintenance and repair of buildings, water-ways public roads, drains, embankments, bunds, bridges and culverts with the estimate of rupees ten thousand or less in every work:

Provided that such construction, maintenance and repair work involving expenditures more than ten thousand rupees can also be undertaken with the prior approval of the Mohkuma Parishad.

(8) Excavation, cleaning and maintenance of tanks and ponds for pisciculture or supply of water to animals;

(9) Construction, maintenance and control of slaughter houses;

(10) Maintenance and regulation of the use of public buildings, grazing lands, forest lands assigned under section 28 of the Indian Forest Act, 1927, tanks, wells and fisheries vesting in or under the control of the Gaon Panchayats.

III. IN THE SPHERE OF EDUCATION, SPORTS AND CULTURE

(1) Maintenance of public radio sets for the benefit of rural population and organising forums of rural listeners;

(2) Establishment and maintenance of library and adult literacy centres;

(3) Establishment and maintenance of theatres and other recreation centres for promotion of art and culture;

(4) Popularisation of sports and games and establishment of clubs or centres thereof;

(5) Observance of National weeks or days.

IV. IN THE SPHERE OF SELF DEFENCE AND VILLAGE DEFENCE

(1) Organisation, and maintenance of village Volunteer Force and promotion assistance in the organisation of the Village Defence parties for watch and ward of the villages and for other public welfare activities;

(2) Rendering assistance in extinguishing fires and protecting life and property when fire occurs.

V. IN THE SPHERE OF ADMINISTRATION

- (1) Survey and maintenance of statistics, and doing census as may be assigned by the Government or by the higher Panchayati Raj body ;
- (2) Distribution of relief as may be granted by Government or other agencies ;
- (3) Supplying local information as required by the Government or any other statutory authority and carrying out instructions of such authorities ;
- (4) Acting as executing agency of the Mohkuma Parishad as and when assigned for specific purposes ;
- (5) Preparation, organisation and implementation of production plans for the villages both for agricultural and non-agricultural produces ;
- (6) The control of cattle stands, threshing grounds and community wastelands ;
- (7) Establishment, maintenance and regulation of fairs, pilgrims and festivals ;
- (8) Preparation of development plans for the areas and statements showing the requirement of supplies and finance required for implementation of such plans.

VI. IN THE SPHERE OF WELFARE OF PEOPLE

- (1) Organisation of welfare activities for women, children and backward classes ;
- (2) To assist in relief of distress caused by flood, draught, earthquake, scarcity condition and other calamities ;
- (3) Organise and assist the youths organisations, co-operative societies, village volunteer force, fields management committees, village production committees and any other associated voluntary organisation for public welfare activities.

VII. IN THE SPHERE OF AGRICULTURE, FOREST AND ANIMAL HUSBANDRY

- (1) Development of Agriculture, Horticulture and Pisciculture ;
- (2) Construction and maintenance of places for the storage of cowdung and regulating its collections, removal and proper use in the agricultural field ;
- (3) Arrange agricultural finance to the cultivators with the assistance of Government, Co-operative Societies and Banks ;
- (4) Bringing under cultivation waste and fallow lands vested in the Gaon Panchayats ;

(5) Encouraging improved methods of cultivation and use of improved inputs ;

(6) Ensuring conservation of manurial resources, preparing of compost and selling of manures ;

(7) Establishment and maintenance of nurseries for supply of improved seeds and seedling and provision for supply of improved tools and implements ;

(8) Encouraging soil conservation, land reclamation and trees plantation and maintenance of village forests ;

(9) To encourage improvement of cattle and improved method of poultry keeping ;

(10) Crop protection and crop experiments ;

(11) To encourage for consolidation of land holding to promote co-operative farming and agricultural farming corporation ;

(12) To organise, register and assist Field Management Committees.

VIII. IN SPHERE OF VILLAGE INDUSTRIES

Promotion, improvement and encouragement or establishment of cottage and village industries.

IX. Any other duties and functions assigned to it by the Mohkuma Parishad and the State Government.

Duties and functions of the Mohkuma Parishad.

36. Subject to such rules as may be prescribed in this behalf, a Mohkuma Parishad may within the limits of funds or resources at its disposal, provide for all the development works within its jurisdiction and in particular it may provide for the requirements of the area under its jurisdiction in respect of the matter specified below provided that nothing in this Clause shall be deemed to preclude the rights, responsibilities and jurisdiction of the State Government in respect of matters hereinafter enumerated to the extent these are not transferred under rules prescribed under this Clause.

I. IN THE SPHERE OF SANITATION, MEDICAL AND PUBLIC HEALTH

(1) Public Health and rural sanitation, including taking curative and preventive measures in respect of an epidemic ;

(2) Medical relief including establishment and maintenance of dispensaries or Primary Health Centres or combined Medical and Public Health Units ;

(3) To establish and maintain maternity and child welfare centres ;

(4) Encouragement of human and animal vaccination ;

(5) Organisation and maintenance of School Health Services ;

- (6) Facilities for Health Education ;
- (7) Establishment and maintenance of Ayurvedic Unani and Homeopathic dispensaries in villages and giving aids to such institutions ;
- (8) To organise and assist rural medical relief centres ;
- (9) Grant-in-aid to private charitable hospitals, dispensaries, maternity homes and other such institution ;
- (10) To plan and implement water supply schemes.

II. IN THE SPHERE OF PUBLIC WORKS

- (1) Construction and maintenance of buildings, roads, bridges, embankments, drains, waterways or any other works or schemes :

Provided that works involving more than 50,000 Rupees may be undertaken only with the prior approval of the State Government :

Provided that if such work is vested in any other public authority, it shall not be undertaken for execution without consent of such authority :

Provided further that this sub-section shall not be applicable in executing any work or scheme of higher estimate which has been transferred to the Mohkuma Parishad for execution ;

- (2) Establishment, improvement and regulation of bazars and melas and construction of stalls on the bazar lands or on any other lands of the Mohkuma Parishad ;

(3) Controlling and maintaining of buildings, institutions and any other properties belonging to or vested in it or which has been transferred to it for management ;

(4) Establishment and maintenance of any institution, farm or industries or undertaking or any scheme for making provisions of rural employment ;

(5) Establishment and maintenance of ware-house, trading centres, workshops for repair of agricultural implements and machineries ;

(6) Management of community lands.

III. IN THE SPHERE OF EDUCATION AND CULTURE

(1) Spread of education upto High and Higher Secondary School level ;

(2) Construction and improvement of school building and provision of equipments and play grounds for schools ;

(3) Establishment and maintenance of theatres or centres for promotion of art and culture ;

(4) School feeding programme and establishment of horticultural and vegetable gardens in the school compounds ;

(5) Observance of National Weeks and days ;

(6) Other educational objects, including exhibition, educational tours, seminar, etc.

(7) Publicity including publication of literature on Panchayati Raj.

IV. IN THE SPHERE OF ADMINISTRATION

(1) To scrutinise and approve the budgets of the Gaon Panchayat in accordance with the direction issued by the State Government and then to issue necessary instructions to the Gaon Panchayat concerned for modifications of their budgets, where considered necessary ;

(2) To supervise, guide and co-ordinate the activities of the Gaon Panchayats ;

(3) To settle hats and public ferries by inviting tenders and fix and revise rents and tolls thereof ;

(4) To regulate, maintain and improve the hats and public ferries ;

(5) To settle the fisheries vested in it, by sale on inviting tenders including control and improvement of such fisheries ;

(6) Administration of Subdivisional cadre of the employees of both Gaon Panchayats and Mohkuma Parishads in the manner prescribed ;

(7) To co-ordinate and consolidate the plan prepared in respect of the development Blocks and to prepare plans in respect of the Subdivision and implementation thereof as may be entrusted by the State Government ;

(8) To distribute funds to the Gaon Panchayat as may be entrusted by the State Government ;

(9) To advise State Government in all development matters including preparation of district plans ;

(10) To advise in such other matters as may be referred to it by the State Government ;

(11) To advise the Deputy Commissioner or the Subdivisional Officer, as the case may be, in the distribution of Subdivisional Rural Development Fund ;

(12) To scrutinise and approve the bye-laws prepared by the Gaon Panchayats and approval thereof ;

(13) To execute or maintain works of developmental scheme either originally undertaken by it or transferred to it by the State Government, so far as they relate to the functions enumerated in this section ;

(14) Any works or schemes transferred to it by the State Government according to the foregoing clause shall vest in the Mohkuma Parishad on such terms and conditions as the State Government may specify ; provided that on breach of the terms and conditions they will revert in the State Government and the State Government shall take possession thereof ;

(15) To exercise general control and supervision over the works of the officers placed at its disposal by the State Government and to make recommendations to the State Government for appropriate disciplinary actions, where necessary ;

(16) To carry out the directions of the State Government as may be given from time to time, and also to act as an executing agency for any development works within its area as may be entrusted by the State Government providing funds thereof.

V. IN THE SPHERE OF WELFARE OF PEOPLE

(1) To undertake special programme for welfare of backward areas and classes ;

(2) Mobilisation of local resources and utilise the same for rural development activities ;

(3) Assisting in the relief of distress caused by floods, draught, earthquake, scarcity conditions and other natural calamities ;

(4) To organise welfare activities among youths, women and children ;

(5) Prevention of offensive and dangerous trades and practices.

VI. IN THE SPHERE OF AGRICULTURE AND HORTICULTURE INCLUDING MINOR IRRIGATION

(1) Development of Agriculture and Horticulture including preparation of agricultural development plan for the Mohkuma Parishad area and implementation thereof ;

(2) Construction and maintenance of minor irrigation works ;

(3) Agriculture extension Programme ;

(4) Crop protection ;

(5) Crop campaigns (including Kharif and Rabi crop campaigns) and intensive paddy cultivation and including crop competition ;

(6) Distribution of agricultural implement, fertilizers and other inputs ;

(7) To arrange agricultural finance for the cultivators with assistance from Government, co-operatives and banks ;

(8) Establishment and maintenance of Agriculture and Horticulture farms ;

(9) To undertake measures for encouraging soil conservation and land reclamation ;

(10) Construction and maintenance of fishery tanks including development of fisheries ;

(11) Establishment and maintenance of godowns.

VII. IN THE SPHERE OF ANIMAL HUSBANDRY AND VETERINARY

- (1) To assist public in receiving veterinary aids and services ; including establishment and maintenance of veterinary dispensaries and veterinary aids centres ;
- (2) Improvement of breeds of cattle and including artificial insemination centres and Key village centres ;
- (3) Distribution of improved poultry, ducks and poultry feeds, improved breeds of cattle or sheep ;
- (4) Organisation of cattle-shows and rallies ;
- (5) Establishment and maintenance of cattle, poultry, goat and piggery farms.

VIII. IN THE SPHERE OF SMALL SCALE AND VILLAGE INDUSTRIES

- (1) Promotion and development and assisting in promotion and development of small scale or cottage and village industries, including grants or subsidy or loan for such production centres ;
- (2) Establishment and maintenance and assisting in establishment and maintenance of small scale or cottage industries based-on local raw materials including training-cum-production centres ;
- (3) Establishment and maintenance and assisting in establishment and maintenance of Sericulture farms, the production of Eri, Muga and Pat Cocoons and to popularise cultivation of cotton,
- (4) To organise and assist industrial co-operatives including the Co-operative Weaving Societies ;
- (5) Assisting in providing of marketing facilities for cottage industries and village industries products.

IX. IN THE SPHERE OF CO-OPERATIVES

- (1) To organise and assist co-operative societies for credit, consumers and marketing and to bring about an effective link between credit and marketing facilities ;
- (2) To organise co-operative farming.

X. IN THE SPHERE OF REVENUE AND FOREST

- (1) Propagation of land reform measures ;
- (2) Organisation and supervision of gramdan villages ;
- (3) Development of village forests and village grazing reserved and control thereof ;
- (4) Undertaking measures for afforestation and road side plantation ;
- (5) Agricultural Farming Corporations.

Transfer of
Scheme
from Deve-
lopment
Department.

37. (a) The State Government may transfer as and when and under such conditions as it considers necessary and expedient to do so any of its institutions, works or development scheme of different development departments in relation to the subject enumerated in sub-section (1) above together with the fund officers and staff provided thereof, to the Mohkuma Parishad. On such transfer, the institutions, works or development schemes shall vest in the Mohkuma Parishad and all rights and liabilities which are enforceable by or against the State Government, in relation to such institutions, works or schemes under any contract or agreement or otherwise shall be enforceable by or against the Mohkuma Parishad.

(b) From and after transfer of any institution, work or scheme under clause (a) of this sub-section, the Mohkuma Parishad shall be charged with the control and administration of the same and the maintenance thereof.

(c) The State Government shall vest in the Mohkuma Parishad its financial powers in respect of utilisation of the funds of any institutions, work or scheme transferred to the Mohkuma Parishad under clause (a) of this sub-section and for payment of salaries and allowances to the officers and staff entertained therein.

Other po-
wers of the
Mohkuma
Parishad.

38. The Mohkuma Parishad shall have the following powers in particular, namely:—

(a) to enter into and inspect any immovable or movable property in the occupation or control of, or any work in progress under the Development Blocks or Gaon Panchayats ;

(b) to call for and inspect any document which may for the purpose of this Act be in the possession of a Development Block and Gaon Panchayat Office ;

(c) to supervise, control and guide any matter of a Development Block and of a Gaon Panchayat ;

(d) to hear and give its decision on any appeal filed by any person aggrieved by any act of a Development Block or of a Gaon Panchayat, and such decision shall be final.

Power of
State Go-
vernment to
increase tax-
ation.

39. (1) If in the opinion of the State Government, the regular income of a Mohkuma Parishad and Gaon Panchayat falls below what is necessary for the proper discharge of the duties specified in section 36 and section 35 respectively, the State Government may require to levy any tax or fee specified respectively, in sections 73 and 74 by an order to Mohkuma Parishad or Gaon Panchayat concerned to take steps within six months from the date of such order to increase income to such extent as the State Government considers necessary:

Provided that the State Government shall not require the Mohkuma Parishad, or Gaon Panchayat to levy tax or fee or increase the rate thereof beyond the maximum rate prescribed in this behalf ;

(2) If the Mohkuma Parishad or Gaon Panchayat fails to levy a tax or fee or to enhance the rates of any tax or fees as required under sub-section (1) the State Government may, by notification, levy or enhance the rate of such taxes and fees which shall be deemed to be the tax or fee imposed by the Mohkuma Parishad or Gaon Panchayat as the case may be.

Power to cause Action for securing Public Health and Safety. 40. (1) If the Mohkuma Parishad is of the opinion that it is necessary to do so for the promotion of public health or the safety of life and property, the Mohkuma Parishad may direct the owner or occupier of any building or place by a written notice and within a reasonable period to be specified therein ;

- (i) to remove huts or privies wholly or partly ;
- (ii) to remove, alter or construct his private drains ;
- (iii) to remove and clean any rubbish or filth deposit or to clean or fill up any ditch, ponds, wells, or to drain out any 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;
- (iv) to clear any land which by reason of thick vegetation, under growth or jungle appears to be dangerous to public health ;
- (v) to remove any obstruction caused on the public roads or places and to abstain from any misuse thereof.

(2) If any work required to be done under this section is not executed or the person so required fails to show reasonable grounds for the same, the Mohkuma Parishad may itself cause such works to be executed or done and the cost incurred may be recovered from the owner or occupier as an arrear of Mohkuma Parishad's assessment.

(3) Any person who wilfully disobeys any direction issued under sub-section (1) shall be liable to the penalty as provided under section 142 of this Act.

(4) If the Mohkuma Parishad consider that any person affected by action under sub-section (1) has suffered loss through no fault of his own, it may award such compensation as it may deem adequate from the fund of the Mohkuma Parishad.

Transfer of certain duties and works between the local authority or private organisation and the Mohkuma Parishad. 41.(1) Subject to such terms and conditions as may be agreed upon a Mohkuma Parishad 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 from any local authority or private organisation ;

(2) Subject to such terms and conditions as may be agreed upon a Mohkuma Parishad may make over the management of any institution or the execution or maintenance of any work or the performance of any duty within its jurisdiction to any local authority or a private organisation.

Powers of a Mohkuma Parishad or Gaon Panchayat as to Roads, Embankments, Waterways, Drains, Tanks, Bridges and Culverts.

42. (1) A Mohkuma Parishad or Gaon Panchayat shall have control of all roads, embankments, waterways, drains, tanks, bridges and culverts belonging to them and not being private property or under control of the State Government or of any other local authority and may do all things necessary for the maintenance and repair thereof, and may—

- (i) lay out and make new roads ;
- (ii) construct new bridges, culverts and embankments ;
- (iii) divert, discontinue or close any road, bridge, culvert and embankment under its control ;
- (iv) widen open, enlarge or otherwise improve any road, bridge, culvert and embankment ;
- (v) construct, deepen or otherwise improve waterways, drains and tanks under its control ;
- (vi) cut any hedge or branch of any tree projecting on the public roads ;
- (vii) notify the setting apart of any public water course for drinking purposes and prohibit bathing, washing of cloths and animals and doing of other acts likely to pollute the water course so set apart ;
- (viii) provide for the lighting of any road or public places within its area ;
- (ix) prohibit the use of public roads by a class of animals or vehicles as may be considered necessary for maintenance of such roads.

(2) Any person who gives obstruction to any act done under the foregoing sub-section (1) or wilfully disobeys any direction issued under the same sub-section shall be liable to fine which may extend upto rupees one hundred on each count.

Powers of Mohkuma Parishad or Gaon Panchayat to prevent Spread of Water Hyacinth.

43. The Gaon Panchayat or Mohkuma Parishad shall be deemed to be local authority under the term of Section 2(2) of the Assam Water Hyacinth Act, 1926 (Assam Act III of 1926).

Emergent Powers on the Outbreak of Epidemic.

44. In an emergency, Mohkuma Parishad or a Gaon Panchayat shall exercise such powers for controlling and preventing an outbreak of any epidemic or infectious disease within the limit of its areas, which may be necessary for stopping the movements of infected persons or food-stuff in and out of its area, or for inoculation of infected persons or

for seizure of polluted food-stuff notwithstanding the provisions of the Prevention of Food Adulteration Act, 1954 or for disinfecting wells, tanks or other sources of drinking water and controlling use of water and doing such other acts as may be considered necessary under the circumstances and also to inform the Government authorities and the neighbouring Gaon Panchayat immediately so that united action may be taken.

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

Powers of a Mohkuma Parishad or Gaon Panchayat to enter into Contract with the State Government for collection of Taxes or Revenue. 46. A Mohkuma Parishad or Gaon Panchayat may, in accordance with rules 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.

Power of Entry of Officers or Employees of a Mohkuma Parishad or Gaon Panchayat into Premises. 47. Any councillor, member, officer or employee of a Mohkuma Parishad or Gaon Panchayat 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 provisions of this Act,—

Provided that;

(a) no such entry shall be made between sunset and sunrise;

(b) no entry to a dwelling house may be made unless with the consent of the occupier thereof, and without giving the said occupier at least 24 hours previous notice signed by the Chief Executive Councillor/President of the intention to make such entry;

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

Public Servant. 48. Every Councillor or employee of a Mohkuma Parishad 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 (Act XIV of 1860).

Village
volunteer
force.

49. 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.

Power to
Frame Bye-
laws.

50. (1) A Mohkuma Parishad or 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 Mohkuma Parishads shall take effect only after they have been approved by the State Government ;

(4) Bye-laws prepared by Gaon Panchayats shall take effect only after they have been approved by the Mohkuma Parishad.

Powers to
Close Mar-
kets.

51. (1) The Mohkuma Parishad 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 Mohkuma Parishad shall be closed and forbid any person to attend any such market or shop within the jurisdiction of the Mohkuma Parishad 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 Mohkuma Parishad 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 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.

Disinfection
of Building
and Articles.

52. (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 owners gives his consent the Gaon Panchayat may at the cost of such owner or cause the building or part thereof and article to be cleansed and disinfected:

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

Information to be given on Infectious Diseases. 53. 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 cognisant 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 Mohkuma Parishad or the Gaon Panchayat may direct, or gives false information respecting the existence of such diseases shall be punishable with fine which may extend to fifty rupees.

Removal to Hospitals of Patients Suffering from Infectious Diseases. 54. 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 Serai or other public hostel;
 or
 (c) living in a room or house which neither he nor any one, of whom he is a dependent, either owns or pays rents for, the Gaon Panchayats, 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.

Promotion of Vaccination. 55. Subject to rules, a Mohkuma Parishad may provide for appointment, pay and management for public vaccination within its area and may provide for the promotion of free vaccination.

Water supply 56. (1) A Gaon 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 Gaon 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 Gaon Panchayat.

(3) The Gaon Panchayat may, by an order published at such places and in such manner as it may think fit, set apart convenient tank, spring, well, or part of any river, 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.

Penalty for Encroachment of Road, etc. 57. Any person, who encroaches upon any road or upon any public drain, sewer, aqueduct water course, or ghat belonging to Mohkuma Parishad 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 IV

Assam Rural Development Fund

Finance and property of the Mohkuma Parishad and Gaon Panchayat. 58. 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;

(i) Such contribution from the Union or State Exchequer as may be made to this fund;

(ii) A share of land revenue which shall be a sum not less than ten paise per capita of the population of the districts where Mohkuma Parishad have been established under this Act and which sum shall make an "Equalisation Fund" for the purpose of giving aids to the financially weak Mohkuma Parishad and Gaon Panchayat in the manner prescribed;

(iii) contributions from other sources.

Application of the Assam Rural Development fund 59. The Assam Rural Development Fund shall be applied to the furtherance of the purposes of this Act and be distributed in the prescribed manner.

Subdivisional Rural Development Fund. 60. (1) In every Subdivision, there may be a fund called the Subdivisional 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:—

- (i) Contribution from the Assam Rural Development Fund;
- (ii) Contribution from any local authority or private individual;
- (iii) All other sums including revenue which may be assigned to it by the State Government.

Distribution of Subdivi- sional Rural Development Fund. 61. (1) The Deputy Commissioner or the Subdivisional Officer as the case may be, shall in consultation with the Mohkuma Parishad distribute each year the Subdivisional Rural Development Fund in the following manner:—

- (i) Necessary expenditure to the Mohkuma Parishad for its equip- ment, establishment, salaries and allowances of the employees under the Subdivisional Cadre of Panchayat employe es includ- ing the Gaon Panchayat Employees;
- (ii) Equitable allotment of sums to the Mohkuma Parishad and to each of the Gaon Panchayats falling within the jurisdiction of the Mohkuma Parishad for the purpose of carrying out the provisions of this Act.

(2) Notwithstanding anything contained in this Act, the State Govern- ment may by order earmark an amount not exceeding one fourth of the fund allotted to Mohkuma Parishad or to a Gaon Panchayat for carrying out any specific purpose of this Act and may prescribe the mode of utilisation of such amount by the Mohkuma Parishad or Gaon Panchayat concerned ;

(3) The Deputy Commissioner or the Subdivisional Officer as the case may be shall not delegate his powers under this section to any other officer ;

(4) (i) The Deputy Commissioner or the Subdivisional Officer, as the case may be shall inform the Mohkuma Parishad and each of the Gaon Panchayats falling within the jurisdiction of the Mohkuma Parishad, of their respective allotments under sub-section (1) of this section, at least one month before the time fixed under the rules for submission of their budget ;

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

The Mohku- ma Parishad and Gaon Panchayat Fund 62. (1) (i) In every Mohkuma Parishad constituted under section 20 of this Act, there shall be a fund vested in the Mohkuma Parishad, which shall be called the Mohkuma Parishad Fund and shall be utilised by the Mohkuma Parishad to meet all charges of its powers exercised, and duties performed under the provisions of this Act. The Accounts of the Mohkuma Parishad Fund shall be kept in the prescribed manner ;

(ii) The Mohkuma Parishad Fund shall be administered by the Chief Executive Councillor of the Mohkuma Parishad ; subject to control of the Executive Committee of the Mohkuma Parishad, and shall be held in a current or saving account with the local branch of the State Bank of India or the Assam Co-operative Apex Bank or any nationalised Bank. The accounts of the Mohkuma Parishad Fund shall be maintained by the Secretary of the Mohkuma Parishad.

(2) (i) In every Gaon Panchayat constituted under section 9 of this Act there shall be a fund vested in the Gaon Panchayat which shall be called the Gaon Panchayat Fund, and shall be utilised by the Gaon Panchayat to meet all charges of its powers exercised and duties performed under the provisions of this Act. The Accounts of the Gaon Panchayat Fund shall be kept in the prescribed manner;

(ii) The Gaon Panchayat Fund shall be administered by the President of the Gaon Panchayat, subject to control 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 or a nationalised Bank or in a Postal Savings Bank. The accounts of the Gaon Panchayat Fund shall be kept by the Secretary of the Gaon Panchayat in the prescribed manner,

Credit to the
Gaon Pan-
chayat Fund

63. The following shall be credited to the Gaon Panchayat Fund:—

- (i) Proceeds of any tax, cess, or any assessment, or fines imposed under this Act or under rules or bye-laws framed under this Act.
- (ii) Fees levied for the institution of civil suits and criminal cases before the Panchayati Adalat constituted under section 84.
- (iii) Fees for the issue of permits imposed under this Act, or under rules or bye-laws framed under this Act.
- (iv) Fines levied by the Panchayati Adalat in criminal cases so far as such fines are not ordered to be paid to the complainant.
- (v) All other sums ordered by any authority or any court to be placed to the credit of the Gaon Panchayat Fund.
- (vi) Contribution from Government including a share of land revenue which shall be a sum not less than forty-five paise *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 share of the net receipt of the local rate for any purpose specified by the State Government.
- (vii) Contribution from any local Authority including the Mohkuma Parishad or private individuals.
- (viii) All other sums which may be assigned to the Gaon Panchayat by the Mohkuma Parishad and State Government as well as grants from the Union or State Government.
- (ix) Such allotment as the Deputy Commissioner or Subdivisional Officer may make out of the Subdivisional Rural Development Fund.
- (x) The sale proceeds of lands and income received from any remunerative assets or institutions of the Gaon Panchayat.
- (xi) Sums received by way of Loan or gift.
- (xii) All receipts in respect of hats according to the provision of Section 70 and buildings, institutions or works constructed by or vested in the Gaon Panchayat.
- (xiii) All sums received on account of fees of boats including steam boats and other vessels mooring within the jurisdiction of the Gaon Panchayat.

Credits to the Mohkuma Parishad Fund. 64. (1) (i) All sums accruing to or from the proceeds of any tax, cess or any assessment assigned to the Mohkuma Parishad and fines realised under this Act or rules or bye-laws framed under this Act.

(ii) Such allotment as the Deputy Commissioner or Subdivisional Officer may make out of the Subdivisional Rural Development Fund.

(iii) All other sums collected or assigned to the Mohkuma Parishad under the provisions of this Act as well as grants from the Union or the State Government including a share of land revenue which shall be a sum not less than forty-five paise *per capita* of the population, public contribution and contributions by local authorities.

(iv) All sums received by way of loan or gift or otherwise and all proceeds of the institutions of the Mohkuma Parishad and of such other institution transferred to or vested in the Mohkuma Parishad.

(v) All receipts in respect of hats according to the provisions of Section 70, buildings, institutions or works constructed by or transferred to or vested in the Mohkuma Parishad.

(vi) All sums levied by or accruing to the Mohkuma Parishad from public ferries and fisheries vested in the Mohkuma Parishad within the jurisdiction of the Mohkuma Parishad.

(vii) An equal amount of contribution from Government as matching grant on every rupee of Panchayat tax collected by the Mohkuma Parishad under clause (a) of sub-section (1) of Section 69 of the Act.

(viii) Such amount of contribution from the State Government as matching grants against collection of any extra charge on local rate, by the Mohkuma Parishad under clause (d) of sub-section (1) of Section 69 of the Act.

(ix) Such other grants as may be made by the State Government from time to time.

(x) All sums received from the State Government on transfer of institution, works or schemes along with funds under sub-section (2) of Section 36 of the Act including the funds for payment of salaries to the officers and staff employed therein.

(2) The Mohkuma Parishad shall not incur any expenditure for carrying out its duties and functions as assigned under this Act without following the rules as framed by the State Government for the purpose from time to time.

The power of Mohkuma Parishad and Gaon Panchayat to raise Loans and to form a Sinking 65. It shall be lawful for a Mohkuma Parishad and Gaon Panchayat with the approval of the State Government and subject to the provisions of any laws 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.

Application
of the Gaon
Panchayat
or Mohkuma
Parishad
Fund.

66. The Gaon Panchayat or Mohkuma Parishad 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 Section 65 and to the formation of a sinking fund when required.
- (b) To the payment of the salaries and allowances of the staff and to officers placed at the disposal of the Mohkuma Parishad and establishment employed by the Gaon Panchayat or Mohkuma Parishad or in its behalf, for the purposes of the Act.
- (c) To the payment of expenses incurred by the Gaon Panchayat or Mohkuma Parishad 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 Panchayat or Mohkuma Parishad 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 Panchayat or Mohkuma Parishad.
- (e) To the payment of any expenses that may be incurred through the default of the Gaon Panchayat or Mohkuma Parishad, in carrying out any of the duties imposed on it under this Act.
- (f) To the payment of all expenses including all incidental charges thereto incurred by the Gaon Panchayat or Mohkuma Parishad in connection with the duties imposed under the provisions of the Act.
- (g) To the payment of all the other expenses not mentioned in the foregoing clauses which the Gaon Panchayat or Mohkuma Parishad 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 Panchayat or Mohkuma Parishad to be an appropriate charge on the Gaon Panchayat or Mohkuma Parishad Fund, as the case may be.

Preparation
of Budget of
the Gaon
Panchayat
and Mohku-
ma Parishad

67. (1) (a) A Gaon Panchayat shall at such time and in such form as may be prescribed, prepare and submit a budget, showing the probable estimate of receipts 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 to Mohkuma Parishad for approval.

(b) The budget of the Gaon Panchayat after it is approved by the Mohkuma Parishad shall be binding on the Gaon Panchayat:

Provided that the Mohkuma Parishad may issue necessary instructions to the Gaon Panchayat for modification of their budget where the Mohkuma Parishad deems necessary and such instructions shall be binding on the Gaon Panchayat:

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

(2) (a) A Mohkuma Parishad shall at such time and in such manner and in such form as may be prescribed, prepare and submit a budget showing the probable estimate of receipts 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, to the State Government for approval.

(b) The budget of the Mohkuma Parishad after it is approved by the State Government shall be binding on the Mohkuma Parishad:

Provided that the State Government may issue necessary instructions to the Mohkuma Parishad for modifications of their budget where the State Government deems necessary and such instructions shall be binding on the Mohkuma Parishad:

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

Powers of Taxation of the Gaon Panchayat. 68. (1) Subject to the rules and bye-laws framed in this respect and subject to approval of the Mohkuma Parishad a Gaon Panchayat may impose the following taxes, cess, fees or rates in addition to the existing local rate collected from the area of the Gaon Panchayat.

(a) A tax on:—(i) Private hat or market places.

(ii) Supply of water, sale of fire wood or thatch or bamboo, conservancy, lighting, and slaughter houses.

(iii) Shops, Pharmacies, Tailoring, Laundry, Hair Cutting Saloon, Carpentry Works and Automobile Workshop.

(iv) Cultivable land lying fallow for two consecutive years without any valid reason at a rate not exceeding fifty paise per standard acre for every year, being payable jointly or severally by those who are in possession of such land.

(b) A fee on:—(1) Registration of cattle sold within the Gaon Panchayat area. (2) Fishing in the fisheries allotted to the Gaon Panchayat.

(c) Cess or water rate for recovery of the cost of minor irrigation works taken up within the Gaon Panchayat area and such levy as may be necessary for the purpose of maintenance and repairs of such works.

(d) Licence fees—

- (i) For running tea stalls, hotels, restaurants, sweet-meat shops and for collection of hides and bones.
 - (ii) In respect of cart, carriages, cycles, boats, elephant, circus, professional variety shows, fairs, confectionary, bakery.
 - (iii) On private fisheries used for commercial purpose.
- (2) The taxes, fees, cess shall be imposed, assessed and realised at such rate and in such manner as may be prescribed.
- (3) Any person aggrieved by the assessment, levy or imposition of any tax, fee, cess or rate may appeal within 30 days of such assessment notice to the Chief Executive Councillor of the Mohkuma Parishad who will give his decision with approval of the Executive Committee of the Mohkuma Parishad. Such decision of the Chief Executive Councillor will be given within six months and it shall be final.
- (4) The Mohkuma Parishad and State Government may suspend the levy or imposition of any tax, fee, cess or rate and may at any time rescind such suspension.

Power of Taxation of the Mohkuma Parishad 69.(1) Subject to the rules, and bye-laws framed in this respect and subject to the approval of the State Government a Mohkuma Parishad may impose the following tax, fees and rates in the area of the Mohkuma Parishad.

- (a) A Panchayat tax on every household.
 - (b) Tax on profession, trades, callings, manufacture and production and employment save and except those levied under any provision of this Act or under any enactment for the time being in force.
 - (c) License fee for cinema halls, brick or tile kilns, saw mills, timber depots, petrol and diesels sale depots, oil mills, rice mills and hullers.
 - (d) An extra charge on local rate collected from within the area of the Mohkuma Parishad in the manner prescribed.
- (2) The taxes, fees or rates shall be imposed, assessed and realised at such rate and in such manner as may be prescribed.
- (3) Any person aggrieved by the assessment, levy or imposition of any tax, fee or charge may appeal to the State Government within 30 days of such assessment notice and the decision of the State Government in this regard shall be taken within six months and it shall be final.
- (4) The State Government may suspend the levy or imposition of any tax, fee or charge and may at any time rescind such suspension.

Settlement
of hats, dis-
tributions of
Proceeds
and Main-
tenance and
Regulation
thereof.

70. (1) All hats within the jurisdiction of a Mohkuma Parishad shall be settled in the prescribed manner for a period of one year by inviting tenders at the office of the Mohkuma Parishad by the Chief Executive Councillor of the Mohkuma Parishad who shall place such tenders before the Executive Committee of the Mohkuma Parishad for examination and selection of tenders as may be deemed suitable; Provided that in case of failure to settle any hat for want of adequate price, even after inviting tenders for second time, the Gaon Panchayat concerned, as may be decided by the Mohkuma Parishad, may be entrusted with the direct management of the hat.

(2) After selection of the suitable tender by the Executive Committee of the Mohkuma Parishad for settlement of a hat the lease in the prescribed form shall be issued by the Chief Executive Councillor of the Mohkuma Parishad to the tenderer so selected.

(3) All sale proceeds of hats shall be deposited in the Mohkuma Parishad fund and distributed in the manner hereinafter provided after deduction of the amount due if any as annual instalment due for repayment of the loan with interest incurred by the Mohkuma Parishad or Gaon Panchayat for improvement of the hats:

Provided that any amount of loan incurred by the erst-while Gaon Panchayat and Anchalik Panchayat before coming into force of this Act shall be repaid with interests as may be required under the terms and conditions of such loan.

(i) If the balance of the sale proceeds of any hat after providing for repayment of loan if any as aforesaid does not exceed rupees five thousand, then the entire amount shall be made over to the Gaon Panchayat within whose jurisdiction the hat is situated.

(ii) If the balance of the sale proceeds of any hat after providing for repayment of loan if any as aforesaid exceeds rupees five thousand, but does not exceed rupees twelve thousand, then a sum of rupees five thousand shall go to the Gaon Panchayat within whose jurisdiction the hat is situated and the balance to the Mohkuma Parishad within whose jurisdiction the hat is situated.

(iii) If the balance of the sale proceeds of any hat after providing for repayment of loan if any as aforesaid, exceeds rupees twelve thousand, then a sum of rupees five thousand shall go to the Gaon Panchayat within whose jurisdiction the hat is situated and a sum of rupees seven thousand shall go to the Mohkuma Parishad within whose jurisdiction the hat is situated and the balance shall go to a common pool.

(iv) One-third of the common pool if any as aforesaid shall go to the Mohkuma Parishad concerned the balance two-third shall be distributed equally amongst all Gaon Panchayats.

Settlement of Public Ferry and Distribution of Sale Proceeds thereof. 71. (1) All public ferries other than Government ferries falling within the jurisdiction of a Mohkuma Parishad shall be settled by inviting tenders by the Chief Executive Councillor of the Mohkuma Parishad in the manner prescribed:

Provided that the State Government may issue order to a Mohkuma Parishad for the settlement of a public ferry falling within the jurisdiction of more than one Mohkuma Parishad:

Provided further that in case of failure to settle any public ferry for want of adequate bid, Mohkuma Parishad may entrust the Gaon Panchayat concerned with the direct management of the public ferry.

Provided also that the balance of proceeds after meeting the cost of direct management shall be distributed by the Mohkuma Parishad according to the provision of sub-section (3) of this section.

(2) Subject to confirmation of the settlement made under sub-section (1) by the Executive Committee of the Mohkuma Parishad the lease in the prescribed form shall be issued by the Chief Executive Councillor of the Mohkuma Parishad to the person in whose favour settlement is confirmed.

(3) All sale proceeds of public ferries shall be deposited in the Mohkuma Parishad Fund, and after which proceeds of inter Mohkuma Parishad Public Ferry, if there be any, shall be equitably distributed to the Mohkuma Parishad concerned, and thereafter the proceeds remaining in a Mohkuma Parishad Fund shall be distributed in the manner hereinafter provided.

(i) The sale proceeds of the inter Mohkuma Parishad Public Ferry, if there be any, shall be distributed after deducting 20 per cent to the Gaon Panchayat or Panchayats equitably within whose jurisdiction such public ferry is situate;

(ii) the sale proceeds of the inter Gaon Panchayats public ferry falling within the jurisdiction of Mohkuma Parishad shall be distributed after deducting 20 per cent to the Gaon Panchayat equitably within whose jurisdiction such public ferry is situate; and

(iii) the sale proceeds of all other public ferries shall be distributed in each case after deduction of 20 per cent, to the Gaon Panchayat within whose jurisdiction such public ferry is situated.

Explanation.—For the purpose of this section, public ferry which falls within the jurisdiction of more than one Mohkuma Parishad is called an 'Inter Mohkuma Parishad Ferry' and Public ferry which falls within the jurisdiction of one Mohkuma Parishad but covers more than one Gaon Panchayat is called an 'Inter Gaon Panchayat Ferry'.

(4) Twenty per cent of the ferry receipt kept with the Mohkuma Parishad Fund under the preceding sub-section shall be utilised by the Mohkuma Parishad for performance of duties imposed on it under the provision of this Act.

72. (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 within the jurisdiction of which the fishery is situated:

Transfer of Government fisheries to the Gaon Panchayat and Mohkuma Parishad

Provided that a transfer under this sub-section shall be given effect 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 Mohkuma Parishad within the jurisdiction of which such fisheries are situated.

73. (1) Save as otherwise provided in this Act or rules made thereunder all fisheries of the Mohkuma Parishad and of the Gaon Panchayats falling within the jurisdiction of a Mohkuma Parishad shall be settled by inviting tenders by the Chief Executive Councillor of the Mohkuma Parishad in the manner prescribed:

Settlement of fisheries.

Provided that in case of failure to settle any such fishery for want of adequate bid even after inviting tender for the second time, the Mohkuma Parishad may entrust the direct management of such fishery to the Gaon Panchayat in the jurisdiction of which the fishery is situated.

(2) Subject to confirmation of the settlement made under sub-section (1) by the Executive Committee of the Mohkuma Parishad the lease in the prescribed form shall be issued by the Chief Executive Councillor of the Mohkuma Parishad to the person in whose favour settlement is confirmed.

(3) The Mohkuma Parishad shall deposit all sale proceeds of such fisheries in its fund and in respect of the sale proceeds of the Gaon Panchayat fisheries, the same shall be paid to the Gaon Panchayat concerned after deducting any contingent expenditure incurred in connection with the sale of such Gaon Panchayat Fishery.

74. All hats the sale proceeds of which do not exceed rupees five thousand shall be maintained and regulated by the Gaon Panchayat concerned in whose jurisdiction the hat is situated and all hats the sale proceeds of which exceed rupees five thousand shall be maintained and regulated by the Mohkuma Parishad in whose jurisdiction the hat is situated.

Maintenance and Regulation of hats.

75. Nothing contained in this Act and the Assam Municipal Act, 1956 (Assam Act XV of 1957) shall be deemed to authorise two or more local authorities to levy between them more than one tax for the same period in respect of any carriage or cart, and in the event of any dispute arising in respect of which, of the several local authorities, such tax is to be apportioned, the question shall be referred to the State Government whose decision shall be final.

76. (1) Notwithstanding anything contained in the Assam Municipal Act, 1956 the sale proceeds of any hat situated in the area which is excluded after commencement of this Act from the territorial jurisdiction of a Goan Panchayat and included in the territorial jurisdiction of a Town Committee or Municipality, shall be equally apportioned by the State Government between the Mohkuma Parishad in Town and the Town Committee or Municipality concerned for three succeeding years following the year of such transfer of the area.

(2) For any loan incurred by a local authority for improvement of a hat situated in the area which has been excluded from the territorial jurisdiction of a Gaon Panchayat and included in the territorial jurisdiction of a Town Committee or Municipality, the liability of repayment of such loan with interest shall be transferred to such Town Committee or Municipality concerned under order of the State Government.

77. (1) The Gaon Panchayat may issue an order that within its jurisdiction no land other than lands used as hat established by or vested in the Mohkuma Parishad or Gaon Panchayat, shall be used as hat without obtaining a licence from the Gaon Panchayat.

(2) After issuing an order under the sub-section (1) the Gaon Panchayat may grant a licence for the use of such land as hat by imposing a tax thereon at a rate prescribed in the rules made under this Act.

(3) A Tax so imposed under the sub-section (2) shall continue to be in force until the Gaon Panchayat in its meeting held not less than one month before the end of the financial year, revise the amount of tax for the ensuing financial year.

(4) Upon imposition of such tax by the Gaon Panchayat the owner or occupier of such land used as hat shall pay to the Gaon Panchayat such amount of tax as may be specified in the order within one month.

(5) On receiving the amount of tax as aforesaid the Gaon Panchayat or any person authorised in its behalf shall give the person paying the same a licence for the period in respect of which the amount is received.

(6) The Gaon Panchayat may cancel or suspend a license granted under such order for failure of the licensee to comply with the condition on licence or with any provision of this Act or Rules made thereunder.

(7) Whoever being the owner or occupier of any land, uses or permits the same to be used as a hat without a license as required under sub-section (4) and (5) shall be liable to a fine not exceeding fifty rupees for each day during which the offence continued after conviction for such offence.

(8) The District Magistrate or the Subdivisional Magistrate as the case may be, on the application of the Gaon Panchayat may order any land in respect of which a conviction shall have been obtained under the sub-section (7) to be closed as a market place and thereupon may make order to prevent such land from being so used, and every person who shall sell or expose for sale any article intended for food or drink or any livestock or other merchandise on such land as shall have been so closed, shall be liable for every such offence to a fine not exceeding twenty rupees.

(9) Every owner, occupier, or farmer of a market within the jurisdiction of a Gaon Panchayat, shall cause such drain to be made therein as shall be considered necessary by the Gaon Panchayat and shall take all necessary steps to keep such market in a clean and wholesome state and shall cause supply of sufficient water for the purpose as well as for drinking purpose.

(10.) If any such owner, occupier or farmer of a market after notice in writing given to him by the Gaon Panchayat that such market is defective in any of the particulars specified in sub-section (9) and requiring him to remedy the defects specified, within not less than thirty days, make default therein, he shall be liable to a fine not exceeding twenty rupees for every day during which such default is continued after the expiration of the period mentioned in such notice.

(11) If the owner, occupier or farmer of a market makes default as aforesaid the Gaon Panchayat may enter into possession of the market and execute such of the work of improvement mentioned in sub-section (9) as it deems fit, and may receive all rents, tolls and other dues in respect of the market and retain possession thereof for recovery of the sum expended by it on the works of improvement:

Provided that the Gaon Panchayat shall vacate the market if it appears that the sum expended by it on the works of improvement has been realised and that the surplus, if any, remaining after the payment of expenses incurred, shall be paid on demand to any person who established his right to the satisfaction of the Gaon Panchayat concerned or in a Court of competent jurisdiction.

Audit of Accounts. 78. The accounts of the Gaon Panchayats and Mohkuma Parishads shall be audited once a year as prescribed.

Assessment not to be questioned. 79. No objection shall be taken to assessment nor shall the liability of any person so assessed be questioned otherwise than in accordance with the provisions of this Act or the rule made thereunder.

Expenses of Panchayati Adalat. 80. The expenses of the Panchayati Adalat shall be charged to the Gaon-Panchayat Fund.

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.