

Assam Act XXVII of 1948

The Assam Rural Panchayat Act, 1948

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ASSAM ACT XXVII OF 1948
THE ASSAM RURAL PANCHAYAT ACT, 1948

(Passed by the Assembly)

(Received the assent of the Governor-General on the
23rd November, 1948)

[Published in the *Assam Gazette* of the 15th December 1948]

An

*Act to establish and develop Local Self-Government in the rural
areas of the Province of Assam.*

Preamble.

WHEREAS it is expedient to establish and develop Local Self-Government in the rural areas of the Province of Assam and to make better provision for rural administration, reconstruction and development as self-sufficient autonomous units.

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commence-
ment.

(1) This Act may be called the Assam Rural Panchayat Act, 1948.

[(2) Subject to the provisions of sub-section (3), it shall extend to the whole of the State of Assam except any area which has been or hereafter may be included in a Municipality or a Town Committee or a Cantonment constituted under the Assam Municipal Act, 1923 and the Cantonment Act, 1924, respectively or by any other Act, provided that the State Government may, at its discretion, exclude from a Primary or Rural Panchayat any area which it considers to be predominantly industrial or otherwise unsuitable to be so included.

Provided further that the area so excluded shall be administered direct by the Union Panchayat for the purpose of this Act.]¹

(3) It shall come into force in such area or areas and on such date or dates as the [State]² Government may, by notification in the Official Gazette direct.

¹ Substituted by the Assam Rural Panchayat (Amendment) Act, 1955 (Assam Act XXIV of 1955) for the original Sub-section (2).

² Substituted by the Adaptation of Laws Order, 1950 for "Provincial".

(4) The [State]¹ Government may, by notification, in the Official Gazette, withdraw the whole or part of this Act from any area or areas to which it may have been extended and may make any alternative arrangements deemed necessary.

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

(a) "Adult" means a person male or female who has completed his or her twenty-first year ;

[(aa) "bazar" means any place where persons assemble daily for the sale of articles intended for food and drink or of livestock or other merchandise ;]²

(b) "building" includes a hut, shed, house, shop, ware-house, workshop or mill house ;

(c) "case" means a criminal proceeding in respect of an offence triable by a Panchayati Adalat ;

(d) "cattle" includes all quadrupeds ;

(e) the expressions "complaint" and "offence" shall have the same meaning as in Section 4 of the Code of Criminal Procedure, 1898 ;

Act V of
1898.

(f) the expressions "decree", "decree-holder", "judgment-debtor" "Legal representative" and "movable property" shall have the same meaning as in Section 2 of the Code of Civil Procedure, 1908 ;

Act V of
1908.

(g) "joint electorate system" means a system under which the electors belonging to all communities vote jointly as prescribed and not as electors of separate communities ;

[(gg) "Mouzadar" means a Mouzadar appointed under the executive Instruction No.129 of the Assam Land Revenue Regulation, 1886.]³

(h) "one unit of labour" means period of manual labour normally done in one day as prescribed by rules made under this Act ;

¹ S bstituted by the Adaptation of Laws Order, 1950, for "Provincial".

² Inserted by Assam Rural Panchyat (Amendment) Act, 1952 (Assam XVII of 1952).

³ Inserted by Assam Rural Panchayat (Amendment) Act, 1955 (Assam Act XXIV of 1955).

(i) "official year" means the year beginning on the 1st of *Baisak* and ending in the *Chaitra sankranti*;

(j) "panchayat" means a Rural Panchayat established under Section 3 ;

(k) "Primary Panchayat" means a Primary Panchayat established under Section 4 ;

(l) "Panchayati Adalat" means a Panchayati Adalat established under Section 74 ;

(m) "public servant" means a public servant as defined in Section 21 of the Indian Penal Code, 1860 and does not include a retired servant of Government in receipt of a pension ; Act XLV of 1860.

[(mm) "public property" means any property belonging to Government but not vesting in any local authority.]¹

(n) "proceedings" means any proceedings specified under this Act other than a "case" or a "suit" ;

(o) "prescribed" means prescribed by rules made under this Act ;

(p) "suit" means a civil proceeding in respect of matters triable by a Panchayati Adalat ;

(q) "subdivision" means a subdivision created or maintained under the Code of Criminal Procedure, 1898 of Section 8 ; Act V of 1898.

(r) "village" means the area defined, surveyed and recorded as a village in the revenue records of the district in which it is situated and appropriated to human habitation, wholly or partly, or recognised as such in the Thana list not included within a cantonment, municipality or town area ;

(s) "water-course" includes any river, stream, channel, tank and well.

CHAPTER II.

ESTABLISHMENT AND CONSTITUTION OF RURAL PANCHAYATS

Notification declaring any area to be a Rural Panchayat.

3. (1) The [State]² Government may, by notification in the Official Gazette, declare any area to be a Rural Panchayat Area for the purpose of this Act.

¹ Inserted by the Assam Rural Panchayat (Amendment) Act, 1952 (Assam Act XVII of 1952).

² Substituted by the Adaptation of Laws Order, 1950, for "Provincial."

(2) The [State]¹ Government shall declare the name and the territorial jurisdiction of each Panchayat under sub-section (1) and may at any time, by notification in the Official Gazette, include any area in, or exclude any area from, the territorial jurisdiction of a Panchayat.

(3) Where any area is included in a Panchayat under sub-section (2) such area shall become subject to all the rules, regulations, bye-laws and orders made under this or any other enactment in force in the area within the jurisdiction of the aforesaid Panchayat.

Primary Panchayats.

4. (1) In each area declared a Rural Panchayat under Section 3 there may be as many Primary Panchayats² [not exceeding (fifteen)]³ as may be deemed necessary by the Deputy Commissioner or the Subdivisional Officer, as the case may be.

(2) The Deputy Commissioner or the Subdivisional Officer, as the the case may be, shall publish the name and territorial jurisdiction of such Primary Panchayats in the Official Gazette.

Membership of a Primary Panchayat.

5. A Primary Panchayat shall be composed of all adults having a permanent residence within its area and shall form the electorate for the Rural Panchayat. But no person shall be a member of the Primary Panchayat and a voter for the Rural Panchayat if he—

[(a) is not a citizen of India ; or]⁴

(b) is of unsound mind declared by a competent Court, a deaf-mute or a leper.

Period of Membership of a Primary Panchayat.

6. A member of a Primary Panchayat shall continue to be a member till his death, provided he does not incur any of the disqualifications under Section 5 or until he abandons his permanent residence in the area.

Primary Panchayat Executive Committee.

7. (1) Every Primary Panchayat shall elect in the prescribed manner from among its members an executive committee called the Primary Panchayat Executive Committee and a President and a Vice-President.

¹ Substituted by the Adaptation of Laws Order, 1950, for "Provincial".

² Inserted by the Assam Rural Panchayat (Amendment) Act, 1952 (Assam Act XVII of 1952).

³ Substituted by the Assam Rural Panchayat (Amendment) Act, 1955 (Assam Act XXIV of 1955) for the word "five."

⁴ Substituted by the Adaptation of Laws Order, 1950 for "(a) is not a subject of the Dominion of India ; or"

(2) The number of members of the Executive Committee of the Primary Panchayat shall not, including the President and the Vice-President exceed [11]¹ or be less than [5]¹.

(3) The term of office of the President, the Vice-President and members of the Primary Panchayat Executive Committee shall be three years.

Office of the Primary Panchayat. 8. A Primary Panchayat shall maintain an office in the manner prescribed and the President shall be responsible to the Rural Panchayat for the due maintenance of the office.

Register of Members of Primary Panchayat. 9. (1) Each Primary Panchayat shall maintain a register of members in the prescribed form and shall revise and scrutinize it annually.

(2) A copy of such register shall be kept by the Panchayat in such manner as may be prescribed.

(3) Such register shall be open to inspection by the public. Objections to and refusals of registration shall be open to appeal to the Deputy Commissioner or the Subdivisional Officer, as the case may be, in the manner prescribed.

Dispute as to age or residence. 10. Every dispute as to the age or residence of a person for the purpose of Section 5 shall be decided by the Panchayat Secretary as prescribed subject to the provisions of Section 9(3).

11. The President of a Primary Panchayat shall discharge the responsibilities of the Primary Panchayat in consultation with the Primary Panchayat Executive Committee.

Functions of Primary Panchayat. 12. (1) A Primary Panchayat may act as the agent of the Rural Panchayat and shall follow the directions given by the Rural Panchayat from time to time.

[(1a) the State Government may confer all or any of the powers and functions, enumerated in Sections 31 and 32 as it may deem necessary and for that purpose make rules.]²

¹ Substituted by the Assam Rural Panchayat (Amendment) Act, 1955 (Assam Act XXIV of 1955).

² Inserted by the Assam Rural Panchayat (Amendment) Act, 1955 (Assam Act XXIV of 1955).

Secretary of
Primary
Panchayat. (2) A Panchayat in consultation with the President of the Primary Panchayat shall appoint a Secretary for the Primary Panchayat who shall be responsible, in addition to his duties, for carrying out economic surveys as prescribed and be paid from the Panchayat Fund.

Meeting of
Primary
Panchayat. 13. (1) Meeting of a Primary Panchayat may be called by the President at any time and be held at such time and at such place within its jurisdiction as he may notify. At least 48 hours' notice of the meeting and its agenda shall be given to the members by word of mouth after a warning beat of drums. Similarly the President shall call a meeting if twenty or more members of the Primary Panchayat so request.

(2) The President shall call a meeting on the request of the President of the Panchayat to which his Primary Panchayat is attached. If he fails to do so, the President of the Panchayat may request the Secretary of the Primary Panchayat to call and preside over the meeting.

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

(4) Any member of a Primary Panchayat may at any meeting in the prescribed manner move resolutions or put questions on matters connected with the administration of the Primary or the Rural Panchayat. If such a resolution moved and passed is one of no confidence in any member of the Executive Committee of the Primary Panchayat, he shall be deemed to have vacated his office forthwith.

Vote of no
confidence
and recall
of Members. 14. (1) In a meeting of the Primary Panchayat a vote of no confidence on any or all of the the members of the Panchayat elected from such Primary Panchayat and a demand for their recall as representatives of such Panchayat may be passed in the manner prescribed.

(2) If a resolution is passed under sub-section (1) by a three-fifths majority vote at the meeting, the member or members, as the case may be, shall cease forthwith to be members of the Panchayat. A copy of such resolution shall be sent immediately to the President of the Panchayat and to the members concerned.

Filling up of casual vacancies of Primary Panchayat.

15. (1) The Primary Panchayat shall elect in the prescribed manner a new member to the Panchayat forthwith whenever a vacancy occurs by death, resignation or recall. A recalled member may seek re-election.

(2) If a President, Vice-President or a member of the Primary Panchayat Executive Committee dies, resigns or otherwise a vacancy is created, the Primary Panchayat shall in a meeting fill up such vacancy through election as prescribed.

Rural Panchayat.

16. (1) [Each Primary Panchayat shall elect one representative for every five hundred of its members and an additional one if the fraction thereof is a figure between two hundred and fifty and four hundred and ninety-nine to the Rural Pauchayat provided that the total number of members shall not exceed twenty five.]¹ These representatives shall constitute the Rural Panchayat under Section 3, but no person shall be elected to, or remain a member of, the Rural Panchayat if he—

(a) has been convicted of an offence involving moral turpitude or ordered to give security for good behaviour under Section 110 of the Code of Criminal Procedure, 1898; [* *]² [unless a period of five years has elapsed on the date of notification for election from the date of his release in case of a sentence of imprisonment and in case of a sentence other than imprisonment from the date of conviction.]³

Act V of 1898.

(b) has been dismissed from Government service; [* *]³ [unless a period of five years has elapsed on the date of the notification of election from the date of his dismissal.]³

¹ Substituted by the Assam Rural Panchayat (Amendment) Act, 1952 (Assam Act XVII of 1952).

² The word "or" deleted by the Assam Rural Panchayat (Amendment) Act, 1955 (Assam Act XXIV of 1955).

³ Inserted by the Asam Rural Panchayat (Amendment) Act, 1955 (Assam Act XXIV of 1955).

(c) applies to be adjudicated, or is an undischarged insolvent; or

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

[* * *]¹

[(e) holds any remunerated office under the Rural Panchayat.]¹

(2) The [State]² Government may appoint any officers as *ex-officio* members, who shall have the right to attend all meetings of the Panchayat and give expert opinion or advice but shall have no right to vote.

Period of membership of a Panchayat- 17. The term of office of a member of a Panchayat shall be three years: [***]³

Provided that the term of office of a member elected to fill a casual vacancy shall be the remainder of the term of the member whom he replaces. Such election shall be conducted by the Panchayat under the direction of the Deputy Commissioner or the Subdivisional Officer, as the case may be.

Election of office bearers. 18. When the constitution of the Panchayat under Sections 15 and 16 is complete the Deputy Commissioner or the Subdivisional Officer, as the case may be, shall fix a date for election of office bearers of the Panchayat. The Panchayat shall then elect from among its members a President and a Vice-President who shall * * * * hold office for a period of three years.

Panchayat Executive Council. 19. (1) President of a Panchayat, after he has been elected as such, shall select not less than five and not more than nine other members. These members,

¹ Clause (e) deleted by the Assam Rural Panchayat (Amendment) Act, 1955 (Assam Act XXIV of 1955) and clause (f) renumbered as clause (e).

² Substituted by the Adaptation of Laws Order, 1950 for "Provincial."

³ The words "but one-third of the members except the President and the Vice-President shall retire annually by drawing of lots as prescribed:" deleted by the Assam Rural Panchayat (Amendment) Act, 1955 (Assam Act XXIV of 1955).

⁴ The word "ordinarily" deleted by the Assam Rural Panchayat (Amendment) Act, 1955 (Assam Act XXIV of 1955).

who should as far as practicable be representatives of the different interests in the Rural Panchayat, will form [a Panchayat Executive Council].¹

(2) The President may assign to each [Executive Council]² member such duties and function as the may deem fit.

(3) The [Executive Council]² shall advise the President in all matters relating to the provisions of this Act.

(4) The [Panchayat Executive Council Members]³ shall be responsible to the President and shall hold office at his pleasure.

Panchayat Office. 20. A Panchayat shall have an office and the President shall be responsible for its due maintenance.

Resignation of a President, Vice-President or a Member of a Panchayat. 21. (1) A President of a Panchayat may resign during the term of his office by notifying in writing his intention to do so to the Deputy Commissioner or a Subdivisional Officer, as the case may be, through the Secretary, and on such resignation being accepted by him, shall be deemed to have vacated his office.

(2) A Vice-President, a [Panchayat Executive Council]⁴ member or a member of a Panchayat may resign during his term of office notifying in writing his intention to do so to the President, and on such resignation being accepted by him, shall be deemed to have vacated his office.

Removal of President, Vice-President and Member of a Panchayat. 22. (1) (a) A President of a Panchayat or of a Primary Panchayat Executive Committee shall be disqualified from holding office—

(i) if he is convicted of any non-bailable offence, or declared a tout or convicted under the provisions of Chapter IXA of the Indian Penal Code Act XLV of 1860; or

(ii) if he is declared insolvent or recalled under sub-section (1) of Section 14; or

¹ Substituted by the Assam Rural Panchayat (Amendment) Act, 1952 for the words "a Panchayat Cabinet of Ministers (Mantri Sabha)".

² Substituted by the Assam Rural Panchayat (Amendment) Act, 1952 for the word "Cabinet."

³ Substituted by the Assam Rural Panchayat (Amendment) Act, 1952 for the words "Panchayat Ministers."

⁴ Substituted by the Assam Rural Panchayat (Amendment) Act, 1952 for the word "Cabinet".

(iii) if by a three-fifths majority of votes a resolution of confidence is passed by the members at a meeting held in the prescribed manner ; or

(iv) if he ceases to be a member of the Panchayat.

(b) A President or Vice-President of a Panchayat or of a Primary Panchayat Executive Committee may be disqualified from holding office by the [State]¹ Government—

(i) if he refuses to act ; or becomes incapable of acting ; or

(ii) if he is guilty of misconduct or wilful neglect in the discharge of his duties as President ; or

(iii) if his continuance in office is dangerous to the public peace or order or likely to bring the administration of the Panchayat or the Primary Panchayat into contempt.

(2) With the approval of the [Panchayat Executive Council]² or Executive Committee, as the case may be, the President shall remove a Vice-President of a Panchayat or Primary Panchayat, as the case may be, from his office on the grounds mentioned in sub-section (1) (a) if any of them are applicable to him.

(3) The President of a Panchayat or Primary Panchayat, as the case may be, shall remove a member of the Panchayat or member of a Primary Panchayat Executive Committee, as the case may be, from his office with the approval of his [Panchayat Executive Council]² or Executive Committee, as the case may be, on any of the grounds mentioned in sub-section (1) (a) and on any of the grounds that—

(i) without any reasonable cause he absents himself from three consecutive meetings of the Panchayat or Primary Panchayat Executive Committee, as the case may be ;

(ii) his removal is recommended in a meeting of the Panchayat or Primary Panchayat, as the case may be, by a three-fifths majority of members.

¹ Substituted by the Adaptation of Laws Order, 1950 for "Provincial".

² Substituted by the Assam Rural Panchayat (Amendment) Act, 1952 (Assam Act XVII of 1952) for "Cabinet".

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

Filling up
of casual
vacancy of a
Panchayat.

23. (1) If a vacancy in the office of a President arises by reason of his death, recall, removal or resignation, a Panchayat shall at a meeting within a month elect from among its members a new President.

(2) The Panchayat in a meeting shall elect a new Vice-President forthwith when such a vacancy occurs by death, resignation or removal or when he ceases to be a member of the Panchayat.

Conduct of
business.

24. (1) The meeting of a Panchayat shall be called by the President and shall be held in the Panchayat Office or in such place in the area as he may notify.

(2) An ordinary meeting of the Panchayat shall be held once in every month.

(3) The President may, at any time, or shall upon a requisition in writing of not less than one-third of the members or a Panchayat Secretary or Deputy Commissioner or Subdivisional Officer, call a special meeting.

(4) Every meeting shall be presided over by the President and in his absence by the Vice-President and in the absence of both, a Panchayat shall choose one of their members to preside.

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

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

(6) For want of a quorum a meeting may be adjourned to a future date appointed by the President and 48 hours' notice of such meeting shall be given:

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

(7) The Panchayat shall fix a day in every month on which an ordinary meeting shall be held. Notice shall be sent in the manner prescribed to the members

at least 7 days before the date fixed for a special meeting in which the nature of the business to be transacted shall be clearly described:

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

(8) The business of a meeting of a Panchayat shall be transacted in the vernacular.

(9) Minutes of the proceedings of every meeting shall be recorded at the time of the meeting in a book kept for the purpose and shall be signed by the President of the meeting before the meeting disperses.

(10) The Panchayat Secretary shall send copies of the proceedings of all meetings of a Panchayat to the Deputy Commissioner or the Subdivisional Officer, as the case may be.

Executive power of the Panchayat. 25. Resolutions of the Panchayat will be carried out by the President in whom the entire executive power of the Panchayat shall be vested and he shall be directly responsible for the due performance of the duties imposed upon the Panchayat under this Act.

Irregularities not to vitiate any act. 26. No act of a Panchayat shall be deemed invalid by reason only that the number of members at the time of the performance of such act was less than the sanctioned number or by reason of any irregularity in the election of any member or the President of such Panchayat.

Employment of Panchayat staff. 27. A Panchayat may, with the previous sanction of the Deputy Commissioner or the Subdivisional Officer, employ such staff as may be necessary for carrying out the duties imposed upon it under this Act and pay the salaries of such staff out of the Panchayat Fund and exercise the power of punishment, disciplinary action or promotion of such staff.

Panchayat Secretary 28. For the proper organisation, inspection and supervision of the working of Primary and Rural Panchayats the Deputy Commissioner or the Subdivisional Officer, as the case may be, may appoint a Rural Panchayat Secretary for each Panchayat area to be paid from the Subdivisional Development Fund.

General meeting of the members of the Primary Panchayats under the jurisdiction of a Panchayat. 29 The President of a Panchayat shall convene a general meeting of all members of Primary Panchayats under the jurisdiction of a Panchayat in each year and shall review the whole working of the Panchayat and Primary Panchayats during the preceding year and in that meeting shall present the Panchayat's working plan for the next year.

Incorporation of Rural Panchayat.

30. Every Panchayat shall by the name notified in the Official Gazette under Section 3, be a body corporate having perpetual succession and a common seal and shall subject to any restriction or condition proposed under this or any other enactment in force, have power to acquire by purchase, gift or otherwise, to hold, administer and transfer property, both movable and immovable, and to enter into any contract, and shall by the said name, sue or be sued, and do all other things necessary for the purposes of this Act.

CHAPTER III

ADMINISTRATIVE FUNCTIONS AND POWERS OF RURAL PANCHAYATS

Duties and functions.

31. Subject to such rules as may be prescribed in this behalf a Panchayat, within the limits of the Fund at its disposal, may provide for the requirements of the area under its jurisdiction in respect of the following matters:—

(1) cleaning and lighting of streets ;

(2) sanitation and conservancy of the Panchayat area and the prevention of public nuisance therein ;

(3) construction, maintenance and improvement of public wells and tanks for the supply of water to the public for drinking, washing and bathing purposes ;

[(4) the taking of curative and preventive measures in respect of an epidemic ;]¹

(5) the opening and regulating of burial and cremation grounds for the dead bodies of human being and regulating places for disposal of dead animals and of other offensive matter ;

(6) construction and maintenance of places for the storage of cowdung, oil cakes and other manure and regulating its collection, removal and disposal ;

(7) maintenance of records relating to population census, cattle census, spinning wheel and weaving machine census, census of un-employed persons and landless persons or persons having no economic holding and other statistics as may be prescribed ;

¹ Original sub-sections (4) to (38) amended and renumbered by the Assam Rural Panchayat (Amendment) Act, 1952 and the Assam Rural Panchayat (Amendment) Act, of 1955 to read as above.

(8) the construction, maintenance and improvement of communications, drains and waterways ; [not being private property and not being under the control of the State or Central Government or any local Authority ;]¹

(9) the control of grazing grounds, village common and other communal property ;

(10) the relief of the poor, of the sick or victims of famine, flood or other calamity ;

(11) regulating the places of slaughter of animals and the curing, tanning and dyeing of skins of dead animals ;

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

(13) regulating the construction of new buildings or houses or the extension or alteration of any such existing one ;

(14) regulating the production and disposal of food-stuffs and other commodities in the manner prescribed ;

(15) opening and regulating co-operative societies, model villages, sales and purchase depots, trading organizations ;

[(16) registration of births, deaths and marriages maintenance of registers for the purpose ;]².

(17) promotion and encouragement of cottage industries and improvement of agriculture and agricultural stock, and maintenance of model farms ;

(18) [prevention of cattle mortality and improvement of breeding ;]³

(19) maintaining a village volunteer force for watch and ward, for assisting the Panchayat and Primary Panchayats and the *Panchayati Adalat* in the discharge of their functions and for the service of summons and notice issued by them ;

¹ Inserted by the Assam Rural Panchayat (Amendment) Act, 1952 (Assam Act XVII of 1952).

² Inserted by the Assam Rural Panchayat (Amendment) Act, 1955.

³ Substituted by the Assam Rural Panchayat (Amendment) Act, 1955.

(20) supplying local information as required to the Government or any other authority ;

(21) anything necessary for the preservation of public health and for improving the sanitation, conservancy, or drainage of the Panchayat area and any other measures of public utility calculated to promote the moral and material well-being of the area and bring about communal harmony therein ;

(22) planting and maintaining trees at the sides of public places and public streets ;

(23) prohibiting and controlling fragmentation and subdivision of holdings ;

(24) establishment of *Panchayati Adalat* for administration of civil and criminal justice ;

(25) establishment of public Radio Sets for the benefit of the Rural population ;

(26) regulation of Melas [Minor]¹, Hats, Pounds, Sarai houses ;

[*Explanation.*—Unless the State Government in individual cases decides otherwise by a notification in the official Gazette, a minor Hat shall mean a Hat which has never during the three years preceding 1st April 1952 fetched more than Rs.3,000 as annual revenue either on auction or on settlement otherwise.]¹

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

(28) the popularization of village sports, organisation and celebration of National and public festivals ;

(29) legal and persuasive measures for restraint of child marriage ;

(30) destruction of stray dogs ;

(31) disposal of unclaimed cattle ;

(32) measures against burglary and dacoity ;

(33) the removal of encroachments on public streets, public places and property vested in the Panchayat.

¹ Inserted by the Assam Rural Panchayat (Amendment) Act, 1952.

(34) [Any other functions as may be deemed necessary to carry out the purposes of this Act.]¹

Impr o v e -
ment of sani-
tation.

32. (1) If it appears necessary to improve the sanitary condition or amenities of a Panchayat area or a part thereof—

(a) the Panchayat may—

(i) cause huts or privies to be wholly or partly removed ;

(ii) cause private drains to be constructed, altered or removed ;

(iii) cause public drains to be constructed, altered or removed and cause any water-course, well, pool, ditch, tank, pond or any place containing or used for the collection of any drainage, filth or stagnant water which appears to be injurious to health or offensive to the neighbourhood, to be filled up, cleansed or deepened or the water to be drained off or such action to be taken therewith as may be deemed necessary ;

(iv) cause any land, which by reason of thick vegetation, undergrowth or jungle appears to be dangerous, obnoxious to health or offensive to the neighbourhood or to form an impediment to efficient ventilation, to be cleared of such vegetation, undergrowth or jungle ;

(v) cause to be removed any dirt, dung, night soil or any offensive matter, and such other improvements as are necessary to improve the sanitary condition of such Panchayat area or part thereof, and

(b) a Panchayat may, by written notice, required within a reasonable period to be specified therein and taking into consideration his financial position—

(i) an owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part ; or

(ii) an owner or occupier of any building to construct private drains thereof or to alter or remove private drains thereof ; or

(iii) an owner or occupier of any land or building to which any such well, pool, ditch, tank, pond or place as is referred to in clause (a) (iii) pertains

¹ Original sub-sections(4) to (38) amended and renumbered by the Assam Rural Panchayat (Amendment) Act, 1952 and the Assam Rural Panchayat (Amendment) Act, 1955 to read as above.

to or of any such land as is referred to in clause (a) (iv) to do anything which the Panchayat is itself empowered to do under either of those clauses.

(2) Any person who wilfully disobeys any direction issued under clause (b) of sub-section (1) shall be liable to a fine which may extend to ten rupees.

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

(4) If the Panchayat considers that any person affected by action under sub-section (1) has suffered a loss through no fault of his own, it may award fitting compensation from the Panchayat Fund.

Joint committees. 33. (1) Two or more Panchayats, or Panchayats and Local Authorities may join—

(a) in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested ;

(b) in delegating to such committee power to frame terms binding on each such authority for the carrying out of such purpose ; and

(c) in framing and modifying rules, fixing the constitution of such committee and the term of office of its members and regulating the proceeding of such committee relating to the purpose for which the committee is appointed.

(2) If any difference of opinion arises between Panchayat and Panchayat or between Panchayats and Local Authorities acting under this section, it shall be referred to the [State]¹ Government whose decision thereon shall be final.

Transfer of certain duties from the Local Authority or private persons to the Panchayat. 34. [(1)]² Subject to such rules as may be prescribed and to such conditions as may be agreed upon, any person or Local Authority may, with the consent of the Panchayat make over to it management of any institution or the execution or maintenance of any work or the performance of any duty within its jurisdiction.

¹ Substituted by the Adaptation of Laws Order, 1950 for "Provincial".

² Existing section numbered as sub-section (1) and sub-section (2) inserted by the Assam Rural Panchayat (Amendment) Act, 1952.

Transfer of certain duties of Panchayat to Local Authority or persons. [(2) Subject to such rules as may be prescribed and to such conditions as may be agreed upon, a Panchayat may, with the consent of a Local Authority or any person make over to it management of any institution or the execution or maintenance of any work or the performance of any duty within its jurisdiction.]¹

Power of Panchayat to reconstruct or remodel villages. 35. A Panchayat may, in accordance with a scheme formulated and published and providing compensation, where necessary, for the whole or a part of the Panchayat area with the previous approval of the [State]² Government, direct—

(a) that any existing village or villages be reconstructed or remodelled ;

(b) that new villages under such scheme be established with landless person or persons having no economic holding by taking control of Government land with the approval of the Government ;

(c) that in accordance with such scheme no house, buildings, well, wall-fencing or platform shall be erected, re-erected or added to in advances of an alignment to be prescribed by the Panchayat and demarcated on the ground.

(d) in accordance with the said scheme the fixing of the space which shall intervene between any new or enlarged house or building of the house or building next adjacent and between any new or enlarged house or building and or path in the areas.

(2) If any person contravenes any direction made under sub-section (1) the Panchayat may make an order—

(i) directing any construction or so much of such construction done in contravention of the order to be demolished by the owner or that it will be altered by him to the satisfaction of the Panchayat within such time as may be fixed ; or

(ii) directing that the work done or so much of such construction done in contravention of the order be demolished or altered by the Panchayat at the cost of the owner within a fixed time.

¹ The existing section numbered as sub-section (1) and sub-section (2) inserted by the Assam Rural Panchayat (Amendment) Act, 1952.

² Substituted by the Adaptation of Laws Order, 1950, for "Provincial".

(3) If any person to whom a direction under subsection (2) to demolish or alter the construction is given, fails to obey the same, he shall be liable to a fine which may extend to Rs.5 for each day during which he fails to obey the direction.

Power of Panchayat to prevent fragmentation of agricultural holding.

36. (1) Notwithstanding anything contained in any existing law or custom, the Panchayat with a view to prevent fragmentation of agricultural holdings and to consolidate the same for the purpose of the better cultivation thereof, may, after calling a meeting of the people affected and after reaching a decision by a two-third majority vote in the manner prescribed, direct that—

(i) no land within its jurisdiction may be transferred by any one so as to create a fragment of less than 12 bighas.

Explanation.—Sale to the owner of a contiguous piece of land shall not be deemed to create a fragment;

(ii) no single block of land within its jurisdiction may be allowed to partition amongst the sharers if such partition result in a share-holder having a holding of less than 12 standard bighas in that particular block of land;

(2) If there are two or more sharers and there is no adequate land for all of them, the Panchayat, in the absence of any agreement among them either to keep the property in common or to take money value from some one, may provide as many sharers as possible and realise compensation on behalf of the rest from the sharers settled with the land and when realised, pay the amount to the person entitled. The other sharers not settled with land shall be entitled to a share of the produce, as determined by the Panchayat, until they are paid the compensation for the land as fixed by the Panchayat. The Panchayat shall take into consideration the financial position of the sharer with whom the land is settled in awarding him time to pay the compensation money.

No appeal shall lie against any order under this section.

(3) No land shall be transferred to any person not residing within a Panchayat area without the sanction of the Panchayat.

Maintenance of Trading Organisations. 37. A Panchayat may, subject to such rules as may be prescribed, maintain in co-ordination with the Government departments one or more trading organisations for the promotion of cottage industries, sale of raw materials and marketing of the finished products, and sponsor rural co-operative organisations for the provision of credit, savings [and banking and may required the residents of the Panchayat areas to make use of such organisations.

Unions of Craftsmen. 38. A Panchayat may require professional or casual weavers, spinners and other craftsmen to form into unions and may have control over them, by making rules and regulations of such unions. It may also help these unions by granting subsidies and offering markets for the finished goods.

Holding of Exhibition. 39. A Panchayat may hold exhibitions of local products, home industries, handicrafts and such other things and may co-operate with other local authorities to hold such exhibitions anywhere in the district [and may incur such expenditure and realise such fees as may be prescribed]¹.

Power of Panchayat as to roads, waterways, bridge and culverts. 40. A Panchayat shall have control of all roads, water-ways, bridges and culverts, not being private property and not being under the control of the [State]² [or Central]³ Government or any 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 and culvert; and
- (iii) divert, discontinue or close any road, bridge or culvert under its control ;
- (iv) widen, open, enlarge or otherwise improve any such road, bridge or culvert;
- (v) construct, deepen or otherwise improve waterways under its control ;
- (vi) cut any hedge or branch of any tree projecting on to a public road ;

¹ Inserted by the Assam Rural Panchayat (Amendment) Act, 1952.

² Substituted by the Adaptation of Laws Order, 1950 for "Provincial."

³ Inserted by the Assam Rural Panchayat (Amendment) Act, 1949 (Assam Act VII of 1949).

(vii) notify the setting apart of any public water-course for drinking purposes, and prohibit bathing, washing of clothes and animals or doing of other acts likely to pollute the course so set apart ;

(viii) provide for the lighting of any road or public place within the Panchayat.

Maintenance of stud livestock. 41. A Panchayat may maintain within its jurisdiction stud livestock for the purpose of improved breeding of livestock and may require the residents of the Panchayat area to castrate their livestock and also inoculate them when epidemics break out.

Power of a Panchayat to prevent spread of water-hyacinth. 42. The Panchayat shall be deemed to be a Local Body under the terms of Section 2 (2) of the Assam Water-Hyacinth Act, 1926. Assam Act III of 1926.

Emergency power on outbreak of epidemic. 43. In an emergency -a Panchayat shall exercise such powers for controlling and preventing an outbreak of any epidemic or infectious disease within the limits of a Panchayat area, which may be necessary for stopping the movement of infected persons or goods in and out of a Panchayat area ; for inoculation, for seizure of polluted foodstuff notwithstanding the provisions of the Assam Pure Food Act, 1947, for disinfecting wells, tanks, or other sources of water and controlling the removal of water and doing such other acts as may be necessary under the circumstances. A Panchayat shall immediately inform the Government authorities concerned and also neighbouring Panchayats so that unified action may be taken. Assam Act XXII of 1947.

Duty of a Panchayat to scare away or destroy parts of animals to save crops from being damaged. 44. (1) A Panchayat shall by itself or co-jointly with neighbouring Panchayats take steps to scare away monkeys, squirrels, elephants, birds, locusts and other pests in order to save crops from being damaged.

(2) A Panchayat shall have power of controlling the tethering and grazing of cattle in the Panchayat area.

Preventive measures against celebration of marriage between couple under legal age. 45. (1) Notwithstanding anything contained in the Child Marriage Restraint Act, 1929, a Panchayat shall have power to take steps for preventing the performance of any marriage between a couple either of whom are not of the legal age by duly serving a notice on the parents or guardians of either party residing within the limits of the Panchayat directing that the marriage shall not be performed. Act XIX of 1929.

(2) If a party fails to comply with the notice under sub-section (1) he shall be liable, on conviction, to a fine not exceeding two hundred rupees.

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

Execution of project costing more than one thousand rupees. 47. When any project is framed by a Panchayat the cost of which is likely to exceed one thousand rupees, the work shall not be commenced until the project has been sanctioned by the Deputy Commissioner or the Subdivisional Officer, as the case may be.

[* * *]¹

Introduction of co-operative farming. 49. (1) By previous agreement among the persons of the whole or a compact part of its area, a Panchayat may introduce farming on a co-operative basis and make rules and regulations guiding such farms:

Provided that a Panchayat may also introduce such farming if two-thirds of the population of such area agree to such farming.

(2) When such co-operative farming is introduced under the proviso to sub-section (1), the Panchayat may take possession of such area and the owner of the land, not agreeing to enter into such co-operative farming, shall be entitled only to a reasonable rent to be determined by the Panchayat with the approval of the Deputy Commissioner or the Subdivisional Officer, as the case may be.

Power of entry of Panchayat Officers into premises. 50. Any member, officer or employee of a Panchayat may enter into or upon any house, building or land, with or without assistants or workmen, in order to make any inspection or execute any work under any provision of this Act:

Provided that—

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

¹ Section 48 including the explanation deleted by the Assam Rural Panchayat (Amendment) Act, 1952.

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

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

Representa-
toin and
recommen-
dation by
the Pancha-
yat.

51. (1) A Panchayat may make to the proper authority any representation concerning the welfare of the persons residing within its area.

(2) A Panchayat may forward to the proper authority any complaint by any person residing within its jurisdiction against any Government official if it considers that there is *prima facie* evidence for such complaint and with its own remarks on it.

Liability for
causing loss,
waste or
mis-applica-
tion of
money or
property
of the
Panchayat.

52. A member of a Panchayat, President of a Primary Panchayat, member of any Committee or joint Committee constituted under this Act, shall be liable for such loss, waste or misappropriation of money or property belonging to the Panchayat which may be occasioned as a result of his personal and wilful negligence or misconduct.

Public ser-
vant.

53. Every member or employee of a Panchayat or Panchayati Adalat, every member of the Executive Committee of the Primary Panchayat, a Joint Committee and the Village Volunteer Force constituted under this Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860.

Act XLV of
1860.

Appoint-
ment Com-
mittees.

54. Subject to the prescribed conditions a Panchayat may appoint committees to assist it in the discharge of any specified duty or class of duties and may delegate to such committees any of its powers as may be deemed necessary.

Village Vo-
lunteer
Force.

55. A Panchayat shall maintain a Village Volunteer Force to assist in the furtherance of the objects of this Act as prescribed.

Power to
frame bye-
laws.

56. (1) A Panchayat may frame bye-laws from time to time consistent with this Act and rules framed thereunder for carrying out the purposes of this Act.

(2) Such bye-laws may also provide a penalty for every breach thereof.

(3) Such bye-laws shall take effect only after they have been approved by the [State]¹ Government.

CHAPTER IV

FINANCE AND PROPERTY OF THE RURAL PANCHAYAT

Assam Rural Development Fund. 57. The [State]¹ 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 contributions from the [State]¹ Exchequer as may be made to this Fund ;

(ii) contributions from other sources.

Application of the Assam Rural Development Fund. 58. 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. 59. (1) In every subdivision there shall be a fund to be 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) all sums collected under sub-section (1) of Section 133 with respect to such receipts from [Minor Hats and Pounds]² and sums directed under Section 31 of the Cattle Trespass Act, 1871 placed at present under the control and administration of the Local Boards under [Chapter III of the Assam Local Self-Government Act, 1953]³ and sums collected under the Bengal Village Chaukidari Act, 1870.

Act I of
1871.

Bengal Act
VI of 1870.

(ii) contributions from the Assam Rural Development Fund ;

(iii) contributions from any Local Authority or private individual ;

¹ Substituted by the Adaptaion of Laws Order, 1950 for "Provincial".

² Substituted by the Assam Rural Panchayat (Amendment) Act, 1952 for "public ferries, schools, hospitals, hats, bazars, pounds, tolls of bridges."

³ Substituted by the Assam Rural Panchayat (Amendment) Act, 1955.

¹[(iv) a share as may be prescribed, of all sums collected by the Local Board under sub-section (1) of Section 133 with respect to such receipts from public ferries, schools, hospitals, major hats, the bazars [and]² tolls of bridges [* * *]³ within the Panchayat area.]³

(v) all other sums which may be assigned to it [by the Union or State Government]⁴.

Distribution of the Sub-divisional Rural Development Fund. 60. (1) [* * * *]⁵. [The]⁵ Deputy Commissioner or the Subdivisional Officer, as the case may be, shall distribute each year the Subdivisional Rural Development Fund in the following manner :—

(i) ten per cent of the total fund shall be kept apart as a reserve against unforeseen contingencies ;

(ii) necessary expenditure for the equipment, establishment and salaries of the Subdivisional Rural Development establishment ;

(iii) an equitable allotment of sums to each Panchayat for the purposes of carrying out the provisions of this Act.

Diversion of Panchayat funds in some cases. (2) [Notwithstanding anything contained in this Act the State Government may by order divert funds of the Rural and Union Panchayats for carrying out the purposes of this Act to any other body, associations, or individuals and may prescribe the mode of collection, allocation and disbursement of the said funds by such body, associations or individuals as the case may be.]⁶

¹ Substituted by the Assam Rural Panchayat (Amendment) Act, 1952 for "local rates ; and"

² Inserted by the Assam Rural Panchayat (Amendment) Act, 1955 after deleting the " , ,".

³ The words "and cart-taxes" deleted by the Assam Rural Panchayat (Amendment) Act, 1955.

⁴ Inserted by the Assam Rural Panchayat (Amendment) Act, 1952.

⁵ The words "In consultation with the District or the Subdivisional Co-ordination Board and with the annual Conference of Presidents and Secretaries of Panchayats" deleted and the word "The" substituted for the word "the" by the Assam Rural Panchayat (Amendment) Act, 1955.

⁶ Inserted by the Assam Rural Panchayat (Amendment) Act, 1952 and the existing sub-sections (2) and (3) re-numbered as sub-sections (3) and (4) respectively.

[(3)]¹ The Deputy Commissioner or the Sub-divisional Officer shall not delegate his powers under this section to any other officer.

[(4)]¹ (i) The Deputy Commissioner or the Sub-divisional Officer, as the case may be, shall inform every Panchayat of the sum allotted to such Panchayat one month previous to the time fixed under the rules for the preparation and submission of the budget by such Panchayat, and

(ii) The Panchayat shall add the money so allotted to its opening balance and then prepare the budget for the year under section 63.

Panchayat
Fund.

61. In every Panchayat there shall be a fund vested in the Panchayat, which shall be called the Panchayat Fund and shall be utilised by the Panchayat to meet charges in connection with its duties under this Act. The accounts of the Panchayat Fund shall be kept in the prescribed manner.

Credits to
Panchayat
Fund.

62. The following shall be credited to the 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 by the Panchayat ;

(ii) fees levied for the institution of civil suits and criminal cases before the Panchayati Adalat under Section 64 ;

(iii) fees for the issue of permits that the Panchayat may impose 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) cost of execution of works recovered under sub-section (3) of Section 32 ;

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

(vii) contributions from the Government, private individuals or Local Authorities, if any ;

¹ Inserted by the Assam Rural Panchayat (Amendment) Act 1952, and the existing sub-sections (2) and (3) renumbered as sub-sections (3) and (4) respectively.

(viii) all other sums which may be assigned to the Panchayat ;

(ix) such allotment as the Deputy Commissioner or the Subdivisional Officer may make out of the Subdivisional Rural Development Fund ;

(x) the sale proceeds of all dust, dirt, dung or refuse collected by its employees, and

(xi) sums received by way of loan or gift.

Preparation of budget.

63. (1) A Panchayat shall, at such time or times and in such form as 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 for any modification which it may deem advisable to make in the distribution of the amount to be raised and expended in each year commencing from the 1st *Baisak* and ending in *Chaitra sankranti* for the purposes of this Act and it shall be submitted to the Deputy Commissioner or the Subdivisional Officer for scrutiny and approval.

(2) The Deputy Commissioner or the Subdivisional Officer shall, after such revision as may be deemed fit, pass the budget for each year and the Panchayat shall abide by the budget so passed.

Fees levied by the Panchayati Adalat.

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

(2) A Panchayati Adalat may levy fees for the institution of criminal cases except those under Section 379 of the Indian Penal Code, 1860, at such rate as may be prescribed: Act XLV of 1860.

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

Power of Taxation.

65. Subject to the prescribed rules and bye-laws framed by a Panchayat and any orders made by the [State]² Government in this behalf, a Panchayat may impose the following taxes in addition to the existing local rates:—

(1) a tax on—

(a) the Land Revenue payable to the [State]² Government at a rate not exceeding one anna per rupee of such revenue, the tax aforesaid

¹ Substituted by the Adaptation of Laws Order, 1950 for "Province".

² Substituted by the Adaptation of Laws Order, 1950 for "Provincial".

being payable jointly or severally by the recorded *pattadars* who are in possession of such land as cultivators ;

(b) in permanently settled areas at a rate not exceeding one anna per standard bigha payable jointly or severally by the occupiers of the land ;

(c) uncultivated cultivable land ;

(d) buildings at such rate as may be prescribed ;

(e) marriage, health, water, firewood, education, cattle, boats, cycles, carts at such rate as may be prescribed ;

(2) Any other rate, tax, cess, or any [fee for]¹ license [for starting tea stalls and restaurants and collecting of hides and bones]¹ or other fees that may be levied from time to time with the previous approval of the [State]² Government.

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

Audit of Accounts. 66. The accounts of the Panchayat shall be audited once a year as may be prescribed.

Assessment not to be questioned. 67. No objection shall be taken to any assessment nor shall the liability of any person so assessed be questioned otherwise than in accordance with the provisions of this Act or the rules made thereunder.

Expenses of the Panchayati Adalat. 68. The expenses of the Panchayati Adalat shall be charged to the Panchayat Fund.

Acquisition of land. 69. When a Panchayat requires any land for the purposes of this Act other than those enumerated in Section 49, it shall obtain the land by private negotiation and when such negotiation fails, the Panchayat may make an application to the Deputy Commissioner to acquire the land and the Deputy Commissioner may acquire such land for the Panchayat according to law.

¹ Inserted by the Assam Rural Panchayat (Amendment) Act, 1952.

² Substituted by the Adaptation of Laws Orders, 1950 for "Provincial."

Explanation.—Land includes benefits which arise out of land and things attached to the earth or permanently fastened to anything attached to the earth.

Control of
Public prop-
erty.

70. (1) The [State]¹ Government may allocate to the Panchayat any public property situated within the jurisdiction of that Panchayat, whereupon such property shall vest in and belong to and come under the control of that Panchayat.

(2) Every road, building, well, canal or other work constructed by a Panchayat from the Panchayat Fund shall vest in the Panchayat.

Imposition
of labour
tax.

71. A Panchayat may impose a labour tax involving the rendering of manual labour to it by able bodied male persons between the ages of eighteen years and forty years for a prescribed number of units of labour ; provided that no person shall be made to render manual labour for more than 36 days in a year or more than three days at a stretch ; provided also that a person assessed to labour tax may, in stead of rendering manual labour, pay to the Panchayat Fund an amount equal to the wages of double the units of labour at the rate prescribed when he is asked to do the manual labour.

Power of
Deputy
Commission-
er or the
Subdivision-
al Officer to
call for and
inspect re-
cords con-
taining as-
sessment or
rate.

72. The Deputy Commissioner or the Subdivisional Officer may at any time call for the papers of any Panchayat containing assessment or rate imposed in a Panchayat area and may make inspection thereof and may approve or make suggestions for alteration, addition or modification of the assessment or rate imposed. When such papers containing the assessment or rate imposed are returned with any suggestion, the Panchayat in a meeting shall reconsider the matter and adopt a resolution on the point and send a copy of the resolution to the Deputy Commissioner or the Subdivisional Officer.

Control of
waste land.

73. A Panchayat may control all lands kept waste within its jurisdiction and may utilise them in any manner it deems necessary, if the owner does not utilise them himself within a specified period. The owner of the land shall be entitled only to Government revenue and to the return of the land on terms as prescribed.

¹ Substituted by the Adaptation of Laws Order, 1950 for "Provincial."

CHAPTER V

PANCHAYATI ADALAT

Establishment of Panchayati Adalat. 74. The [State]¹ Government may, by notification in the Official Gazette, establish a Panchayati Adalat for each Panchayat established under Section 3 and in vest it with, or withdraw from it, from time to time any or all of the judicial powers under this Chapter, as may be deemed necessary.

Election of members to the Panchayati Adalat. 75. (1) When a Panchayati Adalat is established under section 74, the members of a Panchayat shall elect in a meeting as prescribed five persons to act as members of the Adalat. Such members may or may not be the members of the Panchayat, but shall not be members of the Panchayat Cabinet.

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

- (i) is not above 35 years of age ;
- (ii) is not a permanent resident in the Panchayat area ;
- (iii) is a legal practitioner or a pleader's clerk ;
- (iv) incurs any or all of the disqualifications stated in Sections 5 and 16(1).

(3) The term of office of a member of a Panchayati Adalat shall be ordinarily for three years from the date of his election.

Election of the Chairman of the Adalat. 76. (1) The members of a Panchayati Adalat elected under Section 75 shall elect from among themselves a person who is able to record proceedings as Chairman of the Adalat.

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

Resignation of the Chairman or member of the Adalat. 77. (1) A member of a Panchayati Adalat may resign by submitting his resignation in writing to the Chairman who may accept the resignation. The Chairman may resign by submitting his resignation to the District or the Subdivisional Magistrate who may accept such resignation.

¹ Substituted by the Adaptation of Laws Order, 1950 for "Provincial".

(2) (i) A member of a Panchayati Adalat may be removed from his office by the District or the Subdivisional Magistrate for the reasons prescribed.

(ii) Such members shall not be entitled to re-election for a period of at least three years.

Filling up of casual vacancy of the Adalat. 78. 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 electing another person in the manner prescribed and thereupon the member so elected shall fill such vacancy for the term for which such member would otherwise have continued in office.

Members of the Panchayati Adalat not to take part in certain proceedings. 79. No member or Chairman shall take part in any case, suit or proceeding to which he or his near relation, dependant, employer, employee or partner in business is a party or in which any of them may be personally interested.

Criminal jurisdiction and subject to the provisions of this Act. 80. (1) Subject to the provisions of Section 74 and notwithstanding anything contained in the Code of Criminal Procedure, 1898, a Panchayati Adalat shall have jurisdiction similar to that of a Criminal Court within the local limits of whose jurisdiction it situates for the trial of all offences, abetments of and attempts to commit such offences, specified in section 83 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 all or any of the powers specified in Parts I and II of Schedule III of the Code of Criminal Procedure, Act V of 1898.

Transfer of cases. 81. A District Magistrate or Subdivisional Magistrate may transfer any case from one Panchayati Adalat to another or to any other competent court subordinate to him.

Criminal court is not to take cognizance of offences cognizable by the Adalat. 82. Any Magistrate before whom a charge-sheet is submitted or a complaint made relating to any offence cognizable by a Panchayati Adalat shall transfer the case or the complaint petition to the Panchayati Adalat in whose jurisdiction the offence is alleged to have been committed.

Offences triable by an Adalat. 83. Offences under following enactments and sections, if committed within the jurisdiction of a Panchayati Adalat as well as abetments of and

attempts to commit such offences, shall be cognizable by such a Panchayati Adalat:

(a) Sections 109, 110, 111, 113, 114, 140, 143, 144, 145, 147, 149, 150, 151, 153, 154, 155, 157, 158, 160, 170, 171, 172, 173, 174, 175, 176, 177, 179, 180, 182, 183, 184, 185, 186, 187, 188, 202, 228, 264, 265, 267, 269, 271, 272, 273, 277, 278, 279, 282, 283, 285, 286, 288, 289, 290, 291, 292, 293, 294, 294(A), 295, 296, 297, 298, 309, 323, 324, 334, 336, 341, 342, 343, 352, 354, 355, 356, 357, 358, 374, 379, 380, 403, 411, (where the value of the stolen or misappropriated property as far as sections 379, 380, 403 and 411 are concerned, does not, exceed fifty rupees) 426, 427, 428, 430, 431, 432, 447, 448, 451, 504, 506, 508, 509, 510, of the Indian Penal Code, 1860; Act XLV of 1860.

(b) Sections 20, 21, 22, 23 and 24 of the Cattle Trespass Act, 1871. Act I of 1871.

(c) An offence under this Act or any rule made thereunder ;

(d) Offences under Section 34 of the Police Act, 1861 ; Act XIII of 1861.

(e) Sections 3, 4 and 7 of the Public Gambling Act, 1867 ; Act XVII of 1867.

(f) Offences under the Northern India Ferries Act, 1878, except those under Sections 26 and 28; Act XVII of 1878.

(g) Any other offence under any other enactment, declared by the [State]¹ Government to be cognizable by such Adalat.

Lodging of complaints. 84. A case before a Panchayati Adalat may be instituted by complaint made orally or in writing to any member of a Panchayati Adalat on payment of a prescribed fee. If the complaint is made orally the member shall record the substance of the allegation, 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. 85. If on consideration of the complaint, or on examination of the complaint, a Panchayati Adalat is of opinion that the allegation is frivolous or vexatious or false, it shall dismiss the case by order in writing.

¹ Substituted by the Adaptation of Laws, Order, 1950 for "Provincial".

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

86. 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.

87. If a complainant 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 order in writing.

Appearance of accused.

88. (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 an accused fails 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 of the Adalat's jurisdiction in certain cases.

89. 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.

(c) has been previously convicted of gambling.

Finding of the Adalat.

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

(2) The Adalat is not required to follow the provisions of the Criminal Procedure Code, or the Indian Evidence Act but the substance of 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 presiding member shall have an extra vote.

Sentence inflicted by an Adalat. 91. (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 or Subdivisional Magistrate, 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. 92. (1) In no case shall a Panchayati Adalat inflict a sentence of fine exceeding 250 rupees.

Admonition to youthful offender. (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 not over twelve years of age.

Compensation to the complainant. 93. The Panchayati Adalat may award any compensation to the complainant out of the fine imposed on the accused.

Compensation to the accused. 94. 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. 95. (1) The amount of any fine imposed or compensation awarded by a 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 or the Subdivisional Magistrate 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. Act V of 1898.

No appeal lies. 96. (1) 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 Sessions Judge having jurisdiction over the area concerned may 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.

(2) The Sessions Judge may, with the approval of the [State]¹ Government, confer on any Additional Sessions Judge or, where there is no Additional Sessions Judge, on the Assistant Sessions Judge having jurisdiction in the District the powers exercisable by him under sub-section (1).

Bond for keeping the peace. 97. (1) When the Adalat has any reason to apprehend that there is likelihood of breach of peace in any locality within its jurisdiction, it may call upon such person as it deems fit to execute a bond for keeping the peace.

(2) If any person violates the order or fails to execute the bond, he may, on conviction, be sentenced to a fine not exceeding rupees one hundred in addition to any punishment that may have been inflicted for any substantive offence committed.

Civil jurisdiction. 98. Notwithstanding anything contained in the Bengal, Agra and Assam Civil Courts Act, 1887 Act XII of 1887, the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908, and subject to the provisions this Act every suit instituted under this Act shall be instituted before the Adalat. Act IX of 1887. Act V of 1908.

¹ Substituted by the Adaptation of Laws Order, 1950, for "Provincial".

Extent of civil jurisdiction. 99. The Panchayati Adalat shall have jurisdiction to try any suit of the following description if its value does not exceed two hundred and fifty 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) a 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 ; and

(2) any class of suits of such value not exceeding two hundred and fifty rupees which the [State]¹ Government may, by notification in the Official Gazette, direct.

Exclusion of civil jurisdiction in certain classes suits. 100. No suit shall lie in any 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 (Central or [State]¹) or a 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 for the enforcement of the mortgage by foreclosure or sale of the property or otherwise, or by a mortgagor of immovable property for the redemption of the mortgage.

¹. Substituted by the Adaptation of Laws Order, 1950 for "Provincial."

Territorial
Jurisdiction.

101. No suits shall lie to an Adalat unless at least one of the defendants resides within the limits of its jurisdiction at the time of the institution of the suit and the cause of action has arisen wholly or in part within its limits.

Explanation.—Any person who has a place of residence within the jurisdiction of an Adalat in which he usually lives or which he visits at frequent intervals shall be deemed to be residing within its jurisdiction.

Filing
of suits

102. (1) A suit or a proceeding before an Adalat may be instituted by petition in writing and the value of the claim shall 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 an Adalat except as may be prescribed. **Act VII of 1870.**

(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 it, he shall not afterwards sue in respect of the portions so omitted or relinquished.

Dismissal of
suits.

103. (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 the proceeding, it shall direct the petitioner to the proper court.

(3) If the suit or the proceeding 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 suits for default. 104. The Adalat may dismiss any suit or proceeding for default,—

(1) if on the date fixed the plaintiff fails to appear or takes no steps or

(2) if any steps taken appear to be not sufficient or in the opinion of the Adalat the plaintiff shows negligence in prosecuting his suit or proceeding:

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 costs to the opposite party if he has appeared on that date.

Res-judicata. 105. (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 or 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. 106. 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. 107. If the defendant against whom a case has been decided *ex-parte* applies to the Adalat within fifteen days 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 date of hearing or was prevented from appearing by any sufficient cause, the Adalat may revise 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. 108. No decision or order of an Adalat shall be modified or set aside under Section 104 or 107 without serving a notice to the opposite party.

Exercise of jurisdiction in suits on the motion of both the parties. 109. 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 such suit or proceeding.

Revenue proceedings. 110. Notwithstanding anything contained in the Assam Land and Revenue Regulation, 1886 and Regulation I of 1886. 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 send it to any of the Adalats concerned.

Hearing of suits. 111. (1) Panchayati Adalat shall receive such evidence as the parties or their lawful agents may produce and may call for such evidence in the interests 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 persons 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 suits and the 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 *de novo* 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 power 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 may be made by instalments.

Appeal or revision does not lie. 112. (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 miscarriage of justice, 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, or on his own motion call for the 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,

(iii) modify the decree or the order or direct a re-trial 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] ¹ 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 Act 1X of Indian Limitation Act, when the District Judge passes ^{1908.} 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. 113. 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 Representatives.

114. 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 Primary Panchayat is to assist the Adalat.

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

Execution of decrees.

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

(2) (i) If the property of a defendant situates 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 situates ; or

(ii) If there be 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.

117. If on the application of the decree holder or the judgment 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.

Sommoning witnesses.

118. (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 exempt from personal appearance in court under Section 133 (1) Act V of the Code of Civil Procedure shall be required to appear in person before an Adalat. 1908.

(2) The Adalat may refuse to summon a witness where in the opinion of the Adalat, the attendance of the witness, cannot be procured without an amount of 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 summons, notice or order to appear or give evidence or to produce any document before it, the Adalat may take cognizance of such offence and may sentence any person convicted thereof to a fine not exceeding twenty rupees.

Registers, records and copies and returns of an Adalat. (4) 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, suits or proceeding. 119. No suit, case or proceeding shall lie in a Panchayati Adalat against any Panchayat, its members or employees for acts done or purporting to be done in discharge of their duties.

CHAPTER VI

CONTROL

120. (1) The [State]¹ Government and all officers 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 Panchayat, and, without prejudice to the generality of the foregoing powers, may

(a) enter on and inspect any immovable property in the occupation or control, or any work in progress under the direction, of a Panchayat, Primary Panchayat, Joint Committee, or Union of Panchayats ;

(b) call for and inspect any document which may for the purpose of this Act, be in the possession or control of a Panchayat, Primary Panchayat, Joint Committee, or Union of Panchayats ;

(c) require by an order in writing a Panchayat, Primary Panchayat, Joint Committee or Union of Panchayats 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 ;

(e) institute any enquiry in respect of any matter relating to a Panchayat, Primary Panchayat or Joint Committee and rectify any act or omission.

¹ Substituted by the Adaptation of Laws Order, 1950 for "Provincial".

(2) When any area comes under the operation of this Act, the [State]¹ Government shall appoint a Development Officer with such powers and functions as may be prescribed for the subdivision concerned.

Inspection,
supervision,
advice, etc.

121. The [State]¹ Government and all officers empowered by the Government in this behalf shall have general power of inspection, supervision, advice and guidance over a Panchayati Adalat.

District and
Subdivisional
Board.
Board of ad-
visers.

122.. [(1) (i) For the purpose of rural development through Co-ordination of the activities of the different departments of the Government and to secure public association and co-operation in all rural development works, the State Government may cause to be framed for each subdivision including a Sadar subdivision and for each district without any subdivision a Rural Development Board.

(ii) The Deputy Commissioner shall be the *Ex-Officio* President of the Board in a Sadar Subdivision and in a district without any Subdivision; the Subdivisional Officer shall be the *Ex-Officio* President of the Board in the other subdivisions.

(iii) The Development Officer, and in case where there is more than one such Officer the Senior-most of such officers in a subdivision or a district without any subdivision as the case may be, shall be the *ex-officio* Secretary of the Board.

(iv) The Officers of the various departments of the State Government as may be prescribed shall be members of the Rural Development Board. The State Government may also nominate non-officials to be members of such Board on its own motion or on the recommendation of the President of a Rural Development Board.

(v) Meetings of the Rural Development Boards shall be held at least once in every three months.

(vi) The State Government may make rules for the conduct of the business of the Rural Development Boards.]²

(2) The [State]¹ Government may also appoint an Adviser or Board of Advisers for the purpose of this Act as may be deemed necessary.

¹Substituted by the Adaptation of Laws Order, 1950 for "Provincial".

²Substituted for the original sub-section by the Assam Rural Panchayat (Amendment) Act, 1952.

Control of any default or abuse of power by a Panchayat.

123. (1) If at any time it appears to the officer empowered in this behalf that a Panchayat or any officer or employee or member thereof has made default in the performance of any duty imposed upon it by or under this Act and that such default is likely to cause obstruction, annoyance and injury to any member of the public or to any class of persons or body of persons lawfully employed, or cause danger to human life, health or safety, or riot or affray, such officer may order the duty to be performed within a reasonable period specified and if the duty is not performed accordingly, such officer may appoint some person to perform it and direct that the expense arising from and incidental to its performance shall be paid by the defaulting Panchayat out of the Panchayat Fund within a fixed period or such further time as may be allowed by the Government on the application of the Panchayat.

(2) Any officer exercising the power under sub-section (1) shall call for the explanation of the Panchayat for any default stated in sub-section (1) and with any explanation if submitted, shall forth with report to the Government which may rescind, modify or confirm the order.

Prohibiting the execution of any Act by the Panchayat which is *perverse or ultra-vires*.

124. The Deputy Commissioner or the Subdivisional Officer, as the case may be, may, by order in writing, on information received or on his own initiative, suspend or prohibit the execution of any resolution of a Panchayat or of any order or notice issued by it or its President, or cancel such order, notice or resolution and may prohibit the doing of any act which is about to be done or is being done in pursuance, or under colour, of this Act if in the opinion of the said officer such act, order, notice or resolution is manifestly *perverse or ultra vires* of the Panchayat or the execution of such order, notice, act or resolution is likely to cause obstruction, injury or annoyance to the public or danger to human life, health or safety or is likely to lead to a riot or an affray or is otherwise against public interest.

Dissolution of a Panchayat by the Government.

125. (1) If the [State]¹ Government are of opinion that a Panchayat or Panchayati Adalat 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

¹Substituted by the Adaptation of Laws Order, 1950 for "Provincial."

sufficient opportunity to show cause to the contrary, by an order in writing specifying the reason for so doing, dissolve such Panchayat or a Panchayati Adalat.

(2) On the dissolution of a Panchayat or a Panchayati Adalat under sub-section (1)—

(i) the members of the Panchayat or Panchayati Adalat shall vacate their offices as such members as from the date of publication of such notice of dissolution ;

[(ii) all properties vested in the Panchayat or any balance of the Panchayat fund shall be vested in, and such of its liabilities as may have been incurred in discharge of legitimate functions of the Panchayat or which may have been incurred in course of duties performed for the genuine interest of the Panchayat, be transferred to the Deputy Commissioner or the Subdivisional Officer as the case may be who shall make such arrangement as may be deemed necessary until it is reconstituted ;]¹

(iii) all cases, proceedings and suits of the Panchayati Adalat shall be transferred to any other Adalat or to any court having jurisdiction.

Delegation
of powers
by the De-
puty Com-
missioner or
the Subdi-
visional
Officer to
the Develop-
ment Officer

126. (1) The [State]² 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 servant.

(2) Except where expressly provided to the contrary, the [State]¹ Government may delegate all or any of the powers of the Deputy Commissioner or the Subdivisional Officer under this Act or Rules framed under this Act to the Development Officer.

(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 his powers under this Act or Rules framed under this Act to the Development Officer.

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

¹Substituted by the Assam Rural Panchayat (Amendment) Act, 1952 for the original clause (ii).

² Substituted by the Adaptation of Laws Order, 1950 for "Provincial".

Annual conference of Presidents and Secretaries of the Panchayat. 127. The Deputy Commissioner or the Subdivisional Officer, as the case may be, shall preside over a conference of Presidents and Secretaries of the Rural Panchayats of the Subdivision to be called once a year for the purpose of discussing the allocation of grants from the Subdivisional Development Fund for the ensuing year and for any other purpose concerning the working of this Act.

CHAPTER VII

PENALTY

Penalty for contravening any provisions of this Act or any rule or bye-law framed thereunder. 128. 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 twenty-five and in case of a continuing breach, with a further fine which may extend to rupees two for every day during which the breach continues after conviction for the first breach.

Institution of suits, case or proceedings against members, agent or employee of a Panchayat. 129. (1) No action, civil or criminal, shall lie against a member, agent or employee of a Panchayat, acting under its 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 any Panchayat or any member, officer or employee thereof in respect of any act purporting to be done in its or his official capacity until the expiration of sixty days next 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.

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

Penalty for obstructing a Panchayat and damaging property. 130. (1) Whoever obstructs a Panchayat or any member, employee or agent thereof, or prevents or attempts to prevent any such person from doing anything which he is empowered or required to do under the provisions of this Act, bye-laws or rules made thereunder, or

(2) whoever without lawful authority removes, or destroys, defaces or otherwise obliterates, any notice, materials of public street or bridge, lamp post, direction post, stand post or other such property exhibited or erected by the Panchayat or under its authority,

shall be liable on conviction to a fine not exceeding fifty rupees.

Power of Panchayat to compound cases. 131. (1) The Panchayat may either before or after 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 Panchayat Fund 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.

Judicial Officers' Protection Act.

132. The provisions of the Judicial Officers' Protection Act, 1850, shall apply to the members of the Panchayati Adalat. Act. XVIII of 1850.

[132A. The members of the Executive Committee of the Primary and of the Executive Council of the Rural and Union Panchayats shall be jointly and severally liable for misuse of the fund and properties of the Panchayat or for any un-authorised diversion of the same for purposes other than those authorised under the Act or Rules framed thereunder or laid down by the State Government or other Local authorities in accordance with the provisions of the Act or Rules framed thereunder and value of such properties and funds misused or diverted as aforesaid shall be recoverable under the orders of the State Government as an arrear of land revenue.]¹

CHAPTER VIII

MISCELLANEOUS

Amedment of certain enactments; saving of certain Provisions.

133. (1) When any local area is declared to be a Rural Panchayat Area under Section 3, any assessment, rate or tax [other than receipts from public ferries, schools, hospitals, major hats, bazars, tolls of bridges and cart taxes]¹ which is in force in such area under the provisions of the Assam Local Self-Government Act, 1915, or Bengal Village Chaukidari Act, 1870, shall continue to be in force until re-assessed under this Act and all sums due on account of such rate or tax shall be collected by the Panchayat under the provisions of this Act and shall be credited to the Subdivisional Rural Development Fund. Assam Act I of 1915. Bengal Act VI of 1870.

(2) When the provisions of this Act are withdrawn from any Rural Panchayat Area, all the properties, funds and dues which are vested in such Panchayat, shall be vested in the Deputy Commissioner or the Subdivisional Officer, as the case may be, who shall make such allocation of such properties as he deems fit and his orders thereon shall be final.

¹Inserted by the Assam Rural Panchayat (Amendment) Act, 1952.

(3) The Village Chaukidari Act, 1870, shall have no operation in the areas where Panchayats are established under this Act. Bengal Act
VI of 1870

Provision for avoidance of difficulties.

134. (1) If, in giving effect to the provisions of this Act, any difficulty arises, the [State]¹ Government may, as occasion may require, during a period of five years from the date on which this Act comes into force in any area under sub-section (3) of Section 1, do anything which appears to be necessary or amend any of the provisions of this Act for the purpose of removing the difficulty.

(2) Subject to the provisions of sub-section (3), any amendment made by an order published under sub-section (1) shall have effect as if enacted in this Act.

(3) Every order published under sub-section (1) shall be laid on the table of the Assam Legislative Assembly at the session of the said Assembly next following and shall be liable to be modified, varied or rescinded by a resolution of the said Assembly and such order shall, without prejudice to anything done or suffered thereunder, be deemed to be modified, varied or rescinded accordingly.

[State]¹ Government is the final authority.

135. If, in establishing a Primary Panchayat, a Panchayat or a Panchayati Adalat or Union Panchayat or in the working of such Primary Panchayat, Panchayat or Panchayati Adalat or Union Panchayat any dispute or difficulty arises regarding the interpretation of any provision of this Act or any rule or bye-law made thereunder or any matter arising out of or relating to such interpretation, or any matter not provided in this Act, the same shall be referred to the [State]¹ Government whose decision thereon shall be final.

Co-operation with Government Officers.

136. The Panchayat, so far as practicable, shall act in co-operation with and shall assist any Government Officer who works for the welfare of the rural population of the Panchayat area in performance of his duties within its area.

Police to report commission of offences to the Panchayat.

137. Every Police Officer shall report the commission of any offence under this Act coming to his knowledge to the Panchayat and assist all members or employees of the Panchayat in the exercise of their lawful authority.

¹Substituted by the Adaptation of Laws Order, 1950 for "Provincial".

Formation
of Union
Panchayat.

138. After this Act has been made effective throughout the entire area of a District or Subdivision, the [State]¹ Government may form Unions therein of Panchayats as deemed suitable and may appoint such officers as deemed necessary and may frame rules to guide these Unions and to assign functions and duties and also the relationship of the officers to the Unions.

Members of
a Panchayat
or a Pancha-
yati Adalat
are not to
acquire inter-
est in Pan-
chayat pro-
perty or
contract
work.

139. No member of a Rural Panchayat or a Panchayati Adalat 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 the contract work.

Joint electo-
rate system.

140. All elections under this Act shall be held under the joint electorate system in accordance with the rules prescribed.

Power of
[State]¹
Government
to frame
rules.

141. (1) The [State] Government may after previous publication make rules carrying out the purposes and objects of this Act and such rules may provide a penalty not exceeding Rs. 50 (fifty rupees) for a breach thereof.

(2) In particular, and without prejudice to the generality of the foregoing power, the [State]¹ Government may make rules—

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

(b) prescribing how to decide disputes relating to elections under this Act and the procedure to be followed and powers to be exercised by such authorities in making enquiries into such disputes ;

(c) regulating the establishment of primary panchayats, Rural Panchayats and Unions of Panchayats ;

(d) regulating the preparation of Electotral Rolls and the election of members of a Rural Panchayat, Primary Panchayat, panchayati Adalat and Union Panchayat and also of the election of presidents and Vice-Presidents and their powers ;

¹ Substituted by the Adaptation of Laws Order, 1950 for "Provincial".

(e) regulating the time and place of sitting, convening and conduct of Panchayats and the quorum required for such meetings ;

(f) regulating establishment of joint committees and determination of all matters relating to the constitution and procedure of such committees under the Act and their duties, functions and powers and appointment of officers ;

(g) prescribing returns to be submitted and copies to be supplied to the public of proceedings of Panchayats or Panchayati Adalats ;

(h) regulating the exercise by the Panchayat of any of the powers under this Act and in particular its power to sue and to acquire, hold or transfer property and to enter into contract, and to regulate the trading centres and unions ;

(i) regulating the procedure for filling up of vacancies in the executive committee, joint committee or other committee and the Panchayati Adalat and also prescribing the authority by which disputes in relation to the filling up of the above mentioned vacancies are to be decided and the procedure to be followed therein ;

(j) regulating the amount and nature of security to be furnished by employees or office bearers of Panchayats or Panchayati Adalats and their remuneration, pay, appointment, qualification, discharge, punishment, suspension or removal from office and their right of appeal ;

(k) regulating the liability, assessment and collection of taxes, cesses, rates and fees, collection, custody and proper administration of the Panchayat Fund, and conditions subject to which sums due to a Panchayat may be written off as irrecoverable, and conditions of refund of any tax, cess, fee and rates collected under this Act ;

(l) regulating the custody and proper maintenance of registers and accounts and their audit and inspection ;

(m) regulating the powers and duties of Panchayats in regard to sanitation, conservancy, drainage, buildings, roads, bridges, water supply, schools, dispensaries, general uplift of rural areas and the prohibition of public nuisance ;

(n) framing budgets and earmarking funds for specific purposes ;

(o) regulating the powers of auditors, inspecting or superintending authorities and all matters connected with audit, inspection, superintendence or control ;

(p) regulating the procedure of the Panchayati Adalat in the exercise of its criminal or civil powers under this Act ;

(q) regulating the issue, service or execution of summonses, notices or other Processes of Panchayati Adalat and transfer of such summons or processes to other Panchayati Adalat or any Court for service or execution and also issue and service of notices by the Panchayat ;

(r) prescribing the fee to be levied by a Panchayati Adalat for institution of cases, suits or proceedings, filing petitions for issue of processes and notices, for obtaining copies of orders and other documents and the procedure to be followed in these respects ;

(s) regulating the mode of executing the sentences, decrees or order of the Panchayati Adalat ;

(t) regulating the procedure to be followed by an Adalat in the institutions, trial and disposal of cases, suits or proceedings and prescribing the method of forming a quorum ;

(u) providing the procedure to be observed in making of bye-laws by the Panchayat ;

(v) for the printing of the prescribed forms and registers ;

(w) for submission of annual reports and their review and plans, designs, specifications and estimates ;

(x) prescribing the channel of correspondence between Panchayat and the Government or any other authority ;

(y) prescribing the duties , powers and functions of the Village Volunteer Force ;

(z) for the disposal of assets and liabilities of a Panchayat on its abolition.

CHAPTER IX

REPEAL

Repeal.

142. (1) The [State]¹ Government, by notification in the Official Gazette, may declare that, with effect from such date and to such area or areas as may be specified in the notification, the Assam Local Self-Government Act, 1915, shall [to the extent it is repugnant to the provisions of this Act] Assam Act
I of 1915.

¹ Substituted by the Adaptation of Laws Order, 1950, for "Provincial".

² Inserted by the Assam Rural Panchayat (Amendment) Act, 1952.

cease to be in operation, and upon the issue of such notification the Assam Local Self-Government Act, 1915, shall be deemed to be repealed on the date [in respect of the area or areas]¹ so specified. Assam Act I of 1915.

Survival of arrears of Local Boards. (2) Notwithstanding the repeal of the Assam Local Self-Government Act, 1915, any arrear of a tax, toll, fee or rate which was imposed thereunder or any sum of money on account of fine or otherwise which was due to a Local Board established thereunder may be recovered by the Deputy Commissioner or the Sub-divisional Officer, as the case may be, and paid to the Subdivisional Rural Development Fund and its disposal shall be governed by Section 143.

Effect to repeal. 143. From the date the Assam Local Self-Government Act, 1915 is repealed all the property including the Local Board Fund belonging to any Local Board established under the Act repealed, shall vest in the Deputy Commissioner or the Subdivisional Officer, as the case may be, and shall be held by it in trust, until it is made over in accordance with the order of the [State]² Government or such officer as the [State]² Government may appoint in this behalf to the [Union]³ Panchayat established under this Act in the area over which the Local Board to whom the property belonged had jurisdiction. Assam Act I of 1915.

SCHEDULE A

See SECTION 103

Period of limitation for certain suits

Serial No.	Description of suits	Period of limitation	Time from which period begins to run
1	For money due on a contract	3 years ..	when the money becomes due to the plaintiff.
2	For the recovery of movable property or for the value thereof.	1 year ..	When the plaintiff becomes entitled to the delivery of the movable property.
3	For 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.

¹Inserted by the Assam Rural Panchayat (Amendment) Act, 1952.

²Substituted by the Adaptation of Laws Order, 1950 for "Provincial".

³Substituted by the Assam Rural Panchayat (Amendment) Act, 1952 for "Rural."

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