

ASSAM ACT XI OF 1973

(Received the assent of the President on the 1st May, 1973)

THE ASSAM PANCHAYATI RAJ ACT, 1972

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# THE ASSAM PANCHAYATI RAJ ACT, 1972

An

Act

**to amend and consolidate the laws relating to the Assam Panchayat Act, 1959 (Assam Act No. XXIV of 1959)**

**Preamble.** Whereas it is expedient to amend and consolidate the laws relating to Local Self-Government in the villages of the State of Assam with a view to enable the Panchayati Raj institutions to function more effectively as units of Self-Government :

It is hereby enacted as follows:—

## CHAPTER I

### Preliminary

**Short title, Extent and Commencement.** 1. (1) This Act may be called the Assam Panchayati Raj Act, 1972.

**Assam Act XV of 1957 Act II of 1924.**

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

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

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

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

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

(2) "Bazar" or "Hat" or "Market" means any place where persons assemble daily or bi-weekly, or weekly or periodically for sale or purchase of articles intended for food and drink or livestock or other merchandise ;

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

(4) "Carriage" means any wheeled vehicle with springs or other appliances acting as springs of a kind ordinarily used for conveyance of human beings and includes bicycles, tricycles, rickshaws of all kinds but does not include motor-vehicles and perambulators ;

(5) "Cart" means any cart, hackney or wheeled vehicle with or without springs, which is not a carriage as defined in subsection (4) but does not include motor vehicles and perambulators ;

(6) "Case" means criminal proceedings in respect of an offence triable by a Panchayati Adalat ;

(7) "Cattle" includes all quadrupeds ;

(8) The expression "complaint" and "offence" in this Act shall have the same meaning as in Section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898);

Assam Act  
I of 1950

(9) "Co-operative Society" means a co-operative society registered or deemed to be registered under the Assam Co-operative Societies Act, 1949 or under any Central Act regulating the registration of co-operative societies.

(10) The expression 'decree holder', 'judgment debtor', 'Legal representative' and 'movable property' shall have the same meaning as in section 2 of the Code of Civil Procedure, 1908 (Act V of 1908);

(11) "Ex-officio member or Councillor" means a member or councillor who is appointed to be a member or councillor by virtue of his office. Such a member or councillor shall have no right to vote in his capacity as such member or councillor nor shall have the right to offer himself as a candidate for any elective office under this Act ;

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

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

(14) "Local authority" includes Gaon Panchayats, Mohkuma Parishads, Municipal Boards and Town Committees ;

(15) "Mohkuma Parishad" means a Mohkuma Parishad established under this Act ;

(16) "Notification" means a notification published in the official gazette ;

(17) "Panchayati Adalat" means a Panchayati Adalat established under this Act ;

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

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

(20) "Public property" means any property belonging to or held by the Government or public or of any local authority ;

(21) "Public servant" means a public servant as defined in section 21 of the Indian Penal Code, 1860 (Act XLV of 1860);

(22) "Rule" means a rule made under this Act ;

(23) "Gaon Panchayat" means a Gaon Panchayat established under this Act ;

(24) "Scheduled caste" means such caste, race or tribe, or part of or group within such caste, race or tribe as is deemed to be scheduled caste in relation to the State of Assam under Article 341 of the Constitution of India ;

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

(26) "Subdivision" means a subdivision created or maintained under section 8 of the Code of Criminal Procedure, 1898 or a district which has no such subdivision;

(27) "Suit" means civil proceedings in respect of matter triable by a Panchayati Adalat ;

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

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

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

(31) "Panchayati Raj Bodies" means the Gaon Panchayats and Mohkuma Parishads constituted under this Act;

(32) "Development Departments" under the provisions of this Act includes the departments of Agriculture, Veterinary and Animal Husbandry, Co-operation, Panchayat and Community Development, Education, Health, Public Health and Family Planning, Industries (including Khadi and Village Industries), P. W. D. (R. & B.) P. W. D. (F. C. & I.), Sericulture and Weaving, Social Welfare and Welfare of Backward Classes, Soil Conservation Fisheries and Forests.

## CHAPTER II

### ESTABLISHMENT AND CONSTITUTION OF MOHKUMA PARISHAD AND GAON PANCHAYAT

Establishment of Mohkuma Parishad. 3. (1) The State Government shall by notification, establish a Mohkuma Parishad in each Civil Subdivision and where there is no Civil Subdivision, in each District, declaring the name and territorial jurisdiction of such Mohkuma Parishad.

(2) The State Government may, by notification, alter the territorial jurisdiction of a Mohkuma Parishad.

Notification declaring any area to be a Gaon Panchayat. 4. (1) In each area declared a Mohkuma Parishad under section 3 there may be as many Gaon Panchayats as may be deemed necessary by the State Government :

Provided that the area of a Gaon Panchayat shall have a population of not less than 15 thousand and not more than 20 thousand, subject to such variation, not being larger than 5 thousand, as may be necessary on consideration of local conditions:

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

(2) The State Government shall, by notification declare and publish the names and territorial jurisdiction of such Gaon Panchayats and may at any time, by notification, include any area in or exclude any area from the territorial jurisdiction of a Gaon Panchayat.

Application of Rules, 3, such area shall become subject to all the rules, regulations, bye-laws and Bye-laws, etc., orders under this or any other enactment in force in the area within the jurisdiction of such Mohkuma Parishad.

(2) Where any area is included in a Gaon Panchayat under Section 4, such area shall become subject to all the rules, regulations, bye-law and orders under this or any other enactment in force in the area within the jurisdiction of such Gaon Panchayat.

Constituencies of Mohkuma Parishad and Gaon Panchayat.

6. (1) (a) Each area declared a Gaon Panchayat under sub-section (2) of Section 4, shall be a constituency of the Mohkuma Parishad for the purpose of electing one councillor to the Mohkuma Parishad from such constituency :

Provided that any one of such constituencies shall be reserved by lot for electing one woman councillor to the Mohkuma Parishad. Such reserved constituency shall be rotated for every election held for a new term :

Provided further that wherever five per cent or more people within the jurisdiction of the Mohkuma Parishad belong to the Scheduled Caste, the constituency having maximum number of population of such community amongst all the constituencies of the Mohkuma Parishad, shall be reserved for electing a Scheduled Caste Councillor to the Mohkuma Parishad :

Provided further that when five per cent or more people within the jurisdiction of the Mohkuma Parishad belong to the Scheduled Tribes, the Constituency having maximum number of population of such community amongst all the constituencies of the Mohkuma Parishad, shall be reserved for electing a Scheduled Tribe councillor to the Mohkuma Parishad :

Provided further that this reservation of constituencies for Scheduled Castes and Scheduled tribes shall continue only as long as representation for the Scheduled Castes and Scheduled Tribes continues to be provided in the Constitution of India.

(b) Notwithstanding anything contained in the foregoing provisions no reservation of constituencies either for a Scheduled Castes councillor or for a Scheduled Tribe councillor shall be made when the population of such community exceeds half of the total population within the jurisdiction of the Mohkuma Parishad.

(2) (a) In each area declared Gaon Panchayat under Section 4 there may be as many constituencies for membership of the Gaon Panchayat but not exceeding fifteen, as may be deemed necessary by the Deputy Commissioner, or Subdivisional Officer as the case may be :

Provided that any two of such constituencies shall be reserved by lot for electing two women members to the Gaon Panchayat. Such reserved constituencies shall be rotated for every election held for a new term |

Provided further that whenever five per cent or more people within the jurisdiction of a Gaon Panchayat belonging to the Scheduled Castes, the Constituency having maximum number of population of such community, amongst all the constituencies of the Gaon Panchayats, shall be reserved for electing a Scheduled Castes member to the Gaon Paachayats:

Provided further that wherever five per cent or more people within the jurisdiction of a Gaon Panchayat belong to the Scheduled Tribes the constituency having maximum number of population of such community, amongst all the Constituencies of the Gaon Panchayat, shall be reserved for electing a Scheduled Tribes member to the Gaon Panchayat:

Provided further that such reservation of constituencies for Scheduled Castes and Scheduled Tribes members shall continue only as long as special representation for the Scheduled Castes and Scheduled Tribes continues to be provided for in the Constitution of India.

(b) Notwithstanding anything contained in the foregoing provisions, no reservation of constituencies either for a Scheduled Caste or for a Scheduled Tribe member shall be made, where the population of such community exceeds half of the total population within the jurisdiction of the Gaon Panchayat.

(3) The Deputy Commissioner or Subdivisional Officer, as the case may be, shall determine the constituencies of each Gaon Panchayat according to sub-section (2) and publish the names and areas of such constituencies in the manner prescribed.

Voters for Gaon Panchayat and Mohkuma Parishad.

7. On the publication of notification under Section 4 all the persons whose names are included in the list of voters referred to in Section 8 within the area of such Gaon Panchayat, shall form the electorate for the Gaon Panchayat and also for the Mohkuma Parishad within the jurisdiction of which such Gaon Panchayat is included.

The list of voters of Gaon Panchayat and Mohkuma Parishad.

8. (1) The electoral roll of the Assam Legislative Assembly prepared under the provisions of the Representation of the People Act, 1951 and as in force on such date as the State Government may by general or special order notify in this behalf for such part of the constituency of the Assembly as is included in the Gaon Panchayat, shall be list of voters for such Gaon Panchayat and also for the Mohkuma Parishad in the jurisdiction of which the area of such Gaon Panchayat is included.

(2) An officer empowered by the Deputy Commissioner or the Subdivisional Officer, as the case may be, in this behalf shall prepare a list of voters for each constituency of such Gaon Panchayat referred to in sub-section (2) of Section 6, and shall publish the same in the manner prescribed:

Provided that the Deputy Commissioner or the Subdivisional Officer as the case may be, may include the name of any person whose name is not included in the list of voters if such person makes an application within 10 days of the publication of the list and satisfy the Deputy Commissioner or the Subdivisional Officer, as the case may be, that his name appears in the up-to-date electoral roll of Assam Legislative Assembly, prepared and in force after the date notified under sub-section (1).

Constitu-  
tion of Gaon  
Panchayat.

9. (1) (a) For each Gaon Panchayat area declared under Section 4 there shall be a local body called Gaon Panchayat consisting of such number of elected members not exceeding fifteen:—

Provided that one member to the Gaon Panchayat shall be elected, in the manner prescribed, by the voters of each constituency of the Gaon Panchayat as published under sub-section (3) of Section 6, from amongst themselves.

The voters of a Goan Panchayat shall elect from amongst themselves one to be a President of the Gaon Panchayat in the manner prescribed.

(b) The State Government shall nominate one representative to the Gaon Panchayat from amongst the Chairman of the Co-operative Societies falling within the jurisdiction of such Gaon Panchayat, as *ex-officio* member.

(c) The councillor of the Mohkuma Parishad representing the area of the Gaon Panchayat shall be an *ex-officio* member of the Gaon Panchayat.

(d) The State Government may appoint any Government officer as an *ex-officio* member of the Gaon Panchayat.

(2) (a) When any area is excluded from the territorial jurisdiction of a Gaon Panchayat and if such area includes all or majority of the population of a constituency of the Gaon Panchayat, the Gaon Panchayat member representing such constituency shall cease to remain as member of the Gaon Panchayat.

(b) If the area excluded from the territorial jurisdiction of a Gaon Panchayat under clause (a) of this sub-section is included within the territorial jurisdiction of another Gaon Panchayat the Deputy Commissioner or Subdivisional Officer as the case may be, shall by notification declare the member of the former Gaon Panchayat as a member of the Gaon Panchayat within the jurisdiction of which such area is included, notwithstanding the provision under clause (a) of sub-section (1).

(3) Immediately after the elections under sub-clause (1) (a), the State Government shall by a notification publish the names of the persons elected and the date of publication of the notification shall be treated as the date of constitution of the Gaon Panchayat for the purpose of this Act.

First meet-  
ing of Gaon  
Panchayat.

10. (1) Notwithstanding any vacancy in the membership of the Gaon Panchayat, the Deputy Commissioner or Subdivisional Officer as the case may be, shall immediately after, but before the expiration of thirty days from the date of publication of the notification under sub-section (3) of Section 9, call a meeting of the Gaon Panchayat members (which meeting shall be called the first meeting of the Gaon Panchayat) for electing a Vice-President of the Gaon Panchayat by such members from amongst themselves in the manner prescribed.

(2) An officer empowered by the Deputy Commissioner or Subdivisional Officer, as the case may be, shall administer an oath or affirmation to the members of the Gaon Panchayat according to the provision of Section 154 before commencement of the meeting:

Provided that the President of the Gaon Panchayat shall administer an oath or affirmation to any absentee member in a subsequent meeting of the Gaon Panchayat where the member attends first.

**The Term of Office.** 11. The term of Office of the President, Vice-President and members of the Gaon Panchayat shall be four years from the date of the first meeting of the Gaon Panchayat:

Provided that the term of the office fixed under this Section shall be held to include any period which may elapse between the expiration of the said period and the date of the first meeting of the Gaon Panchayats newly constituted. When a Gaon Panchayat is thus duly constituted the old Gaon Panchayat shall stand dissolved.

**Disqualification of the Member, President and Vice-President of the Gaon Panchayat.** 12. (1) No person shall be elected, nominated and remain as member of Gaon Panchayat, if he:—

(a) has been convicted of an offence involving moral turpitude or convicted for any other offence, if the sentence awarded is imprisonment for one year or more unless a period of four years has elapsed on the date fixed for holding election from the date of his release in case of a sentence of imprisonment and in the case of sentence other than imprisonment from the date of conviction; or

(b) has been ordered to give security for good behaviour under Section 110 of the Code of Criminal Procedure, 1898 (Act V of 1898) unless a period of three years has elapsed on the date fixed for holding election from the date of release from such order; or

(c) has been dismissed from service of the Government or any local authority or institution for commission of acts involving moral turpitude, unless a period of five years has elapsed on the date fixed for holding election from the date of his dismissal; or

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

(e) is of unsound mind and stands so declared by a competent court; or

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

(g) holds any office of profit under Government or under Gaon Panchayat or Mohkuma Parishad or Panchayati Adalat; or

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

(i) has been a defaulter for a period of one year or more on the date of filing of nomination in respect of the payment of any rate, tax, cess or fee imposed under the provisions of this Act and rules made thereunder or in respect of any Government revenue or dues or loans or in respect of loans from Co-operative Societies.



Disqualifica-  
tion of Presi-  
dent and  
Vice-Presi-  
dent of Gaon  
Panchayat.

(2) No member of a Gaon Panchayat shall be elected as President or Vice-President of the Gaon Panchayat if he is unable to read and write the language of the region.

Office of the  
Gaon Pan-  
chayat.

13. A Gaon Panchayat shall have an office and the President of the Gaon Panchayat shall be responsible for its due maintenance.

Secretary  
and other  
Employees  
of the Gaon  
Panchayat.

14. (1) The Executive Committee of the Mohkuma Parishad shall appoint a Secretary for each Gaon Panchayat. The Secretary of the Gaon Panchayat so appointed shall assist the President of the Gaon Panchayat in due maintenance of the Gaon Panchayat Office and for proper organisation and execution of Rural Development Programme within the area of the Gaon Panchayat.

(2) Qualification, salary and other conditions of service including control and disciplinary action of the Gaon Panchayat Secretary so appointed, shall be governed by the Rules to be made for the purpose by the State Government:

Provided that the Mohkuma Parishad shall place the services of the Gaon Panchayat Secretary at the disposal and control of such Gaon Panchayat where he is posted :

Provided further that the Block Development Officer shall have supervisory control over the Secretaries of the Gaon Panchayats falling within the Development Block Areas.

(3) A Gaon Panchayat may, with the previous sanction of the Executive Committee of the Mohkuma Parishad, employ such staff as may be necessary for carrying out the duties imposed upon it under this Act and shall pay salaries of such staff out of the Gaon Panchayat Fund and exercise the powers of control, disciplinary action and punishment of such staff according to the subsidiary rules to be framed for this purpose under section 157 of this Act.

Executive  
power of the  
Gaon Pan-  
chayat

15. Resolutions and directions of the Gaon Panchayat, and of the Mohkuma Parishad in matters relating to the Gaon Panchayat, and any order of the State Government shall be carried out by the President of the Gaon Panchayat on whom the entire executive power of the Gaon Panchayat shall be vested, and he shall be directly responsible for due performance of the duties imposed upon the Gaon Panchayat under this Act.

Filling up of casual Vacancies of a Gaon Panchayat

16. (1) If a President, Vice-President or a Member of a Gaon Panchayat dies, resigns or is removed or otherwise a vacancy is created such vacancy shall be filled up within two months by holding bye-election in the manner these offices are filled.

(2) The terms of office of such President or Vice-President or member, as the case may be, to fill up a casual vacancy, shall be the remainder of the term of office of the President or the Vice-President or the member whom he replaces.

Conduct of Business of the Gaon Panchayat

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

(2) An ordinary meeting of a Gaon Panchayat shall be held at least once in two months.

(3) The President of a Gaon Panchayat may at any time or shall upon a requisition in writing of not less than half of the total membership of the Gaon Panchayat or if directed by the Chief Executive Councillor, shall call a special meeting of the Gaon Panchayat within 15 days from the date of receipt of the requisition or direction as the case may be :

Provided that if the President fails to call such special meeting within thirty days from the date of requisition or direction, the Chief Executive Councillor may direct the Secretary of the Gaon Panchayat to call such meeting. In such meeting, in the absence of the President the Vice-President and in the absence of both any other member elected by the members present shall preside.

(4) Every meeting of a Gaon Panchayat other than a meeting called under sub-section (3) of this Section shall be presided over by the President, and in his absence the Vice-President if so authorised by the President, and in absence of both the meeting shall stand adjourned.

(5) (a) For any meeting of Gaon Panchayat, one-third of the total number of members shall form the quorum and the decision of the majority in a meeting shall be binding in all matters. The President shall not cast his vote at the first instance, but when voting is equal he shall have a casting vote.

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

(b) The voting shall be by show of hands except in case of elections and no confidence motion when voting shall be by secret ballot.

(6) For want of quorum a meeting of Gaon Panchayat shall be adjourned to a future date as fixed by the President and a minimum of four days notice of such meeting shall be given:

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

(7) The notice for an ordinary or a special meeting of a Gaon Panchayat shall be sent to all members of the Gaon Panchayat in the manner prescribed, at least seven days before the date fixed for such meeting and such notice shall clearly specify the nature of the business to be transacted in the meeting:

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

(8) The business of the Gaon Panchayat shall be transacted in the language of the region.

(9) Minutes of the proceedings at each meeting of Gaon Panchayat shall be recorded in a book to be kept for the purpose and shall be read out and signed by the President of the meeting before the meeting disperses.

(10) The Secretary of a Gaon Panchayat shall within a week after a meeting of the Gaon Panchayat is held, send copies of minutes of every such meetings to the members of Gaon Panchayat and the Secretary of the Mohkuma Parishad concerned and to the Deputy Commissioner or the Subdivisional Officer as the case may be, and also the relevant extracts of the Proceedings to the local heads of the Government Departments concerned whenever necessary.

(11) The proceedings of a Gaon Panchayat meeting shall be read out and confirmed in the next following meeting.

The Sub-Committee of Gaon Panchayat 18. The Gaon Panchayat shall form such number of sub-committees with such powers, functions and members as may be considered necessary by it:

Provided that the President and Secretary of the Gaon Panchayat shall function as the President and Secretary respectively of every sub-committee.

A General Meeting of Gaon Panchayat 19. (1). A general meeting of the voters within a Gaon Panchayat area, shall be called by the President of the Gaon Panchayat at the beginning of every financial year, on such date and at such time and place as he may notify and in such manner as may be prescribed. Such meeting shall be held to review the progress of works of the Gaon Panchayat during the preceding year and to consider the working plan and programme for the current year.

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

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

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

Constitution of Mohkuma Parishad 20. (1) The Mohkuma Parishad as established under section 3 shall consist of:—

(a) One Councillor of the Mohkuma Parishad to be elected in the manner prescribed by the voters of a Gaon Panchayat area from amongst themselves excluding such voter or voters as may have been elected under the Representation of People Act, 1951 to the State Legislature or to the Parliament.

(b) One representative each, not being a member of the State Legislature or Parliament, from the Municipality, Town Committee, Regional Board of Elementary Education and the Central Co-operative Bank falling within the Subdivision as *ex-officio* Councillors, and

(c) Such other Government officers as *Ex-officio* Councillors as the State Government may appoint from time to time.

(2) (a) No person shall be elected and remain as councillor of the Mohkuma Parishad if he suffers from any of the disqualifications mentioned in sub-section (1) of Section 12.

(b) No person shall be elected and remain as Chairman and Chief Executive Councillor of the Mohkuma Parishad if he suffers from the disqualifications mentioned in sub-section (2) of Section 12.

(3) (a) When any area is excluded from the territorial jurisdiction of a Mohkuma Parishad, and if such area includes all or majority of the population of a constituency of the Mohkuma Parishad, the Councillor of the Mohkuma Parishad representing such constituency shall cease to remain as councillor of the Mohkuma Parishad.

(b) If the area excluded from the territorial jurisdiction of a Mohkuma Parishad under clause (a) of this sub-section, is included within the territorial jurisdiction of another Mohkuma Parishad, the State Government shall by notification declare the Councillor of the former Mohkuma Parishad as a Councillor of the Mohkuma Parishad within the jurisdiction of which such area is included.

(4) Immediately after the election of councillors under sub-clause (1)(a) above, the State Government shall by notification publish the names of the councillors elected and the date of publication of this notification shall be deemed to be the date of constitution of the Mohkuma Parishad for the purposes of this Act.

The First Meeting of the Mohkuma Parishad

21.(1) Notwithstanding any vacancy of the Councillors of the Mohkuma Parishad, the Deputy Commissioner or the Subdivisional Officer as the case may be, shall immediately after, but before expiration of thirty days from the date of publication of the notification under sub-section (4) of Section 20, convene a meeting of the Mohkuma Parishad (which meeting shall be called the first meeting of the Mohkuma Parishad) for the purposes of electing a Chairman and a Chief Executive Councillor of the Mohkuma Parishad by its councillors from amongst themselves in the manner prescribed.

(2) The Deputy Commissioner or the Subdivisional Officer, as the case may be, shall, before the commencement of the meeting, administer an oath or affirmation to the councillors of the Mohkuma Parishad present according to the provisions of section 154 of the Act. If any councillor is absent in the first meeting, the Chairman may administer him the oath or affirmation on any day. No councillor shall sit in any meeting before he takes an oath or affirmation prescribed under Section 154.

The term of Office of the Mohkuma Parishad

22. (1) The term of Office of the Chairman, Chief Executive Councillor and the Councillors of the Mohkuma Parishad shall be four year from the date of the first meeting of the Mohkuma Parishad convened under sub-section (1) of Section 21 :

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

(2) No person shall be entitled to continue as councillor of a Mohkuma Parishad under clause (b) of sub-section (1) of Section 20, if he ceases to hold his membership.

(3) No person appointed by virtue of his office under clause (c) of sub-section (1) of Section 20 shall continue as a councillor of the Mohkuma Parishad, if he ceases to hold the office.

Office of the Mohkuma Parishad.

23.(1) The Mohkuma Parishad shall have an office and an officer appointed by the State Government as Secretary of the Mohkuma Parishad, who shall be responsible for its due maintenance. The State Government shall place the services of such officers at the disposal and control of the Mohkuma Parishad.

Executive Powers of the Mohkuma Parishad.

(2) The Executive powers of the Mohkuma Parishad shall be exercised by the Chief Executive Councillor of the Mohkuma Parishad with assistance of the Secretary of the Mohkuma Parishad in carrying out the resolution and directions of the Mohkuma Parishad.

Resignation of Chairman, Chief Executive Councillor and Councillors of Mohkuma Parishad and President, Vice-President and Members of Gaon Panchayat

24. A Chairman, Chief Executive Councillor or Councillor of a Mohkuma Parishad or a President, Vice-President or a member of a Gaon Panchayat may resign during the term of his office by intimating in writing his intention to do so to the Deputy Commissioner or the Subdivisional Officer, as the case may be and to the Mohkuma Parishad or Gaon Panchayat concerned and on such resignation being accepted by the Deputy Commissioner or Subdivisional Officer as the case may be he shall be deemed to have vacated his office.

Removal of Chairman or Chief Executive Councillor or Councillor of a Mohkuma Parishad, President, Vice-President or Member of a Gaon Panchayat

25. (1) A Chairman or Chief Executive Councillor or Councillor of a Mohkuma Parishad or a President or Vice-President or Member of a Gaon Panchayat shall immediately cease to hold office, if:—

- he suffers from any of the disqualifications mentioned in subsection (1) of section 12, or
- remains absent in three consecutive meetings of the Mohkuma Parishad or the Gaon Panchayat as the case may be, without assigning any reason therefor in writing :

Provided that the Mohkuma Parishad concerned after holding an enquiry of the matter, and giving a reasonable opportunity of showing cause and of being heard against the action proposed to be taken against such person, may give an order to him to vacate his office forthwith ;

Provided further that any aggrieved person on such order may file an appeal to the State Government within thirty days after receiving the order and the decision of the State Government in this regard shall be final.

No Confidence Motion against Chairman, Chief Executive Councillor of a Mohkuma Parishad, President or Vice-President of a Gaon Panchayat

(2) (a) A Chairman or Chief Executive Councillor of a Mohkuma Parishad or a President or Vice-President of a Gaon Panchayat shall immediately cease to hold office if by two third majority of votes of the Councillor or member present and voting, a motion of no confidence is passed in a meeting of a Mohkuma Parishad or Gaon Panchayat as the case may be, convened and held for the purpose in the manner prescribed and where at least half of the total number of Councillor or members as the case may be shall be present :

Provided that at least fifteen days' notice in writing shall be given by not less than one third of the total number of Councillors of the Mohkuma Parishad or Members of the Gaon Panchayat as the case may be :

Provided further that if the meeting so requisitioned is not convened by the Chairman or President as the case may be within thirty days of receiving such notice, the Deputy Commissioner or Subdivisional Officer as the case may be shall call the meeting.

(b) No motion of no confidence shall be brought against a Chairman or Chief Executive Councillor of a Mohkuma Parishad or President or Vice-President of a Gaon Panchayat within a period of one hundred and eighty days from the date on which a motion of no confidence against such person, on the same ground was lost in a meeting held for such purpose under clause (a) of this sub-section.

(3) (a) A Chairman or Chief Executive Councillor of a Mohkuma Parishad, a President or Vice-President of a Gaon Panchayat may be disqualified from holding office by the State Government, if:—

(i) he refuses to discharge his duty as assigned under the provision of the Act or becomes incapable of acting ; or

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

(iii) his continuance in office is dangerous to the public peace or is likely to bring the administration of a Mohkuma Parishad or a Gaon Panchayat into contempt.

(b) The State Government may after ascertaining the fact, if any, under the preceding clause (a) and giving a reasonable opportunity of showing cause and of being heard against the action proposed to be taken against such person give an order to him to vacate his office forthwith.

(4) Notwithstanding anything contained in the sub-sections (1) and (3) the State Government may, at any time suspend a Chairman, or Chief Executive Councillor of Mohkuma Parishad or President or Vice-President of a Gaon Panchayat, pending his removal if his continuance in office is considered inadvisable on any of the grounds for which he may be removed under sub-section (1) and (3).

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

Filling up of  
casual vacan-  
cy of a Moh-  
kuma Pari-  
shad

26.(1) If a Chairman or Chief Executive Councillor or Councillor of a Mohkuma Parishad dies or resigns or is removed or otherwise a vacancy is created, such vacancy shall be filled up within two months from the date on which such vacancy occurred, by holding bye-election, in the manner these offices are respectively filled.

(2) The term of office of such Chairman or Chief Executive Councillor or Councillor as the case may be to fill up casual vacancy shall be the remainder of the term of an office of the Chairman or the Chief Executive Councillor or the Councillor whom he replaces.

Conduct of  
Business of a  
Mohkuma  
Parishad

27. (1) A meeting of Mohkuma Parishad shall be called by the Secretary in consultation with the Chief Executive Councillor and Chairman and shall be held in the Mohkuma Parishad Office on such date and at such time as the Secretary may notify.

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

(3) The Secretary of Mohkuma Parishad in consultation with the Chief Executive Councillor and Chairman may at any time or shall upon a requisition in writing of not less than one fifth of the Councillors or if directed by the State Government call a special meeting of the Mohkuma Parishad.

(4) (a) Every meeting of Mohkuma Parishad shall be presided over by the Chairman and in his absence, the Councillors present shall choose one from amongst themselves to preside over.

(b) Every meeting of the Executive Committee of a Mohkuma Parishad shall be presided over by the Chief Executive Councillor of the Mohkuma Parishad and in his absence the Executive Councillors shall choose one from amongst themselves to preside over.

(5) The provision of sub-sections (5), (6), (7), (8), (9), (11) of Section 17 of this Act shall apply *mutatis mutandis* in relation to the conduct of business of the Mohkuma Parishad.

(6) The Secretary of the Mohkuma Parishad shall send copies of the proceedings of every meeting of the Mohkuma Parishad to all Presidents of the Gaon Panchayats, Councillors and to the Deputy Commissioner or the Subdivisional Officer, as the case may be, and to the Director of Panchayat, Assam, and also to the Heads of the Departments concerned where necessary within 15 days.

(7) The Secretary of the Mohkuma Parishad shall forward any resolution on any matter pertaining to the development of the Subdivision or any part thereof to the State Government through the Director of Panchayat Assam, for taking action as may be deemed necessary by the State Government.

The Standing  
Committees  
and Execu-  
tive Commi-  
tee of the  
Mohkuma  
Parishad

28. (1) The Mohkuma Parishad shall form such number of standing committees to assign different functions of the Mohkuma Parishad as enumerated under section 36 and with such powers, functions and number of members as may be prescribed for this purposes:

Provided that the Presidents of a Standing Committees shall be elected by the members of the Standing Committee concerned:

Provided further that the State Government shall appoint such officer as Secretary of a standing committee as may be deemed necessary and the services of the officer shall be placed at the disposal and control of the Mohkuma Parishad:

(2) (a) The Mohkuma Parishad shall have an Executive Committee consisting of all the Presidents of the Standing Committees formed under sub-section (1). The Chief Executive Councillor and Secretary of the Mohkuma Parishad shall function as President and Secretary respectively of the Executive Committee.



(b) The Executive Committee of a Mohkuma Parishad formed under the preceding clause (a) shall exercise all powers of the Mohkuma Parishad and carry out the functions enumerated under section 35, subject to approval of the Mohkuma Parishad, and as may be prescribed in the rule to be made for the purpose by the State Government.

Irregularities which do not vitiate any act. 29. (1) No act of a Mohkuma Parishad or its Executive Committee or Standing Committees or Gaon Panchayat or its Sub-Committee under this Act shall be declared invalid by reason only of any vacancy in the total number of councillors or members or by reason of any irregularities or defect in the election of any member.

(2) Until the contrary is proved, any document or minutes which purports to be a record of the proceedings of the Mohkuma Parishad or its Executive Committee or Standing Committee or of a Gaon Panchayat or its Sub-committees shall, if substantially made and signed in the manner prescribed for making and signing of the record of such proceedings shall be deemed to be correct records of the Proceedings of a duly convened meeting held by a duly constituted Mohkuma Parishad or its Executive Committee or Standing Committees or Gaon Panchayat or its Sub-committees.

(3) The powers of a Mohkuma Parishad or its Executive Committee or Standing Committees or of a Gaon Panchayat or its Sub-Committees may be exercised notwithstanding any vacancy in their respective membership.

(4) Accidental omission to serve notice of a meeting on any Councillor of a Mohkuma Parishad or Executive Committee or Standing Committees or on any member of a Gaon Panchayat or Sub-Committees, shall not affect the validity of a meeting of such bodies or committees.

Appoint- ment of Pan- chayat Staff. 30. Save as otherwise provided, the Executive Committee of the Mohkuma Parishad may appoint such staff as may be necessary for the Mohkuma Parishad or for the Gaon Panchayat, which shall be exclusive of such staff as may be deputed by the State Government from time to time. Such employees shall be included in the Subdivisional Cadre of Panchayat employees under control of the Mohkuma Parishad.

Salary, promotion and other condition of services, including disciplinary actions of such staff shall be determined by the rules to be made for the purpose by the Mohkuma Parishad.

Officer for Organisa- tion, Inspec- tion, Super- vision and Execution of Works of the Panchayati Raj Bodies. 31(1) For supervision, guidance and inspection of the working of the Mohkuma Parishad, the Development Blocks and the Gaon Panchayats, the State Government shall appoint such officers as may be deemed necessary.

(2) For planning, organisation and implementation of various development programme to be executed by the Mohkuma Parishad and the Development Blocks and the Gaon Panchayats, as the case may be, the State Government shall depute such officers from the connected Departments as may be deemed necessary, and their services be placed at the disposal and control of the Mohkuma Parishad as prescribed.

Such officers shall be under supervision, control and guidance of the Mohkuma Parishad during their service under the Mohkuma Parishad and their annual confidential reports will be initiated by the Chief Executive Councillor:

Provided that save and except the technical guidance resting with their respective parent department the administrative and disciplinary control over the officers posted in a Development Block shall be exercised by the Panchayat and Community Development Department notwithstanding anything contained in any rules for the time being in force.

(3) Subject to control and supervision of the Mohkuma Parishad, the heads of the connected Development Departments in the Subdivision or District as the case may be, shall carry out the resolutions and directions of the Mohkuma Parishad relating to their respective departmental programme.

Incorporation of Mohkuma Parishad and Gaon Panchayat- 32. Every Mohkuma Parishad and every Gaon Panchayat shall, by the name notified under sections 3 and 4 respectively, be a body corporate having perpetual succession and a common seal and shall subject to any enactment in force, have power to acquire by purchase, 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 purpose of this act.

Composition and Function of Block Advisory Committee and Planning and Review Board. 33. (1) For co-ordinating the activities of the connected Development Departments to the State Government at the Development Block and for giving necessary assistance to the Development Block staff in their organisation and implementation of the Community Development and allied programme the Mohkuma Parishad may form a Block Advisory Committee in every Development Block with the following members, namely :—

(a) The Councillors of the Mohkuma Parishad representing the areas of the Gaon Panchayat falling within the jurisdiction of a Development Block, and

(b) All Presidents of the Gaon Panchayat falling within the area of the Development Blocks.

(2) (a) The State Government shall constitute a Planning and Review Board for each Mohkuma Parishad area consisting of the members of the Legislative Assembly, members of Parliament from the Subdivision concerned and the Chairman and Chief Executive Councillor of the Mohkuma Parishad. The Deputy Commissioner or Subdivisional or District Heads, as the case may be, of the Development Departments shall be *ex-officio* members of the Board. This Board shall be assigned the following powers and functions:—

(i) to prepare the Subdivisional plans;

(ii) to scrutinise the Annual Budget of the Mohkuma Parishad and recommend the same to the State Government with suggestion and modifications if necessary ;

(iii) to act as an evaluation committee in respect of working of Panchayats and make recommendations to the State Government ;

(iv) to advise the Mohkuma Parishad on policy matters and on any matter on which advice may be sought by the Mohkuma Parishad and to make recommendations and render advice to the State Government on such matter as may arise from time to time.

(b) The Chairman of the Board shall be nominated by the State Government from amongst the non-official members of the Board ;

(c) The Secretary of the Mohkuma Parishad will be the Secretary of the Board ;

(d) The conduct of business of the Board will be carried in accordance with the rules to be prescribed by the State Government ;

(e) The decision of the Board shall be by majority votes when voting is necessary, and in case of equality of votes on any issue, the Chairman of the Board will decide by his casting vote.

Duties and  
functions of  
Block De-  
velopment  
Officers.

34. (a) The Block Development Officer subject to the control of the Chief Executive Councillor of the Mohkuma Parishad shall execute the Schemes and programmes of the Mohkuma Parishad within a Development Block area.

(b) The officers of the different Development Departments posted in a Development Block shall carry out the direction of the Presidents of the Gaon Panchayats falling within the jurisdiction of the Development Block, in respect of technical assistance and supervision of the works undertaken for execution by each of such Gaon Panchayat.