

TRIPURA ACT NO. 7 OF 1993

**The Tripura Panchayats Act
1993**

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Dated, Agartala, the 10th November, 1993.

The following Act of the Tripura Legislative Assembly received the assent of the Governor on the 7th November, 1993 and is hereby published for general information :—

Tripura Act No. 7 of 1993.

THE TRIPURA PANCHAYATS Act, 1993

AN

ACT.

to reorganise Panchayats in rural areas of Tripura and to provide for matters connected therewith or incidental thereto.

Whereas it is expedient and necessary to replace the present statute relating to Panchayats to bring it in conformity with the purpose, substance and direction of the Constitution (Seventy third) Amendment Act, 1992 which came into force on 24th April, 1993, in general, and, in particular, to endow the Panchayats with functions and powers so as to enable them to function as vibrant institutions of local self-government with greater peoples' participation in managing their own affairs besides imparting certainty continuity and democratic content and dignity aiming, among other things, at the realisation of economic and social justice.

BE it enacted by the Tripura Legislative Assembly in the Forty-fourth Year of the Republic of India, as follows :—

PART—I

Preliminary

CHAPTER—I

Short Title,
extent and
commencement.

1. (1) This Act may be called the Tripura Panchayats Act, 1993.

(2) It shall extend to the whole of the State of Tripura except the Area which has been or may hereafter be declared as, or included in, a Municipality or a Notified Area under the provisions of any law for the time being in force or a Cantonment under the provisions of the Cantonments Act, 1924 and except the Tripura Tribal Areas Autonomous District.

(3) This section shall come into force at once; the remaining Sections shall come into force on such date or dates and in such area or areas as the State Government may, by notification, appoint and different dates may be appointed for different Sections and for different areas.

Definitions.

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

(1) "Auditor" means an Auditor appointed under this Act and includes an officer authorised by him to perform all or any of the functions of an Auditor;

(2) "Bye-Election" means an election held to fill a casual vacancy;

(3) "Block" means an area referred to in Section 67 or such local area in a district as the State Government may constitute to be a block;

(4) "Block Development Officer/Additional Block Development Officer" means an officer appointed as such by the State Government and includes the Additional Block Development Officer-in-Charge of Block;

(5) "Casual Vacancy" means a vacancy occurred otherwise than by efflux of time in the office of an elected Gram Panchayat, Panchayat Samiti or Zilla Parishad;

(6) "Constituency" means a constituency as determined for election of members of a Gram Panchayat, Panchayat Samiti or Zilla Parishad under the provisions of this Act;

(7) "Collector" means the Collector of the District appointed by the State Government to be in-charge of a Revenue District;

(8) "Chairman or Vice-Chairman as the case may be" means the Chairman or Vice-Chairman of a Panchayat Samiti constituted under this Act;

(9) "District" means a Revenue District or such local area in the State as the State government may constitute for the purpose of this Act;

(10) "Director of Panchayats" means the Director of Panchayats, Government of Tripura and includes an Addl. Director of Panchayats and Joint Director of Panchayats;

(11) "District Council" means the Tripura Tribal Areas Autonomous District Council constituted under the Sixth Schedule to the Constitution of India;

(12) "District Magistrate" means the District Magistrate of a District and includes an Additional District Magistrate;

(13) "District Panchayat Officer" means the officer appointed as such by the State Government;

(14) "District Planning Committee" means District Planning Committee established by the State Government for a District;

(15) "Election Tribunal" means the Election Tribunal constituted under Section 198;

(16) "First General Election" means the first general election of members held for constitution of Gram Panchayats, Panchayat Samities and Zilla Parishads after commencement of this Act;

(17) "Governor" means Governor of Tripura;

(18) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to an area comprised within the area of Gram;

(19) "Gram" means a Gram declared or deemed to have been declared as such under this Act;

(20) "Gram Panchayat" means a Gram Panchayat constituted under this act;

(21) "General election" means an election of members held for constitution of Gram Panchayats, Panchayat Samities or Zilla Parishads in such areas as the State Government may, by notification, specify and includes the first General Election;

(22) "Local authority" means the local authority constituted under any law for the time being in force and includes the Tripura Tribal Areas Autonomous District Council, Municipal authorities and Notified Area Authorities;

(23) "Member" means a member of a Gram Panchayat or Panchayat Samiti or Zilla Parishad;

(24) "Notification" means the notification published in the Tripura Gazette;

(25) "Pradhan" means the Pradhan of a Gram Panchayat elected under Section 20;

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

(27) "Prescribed Authority" means an authority appointed by the State Government by notification published in the Official Gazette, for all or any of the purposes of this Act ;

(28) "Public property" and "Public Land" means any public building, park or garden or other place to which for the time being the public have or are permitted to have access whether on payment or otherwise ;

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

(30) "Public Street" means any street, road, lane, gully, passages, path way, bridge, square or court, whether a thoroughfare or not, over which the public have a right of way, and includes side drains or gutters and the land upto the boundary or abutting property ;

(31) "Panchayat Area" means the territorial area of a Panchayat ;

(32) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published ;

(33) "Panchayat Extension Officer/Panchayat Officer" means an officer appointed as such by the State Government or Director of Panchayats ;

(34) "Panchayat Samiti" means a Panchayat Samiti Constituted under this act ;

(35) "Panchayat" means an institution of self Government constituted under this Act for the rural areas ;

(36) "Panchayat Area" means the territorial area of a Panchayat ;

(37) "Qualifying Date" in relation to the preparation or revision of electoral rolls means the first day of January of the year in which it is so prepared or revised ;

(38) "State Election Commissioner" means the officer appointed by the Governor of Tripura as such under Section 176 ;

(39) "Scheduled Castes" means such castes as are specified by order made by the President under Article 341(1) of the Constitution of India as modified by law made by the Parliament from time to time in so far as the specification relates to the State of Tripura ;

(40) "Scheduled Tribes" means such tribes as are specified by order made by the President under Article 342(1) of the Constitution of India as modified by law made by the Parliament from time to time in so far as the specification relates to the State of Tripura ;

(41) "State Government" or "Government" means the Government of Tripura;

(42) "Sub-Divisional Officer" includes an Additional Sub-Divisional Officer designated or appointed as such by the State Government;

(43) "State Legislature" means the State Legislature of Tripura;

(44) "Section" means Section of this Act;

(45) "Sabhadhipati" means a Sabhadhipati of a Zilla Parishad elected under Section 130;

(46) "Sahakari Sabhadhipati" means Sahakari Sabhadhipati of a Zilla Parishad elected under Section 130;

(47) "Standing Committee" means a Standing Committee constituted by a Zilla Parishad or a Panchayat Samiti constituted under this Act.

(48) "Upa-Pradhan" means an Upa-Pradhan of a Gram Panchayat elected under Section 20;

(49) "Year" means the year beginning on the 1st day of April;

(50) "Zilla Parishad" means a Zilla Parishad constituted under this Act.

PART—II
GRAM PANCHAYAT
CHAPTER I

Gram

Constitution of Gram

3. (1) The State Government may, by notification, published in the Official Gazette, declare for the purpose of this Act, any revenue mouza or part of a revenue mouza or groups of revenue mouzas or parts thereof to be a Gram.

(2) The notification under sub-section (1) shall specify the name of the Gram by which it shall be known and shall specify the local limits of such Gram.

(3) The State Government may, after making such enquiry as it may think fit, and after consulting the Gram Panchayat or Gram Panchayats concerned constituted under the provisions of this Act, by notification published in the Official Gazette—

- (a) exclude from any Gram any area comprised therein ;
- (b) include in any Gram any area contiguous to such Gram ;
- (c) divide the area of a Gram so as to constitute two or more Grams ; or
- (d) unite the areas of two or more Grams so as to constitute a single Gram.

Composition of the Gram Sabha.

4. A Gram Sabha shall be a body consisting of persons registered in the electoral rolls relating to an area comprised within the area of Gram.

Effect of alteration of the area of Gram.

5. (1) When an area is excluded from a Gram under clause (a) of sub-section (3) of Section 3, such area shall, as from the date of the notification referred to in that sub-section, cease to be subject to the jurisdiction of the Gram Panchayat of that Gram and, unless the State Government otherwise directs, to the rules, orders, directions and notifications in force therein.

(2) When an area is included in a Gram under clause (b) of sub-section (3) of Section 3, the Gram Panchayat for that Gram shall, as from the date of the notification referred to in that sub-section, have jurisdiction over such area and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in that Gram shall apply to the area as included.

(3) When the area of any Gram is divided under clause (c) of sub-section (3) of Section 3, so as to constitute two or more Grams, the Gram Panchayat of that Gram shall, from the date of the notification referred to in that sub-section, cease to exist and there shall be reconstitution of the Gram Panchayat for the newly constituted Grams in accordance with the provisions of this Act.

(4) When the areas of two or more Grams are united under clause (d) of sub-section (3) of Section 3, so as to constitute a single Gram, the

Gram Panchayats of the said Grams shall, as from the date of the notification referred to in that sub-section, cease to exist and a separate Gram Panchayat shall be constituted for the new Gram in accordance with the provisions of this Act.

(5) When under sub-section (3) of Section 3, any area is excluded from, or included in a Gram or a Gram is divided so as to constitute two or more Grams or two or more Grams are united to constitute a single Gram, the properties, funds and liabilities of the Gram Panchayat or Gram Panchayats affected by such reorganisation shall vest in such Gram Panchayat or Gram Panchayats and in accordance with such allocation, as may be determined by order in writing by the prescribed authority and such determination shall be final.

(6) An order made under sub-section (5) may contain such supplemental, incidental and consequential provision as may be necessary to give effect to such reorganisation.

Effect of inclusion of a Gram or part thereof in a municipality etc.

6. (1) If at any time the whole of the area of a Gram is included in a Municipality, or in an area constituted as Notified area under any law for the time being in force or in an area under the authority of a Cantonment, the Gram Panchayat concerned shall cease to exist and the properties, funds and other assets vested in such Gram Panchayat and all the rights and liabilities of such Gram Panchayat shall vest and devolve on the Commissioners of the Municipality or on the Notified Area Authority or on the Cantonment Authority as the case may be.

(2) If at any time, a part of the area of a Gram is included in a municipality or in an area constituted as notified area under any law for the time being in force or in an area under the authority of a cantonment, the area of the Gram shall be deemed to have been reduced to the extent of the part as included in a municipality or in the area constituted as a notified area or under cantonment and the properties, funds and liabilities of the Gram Panchayat concerned in respect of the part so included shall vest and devolve on the commissioners of the municipality or on the notified area authority or on the cantonment authority, as the case may be, in accordance with such allocation as may be determined by the prescribed authority, and such determination shall be final, and unless the State Government otherwise directs, all rules, orders, directions and notifications in force in the area under the authority of the commissioners of the municipality or notified area authority or cantonment as the case may be, shall apply to the part of the area of the Gram so included.

Convening of meeting.

7. (1) The procedure for convening and conducting the meetings of the Gram Sabha shall be such as may be prescribed.

(2) It shall be the responsibility of the Pradhan to convene the meeting of the Gram Sabha annually in such manner as specified under the Act.

Vigilance Committee.

8. There shall be constituted a vigilance committee for each Gram Sabha with such number of persons and by such authority as may be prescribed to supervise the Gram Panchayat works, schemes and other activities and to put up reports concerning them in its meeting.

Presiding Officer.

9. Every meeting of the Gram Sabha shall be presided over by the Pradhan of the concerned Gram Panchayat and in his absence by the Upa-Pradhan.

Matters for consideration.

10. The Gram Sabha shall consider the following matters—

- (a) The annual statement of accounts of the Gram Panchayat, the report of administration of the preceding financial year and the last audit note and replies, if any, made thereto ;
- (b) The budget of the Gram Panchayat for the next financial year ;
and
- (c) The report in respect of development programmes of the Gram Panchayat relating to the preceding year and development programmes proposed to be undertaken during the current year.

CHAPTER—II

Constitution of Gram Panchayat.

Gram Panchayats
and their
constitution.

11. (1) For every Gram declared under Section 3 there shall be constituted a Gram Panchayat bearing the name of the Gram to exercise the powers and discharge the functions under this Act, and the members of every Gram Panchayat shall be chosen by direct election by secret ballot in such manner as may be prescribed.

(2) Every Gram Panchayat shall be a body corporate having perpetual succession and a common seal and shall, subject to any restriction or condition imposed by or under this Act, or any other law for the time being 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 its name, sue or be sued.

(3) The Pradhan or in his absence Upa-Pradhan shall convene the meeting of the Gram Panchayat after giving 15 days notice to the persons comprising the Gram Panchayat. One third of the total number of members, subject to a minimum of four of the Gram Panchayat shall form a quorum. In the absence of the quorum, meeting shall be adjourned and no quorum shall be necessary for an adjourned meeting. The Pradhan or in his absence the Upa-Pradhan shall preside over the meeting.

Composition of
Gram Panchayats.

12. (1) The Gram Panchayat shall consist of the following members —

(a) The members elected under Section 17 ; and

(b) The members of the Panchayat Samities from the constituency comprised from any part of the Gram as ex-officio member having no voting right at the time of election of the Pradhan and the Upa-Pradhan.

(2) Every Gram Panchayat shall consist of such number of elected members, not being less than nine and not being more than fifteen, as determined in accordance with such rules as may be made in this behalf by the State Government.

(3) For the convenience of election, the prescribed authority shall, in accordance with such rules as may be made in this behalf by the State Government, divide the area of Gram Panchayat into territorial constituencies in such manner that the ratio between the population of each constituency and the member of seats allotted to it under sub-section (2) shall, so far as practicable, be the same throughout the Gram Panchayat area :

Provided that nothing in this sub-section shall affect the number of members of a Gram Panchayat notified under sub-section (2) until the next General Election is held.

(4) The State Government may, at any time call for the records connected with the determination of the number of members of a Gram Panchayat made under sub-section (1) or under sub-section (2) for the purpose of satisfying itself of the correctness or propriety thereof and may pass such orders as it may think fit with respect to the total number of members of a Gram Panchayat and, thereupon, the prescribed authority shall issue fresh notification specifying the total number of members of a Gram Panchayat in accordance with the orders of the State Government.

Power to divide Gram into Constituencies and to fix the number of members to be elected from each Constituency.

13. (1) For the purpose of election of the members of every Gram Panchayat, the prescribed authority shall, in the manner prescribed—

- (a) divide the area of a Gram into constituencies, not being less than five and not being more than fifteen on the basis of the number of members of the Gram Panchayat determined under Section 12 ; and
- (b) allocate to each such constituency seats not exceeding two as the prescribed authority may think fit having regard to the extent of the area and the population of each such constituency :

Provided that division of the area of a Gram into constituencies and allocation of seat or seats to each such constituency made under this sub-section may, if necessary, be altered before each General Election of the members of the Gram Panchayat in the manner prescribed.

(2) The State Government may, at any time, call for the records connected with the division of the area of a Gram into constituencies and the allocation of seat or seats to each of such constituencies made under sub-section (1), for the purpose of satisfying itself of the correctness or propriety of any order passed or proceedings taken in the said matter by the prescribed authority and pass such orders thereon as the State Government may deem fit and thereupon the prescribed authority shall modify the division of the area of the Gram into constituencies and allocate to each of the constituencies seat or seats in accordance with the orders of the State Government and publish, in the prescribed manner, the modification so made.

Reservation of seats :

14. (1) Seats of members in every Gram Panchayat shall be reserved for—

- (a) the Scheduled Castes ; and
- (b) the Scheduled Tribes.

and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by

direct election in that Panchayat as the population of the Scheduled Castes in that Gram Panchayat area or of the Scheduled Tribes in that Gram Panchayat area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Gram Panchayat, in such manner as may be prescribed.

(2) Not less than one-third of the total number of seats reserved under Sub-section (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Gram Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in the Gram Panchayat in such manner as may be prescribed.

**General
disqualification
for membership
of Gram
Panchayat.**

15. (1) A person shall be disqualified for being chosen as and for being, a member of a Panchayat, if—

(a) he is so disqualified by or under any law for the time being in force for the purpose of elections to the legislature of the State concerned :

Provided that no person shall be disqualified only on ground that he is less than 25 years of age, if he has attained the age of 21 years;

(b) he is so disqualified by or under any law by the legislature of the State ;

(c) if he is in the service of, or holds any office of profit under, the Central Government or any State Government or Autonomous District Council or any Zilla Parishad or any Panchayat Samiti or a Gram Panchayat ;

(d) if he has, directly or indirectly, by himself or by his partner or employee, any share or interest in any contract or employment with, by or on behalf of the Gram Panchayat concerned :

Provided that notwithstanding anything contained in this clause no person shall be deemed to be disqualified thereunder by reason only of his having a share or interest in—

- (i) any lease, sale or purchase of land or any agreement for the sale ;
 - (ii) any agreement for the loan of money or any security for the payment of money only ; or
 - (iii) any public company as defined in the Companies Act, 1956 which contracts with or is employed by the concerned Gram Panchayat ;
- (e) he has been dismissed from the service of the Central or a State Government or a local authority or a co-operative society or government company or a corporation, owned or controlled by the Central or a State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal;
 - (f) he has been adjudged by a competent court to be of unsound mind ;
 - (g) he is an undischarged insolvent ;
 - (h) he, being a discharged insolvent, has not obtained from the court certificate that his insolvency was caused by misfortune and without any misconduct on his part ;
 - (i) he has been convicted of any offence punishable under Chapter IX-A of the Indian Penal Code or under Chapter-III of Part-VII of the Representation of the People Act, 1951 and five years have not elapsed from the date of the expiration of the sentence ;
 - (j) he has been convicted by a criminal court to imprisonment for a period of more than two years for any offence other than an offence involving moral turpitude (such sentence not having been reserved or the offence pardoned) and five years have not elapsed from the date of expiration of the sentence, provided that the State Government may direct that such sentence shall not operate as a disqualification ;
 - (k) he has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election under this Act or any other Act, and six years have not elapsed from the date of such disqualification, provided that the disqualification under this clause may at any time be removed by the State Government if it thinks fit ; or
 - (l) he has voluntarily acquired citizenship of a foreign state.

(2) If a person is member of a Municipality or a District Council or a Notified Area Authority or a Zilla Parishad or a Panchayat Samiti, such person, if elected as a member of Gram Panchayat, shall resign from such office and, unless he does so, the seat to which he has been elected shall be deemed to have become vacant.

(3) A person shall not be deemed to hold an office of profit under the Gram Panchayat by reason only of his being a Pradhan or Upa-pradhan or a member thereof.

Disqualification
on ground of
defection.

16. (1) A member of a Gram Panchayat belonging to any political party shall be disqualified for being a member of the Gram Panchayat—

- (a) if he has voluntarily given up his membership of such political party ; or
- (b) if he votes or abstains from voting in the Gram Panchayat contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining in either case, the prior written permission of such political party, persons or authority and such voting or abstention has not been condoned by such political party, person or authority within thirty days from the date of such voting or abstention.

EXPLANATION : For the purpose of this sub-section, a member of a Gram Panchayat shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member.

(2) A member of a Gram Panchayat who has been elected as such, otherwise than as a candidate set up by any political party, shall be disqualified for being a member of the Gram Panchayat if he joins any political party after such election.

NOTE : For the purpose of this Section, "political party" means a political party which has been recognised by the Election Commission of India as a national party or as a state party of this State.

(3) If any question arises as to whether a member of a Gram Panchayat has become subject to disqualification under this Section, the question shall be referred for decision of the Block Development Officer having jurisdiction over such Gram Panchayat and his decision shall be final.

(4) The proceeding under sub-section (3) shall be completed and decision thereon shall be communicated within fifteen days from the date when any such question has been referred.

(5) During pendency of a proceeding, no decision shall be taken by the Gram Panchayat in any meeting for the removal or election of the Pradhan or the Upa-Pradhan.

(6) The disqualification under this Section shall take effect from the date of the decision of the Block Development Officer.

Election of
members of
Gram
Panchayats.

17. (1) The First General Election or the General Election, as the case may be, of the members of a Gram Panchayat shall be held under the provisions of this Act and of the Rules and orders made thereunder before such date as the State Election Commission in consultation with the State Government may by one or more notification in the official gazette specify.

(2) A General Election to constitute the Gram Panchayat shall be held—

- (a) before the expiry of its duration specified in Section 18, or
- (b) before the expiration of a period of six months from the date of its dissolution.

(3) Election in respect of casual or other vacancies shall be held at such time as may be prescribed.

(4) If for any reason the First General Election or General Election can not be held within the time specified in the notification referred to in sub-section (1) or sub-section (2), the State Election Commission in consultation with the State Government shall fix another date within which such election shall be held.

(5) The names of all the persons elected to be members of a Gram Panchayat at the First General Election or General Election shall be published by the State Election Commissioner in the official gazette and upon such publication being made such Gram Panchayat shall be deemed to be duly constituted.

Duration of Gram
Panchayat and
term of office
of members of
Gram Panchaya

18. (1) Every Gram Panchayat unless sooner dissolved shall continue for five years from the date appointed for its first meeting and no longer.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Gram Panchayat, which is functioning immediately before such amendment, till the expiration of its duration specified in sub-section (1).

(3) The General Election to constitute a Gram Panchayat shall be completed

- (a) before the expiration of its duration specified in sub-section (1); and
- (b) in case of dissolution, before the expiration of a period of six months from the date of its dissolution :

Provided that where the remainder of the period for which the dissolved Gram Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Gram Panchayat for such period.

(4) The term of office of the members of a Gram Panchayat elected at a General Election specified under sub-section (1) of Section 17 shall be deemed to commence with effect from the date of its first meeting at which a quorum is present :

Provided that if the first meeting of the newly constituted Gram Panchayat cannot be held within three months of the constitution of the Gram Panchayat, the State Government may by order terminate the term of office of the members of the Gram Panchayat continuing in office under this sub-section and appoint any authority or person to exercise and perform, subject to such conditions as may be specified in the order, powers and functions of the Gram Panchayat under this Act until the date on which such first meeting of the newly constituted Gram Panchayat is held.

(5) A Gram Panchayat constituted upon the dissolution of a Gram panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Gram Panchayat would have continued under sub-section (1) had it not been so dissolved:

Provided that the State Government may appoint any authority, person or persons to exercise and perform duties, subject to such conditions as may be specified in the order, the powers and functions of the dissolved Gram Panchayat under this Act or under any law for time being in force until the date on which such first meeting of the newly formed Gram Panchayat is held.

19. (1) Notwithstanding anything contained elsewhere in this Act, at a General Election of the members of a Gram Panchayat—

- (a) if the election of any member from any constituency cannot be held ; or
- (b) if held, result of such election cannot be published in the official gazette by reason of the order of a court or for any other reason, within such time as the State Government considers reasonable,

the State Government may, if it thinks expedient so to do in the interest of the administration of the Gram Panchayat concerned, by an order, direct that such of the members of the Gram Panchayat as have been elected and are able to assume office as members, shall forthwith assume such office :

Provided that no order shall be made under this Section unless at least two-third of the total number of members specified for the Gram Panchayat have been elected and are able to assume office.

(2) Upon an order under sub-section (1) being made, the names of the members, who have been elected and as regards the publication of the result of whose election there is no impediment, shall be published in the official

Majority of members elected at a General Election to function when election of members from some constituencies cannot be held.

gazette and such members shall assume office as members of the newly constituted Gram Panchayat after General Election of the members of the Gram Panchayat and shall be deemed to constitute, for the time being, total number of members of the Gram Panchayat.

(3) Any member of the Gram Panchayat, who is subsequently elected or whose name is subsequently published in the official gazette as a member, shall be entitled to assume office as such member, but his term of office shall be deemed to have commenced from the date of the first meeting at which a quorum is present of the members referred to in sub-section (1).

Pradhan and
Upa-Pradhan.

20. (1) Every Gram Panchayat shall, at its first meeting at which a quorum is present, elect, in the prescribed manner, one of its members to be the Pradhan and another member to be the Upa-Pradhan of the Gram Panchayat and any dispute relating to the validity of the election of Pradhan and Upa-Pradhan shall be made before the prescribed authority.

(2) The meeting to be held under sub-section (1) shall be convened by the prescribed authority in the prescribed manner.

(3) Seats shall be reserved in the office of pradhan of Gram Panchayat for the Scheduled Castes and the Scheduled Tribes and the number of offices so reserved in the State shall bear, as nearly as may be, the same proportion to the total number of such offices as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State.

(4) Not less than one third of the total number of offices of Pradhan of Gram Panchayat, including the number of seats reserved for the Scheduled Castes and the Scheduled Tribes, shall be reserved for women in different Gram Panchayat in such manner as may be prescribed :

Provided that the number of offices reserved under this Section shall be allotted by rotation to different Gram Panchayats in such manner as may be prescribed within the State.

(5) The term of offices of every Pradhan and every Upa-Pradhan shall, save as otherwise provided in this Act, cease on the expiry of his term of office as a member of the Gram Panchayat.

(6) When—

(a) the office of the Pradhan falls vacant by reason of death, resignation, removal or otherwise ; or

(b) the Pradhan, is by reason of leave, illness or other cause, temporarily unable to act,

the Upa-Pradhan shall exercise the powers, perform the functions and discharge the duties of the Pradhan until a new Pradhan is elected and assumes office or until the Pradhan resumes his duties, as the case may be.

(7) When—

- (a) the office of the Upa-Pradhan falls vacant by reason of death, resignation, removal or otherwise ; or
- (b) the Upa-Pradhan, is by reason of leave, illness or other cause, temporarily unable to act,

the Pradhan shall exercise the powers, perform the functions and discharge the duties of the Upa-Pradhan until a new Upa-Pradhan is elected and assumes office or until the Upa-Pradhan resumes his duties as the case may be.

(8) When the Pradhan and the Upa-Pradhan are both temporarily unable to act, the prescribed authority may appoint a Pradhan and an Upa-Pradhan from among the members of the Gram Panchayat to act as such until the Pradhan or the Upa-Pradhan resumes office.

(9) The Pradhan and the Upa-Pradhan of a Gram Panchayat shall be entitled to leave of absence for such period or periods as may be prescribed.

**Resignation of
Pradhan or
Upa-Pradhan
or a member.**

21. (1) A Pradhan or a Upa-Pradhan or a member of a Gram Panchayat may resign his office by writing under his hand addressed to the prescribed authority and on such resignation being accepted by such authority the Pradhan, the Upa-Pradhan, or the member, as the case may be, shall be deemed to have vacated his office.

(2) When a resignation is accepted under sub-section (1) the prescribed authority shall communicate it to the members of the Gram Panchayat within fifteen days of such acceptance

**Removal of
members of Gram
Panchayat.**

22. (1) The prescribed authority may, after giving an opportunity to a member of a Gram Panchayat to show cause against the action proposed to be taken against him, by order remove him from office—

- (a) if after his election he is convicted by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a period of more than six months ;
- (b) if he was disqualified to be a member of the Gram Panchayat at the time of his election ;
- (c) if he incurs any of the disqualifications mentioned in clauses (a) to (1) of sub-section (I) of Section 15 after his election as member of the Gram Panchayat ; or
- (d) if he is absent from five consecutive meetings of the Gram Panchayat without the leave of the Gram Panchayat.

(2) Any member of a Gram Panchayat who is removed from his office by the prescribed authority under sub-section (1) may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and thereupon, the authority appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.

(3) The order passed by such authority on such appeal shall be final

Removal of
Pradhan or
Upa-Pradhan.

23. (1) The Pradhan or the Upa-Pradhan of a Gram Panchayat may be removed from his office by a resolution of the Gram Panchayat carried by a majority of its existing members at a meeting specially convened for the purpose by the prescribed authority.

(2) No meeting under sub-section (1) shall be convened by the prescribed authority unless a notice in writing has been given to him by at least one-third of the existing members of the Gram Panchayat in such form and in such manner as may be prescribed.

(3) The prescribed authority shall convene the meeting under sub-section (1) after giving at least fifteen days prior notice to all the existing members of the Gram Panchayat.

(4) If the motion for removal of Pradhan is under consideration, the meeting will be presided over by the Upa-Pradhan and if the motion for removal of Upa-Pradhan is under consideration, the meeting will be presided over by the Pradhan.

(5) Notwithstanding anything contained elsewhere in this Act, while any motion for removal of a Pradhan and an Upa-Pradhan from their offices is under consideration in a meeting convened under sub-section (1), the Pradhan or the Upa-Pradhan shall not preside over such meeting, but he shall have right to speak or otherwise take part in the proceedings of such a meeting, including the right to vote, and the meeting shall be presided over by the prescribed authority or his nominee who shall not have the right to vote.

(6) If the motion for removal of a Pradhan, or as the case may be an Upa-Pradhan, is not carried out by the majority of the existing members of the Gram Panchayat, no subsequent meeting for the removal of the same Pradhan, or as the case may be the Upa-Pradhan, shall be convened within a year of the previous meeting.

(7) Notwithstanding anything contained elsewhere in this Act, majority of the existing members of a Gram Panchayat shall form the quorum for a meeting for removal of a Pradhan or an Upa-Pradhan, as the case may be under this Section.

(8) Subject to the provision of this Section, the procedure for the removal of the Pradhan or Upa-Pradhan, including that to be followed at such meeting, shall be such as may be prescribed.

Filling of casual vacancy in the office of Pradhan or Upa-Pradhan.

24. In the event of removal of a Pradhan or an Upa-Pradhan under Section 23 or when a vacancy occurs in the office of a Pradhan or an Upa-Pradhan by resignation, death or otherwise, the existing members of the gram Panchayat shall elect, from amongst them, another Pradhan, or as the case may be, an Upa-Pradhan in the prescribed manner.

Filling of casual vacancy in place of a member of Gram Panchayat.

25. If the office of a member of a Gram Panchayat becomes vacant by reason of his death, resignation, removal or otherwise, the vacancy shall be filled in the manner prescribed by election of another person under the provisions of this Act and the rules made thereunder.

Term of office of Pradhana, Upa-Pradhan or member filling casual vacancy.

26. Every Pradhan or Upa-Pradhan elected under Section 24, and every member elected under Section 25 to fill a casual vacancy, shall hold office for the unexpired portion of the term of office of the person in whose place he is so elected.

Meeting of Gram Panchayat.

27. (1) Every Gram Panchayat shall hold a meeting at least once in a month in the office of the Gram Panchayat and such meeting shall be held on such date and at such hour as the Gram Panchayat may fix at the immediately preceding meeting :

Provided that the first meeting of a newly constituted Gram Panchayat shall be held on such date and at such hour and at such place within the local limits of the Gram concerned as the prescribed authority may fix.

(2) The prescribed authority may appoint an observer for such meeting who shall submit to the prescribed authority a report in writing duly signed by him within a week of the meeting on the proceedings of the meeting. The prescribed authority shall, on receipt of the report, take action thereon as it may deem fit :

Provided further that the Pradhan, when required in writing by one-fifth of the members of the Gram Panchayat subject to a minimum of four members to call a meeting, shall do so within seven days, failing which the members aforesaid may call a meeting after giving intimation to the prescribed authority and seven clear days' notice to the Pradhan and other members of the Gram Panchayat. Such meeting shall be held at such time and at such place within the local limits of the Gram concerned as the prescribed authority may decide.

(3) The Pradhan, or in his absence the Upa-Pradhan, shall preside at the meeting of the Gram Panchayat, and in the absence of both, the members present shall elect one of them to be the president of the meeting.

(4) One-third of the total number of members, subject to a minimum of four members, shall form the quorum for a meeting of a Gram Panchayat :

Provided that no quorum shall be necessary for an adjourned meeting.

(5) All questions coming before a Gram Panchayat shall be decided by a majority of votes :

Provided that in case of equality of votes the person presiding shall have a casting vote :

Provided further that in case of a requisitioned meeting for the removal of the Pradhan or the Upa-Pradhan under Section 23, the person presiding shall have no casting vote.

Transaction of
business at
Panchayat
meetings.

28. (1) A list of business to be transacted at every meeting of a Gram Panchayat except at an adjourned meeting shall be sent to each member of the Gram Panchayat in the manner prescribed at least seven days before the time fixed for such meeting and no business shall be brought before or transacted at any meeting, other than the business of which notice has been so given, except with the approval of the majority of the members present at such meeting :

Provided that if the Pradhan thinks that a situation has arisen for which an emergent meeting of the Gram Panchayat should be called, he may call such meeting after giving three days' notice to the members.

Meeting of
Gram Sabha.

29. (1) The Gram Panchayat shall place for deliberation, recommendation, and suggestions in the annual meeting of the Gram Sabha—

(a) a report prepared under Section 30 and such report shall be deemed to be modified to the extent of the recommendations and suggestions, if any, of the Gram Sabha ; and

(b) the latest report on the audit of accounts of the Gram Panchayat.

(2) Such other business relating to the affairs of the Gram Panchayat may also to be transacted at such annual meeting of the Gram Sabha as may be agreed upon by the persons present at such meeting.

(3) Every resolution adopted in a meeting of the Gram Sabha shall be duly considered by the Gram Panchayat in its meeting and the decision and action taken by the Gram Panchayat shall form part of the report under Section 30 for the following year.

**Report on the
work of Gram
Panchayat.**

30. (1) The Gram Panchayat shall prepare in the prescribed manner a report on the work done during the previous year and the work proposed to be done during the following year and submit to the prescribed authority and to the Panchayat Samity concerned within the prescribed time.

(2) The Gram Panchayat shall, in October and April every year, prepare a half yearly report showing the amount received by the Gram Panchayat during the previous half year from different sources including the pending balance and the amount actually spent on different items of work and a list of functionaries.

(3) The Gram Panchayat shall, immediately after the preparation of the report and the list referred to in sub-section (2), publish the same in the office of the Gram Panchayat for information of the general public.

CHAPTER III

Powers and Duties of Gram Panchayat

31. Subject to such conditions as may be prescribed, it shall be the duty of every Gram Panchayat, so far as its funds may allow, to make reasonable provisions within the area under its jurisdiction for—

- (a) Sanitation, conservancy and the prevention of public nuisances ;
- (b) curative and preventive measure in respect of malaria, small pox, cholera or any other epidemic diseases ;
- (c) supply of drinking water and the cleaning of public streets and protection thereof ;
- (d) the maintenance, repair and construction of public streets and protection thereof ;
- (e) the removal of encroachments of public streets or public places ;
- (f) the protection and repair of buildings and other property vested in it ;
- (g) the management and care of public tanks, common grazing grounds, burning ghats and public graveyards ;
- (h) the supply of any local information which the District Magistrate, the Zilla Parishad, the Panchayat Samity or the Sub-Divisional Officer, within the local limits of whose jurisdiction the Gram Panchayat is situated, may require ;
- (i) organising voluntary labour for community works for the upliftment of its area ;
- (j) the control and administration of the Gram Panchayat Fund established under this Act ;
- (k) the imposition, assessment and collection of the taxes, rates or fees leviable under this Act ; and
- (l) the performance of such functions as may be transferred to it under Section 31 of the Cattle Trespass Act, 1871.

32. (1) A Gram Panchayat shall also perform such other functions as the State Government may assign to it in respect of—

- (a) primary, social, technical, adult or vocational education ;
- (b) rural dispensaries, health centres and maternity and child welfare centres ;

Obligatory
duties of
Gram
Panchayat.

Other duties
of Gram
Panchayat.

- (c) management of any public ferry and markets which are not declared as regulated markets under any law for the time being in force ;
- (d) irrigation including minor irrigation, water management and water shed development ;
- (e) grow more food campaign ;
- (f) care of the infirm and the destitute ;
- (g) rehabilitation of displaced persons ;
- (h) improved breeding of cattle, medical treatment of cattle and prevention of cattle disease ;
- (i) acting as a channel through which Government assistance should reach the villages ;
- (j) bringing waste land under cultivation through improvement of land and soil conservation ;
- (k) promotion of village plantation, social forestry and farm forestry ;
- (l) arranging cultivation of land lying fallow ;
- (m) ~~arranging~~ co-operative management of land and other resources of the villages ;
- (n) ~~assisting in the implementation of~~ land reform measure in its area ;
- (o) ~~implementation of such schemes as may be formulated or performance of such acts as may be entrusted ;~~
- (p) ~~field publicity on matters~~ connected with development works and other welfare measures undertaken by the State Government ;
- (q) supervision of supply of food and essential commodities through ration shops ;
- (r) minor forest produce ;
- (s) rural housing programme ;
- (t) rural electrification including distribution of electricity ;
- (u) ~~non-conventional energy sources ;~~
- (v) family welfare, and women and child development ;
- (w) welfare of the weaker sections and in particular of the Scheduled Castes and Scheduled Tribes ;
- (x) maintenance of community assets ;
- (y) public distribution system ; and
- (z) poverty alleviation programme.

(2) If the State Government is of the opinion that a Gram Panchayat has persistently made default in the performance of any of the functions assigned to it under sub-section (1) the State Government may, after recording its reason, withdraw such function from such Gram Panchayat.

Discretionary
duties of Gram
Panchayat.

33. Subject to such conditions as may be prescribed, a Gram Panchayat may, and shall if the State Government so directs, make provision for—

- (a) the maintenance of lighting of public streets ;
- (b) planting and maintaining trees on the sides of public streets or in other public places vested in it ;
- (c) the establishment and maintenance of horticulture training centre ;
- (d) the sinking of wells and excavation of ponds and tanks ;
- (e) the introduction and promotion of cooperative farming, cooperative stores, and other cooperative enterprises, trades and callings;
- (f) the construction and regulation of markets other than markets which are declared as regulated markets under any law for the time being in force, the holding and regulation of fairs, melas, huts and exhibitions of local produce and products of local handicrafts and home industries ;
- (g) the allotment of places for storing manure ;
- (h) assisting and advising agriculturists in the matter of obtaining State loan and its distribution and repayment ;
- (i) filling up of insanitary depressions and reclaiming of unhealthy localities ;
- (j) the promotion and encouragement of cottage industries ;
- (k) the establishment and running of piggeries, duckaries and milk centres ;
- (l) the destruction of rabid dogs ;
- (m) the construction and maintenance of sarais, dharmasallas, rest houses, cattle sheds and cart stands ;
- (n) regulating production and disposal of foodstuffs and other commodities in the manner prescribed ;
- (o) the disposal of unclaimed cattle ;
- (p) the disposal of unclaimed crops and carcasses ;
- (q) the establishment and maintenance of libraries and reading rooms ;
- (r) the organisation and maintenance of akharas, clubs and other places for recreation or games and sports ;

- (s) the maintenance of records relating to population census, agricultural labour census, crop census, cattle census and census of unemployed persons and of other statistics as may be prescribed ;
- (t) rendering assistance in extinguishing fire and protecting life and property when fire occurs ;
- (u) assisting in the prevention of burglary and dacoity ;
- (v) relief against famine or other calamity ;
- (w) assisting in formulation and implementation of the schemes and Annual Plans of the State in so far as such schemes and Plans relate to the area under its jurisdiction ;
- (x) the performance in the manner prescribed of any of the functions of the Zilla Parishad or the Panchayat Samity, as the case may be, with its previous approval, calculated to benefit the people lying within the jurisdiction of the Gram Panchayats ; and
- (y) any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public, not otherwise provided for in this Act.

State Govern-
ment to place
fund.

34. Where the State Government assigns any function to a Gram Panchayat under Section 32 or where it directs a Gram Panchayat to make provision for any of the items enumerated in Section 33, it shall place such funds at the disposal of the Gram Panchayat as may be required for the due performance of such functions or for making such provision, as the case may be.

Control of build-
ing operation.

35. (1) No person shall erect any new structure or new building or make any addition to any structure or building in any area within the jurisdiction of Gram Panchayat except with the previous permission in writing of the Gram Panchayat.

(2) Every person seeking permission under sub-section (1) shall make an application in writing to such authority, in such form, containing such particulars and on payment of such fee, not exceeding Rs. 10/- as may be prescribed :

Provided that no permission under sub-section (1) shall be necessary for erection of any thatched structure, tin shed or tile shed without brick wall covering an area not exceeding 750 square feet :

Provided further that the State Government may by order exempt any structure or building or any class of structures or buildings from the operation of the provisions of this Section.

Improvement of sanitation.

36. (1) For the improvement of sanitation, a Gram Panchayat shall have the power to do all acts necessary for, and incidental to, the same and in particular and without prejudice to the generality of the foregoing power, a Gram Panchayat may by order require the owner or occupier of any land or building within such reasonable period as may be specified in the notice served upon him and after taking into consideration his financial position—

- (a) to close, remove, alter, repair, cleanse, disinfect, or put in good order any latrine, urinal, water closet, drain, cesspool, or other receptacle for filth, sullage, rubbish or refuse pertaining to such land or buildings, or to remove or alter any door or trap or construct any drain for any such latrine, urinals or water-closet which opens on to a street or drain or to shut off such latrine, urinal or water closet by a sufficient roof or wall or fence from the view of persons passing by or dwelling in the neighbourhood ;
- (b) to cleanse, repair, cover, fill up, drain off or remove water from a private well, tank, reservoir, pool, pit, depression or excavation therein which may be injurious to health or offensive to the neighbourhood ;
- (c) to clear off any vegetation, undergrowth, prickly pear or scrub jungle therefrom ; and
- (d) to remove any dirt, dung, nightsoil, manure or any obnoxious or offensive matter therefrom and to cleanse the land or building :

Provided that a person on whom a notice has been served as aforesaid may, within thirty days of receipt of such notice, appeal to the prescribed authority against the order contained therein whereupon the prescribed authority may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the Gram Panchayat concerned as may be prescribed, modify, set aside or confirm the order :

Provided further that the prescribed authority shall, when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out.

(2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the person upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a magistrate, to a fine which may extend to five hundred rupees.

Power of Gram Panchayat over public street, water ways and other matters.

37 (1) Subject to such conditions or restrictions as may be prescribed, a Gram Panchayat shall have control over all public streets and waterways within its jurisdiction other than canals constructed, maintained or controlled by the State Government, not being private property and not being under the control of the Central or State Government or any local authority, and may do all things necessary for the maintenance and repair thereof, and may—

- (a) construct new bridges and culverts ;
- (b) divert or close any such public street, bridge or culvert ;
- (c) widen, open, enlarge or otherwise improve any such public street, bridge or culvert and with minimum damage to the neighbouring fields, plant and preserve trees on the side of such street ;
- (d) deepen or otherwise improve such waterways ;
- (e) with the sanction of the State Government or with the sanction of such officer or authority as the State Government may prescribe, undertake irrigation projects ;
- (f) trim hedges and branches of trees projecting on public streets ;
- (g) set apart, by public notice, any public source of water supply for drinking or culinary purpose and likewise prohibit all bathing, washing or other acts likely to pollute the source so set apart.

(2) A Gram Panchayat may, by a notice in writing, require any person who has caused obstruction or encroachment on or damage to any public street or drain or other property under the control and management of the said Gram Panchayat, to remove such damage as the case may be within the time to be specified in the notice.

(3) If the obstruction or encroachment is not removed or damage is not repaired within the time so specified, the Gram Panchayat may cause such obstruction or encroachment to be removed or such damage to be repaired and the expenses of such removal or repair shall be recoverable from such person as arrears of land revenue.

(4) For the purpose of removal of obstruction or encroachment under sub-section (3) the Gram Panchayat may apply to the Sub-Divisional Magistrate and the Sub-Divisional Magistrate shall, on such application, provide such help as may be necessary for the removal of such obstruction or encroachment.

Power of Gram Panchayat in respect of polluted water supply.

38 (1) A Gram Panchayat may, by written notice, require the owner of, or the person having control over, a private water course, spring, tank, well or other place, the water of which is used for drinking or culinary purpose after taking into consideration his financial position, to take all or any of the following steps within a reasonable period to be specified in such notice namely—

- (a) to keep and maintain the same in good repair ;
- (b) to clean the same, from time to time, of silt, refuse or decaying vegetation ;
- (c) to protect it from pollution ; and
- (d) to prevent its use, if it has become so polluted as to be hazardous to the public health :

Provided that a person upon whom a notice as aforesaid has been served may within thirty days from the date of receipt of the notice, appeal to the prescribed authority against the order contained in the notice where upon the prescribed authority may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the Gram Panchayat concerned as may be prescribed modify, set aside or confirm the order :

Provided further that the prescribed authority shall when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out.

(2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the person upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a Magistrate, to a fine which may extend to five hundred rupees.

39. (1) A Gram Panchayat may, by written notice, require the owner or occupier of any land or premises, containing a tank or similar deposit of water, after taking into consideration his financial position, not to allow water hyacinth or any other weed which may pollute water to grow thereon and to eradicate the same therefrom within such reasonable period as may be specified in the notice :

Power of Gram Panchayat to prevent growth of water-hyacinth or other weed which may pollute water.

Provided that a person on whom a notice as aforesaid has been served may within thirty days from the date of receipt of the notice, appeal to the prescribed authority and it may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the Gram Panchayat concerned as may be prescribed, modify, set aside or confirm the order :

Provided further that the prescribed authority shall when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out.

(2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the owner or occupier upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time as specified in the notice or within the time fixed by the prescribed authority as the case may be, he shall be liable, on conviction by a Magistrate, to a fine which may extend to two hundred rupees.

Emergent power
on out-break
of epidemic.

40. In the event of an outbreak of cholera or any other water borne infectious disease in any locality situated within the local limits of the jurisdiction of a Gram Panchayat, the Pradhan, the Upa-Pradhan or any other person authorised by the Pradhan may, during the continuance of the outbreak, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purpose of drinking and may further take such steps as he may deem fit to prevent the drawing of water therefrom.

Power of
recovery of
cost for work
carried out by
Gram Pancha-
yat on failure of
any person.

41. If any work required to be done by an order contained in a notice served under Sections 36, 37, 38, 39 and 40 is not executed within the period specified in the notice or where an appeal is made to the prescribed authority within the fresh period as fixed as the prescribed authority in the appeal, the Gram Panchayat may, in the absence of satisfactory grounds for non-compliance, cause such work to be carried out and the cost of carrying out such work shall be recoverable as an arrear of land revenue from the person on whom the notice was served.

Joint
Committees.

42(1) Subject to such rules as may be prescribed, two or more Gram Panchayats may combine, by a written instrument duly subscribed by them, to appoint a Joint Committee consisting of such representatives as may be chosen by the respective Gram Panchayats for the purpose of transacting any business or carrying out any work in which they are jointly interested and may—

- (a) delegate to such committee the power, with such conditions as the Gram Panchayats may think fit to impose, to frame

any scheme binding on each of the constituent Gram Panchayats as to the construction and maintenance of any joint work and the power which may be exercised by any such Gram Panchayat in relation to such scheme ; and

- (b) frame or modify rules regarding the constitution of such committees and the term of office of the members thereof and the method of conducting business.

(2) If any difference of opinion arises between the constituent Gram Panchayats under this Section, it shall be referred to such officer as the State Government may appoint, and the decision of the said officer thereon shall be final and binding on each of the constituent Gram Panchayats.

Delegation of functions by Zilla Parishad and Panchayat Samiti.

43 (1) A Zilla Parishad or Panchayat Samiti, may with the concurrence of the Gram Panchayat and subject to such restrictions and conditions as may be mutually agreed upon, delegate to such Gram Panchayat, any of its functions in the manner prescribed.

(2) Where functions are delegated to Gram Panchayat, under this Section, the Gram Panchayat in the discharge of such functions shall act as the agent of the Zilla Parishad or the Panchayat Samiti as the case may be.

Delegation of functions of Gram Panchayat to its Pradhan.

44. A Gram Panchayat may, at a meeting specially convened for the purpose, by a resolution delegate to its Pradhan such day to day duties or powers of the Gram Panchayat as it thinks fit and may at any time by a resolution withdraw or modify the same :

Provided that when any financial power is delegated to a Pradhan or such power is withdrawn or modified, the Gram Panchayat shall forthwith give intimation thereof to the prescribed authority.

Gram Panchayat may manage estates, properties and interests vested in the State.

45. The State Government may, by general or special order published in the Official Gazette, empower a Gram Panchayat to manage the estates and properties and all interests therein which are vested in the State and to exercise such powers, perform such functions and discharge such duties in connection therewith as may be conferred, assigned or imposed by or under any other law for the time being in force.

Powers, functions and duties of Pradhan and Upa-Pradhan.

46 (1) The Pradhan shall -

- (a) be responsible for the maintenance of the records of the Gram Panchayat ;
- (b) have general responsibility for the finance and the administration of the Gram Panchayat ;

- (c) exercise administrative supervision and control over the work of the staff of the Gram Panchayat and the officers and employees whose services may be placed at the disposal of the Gram Panchayat by the State Government ;
- (d) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Gram Panchayat under this Act or the rules made thereunder :

Provided that the Pradhan shall not exercise such powers, perform such functions or discharge duties as may be required by the rules made under this Act to be exercised, performed or discharged by the Gram Panchayat at a meeting ; and

- (e) exercise such other powers, perform such other functions and discharge such other duties as the Gram Panchayat may, by general or special resolution, direct or as the State Government may by rules made in this behalf, prescribe.

The Upa-Pradhan shall

- (a) exercise such of the powers, perform such of the functions and discharge such of the duties of the Pradhan as the Pradhan may from time to time subject to rules made in this behalf by the State Government delegate to him by order in writing :

Provided that the Pradhan may at any time withdraw all or any of the powers, functions and duties as delegated to the Upa-Pradhan ;

- (b) during the absence of the Pradhan, exercise all the powers, perform all the functions and discharge all the duties of the Pradhan ; and
- (c) exercise such other powers, perform such other function and discharge such other duties as the Gram Panchayat may by general or special resolution, direct or as the State Government may by rules, made in this behalf prescribe.

Handing over charge by the retiring Pradhan to the new Pradhan.

47. (1) On the election of a new Pradhan, the retiring Pradhan or the person holding charge of the Pradhan's office shall hand over to him the charge of the Pradhan's office.

(2) If the retiring Pradhan or the person holding charge of the Pradhan's office fails or refuses to hand over charge of his office as required under sub-section (1), the Director of Panchayats or any officer empowered by him in this behalf, may, by order in writing, direct the retiring Pradhan to hand over charge of his office forthwith and all papers and properties in his possession as such Pradhan to the new Pradhan.

(3) If the person to whom a direction has been issued under sub-section (2) fails to comply with the direction, he shall without prejudice to any other legal remedy against him, be punishable, on conviction by a Magistrate of competent jurisdiction, with imprisonment for a term which may extend to six months or to one thousand rupees or with both.

(4) Without prejudice to the action which may be taken under sub-section (3), any officer empowered by the Director of Panchayats shall be entitled to take possession of, through police help, all papers and properties from the retiring Pradhan or the person holding charge of the Pradhan's office who failed to comply with the directions issued under sub-section (2).

48. (a) Every member of a Gram Panchayat may call the attention of the State Government to any neglect in the execution of any work or duty assigned by or under this Act to a Gram Panchayat, to any waste of the Panchayat property or to the wants of any locality and may suggest any improvement which may appear desirable.

(b) Every member of a gram Panchayat shall have the right to move resolution and to interpollate the Pradhan on the matters connected with the administration of the Gram Panchayat, subject to such rules as may be prescribed.

(3) Every member of a Gram Panchayat shall have access, during office hours, to the records of the Gram Panchayat for his inspection after giving due notice to the Panchayat Secretary of the Gram Panchayat, who may for reasons given in writing and with the approval of the Pradhan refuse such access.

49. No Pradhan, Upa-Pradhan or member shall be paid from the funds at the disposal of or under the control of the Gram Panchayat any salary or remuneration for services rendered by him whether in his capacity as such or in any other capacity :

Provided that the Pradhan shall be entitled to fixed honorarium and fixed travelling allowance per month at such rate as the State Government by order in writing may direct from time to time :

Provided further that when an Upa-Pradhan exercises the powers, perform the functions and discharges the duties of the Pradhan under circumstances specified in sub-section (7) of Section 20 or when a member is appointed to act as Pradhan under sub-section (8) of that Section, such Up-Pradhan or, member shall, for the period during which he acts as such, be entitled to fixed honorarium and fixed travelling allowance at the same rates at which a Pradhan is entitled to the same under the preceding provision.

Rights of individual members.

Pradhan, Upa-Pradhan or member not to receive salary etc.

CHAPTER—IV

Staff of Gram Panchayat

Secretary of
Gram Pan-
chayat.

50. (1) For every Gram Panchayat there shall be two Panchayat Secretaries appointed by the State Government.

(2) The senior Panchayat Secretary shall be ex-officio Secretary to the Panchayat and shall be in charge of the office of the Gram Panchayat and the other Panchayat Secretary shall perform such functions and discharge such duties as may be assigned to him by the Panchayat.

(3) Subject to such rules and conditions as may be prescribed, the Panchayat Secretaries shall act in all matters under the control of the Pradhan through whom they shall be responsible to the Gram Panchayat.

Staff of the
Gram Pan-
chayat.

51. (1) Subject to such rules as may be made by the State Government in this behalf, a Gram Panchayat may appoint such officers and employees as may be required by it and may fix the salaries and allowances to be paid to the persons so appointed :

Provided that no post shall be created or abolished and no revision of scale of pay of any post shall be made by the Gram Panchayat without the prior approval of the State Government.

(2) The State Government may place at the disposal of the Gram Panchayat the services of such officers or other employees serving under it on such terms and conditions as it may think fit :

Provided that any such officer or employee shall be recalled by the State Government if a resolution to that effect is passed by the Gram Panchayat at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being :

Provided further that the State Government shall have disciplinary control over such officers and employees.

Exercise of
powers etc.
by the officers
and employees.

52. Subject to the provisions of this Act, the rules made thereunder and to any general or special directions as the State Government may give in this behalf, the officers and other employees employed by the Gram Panchayat and the officers and other employees whose services have been placed at the disposal of the Gram Panchayat shall exercise such powers, perform such functions and discharge such duties as the Gram Panchayat may determine.

CHAPTER—V

Property and Fund of Gram Panchayat

Power to acquire hold and dispose of property.

53. A Gram Panchayat shall have power to acquire, hold and dispose of property and to enter into contracts :

Provided that in all cases of acquisition or disposal of immovable property, the Gram Panchayat shall obtain the prior approval of the State Government.

Properties vested in the Gram Panchayats.

54. Subject to such restrictions or conditions as the State Government may think fit and proper, all properties of the nature specified below and situated within the local limits of a Gram Panchayat shall vest in and belong to the Gram Panchayat concerned and shall be under its direction, management and control and shall be held and applied for the purpose of this Act—

- (a) all public buildings constructed and maintained out of the funds of the Gram Panchayat ;
- (b) all public roads which have been constructed and maintained out of the funds of the Gram Panchayat and the stones and other materials thereof and also trees, erection materials, implements and things provided for such roads ; and
- (c) all lands and other properties movable or immovable transferred to the Gram Panchayat by the State Government.

(2) The State Government may, by notification, exclude any street, bridge or drain from the operation of this Act or of any specified Section of this Act :

Provided that, if the cost of the construction of the work shall have been paid from the Gram Panchayat Fund, such work shall not be excluded from the operation of this Act or any specified Section of this Act except after consideration of the views of the Gram Panchayat at a meeting.

Allocation of property to Gram Panchayats.

55. The State Government may allocate to a Gram Panchayat any public property situated within its local jurisdiction, and thereupon such property shall vest in and come under the control of the Gram Panchayat.

Acquisition of land for Gram Panchayats.

56. (1) Where a Gram Panchayat requires land for carrying out any of the purposes of this Act, it may negotiate with person or persons having interest in the said land and if it fails to reach an agreement, it may make an application in the manner prescribed to the Collector of the District for the acquisition of the land and the Collector may, if he is satisfied that the land is required for public purposes, take steps to acquire the land under any law for the time being in force for acquisition of land and such land shall, on acquisition, vest in the Gram Panchayat.

(2) Subject to such conditions as may be imposed and any special reservation as may be made by the State Government, the management of all public property, markets, fairs and ferries or such portion thereof as are held upon public land and as are maintained by the State Government

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within the local limits of a Gram may be entrusted to the Gram Panchayat concerned and thereupon such public property, markets, fairs and ferries shall be managed and regulated by the Gram Panchayat concerned, which shall receive, to the credit of the Gram Panchayat Fund, all dues levied or imposed by it in respect thereof.

Power to borrow money.

57. A Gram Panchayat may borrow money from the State Government or, with the sanction of the prescribed authority from the Central Government or, from the banks or other financial institutions for furtherance of its objectives on the basis of such specific schemes as may be drawn up by the Gram Panchayat.

Gram Panchayat Fund.

58. (1) For every Gram Panchayat there shall be constituted a Gram Panchayat Fund bearing the name of the Gram Panchayat and there shall be placed to the credit thereof—

- (a) contributions and grants, made by the Central or the State Government including grants-in-aid from the Consolidated Fund of the State based on the recommendation of the State Finance Commission constituted under this Act;
- (b) contributions and grants, if any made by the Zilla Parishad, Panchayat Samiti or any other local authority;
- (c) loans, if any, granted by the Central Government or the State Government or any of the institutions specified in this Section
- (d) all receipts on account of taxes, rates, duties, tolls and fees levied by it;
- (e) all receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works vested in, constructed by or placed under the control and management of the Gram Panchayat;
- (f) all sums received as gift or contribution and all income from any trust or endowment made in favour of the Gram Panchayat;
- (g) such fines and penalties imposed and realised under the provisions of this Act as may be prescribed; and
- (h) all other sums received by or on behalf of the Gram Panchayat.

(2) Every Gram Panchayat shall set apart and apply annually such sum as may be required to meet the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to its officers and employees.

(3) Every Gram Panchayat shall have the power to open such account as it thinks fit for carrying out the purposes of this Act.

(4) The Gram Panchayat Fund shall be vested in the Gram Panchayat and the amount standing to the credit of the Fund shall be kept in such custody as the State Government may, from time to time, direct.

(5) Subject to such general control as the Gram Panchayat may exercise from time to time, all orders for payment from the Gram Panchayat Fund shall be signed by the Pradhan, or in his absence, by the Upa-Pradhan.

(6) The Gram Panchayat Fund shall be operated in such manner as may be prescribed.

Imposition of
tax by Gram
Panchayats.

59. (1) Subject to such rules as may be made in this behalf, a Gram Panchayat may impose yearly, on lands and buildings within the local limits of its jurisdiction, a tax at such rate as may be prescribed on the annual value of such lands and buildings to be paid by the owners and occupiers thereof.

(2) The following lands and buildings shall be exempted from imposition of tax under sub-section (1) namely—

- (a) lands and buildings, the annual value of which is not more than such limit as may be prescribed;
- (b) lands and buildings belonging to a local authority and used or intended to be used exclusively for a public purpose and not used or intended to be used for purposes of profit;
- (c) lands and buildings used exclusively for religious, educational or charitable purposes; and
- (d) lands and buildings owned by the Central or State Government.

(3) The State Government may, by notification, exempt either wholly or in part any other class of properties or classes of properties specified in the notification from the taxes or rates or duties leviable under this Section.

(4) Subject to such rules, restrictions and conditions as may be made in this behalf, a Gram Panchayat may with the prior approval of the State Government levy—

- (a) on all transfers of immovable property situated within the local limits of the Gram Panchayat, a duty in the shape of an additional stamp duty at such rate as may be prescribed on as the case may be, the amount of the consideration for the sale, the value of the property in the case of a gift, the amount secured by the mortgage, the value of the property of the greater value in the case of exchange, or the value of rent for the first ten years in the case of a lease, as set forth in the instrument; and
- (b) a duty in the shape of an additional stamp duty at such rate as may be prescribed on all payments for admission to any entertainment.

(5) The State Government may make rules for regulating the collection of the duty on transfers of immovable property and duty on entertainment referred to in sub-section (4), the payment thereof to the Gram Panchayat and the deduction of any expenses incurred by the State Government in the collection thereof.

Explanation—In this Section—

- (a) "annual value" in relation to any land or buildings, means an amount not exceeding six per centum of the market value of such land and building estimated in the prescribed manner;

- (b) "entertainment" includes any exhibition, cinematograph exhibition, performance, amusement, games or sports to which persons are admitted on payment.

Levy of rates
and fees

60. (1) Subject to such maximum rates as the State Government may prescribe, a Gram Panchayat may levy the following fees, rates and tolls namely:—

- (i) fees on the registration of vehicles ;
- (ii) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the State Government by notification published in the manner prescribed ;
- (iii) a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Gram Panchayat within its jurisdiction ;
- (iv) a lighting rate, where arrangement for lighting of public streets and places is made by the Gram Panchayat within its jurisdiction ;
- (v) a conservancy rate, where arrangement for cleaning private latrines, urinals and cesspools is made by the Gram Panchayat within its jurisdiction ;
- (vi) fees on licence for running trade, wholesale or retail, within the jurisdiction of the Gram Panchayat unless such licence or such trade is prohibited under any law for the time being in force ;
- (vii) tolls on persons, vehicles or animals or any class of them at any toll bar which is established by the Gram Panchayat on any road or bridge vested in or under the management of the Gram Panchayat ; and
- (viii) tolls in respect of any ferry established by or under the management of the Gram Panchayat.

(2) The Gram Panchayat shall not undertake registration of vehicles or levy fees therefor and shall not provide sanitary arrangement at places of worship or pilgrimage, fairs and melas within its jurisdiction or levy fees therefor if such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any other local authority or by the State Government.

Appeal against
imposition of
tax, levy of rate,
toll or fee.

61. An appeal shall lie against any order made by Gram Panchayat imposing tax or levying rate, fee or toll in such manner as may be prescribed before the prescribed authority and the decision of the prescribed authority in appeal shall be final.

Recovery of tolls
taxes, rates or
fees as arrears
of land revenue.

62. All dues on account of taxes, rates, tolls or fees payable to Gram Panchayat under this Act shall be recoverable as arrears of land revenue.

Remission or
revision of tax,
toll, rate or fee.

63. (1) The State Government may remit the whole or part of any tax imposed or rate, toll or fee levied by a Gram Panchayat in respect of any period after the commencement of this Act.

(2) The power exercisable by the State Government under sub-section (1) shall also be exercisable either generally or in any specified area by the prescribed authority under such circumstances as the State Government may prescribe.

(3) A Gram Panchayat may, by resolution and under such circumstances as may be prescribed, remit the whole or part of any such tax, rate, toll or fee imposed or levied by it provided that no such resolution shall take effect unless it is approved by the prescribed authority.

(4) Where any tax, rate, toll or fee has been remitted under the Section, any sum realised from any person on account of tax, rate, toll or fee so remitted, shall be refunded to him by the Gram Panchayat.

Budget of the
Gram Panchayat.

64. (1) The Pradhan of every Gram Panchayat shall at such time and in such manner as may be prescribed cause to be prepared in each year a budget of its estimated income and expenditure for the following year and shall place the budget for passing in the meeting of the Gram Panchayat to be convened for the purpose and shall submit the budget to the Panchayat Samiti having jurisdiction over the area of the Gram.

(2) The Panchayat Samiti may, within such time as may be prescribed, either approve the budget or return it to the Gram Panchayat for such modifications as it may direct. On such modifications being made the budget shall be resubmitted within such time as may be prescribed for approval of the Panchayat Samiti. If approval of the Panchayat Samiti is not received by the Gram Panchayat within two months or by the last date of the year, whichever is earlier the budget shall be deemed to be approved by the Panchayat Samiti.

(3) No expenditure shall be incurred unless the budget is approved by the Panchayat Samiti.

(4) If before such date as may be prescribed a Gram Panchayat fails to submit the budget to the Panchayat Samiti, the prescribed authority may call upon the Gram Panchayat to furnish such information as it may require and may prepare the budget as required under sub-section (1) and submit it to the Panchayat Samiti for approval and the budget so prepared by the prescribed authority shall have effect as if it had been passed by the Gram Panchayat, and the prescribed authority shall submit it to the Panchayat Samiti.

(5) On receipt of the budget from the prescribed authority under sub-section (4), the Panchayat Samiti shall approve the budget with such modification as deemed necessary and return it to the prescribed authority for onward transmission to the Gram Panchayat

Supplementary
Budget.

65. A Gram Panchayat may prepare in each year a supplementary estimate providing for any modification of its budget and submit it to the Panchayat Samiti for approval within such time and in such manner as may be prescribed.

Accounts.

66. Every Gram Panchayat shall keep accounts of its income and expenditure in such manner and in such form as may be prescribed.

PART II
PANCHAYAT SAMITI

CHAPTER—I

Constitution of Panchayat Samiti

Creation of
Block.

67. (1) The State Government may, by notification, divide a District into Blocks each of which shall comprise such local areas as may be specified in the notification :

Provided that a Block may comprise such Grams as are not contiguous or have not common boundaries and are separated by an area to which this Act does not extend or areas in which the remaining Sections of this Act, referred to in sub-section (3) of Section 1, have not come into force.

(2) The notification under sub-section (1) shall specify the name of the Block by which it shall be known and shall specify the local limits of such Block.

(3) The State Government may, after making such enquiry as it may think fit and after consulting the views of the Panchayat Samiti or Samitis concerned, by notification—

- (a) exclude from any Block any Gram comprised therein ;
- (b) include in any Block any Gram contiguous to such Block or separated by an area to which this Act does not extend or in which the remaining Sections of this Act, referred to in sub-section (3) of Section 1, have not come into force ;
- (c) divide the area of a Block so as to constitute two or more Blocks ; or
- (d) unite the areas of two or more Blocks so as to constitute a single Block.

Constitution of
Panchayat
Samiti.

68. (1) For each Block there shall be constituted a Panchayat Samiti having jurisdiction, save and except as otherwise provided in this Act, over the entire Block excluding such portions of the Block as are included in a Municipality or under the authority of a Municipal Corporation or a Notified Area Authority constituted under any law for the time being in force :

Provided that a Panchayat Samiti may have its office in any area comprised within the excluded portion of the Block.

(2) Every Panchayat Samiti shall be a body corporate by the name of the Block and shall have perpetual succession and a common seal and subject to such restrictions as are imposed by or under this Act or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, or acquiring, holding and transferring property, movable or immovable, whether without or within the limits of the area over which it has authority, of entering into contracts and of doing all things, necessary, proper and expedient for the purpose, for which it is constituted.

Effect of
alteration of
the area of
Block.

69. (1) When any Gram is excluded from a Block under clause (a) of sub-section (3) of Section 67, such Gram shall, as from the date of the notification referred to in that sub-section, cease to be subject to the jurisdiction of the Panchayat Samiti of that Block and, unless the State Government otherwise directs, to the rules, orders, directions and notifications in force therein.

(2) When a Gram is included in a Block under clause (b) of sub-section (3) of Section 67, the Panchayat Samiti for that Block shall, as from the date of the notification referred to in that sub-section, have jurisdiction over such Gram and, unless the State Government otherwise directs, all rules, orders, directions and notifications in that Block shall apply to the Gram so included.

(3) When the area of any Block is divided under clause (c) of sub-section (3) of Section 67, so as to constitute two or more Blocks, there shall be reconstitution of the Panchayat Samiti for the newly constituted Blocks in accordance with the provisions of this Act, and the Panchayat Samiti of the Block so divided shall, as from the date of coming into office of the newly constituted Panchayat Samitis, cease to exist.

(4) When the areas of two or more Blocks are united under clause (d) of sub-section (3) of Section 67 so as to constitute a single Block, there shall be reconstitution of the Panchayat Samitis for the newly constituted Blocks in accordance with the provisions of this Act, and the Panchayat Samities of the Blocks so united shall, as from the date of coming into office of the newly constituted Panchayat Samiti, cease to exist.

(5) When under sub-section (3) of Section 67 any Gram is excluded from, or included in, a Block, or a Block is divided so as to constitute two or more Blocks, or two or more Blocks are united to constitute a single Block, the properties, funds and liabilities of the Panchayat Samiti or Samitis affected by such reorganisation shall vest in such Panchayat Samiti or Panchayat Samitis and in accordance with such allocation, as may be determined by order in writing by the prescribed authority, and such determination shall be final.

(6) An order made under sub-section (5) may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such reorganisation.

Composition of
Panchayat
Samiti.

70. (1) Every Panchayat Samiti shall consist of—

- (a) directly elected members from territorial constituencies as determined under section 71 of this Act;
- (b) The members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Panchayat Samiti, ex-officio; and
- (c) The Pradhans of Gram Panchayats within the Block, ex-officio.

(2) The Gram Pradhans or other members of the Panchayat Samiti, whether or not chosen by direct election from territorial constituencies in the Panchayat Samiti, shall have the right to vote in the meetings of the Panchayat Samiti except for election and removal of the Chairman and the Vice-Chairman of the Panchayat Samiti.

Number of members to be elected to Panchayat Samiti.

71. (1) The number of elected members of a Panchayat Samiti shall consist of persons elected from the territorial constituencies in the Panchayat area, as may be notified from time to time by the Government, at the rate of one member for every Eight thousands population or part thereof, of the Panchayat area ; so, however, that the total number of members of the Panchayat Samiti shall not exceed fifteen.

(2) For election to the Panchayat Samiti, the prescribed authority shall, in accordance with such rules as may be prescribed in this behalf by the State Government, divide the Panchayat Samiti area into territorial constituencies in such manner that the population of each constituency, shall, as far as practicable, be the same throughout the Panchayat Samiti area.

(3) Each territorial constituency shall elect one member through direct election in the manner as prescribed.

Reservation of seats.

72. (1) Seats shall be reserved in a Panchayat Samiti for the Scheduled castes and the Scheduled Tribes, and the number of seats to be reserved shall bear, as nearly as may be, the same proportion, to the total number of seats to be filled by direct election in that Panchayat Samiti, as the population of the Scheduled Castes or the Scheduled Tribes in that Panchayat Samiti area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat Samiti in such manner as may be prescribed.

(2) Not less than one-third of the total number of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat Samiti shall be reserved for women and such seats may be allotted by rotation to different territorial constituencies in a Panchayat Samiti, in such manner as may be prescribed.

Duration of Panchayat Samiti.

(1) Every Panchayat Samiti unless sooner dissolved shall continue for five years from the date appointed for its first meeting and no longer.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of Panchayat Samiti which is functioning immediately before such amendment, till the expiration of its duration specified in sub-section (1).

General Election to the Panchayat Samiti.

74. (1) The first General Election or General Election, as the case may be, of the members of a Panchayat Samiti shall be held under the provisions of this Act and of the rules and orders made constitution with the State Government may, by one or more notification in the Official Gazette specify.

(2) The General Election to constitute Panchayat Samiti shall be completed—

(a) before the expiry of its duration specified in sub-section (1) of Section 73; and

(b) in case of dissolution, before the expiration of a period of six months from the date of its dissolution :

Provided that where the remainder of the period for which the dissolved Panchayat Samiti would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat Samiti for such period

(3) Election in respect of casual or other vacancies shall be held at such time as may be prescribed.

(4) If for any reason the first General Election or General Election can not be held within the time specified in the notification referred to in sub-section (1) or sub-section (2), the State Election Commission in consultation with the State Government shall fix another date within which such election shall be held.

(5) The names of all persons elected to be a Panchayat Samiti at the first General Election or the General Election shall be published by the State Election Commissioner in the Official Gazette and upon such publication being made such Panchayat Samiti shall be deemed to be duly constituted.

(6) The Panchayat Samiti constituted upon the dissolution of a Panchayat Samiti before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat Samiti would have continued under sub-section (1) of section 73 had it not been so dissolved.

Disqualification of members of Panchayat Samiti.

75. Subject to the other provisions contained in the Act, a person shall not be qualified to be a member of a Panchayat Samiti, if—

(a) he is a member of any municipal or other local authority constituted under any law for the time being in force

(b) he is so disqualified by or under any law for the time being in force for the purposes of elections to the legislature of the State of Tripura and he is so disqualified by or under any law made by the legislature of the State of Tripura : or

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years ;

- (c) he has, directly or indirectly by himself or by his partner or employer or an employee, any share or interest in any contract with, by or on behalf of the Panchayat Samiti or a Gram Panchayat within the Block concerned or the Zilla Parishad of the District

Provided that no person shall be deemed to be disqualified for being elected a member of a Panchayat Samiti by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956, which contracts with or is employed by the Panchayat Samiti or any such Gram Panchayat or such Zilla Parishad ;

- (d) he has been dismissed from the service of the Central Government or a State Government or a local authority or a co-operative society, or a Government Company or a Corporation owned or controlled by the Central Government or the State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal ;
- (e) he has been adjudged by a competent court to be of unsound mind ;
- (f) he is an undischarged insolvent ;
- (g) he being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part ; or
- (h) he has been convicted by court for an offence involving moral turpitude punishable with imprisonment for a period of more than six months or an offence under chapter IXA of the Indian Penal Code or Chapter III of Part VII of the Representation of the People Act, 1951, and five years have not elapsed from the date of expiration of the sentence.

Disqualification on the ground of defection and decision thereon.

76. (1) A member of a Panchayat Samiti belonging to any political party shall be disqualified for being a member of the Panchayat Samiti—

- (a) If he has voluntarily given up his membership of such political party ; or
- (b) If he votes or abstains from voting in the Panchayat Samiti contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining in either case, the prior written permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within thirty days from the date of such voting or abstention.

EXPLANATION: For the purpose of this sub-section, a member of a Panchayat Samiti shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member.

(2) A member of a Panchayat Samiti who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the Panchayat Samiti if he joins any political party after such election.

NOTE: For the purpose of this Section "political party" means a political party which has been recognised by the Election Commission of India as a national party or as a state party of this State.

(3) If any question arises as to whether a member of Panchayat Samiti has become subject to disqualification under sub-section (1), the question shall be referred for decision of the District Magistrate having jurisdiction over such Panchayat Samiti and his decision shall be final.

(4) The proceeding under sub-section (1) shall be completed and decision thereon shall be communicated within fifteen days from the date when any such question has been referred.

(5) During pendency of a proceeding no decision shall be taken by the Panchayat Samiti in any meeting for the removal or election of the Chairman and the Vice-Chairman.

(6) The disqualification shall take effect from the date of the decision of the District Magistrate.

77. (1) Notwithstanding anything contained elsewhere in this Act, at a General Election of the members of a Panchayat Samiti—

Majority of members elected at a general election to function when election of members from constituencies can not be held.

- (a) if the election of any member from any constituency can not be held; or
- (b) if held, result of such election can not be published in the Official Gazette by reason of the order of a court or for any other reason, within such time as the State Government considers reasonable

the State Government may, if it thinks expedient so to do in the interest of the administration of the Panchayat Samiti concerned, by an order, direct that such of the members of the panchayat samiti as have been elected and are able to assume office as members, shall forthwith assume such office.

(2) Upon an order under sub-section (1) being made, the names of the members, who have been elected and as regards the publication of the result of whose election there is no impediment, shall be published in the Official Gazette and such members shall assume office as members of the newly constituted Panchayat Samiti after General Election of the members of the Panchayat Samiti and shall be deemed to constitute, for the being, total number of members of the Panchayat Samiti.

(3) Any member of the Panchayat Samiti who is subsequently elected or whose name is subsequently published the Official Gazette as a member, shall be entitled to assume office as such member, but his term of office shall be deemed to have commenced from the date of the first meeting at which a quorum is present of the members referred to in sub-section (1).

Election of
Chairman/
Vice-Chairman.

78. (1) The directly elected members of every Panchayat Samiti shall, at its first meeting at which a quorum is present elect, in the prescribed manner, one of its directly elected members to be Chairman and another member to be the Vice-Chairman of the Panchayat Samiti :

Provided that the ex-officio members, such as Gram Pradhan, Member of Legislative Assembly and other ex-officio members shall not be eligible for such election :

Provided further that subject to such rules as may be made in this behalf by the State Government, a member shall not be eligible for such election unless he declares in writing that, on being elected, he shall be a whole time functionary of his office and that during the period for which he holds or is due to hold such office, he shall not hold such office of profit unless he has obtained leave of absence from his place of employment or shall not carry on or be associated with any business, profession or calling in such manner that shall, or is likely to, interfere with due exercise of his powers or due performance of his functions or due discharge of his duties.

(2) The meeting to be held under sub-section (1) shall be convened by the prescribed authority in the prescribed manner.

(3) The Chairman or Vice-Chairman, subject to the provision of Section 82 and to their continuing as members, shall hold office for a period of five years ;

(4) On expiry of five years or on ceasing to be members, which ever is earlier, the Chairman or the Vice-Chairman shall hand over the charges to the prescribed authority.

(5) When—

- (a) the office of the Chairman falls vacant by reason of death, resignation, removal or otherwise ; or
- (b) the Chairman is, by reason of leave, illness, or other cause, temporarily unable to act, the Vice-Chairman shall exercise the powers, perform the functions and discharge the duties of the Chairman until a new Chairman is elected and assumes office or until the Chairman resumes his duties, as the case may be.

(6) When—

- (a) the office of the Vice Chairman falls vacant by reason of death, resignation, removal or otherwise ; or
- (b) the Vice Chairman is, by reason of leave illness or other cause, temporarily unable to act, the Chairman shall exercise the powers, perform the functions and discharge the duties of the Vice Chairman until a new Vice Chairman is elected and assumes office or until the Vice Chairman resumes his duties, as the case may be.

(7) When the offices of the Chairman and the Vice Chairman are both vacant or the Chairman and the Vice Chairman are temporarily unable to act, the prescribed authority may appoint a Chairman and a Vice Chairman from amongst the elected members of the Panchayat Samiti to act as such until a Chairman or a Vice Chairman is elected and assumes

office or until the Chairman or the Vice Chairman resumes duties, as the case may be.

(8) Notwithstanding anything to the contrary contained in this Act, the State Government may, by an order in writing, remove a Chairman or a Vice Chairman from his office if, in its opinion, he holds any office of profit or carries on or is associated with any business, profession or calling in such manner that shall, or is likely to, interfere with due exercise or his powers, performance of his functions or discharge of his duties :

Provided that the State Government shall, before making any such order, give the person concerned an opportunity for making a representation against the proposed order.

(9) The Chairman and the Vice-Chairman of the Panchayat Samiti shall be entitled to leave of absence for such period or periods as may be prescribed.

Reservation of
seats.

79. (1) Seats shall be reserved in the office of the Chairman of Panchayat Samiti for the Scheduled Castes and the Scheduled Tribes and the number of offices so reserved in the State shall bear, as nearly as may be, the same proportion to the total number of such offices as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State.

(2) Not less than one third of the total number of offices of Chairmana of Panchayat Samiti, including the number of seats reserved for the Scheduled Castes and the Scheduled Tribes, shall be reserved for woman in such manner as may be prescribed :

Provided that the number of offices reserved under this Section shall be allotted by rotation to different Panchayat Samitis in such manner as may be prescribed within the State.

(3) Save as otherwise provided under this Act, the Chairman and the Vice Chairman of a Panchayat Samiti shall hold office for the term of office of the members of the Panchayat Samiti.

Resignation of
Chairman, Vice
Chairman or
member.

80. (1) A Chairman or a Vice Chairman or a member of Panchayat Samiti may resign his office by writing under his hand to the prescribed authority and, on such resignation being accepted, the Chairman, the Vice Chairman or the member, as the case may be, shall be deemed to have vacated his office.

(2) When a resignation is accepted under sub-section (1), the prescribed authority shall communicate it to the members of Panchayat Samiti concerned within thirty days of such acceptance.

Removal of
member of
Panchayat Samiti.

31. (1) The prescribed authority may, after giving opportunity to a member of a Panchayat Samiti (other than an ex-officio member) to show cause against the action proposed to be taken against him, by order remove him from office—

(a) if, after he becomes a member, he is convicted by a criminal court for an offence involving moral turpitude and punish-

able with imprisonment for a period of more than six months;

- (b) if he was disqualified to be a member of the Panchayat Samiti at the time of his becoming a member;
- (c) if he incurs any of the disqualifications mentioned in clauses (a) to (h) of section 75 after his becoming a member of the Panchayat Samiti;
- (d) if he is absent from three consecutive meetings of the Panchayat Samiti without the leave of the Panchayat Samiti; or
- (e) if he does not pay any arrear in respect of any tax, toll, fee or rate payable under this Act.

(2) Any member of a Panchayat Samiti who is removed from his office by the prescribed authority under sub-section (1) may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority, and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.

(3) The order passed by such authority on such appeal shall be final.

Removal of
Chairman/Vice
Chairman.

82. A Chairman or a Vice-Chairman of a Panchayat Samiti may, at any time, be removed from office by a resolution of the Panchayat Samiti carried by the majority of the existing elected members of the Panchayat Samiti at a meeting specially convened for the purpose in the prescribed manner. Notice of such meeting shall be given to the prescribed authority by not less than one fifth of the total members:

Provided that in such meeting, while any resolution for the removal of the Chairman from his office is under consideration, the Chairman, or while any resolution for the removal of the Vice-Chairman from his office is under consideration, the Vice-Chairman, shall not, though he is present, preside and the provisions of sub-section (3) of Section (87) shall apply in relation to every such meeting as they apply in relation to a meeting from which the Chairman or, as the case may be, the Vice-Chairman is absent.

Filling of casual
vacancy of the
office of Chair-
man/Vice-
Chairman.

83. In the event of removal of a Chairman or a Vice-Chairman under section 82 or when a vacancy occurs in the office of a Chairman or a Vice-Chairman by resignation, death, or otherwise, the Panchayat Samiti shall elect another Chairman or Vice-Chairman, in the prescribed manner.

Filling of casual
vacancy in the
office of the
member of
Panchayat
Samiti.

84. If the office of a member of a Panchayat Samiti becomes vacant by reason of his death, resignation, removal or otherwise, the vacancy shall be filled by election in the prescribed manner.

Term of office
of Chairman,
Vice Chairman
or member filling
casual vacancy.

85. Every Chairman or Vice Chairman elected under Section 83 and a person who becomes a member under Section 84 to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the person in whose place he is so elected.

Salary and allowances of the Chairman, the Vice-Chairman and others.

86. (1) Salaries and allowances of the Chairman and the Vice-Chairman of a Panchayat Samiti shall be such as may be prescribed.

(2) Every member of a Panchayat Samiti, other than the Chairman or the Vice-Chairman, shall be entitled to receive such sitting fee, as may be prescribed.

Meeting of Panchayat Samiti.

87. (1) Every Panchayat Samiti shall hold a meeting in its office at least once in two months (hereinafter in this Section called ordinary meeting) on such date and at such hour as the Panchayat Samiti may fix at the immediately preceding meeting :

Provided that the first meeting of a newly constituted Panchayat Samiti shall be held on such date and at such hour and at such place within local limits of the Block concerned as the prescribed authority may fix :

Provided further that the Chairman, when required in writing by one-fifth of the members of the Panchayat Samiti to call a meeting, after giving intimation to the prescribed authority and after giving seven days' notice to the members of the Panchayat Samiti, shall do so fixing the date and hour of the meeting within fifteen days failing which the members aforesaid may call a meeting within thirty days after giving intimation to the prescribed authority and after giving seven days notice to the Chairman and the other members of the Panchayat Samiti. Such meeting shall be held in the office of the Panchayat Samiti on such date and at such hour as the members calling the meeting may decide. The prescribed authority may appoint an observer for such meeting who shall submit to the prescribed authority a report in writing duly signed by him within a week of the meeting. The prescribed authority shall on receipt of the report, take such action thereon as it may deem fit.

(2) Ten clear days' notice of an ordinary meeting and seven clear days' notice of a special meeting, specifying the time at which such meeting is to be held and the business to be transacted there at, shall be sent to the members and pasted up at the office of the Panchayat Samiti. Such notice shall include, in case of special meeting, any motion or proposition mentioned in the written request made for such meeting.

(3) The Chairman, or in his absence the Vice-Chairman, shall preside over the meeting of the Panchayat Samiti, and in the absence of both, the members present shall elect one of them to be the president of the meeting.

(4) One-third of the total number of members shall form quorum for a meeting of the Panchayat Samiti :

Provided that no quorum shall be necessary for an adjourned meeting.

(5) All questions coming before a Panchayat Samiti shall be decided by a majority of vote :

Provided that in case of equality of votes the person presiding shall have a casting vote :

Provided further that in case of a requisitioned meeting for the removal of a Chairman or a Vice-Chairman under Section 82, the person presiding over the meeting shall have no casting vote.

(6) No member of a Panchayat Samiti shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the Panchayat Samiti or any committee, if the question is one in which, apart from its general application to the public, he has any direct pecuniary interest.

(7) (i) No matter shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting, or in the case of a special meeting in the written request for such meeting. A member may propose any resolution connected with or incidental to the subjects included in the list of business. The Chairman may propose any urgent subject of a routine nature not included in the list of business if no member objects to it. No permission shall be given, in the case of a motion or matter to modify or cancel any resolution, within three months after the passing thereof except in accordance with sub-section (8). The order in which any business or matter shall be brought forward at such meeting shall be determined by the presiding authority who, in case it is proposed by any member to give particular matter, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(ii) Any ordinary meeting may, with the consent of a majority of the members present, be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed at the meeting from which adjournment took place.

(8) No resolution of Panchayat Samiti shall be modified or cancelled within three months after the passing thereof except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting any notice whereof shall have been given fulfilling the requirements of sub-section (2) and setting forth fully the resolution which it is proposed to modify fully or cancel at such meeting and motion or proposal for the modification or cancellation of such resolution.

(9) The proceedings of every meeting shall be recorded in the minutes book immediately after the deliberations of the meeting and shall after being read over by the presiding authority of the meeting be signed by him. The action taken on the decisions of the Panchayat Samiti shall be reported at the next meeting of the Panchayat Samiti. The minutes book shall always be kept in the office of the Panchayat Samiti. The minutes book shall not be taken outside the Panchayat Samiti office under any circumstances. The Executive Officer shall be the custodian of the minutes book.

(10) The Panchayat Samiti may require the presence of government officers working at the Block level at meetings and such officers shall attend the meetings when so required.

List of business
to be transacted
at a meeting

88. A list of the business to be transacted at every meeting of a Panchayat Samiti, except at an adjourned meeting, shall be sent to each member of the Panchayat Samiti in the manner prescribed, along with the notice for the meeting and no business shall be brought before or transacted at any meeting, other than the business of which notice has been so given except with the approval of the majority of the members present at such meeting.

Report on the
work of Pancha-
yat Samiti.

89. The Panchayat Samiti shall prepare in the prescribed manner a report on the work done during the previous year and the work proposed to be done during the following year and submit it to the prescribed authority and to the Zilla Parishad concerned within the prescribed time.

Block Develop-
ment Officer to
attend meeting

90. The Block Development Officer shall attend meetings of the Panchayat Samiti and shall participate in the deliberations thereof.

CHAPTER—II

Functions and Powers of Panchayat Samiti

Functions

91. Subject to any general or special direction by the State Government, the Panchayat Samiti shall perform the following functions—

(A) General functions.

(1) Preparation of the annual plans in respect of the scheme entrusted to it by virtue of the Act and those assigned to it by the Government or the Zilla Parishad and submission thereof to the Zilla Parishad or the prescribed authority within the prescribed time for integration with the District Plan.

(2) Consideration of the annual plans of all Gram Panchayats in the Samiti area and submission of the consolidated plan to the Zilla Parishad and the prescribed authority.

(3) Preparation and submission of the annual budget of the Panchayat Samiti to the Zilla Parishad and the prescribed authority along with the consolidated plan of the Gram Panchayats and the Panchayat Samiti.

(4) Performing such functions and executing such works as may be entrusted to it by the Government or the Zilla Parishad.

(B) Agriculture, including agricultural extension.

(1) Promotion and development of agriculture and horticulture.

(2) Propagation of improved methods of cultivation.

(3) Promotion of cultivation and marketing of vegetables, fruits and flowers.

(4) Training of farmers and extension activities.

(C) Land improvement and soil conservation.

Assisting the Government and Zilla Parishad in the implementation of land improvement and soil conservation programmes of the Government.

(D) Minor irrigation, water management and watershed development.

(1) Assisting the Government and Zilla Parishad in the construction and maintenance of minor irrigation work.

(2) Implementation of community and individual irrigation works.

(E) Poverty alleviation programmes.

Planning and implementation of poverty alleviation programmes and schemes.

(F) Animal Husbandry, dairy and poultry.

(1) Maintenance of veterinary and animal husbandry services.

- (2) Improvement of breed of cattle, poultry and other live stock.
- (3) Promotion of dairy farming, poultry and piggery.
- (4) Prevention of epidemics and contagious diseases.

(G) Fisheries.

Promotion of fisheries development.

(H) Khadi, Village and Cottage industries.

- (1) Promotion of rural and cottage industries.
- (2) Organisation of conferences, seminars and training programmes as well as agricultural and industrial exhibitions.

(I) Rural housing.

Implementation of housing schemes and distribution of house sites in villages.

(J) Social and farm forestry, minor forest produce, fuel and fodder.

- (1) Planting and preservation of trees on the sides of roads and other public lands under its control.
- (2) Fuel plantation and fodder development.
- (3) Promotion of farm forestry.

(K) Roads, buildings, bridges, ferries, waterways and other means of communication.

- (1) Construction and maintenance of public roads, drains, bridges, culverts and other means of communication which are not under the control of any other local authority or the Government.
- (2) Maintenance of any building or other property vested in the Panchayat Samiti.
- (3) Maintenance of boats, ferries and waterways.

(L) Non-conventional energy sources.

Promotion and development of non-conventional energy sources.

(M) Education, including primary and secondary schools.

- (1) Promotion of primary and secondary education.
- (2) Construction, repair and maintenance of primary school buildings.
- (3) Promotion of social education through youth clubs and mahila mandals.

(N) Technical training and vocational education.

Promotion of rural artisan and vocational training.

(O) Adult and non-formal education.

Implementation of adult literacy and non-formal education.

(P) Cultural activities.

Promotion of social and cultural activities.

(Q) Markets and fairs.

Development of markets, fairs and festivals, except regulated markets

(R) Health and family welfare programmes.

- (1) Promotion of health and family welfare programme.
- (2) Promotion of immunisation and vaccination programmes.
- (3) Health and sanitation at fairs and festivals.

(S) Women and child development.

- (1) Promotion of programmes relating to development of women and children.
- (2) Promotion of school health and nutrition programmes.
- (3) Promotion of participation of voluntary organisations in women and child development programmes.

(T) Social welfare including welfare of the handicapped and mentally retarded.

- (1) Social welfare programmes including welfare of handicapped, mentally retarded and destitutes.
- (2) Monitoring the old age and widows' pensions and pensions for the handicapped.

(U) Welfare of the weaker sections and in particular of the Scheduled Castes and the Scheduled Tribes.

- (1) Promotion of welfare of the Scheduled Castes, the Scheduled Tribes and other weaker sections.
- (2) Protecting such castes and classes from social injustice and exploitation.

(V) Maintenance of community assets.

- (1) Maintaining all community assets vested in it or transferred by the Government or any local authority or organisation.
- (2) Preservation and maintenance of other community assets.

(W) Public Distribution System.

Assisting in distribution of essential commodities.

(X) Rural electrification :

Promotion of rural electrification.

(Y) Co-operation :

Promotion of co-operative activities.

(Z) Libraries :

Promotion of libraries.

(AA) Drinking water.

- (1) Establishment, repairs and maintenance of rural water supply schemes.
- (2) Prevention and control of water pollution.
- (3) Implementation of rural sanitation schemes.

(AB) Such other functions as may be entrusted.

Assignment of
Functions.

92. (1) The Government may assign to a Panchayat Samiti functions in relation to any matters to which the executive authority of the Government extends or functions which have been assigned to the State Government by the Central Government.

(2) The Government may, by notification, withdraw or modify the functions assigned under this Section.

Powers of
Panchayat Samiti.

93. (1) A Panchayat Samiti shall have power to—

- (a) (i) undertake schemes or adopt measures, including the giving of financial assistance relating to the development of agriculture, live stock, cottage industries, cooperative movement, rural credit, water supply, irrigation, public health and sanitation including establishment of dispensaries and hospitals, communication, primary or adult education including welfare of students, social welfare and other objects of general public utility;
- (ii) undertake execution of any scheme, performance of any act, or management of any institution or organisation entrusted to it by the State Government or any other authority;
- (iii) manage or maintain any work of public utility or any institution vested in it or under its control and management; and
- (iv) make grants in aid to any school, public institution or public welfare organisation within the Block;
- (b) make grants to the Gram Panchayats;
- (c) contribute, with the approval of the State Government, such sum or sums of money as it may consider necessary towards the cost of water supply or anti epidemic measures undertaken by a Municipality or Notified Area Authority within the Block;
- (d) adopt measures for the relief of distress;
- (e) co-ordinate and integrate the development plans and schemes prepared by Gram Panchayats in the Block, if and when necessary; and
- (f) examine and sanction the budget estimates of Gram Panchayats in the Block.

(2) Notwithstanding anything contained in sub-section (1), a Panchayat Samiti shall not undertake or execute any scheme confined to an area over which a Gram Panchayat has jurisdiction unless the Gram Panchayat is of opinion that the implementation of such a scheme is beyond its competence, financially or otherwise, and passes a resolution to that effect. In the latter case, the Panchayat Samiti may execute the scheme by itself or entrust its execution to the Gram Panchayat and give such assistance as may be required:

Provided that a Panchayat Samiti may undertake or execute any scheme referred to in sub clause (ii) of clause (a) of sub-section (1) confined to an area over which a Gram Panchayat has jurisdiction.

(3) A Panchayat Samiti may undertake or execute any scheme if it extends to more than one Gram.

(4) A Panchayat Samiti may by notification, delegate to the Executive Officer or any other officer, the powers covered by or under this Act of Panchayat Samiti.

State Government may place other properties under the control of Panchayat Samiti.

94. The State Government may, from time to time, with the consent of a Panchayat Samiti, place any road, bridge, ferry, channel, building or other property vested in the State Government, and situated within the Block, under the control and management of the Panchayat Samiti subject to such conditions as it may specify :

Provided that the State Government may, after considering the views of the Panchayat Samiti, withdraw such control and management to itself subject to such conditions as it may specify.

Power of Panchayat Samiti to transfer roads or properties to the State Govt or Zilla Parishad or Gram Panchayat.

95 A Panchayat Samiti may transfer to the State Government or to the Zilla Parishad or to a Gram Panchayat, any road or part of a road or any other property, which is under its control or management, or which is vested in it, on such terms and conditions as may be agreed upon.

Panchayat Samiti may take over works.

96. A Panchayat Samiti may take over the maintenance and control of any road, bridge, tank, ghat, well, channel or drain, belonging to a private owner or any other authority on such terms as may be agreed upon if it is required for public purpose.

Power of Panchayat Samiti to divert, discontinue or close road.

97. A Panchayat Samiti may divert, discontinue or close temporarily any road, which is under its control and management or is vested in it, and may, with the approval of the State Government, close any such road permanently.

Vesting Panchayat Samiti with certain powers.

98. (1) A Panchayat Samiti may be vested by the State Government with such powers under any local or special Act as the State Government may think fit.

(2) A Panchayat Samiti shall perform such functions as may be assigned to it by notification under Section 31 of the Cattle Trespass Act, 1871.

(3) A Panchayat Samiti shall exercise such other powers, perform such other functions or discharge such other duties as the State Government may, by general or special order, direct.

Power of supervision by Panchayat Samiti over the Gram Panchayat

99. (1) A Panchayat Samiti shall exercise general power of supervision over Gram Panchayats in the Block and it shall be the duty of these authorities to give effect to the directions of the Panchayat Samiti.

(2) A Panchayat Samiti may—

(a) inspect, or cause to be inspected, any immovable property used or occupied by a Gram Panchayat within the Block or any work in progress under the direction of a Gram Panchayat.

- (b) inspect or examine, or depute an officer to inspect or examine any department of a Gram Panchayat, or any service, work or thing under the control of the Gram Panchayat ;
- (c) inspect or cause to be inspected utilisation of funds in respect of schemes or programmes assigned to the Gram Panchayats by the State Government for execution either directly or through the Zilla Parishad or the Panchayat Samiti ; and
- (d) require a Gram Panchayat, for the purpose of inspection or examination :—
 - (i) to produce any book, record, correspondence or other documents ;
 - (ii) to furnish any return, plan, estimate, statement accounts or statistics ; or
 - (iii) to furnish or obtain any report or information.

Power of Panchayat Samiti to grant licence for hat or market.

100. A Panchayat Samiti may require the owner or the lessee of a hat or market or an owner or a lessee of land intending to establish a hat or market thereon, to obtain a licence in this behalf from the Panchayat Samiti on such terms and conditions as may be prescribed and, subject to the provisions of this Act, on payment of a fee for such licence.

Powers, functions and duties of Chairman and Vice-Chairman.

101. (1) The Chairman shall—

- (a) be responsible for maintenance of the records of the Panchayat Samiti ;
- (b) have general responsibility for the financial and executive administration of the Panchayat Samiti ;
- (c) exercise administrative supervision and control over the work of the staff of the Panchayat Samiti and the officers and employees whose services may be placed at the disposal of the Panchayat Samiti by the State Government ;
- (d) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Panchayat Samiti under this Act or the rules made thereunder :

Provided that the Chairman shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised performed or discharged by the Panchayat Samiti at a meeting ; and

- (e) exercise such other powers, perform such other functions and discharge such other duties as the Panchayat Samiti may, by general or special resolution, direct or as the State Government may, by rule made in this behalf, prescribe.

(2) The Vice-Chairman shall—

- (a) exercise such of the powers, perform such of the functions and discharge such of the duties of the Chairman as the Chairman may, from time to time, subject to rules made in this behalf by the State Government, delegate to him by order in writing :

Provided that the Chairman may at any time withdraw the powers and functions delegated to the Vice-Chairman ;

- (b) during the absence of the Chairman, exercise all the powers, perform all the functions and discharge all the duties of the Chairman ; and
- (c) exercise such other powers, perform such other functions and discharge such other duties as the Panchayat Samiti may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.

CHAPTER—III

Staff of Panchayat Samiti

Staff of Panchayat Samiti.

102. (1) There shall be an Executive Officer for every Panchayat Samiti and the Block Development Officer shall be the ex-officio Executive Officer :

Provided that such Block Development Officer shall be recalled by the State Government if a resolution to that effect is passed by the Panchayat Samiti, at a meeting specially convened for the purpose, by two third majority of the total number of members holding office for the time being.

(2) There shall be a Secretary for every Panchayat Samiti and the Panchayat Officer or the Panchayat Extension Officer shall be the ex-officio Secretary.

(3) Subject to such rules as may be made by the State Government, a Panchayat Samiti may appoint such other officers and employees as may be required by it and may fix the salaries to be paid to the persons so appointed :

Provided that no post shall be created or abolished and no revision of the scale of pay of any post shall be made by the Panchayat Samiti without the prior approval of the State Government.

(4) The Government shall make rules regulating the method of recruitment and the terms and conditions of service including the pay and allowances, superannuation provident fund and gratuity of the officers and the employees of the Panchayat Samiti.

Placing the services of State Government officers at the disposal of Panchayat Samiti.

103. (1) The State Government may place at the disposal of Panchayat Samiti the services of such officers and other employees (including any officer and official from amongst persons employed by existing local authorities) serving under it and on such terms and conditions as it may think fit :

Provided that any such officer or employee shall be recalled by the State Government if a resolution to that effect is passed by the Panchayat Samiti, at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being :

Provided further that the State Government shall have disciplinary control over such officers and employees.

(2) Notwithstanding anything contained in the Act or any other law for the time being in force, State Government or any officer or other authority authorised by it in this behalf shall have the power to effect transfer of the officers and officials so posted from one Samiti to another Samiti.

Control and establishment of the staff of Panchayat Samiti.

104. (1) The Executive Officer shall exercise general control over all officers and employees of Panchayat Samiti.

(2) The Executive Officer may award any punishment other than dismissal, removal or reduction in rank to an officer or employee of the Panchayat Samiti.

(3) The Executive Officer may recommend the dismissal, removal or reduction in rank of an officer or employee of a Panchayat Samiti to the Finance Committee and such Committee shall forward the case to the Panchayat Samiti with its own recommendation. The Panchayat Samiti may, if it is satisfied with such recommendation of the Finance Committee, dismiss, remove or reduce in rank any such officer or employee.

(4) No officer or other employee of a Panchayat Samiti shall be punished by the Panchayat Samiti except by a resolution of the Panchayat Samiti passed at a meeting.

Appeal.

105. (1) An appeal shall lie to the Panchayat Samiti against an order of punishment awarded by the Executive Officer under sub-section (2) of Section 104 within one month from the date of that order.

(2) An appeal shall lie to the District Magistrate against an order of punishment awarded by the Panchayat Samiti under sub-section (3) or (4) of Section 104 within one month from the date that order.

Exercise of Powers etc. by the officers and employees.

106. Subject to the provisions of this Act, the rules framed thereunder and to any general or special directions given by the State Government in that behalf, the officers and other employees employed by the Panchayat Samiti and the officers and other employees whose services have been placed at the disposal of the Panchayat Samiti shall exercise such powers, perform such functions and discharge such duties as the Panchayat Samiti may determine.

CHAPTER—IV

Standing Committees of Panchayat Samiti

107. (1) The Panchayat Samiti shall have the following Standing Committees —

(a) Finance, Audit and Planning Committee, to be known as Finance Committee ;

(b) Education, Environment, Cultural, Health and Sports Affairs Committee, to be known as Education and Health Committee ;

Standing Committees of the Panchayat Samiti.

- (c) Communication, Rural Electrification and Non Conventional Energy Committee, to be known as Works Committee ;
 - (d) Industries including Cottage Industries and Sericulture Committee, to be known as Industries Committee ;
 - (e) Social Justice Committee ;
 - (f) Agriculture, Food, Irrigation, Co-operation, Fisheries and Animal Husbandry Committee, to be known as Agriculture Committee ; and
 - (g) Poverty Alleviation Programme, Social and Farm Forestry, Rural Housing and Drinking Water Committee, to be known as Poverty Alleviation Committee.
 - (h) Such other Standing Committee or Committees as the Panchayat Samiti may subject to the approval of the State Government, constitute.
- (2) Each Standing Committee shall consist of the following members, namely :
- (a) The Chairman of the Panchayat Samiti and Vice-Chairman of the Panchayat Samiti, ex-officio ;
 - (b) Not less than seven and not more than eleven persons to be elected in the prescribed manner by the members of the Panchayat Samiti from amongst themselves ;
 - (c) Such number of persons being officers of the State Government or any statutory body or corporation or being eminent persons having specialised knowledge, as the State Government may think fit, appointed by the State Government. Provided that such officers shall not be eligible for election as President of the Stading Committee and shall not have any right to vote.
- (3) The Chairman shall be the ex-officio President of the Finance Committee. For other Standing Committees there shall be a President who shall be elected in such manner as may be prescribed.
 - (4) No member of the Panchayat Samiti except the Chairman and the Vice-Chairman shall be eligible to serve on more than two Standing Committees.
 - (5) A member of a Standing Committee shall hold the office for a period of two years or for so long as he continues to be a member of the Panchayat Samiti, whichever is earlier.
 - (6) The meetings of the Standing Committees shall be held in the office of the Panchayat Samiti at such time and in such manner as may be prescribed.

- (7) Standing Committees shall exercise such powers, perform such functions and discharge such duties as may be prescribed or as may be assigned to them by the Panchayat Samiti.
- (8) Panchayat Extension Officer/Panchayat Officer shall be the ex-officio Secretary of every Standing Committee.
- (9) The State Government may make rules providing for the removal of member of a Standing Committee.

Functions of
the Standing
Committees.

108. (1) The Finance Committee shall perform functions relating to—
establishment matters and—

- (a) the finances of the Panchayat Samiti, framing of budget, scrutinising proposals for increase of revenue, examination of receipt and expenditure statements, consideration of all proposals affecting the finances of the Panchayat Samiti and general supervision of revenue and expenditure of the Panchayat Samiti ; and
- (b) the plan priorities, allocation of outlays to development Programmes horizontal and vertical linkages, implementation of guidelines issued by the Government, regular review of planning programmes, evaluation of important programmes and small savings schemes.

(2) The Education and Health Committee shall perform functions relating to—

- (a) all educational, environmental and sports activities of the Panchayat Samiti ;
- (b) the planning of education in the Block within the framework of the national policy and the national and State plans ;
- (c) survey and evaluation of the educational activities of the Panchayat Samiti ;
- (d) such other duties pertaining to education, adult literacy and cultural activities as the Panchayat Samiti may assign to it ; and
- (e) health services, hospital, family welfare and other allied matters.

(3) The Works Committee shall perform functions relating to communication, buildings, non conventional energy, rural electrification and allied matters.

- (4) The Agriculture Committee shall perform functions relating to agricultural production, animal husbandry, fisheries, contour bunding and reclamation of waste land, food and cooperation.
- (5) The Industries Committee shall perform functions relating to —
- (a) village and cottage industries ;
 - (b) promotion of industrial development of the district ;
 - (c) promotion of sericulture ; and
 - (d) promotion of handloom and handicrafts.
- (6) The Social Justice Committee shall perform functions relating to—
- (a) promotion of education, economic, social, cultural and other interests of the Scheduled Castes and the Scheduled Tribes and the Backward Classes ;
 - (b) protection of the Scheduled Castes the Scheduled Tribes and the Backward Classes from social injustice and all other forms of exploitation ;
 - (c) amelioration of the condition of the Scheduled Castes and the Scheduled Tribes and the Backward Classes ; and
 - (d) securing social justice to the Scheduled Castes and Scheduled Tribes, women and other weaker sections of the society.
- (7) The Poverty Alleviation Committee shall perform functions relating to promotion of rural water supply, sanitation, employment, other poverty alleviation programmes, rural housing, social forestry and farm Forestry.
- (8) The Standing Committees shall perform the functions referred to above to the extent the powers are delegated to them by the Panchayat Samiti.
- (9) The Committees shall perform functions in respect of matters assigned to them and such additional duties as may be prescribed.

Procedure of committees.

109. (1) The Panchayat Samiti may frame regulations relating to election of members of the Committees, conduct of business therein and all other matters relating to them.

(2) The President of every Committee shall in respect of the work of the Committee be entitled to call for any information, return, statement, or report from the office of the Panchayat Samiti and to enter on and inspect any immovable property of the Panchayat Samiti or watch the programmes connected with the work of the Committee.

(3) Each Committee shall be entitled to require attendance at its meeting of any officer of the Panchayat Samiti who is connected with the work of the Committee. The Secretary shall, under instruction of the Committee, issue notices and secure attendance of the officer.

(4) The Secretary to the Standing Committee shall, in consultation with the President, convene the meetings of that Committee.

(5) Any member of a Standing Committee may resign his office by giving notices in writing to the Chairman and, on such resignation being accepted by the Panchayat Samiti, such member shall be deemed to have vacated his office.

Executive
Committee.

110. (1) There shall be an Executive Committee for every Panchayat Samiti consisting of the Chairman, the Vice-chairman and the Presidents of all Standing Committees and the Executive Officer of the Panchayat Samiti.

(2) The Secretary of the Panchayat Samiti shall act as the Secretary of the Executive Committee.

(3) The meeting of the Executive Committee shall be held at least once in a month in the office of the Panchayat Samiti in such manner as may be prescribed.

(4) The Executive Committee shall be responsible for co-ordinating the functions between a Standing Committee and the Panchayat Samiti and among the different Standing Committees of the Panchayat Samiti and for monitoring activities of the Gram Panchayats in respect of the schemes, for which funds are allotted by the Panchayat Samiti to the Gram Panchayats for execution of such schemes.

(5) The Executive Committee shall exercise such other powers, perform such other functions and discharge such other duties as may be prescribed or as may be assigned to it by the Panchayat Samiti at a meeting.

Casual vacancy.

111. When vacancy occurs in the office of a President or a member of a Standing Committee by resignation, death or otherwise, the members of the Standing Committee shall elect another President, or the members of the Panchayat Samiti shall elect another member, as the case may be, in the prescribed manner. The President or the member so elected shall hold office for the unexpired portion of the term of office of the person in whose place he becomes a President or a member.

CHAPTER—V

Property and Fund of Panchayat Samiti

Power to acquire, hold and dispose of property .

112. (1) A Panchayat Samiti shall have the power to acquire, hold and dispose of property and to enter into contracts :

Provided that in all cases of acquisition or disposal of immovable property, the Panchayat Samiti shall obtain the previous approval of the State Government.

(2) All roads, buildings or other works constructed by Panchayat Samiti with its own funds shall vest in it.

(3) The State Government may allocate to a Panchayat Samiti any public property situated within its jurisdiction and thereupon such property shall vest in and come under the control of the Panchayat Samiti.

(4) Where a Panchayat Samiti requires land to carry out any of the purposes of this Act, it may negotiate with the person or persons having interest in the said land, and if it fails to reach an agreement, it may make an application to the District Magistrate and Collector for the acquisition of the land, who may, if he is satisfied that the land is required for public purpose, take steps to acquire the land under the provisions of the relevant Land Acquisition Act, and such land shall, on acquisition, vest in the Panchayat Samiti.

Panchayat Samiti Fund.

113. (1) For every Panchayat Samiti, there shall be constituted a Panchayat Samiti Fund bearing the name of the Panchayat Samiti and there shall be placed to the credit thereof.—

- (a) contributions and grants, if any made by the Central or the State Government, including such part of the land revenue collected in the State as may be determined by the State Government ;
- (b) contributions and grants, if any made by the Zilla Parishad or any other local authority ;
- (c) loans, if any granted by the Central or the State Government, or raised by the Panchayat Samiti on security of its assets ;
- (d) all receipts on accounts of taxes, tolls, rates and fees levied by the Panchayat Samiti ;
- (e) all receipts in respect of schools, hospitals, dispensaries, buildings, institutions or works vested in, constructed by or placed under the control and management of the Panchayat Samiti ;

- (f) all sums received as gift or contributions and all income from any trust or endowment made in favour of the Panchayat Samiti ;
- (g) such fines or penalties imposed and realised under the provisions of this Act or of the regulations made thereunder, as may be prescribed ; and
- (h) all other sums received by or on behalf of the Panchayat Samiti.

(2) Every Panchayat Samiti shall set apart and apply annually such sums as may be required to meet the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the Officers and employees. The total expenditure on establishment shall not exceed one-third of the total expenditure of the Panchayat Samiti.

(3) Every Panchayat Samiti shall have power to spend such sums as it thinks fit for carrying out the purposes of this Act.

(4) The Panchayat Samiti Fund shall be vested in the Panchayat Samiti and the balance to the credit of the Fund shall be kept in such custody as the Government may, from time to time direct.

(5) Subject to such general control as the Panchayat Samiti may exercise from time to time, all orders and cheques for payments from the Panchayat Samiti Fund shall be signed by the Executive Officer.

Taxation

114. (1) Subject to such maximum rates as the State Government prescribed, a Panchayat Samiti may—

(a) levy tolls on persons, vehicles or animals or any class of them at any toll-bar established by it on any road other than a kutchra road or any bridge vested in it or under its management ;

(b) levy tolls in respect of any ferry established by it or under its management ;

(c) levy the following fees and rates, namely—

(i) fees on the registration of vehicles ;

(ii) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the Government by notification ;

(iii) a fee for licence for a hat or market ;

(iv) a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Panchayat Samiti within its jurisdiction ; and

(v) a lighting rate, where arrangement for lighting of public streets and places is made by the Panchayat Samiti within its jurisdiction,

(2) The Panchayat Samiti shall not undertake registration of a vehicle or levy fee therefor and shall not provide sanitary arrangements at places of worship or pilgrimage, fairs and melas within its jurisdiction or levy fee therefor if any such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any other local authority.

(3) The scales of tolls, fees, taxes or rates and the terms and conditions for the imposition thereof shall be such as may be provided by regulation.

(4) Such regulation may provide for exemption from all or any of the tolls, fees, taxes or rates in any class of cases.

Recovery of tolls
taxes, rates or
fees as arrears of
land revenue.

115. All dues on account of taxes, rates, tolls or fees payable to Panchayat Samiti under this Act shall be recoverable as arrears of land revenue.

Remission or
revision of taxes
tolls, rates or
fees.

116. (1) The State Government may remit the whole or part of any tax imposed or rate, toll or fee levied by a Panchayat Samiti in respect of any period after the commencement of this Act.

(2) The power exercisable by the State Government under sub-section (1) shall also be exercisable either generally or in any specified area by the prescribed authority under such circumstances as the State Government may prescribe.

(3) A Panchayat Samiti may, by resolution and under such circumstances as may be prescribed, remit the whole or part of any such tax, rate toll or fee imposed or levied by it provided that no such resolution shall take effect unless it is approved by the prescribed authority.

(4) Where any tax, rate, toll or fee has been remitted under this Section, any sum realised from any person on account of tax, rate, toll or fee as remitted, shall be refunded to him by the Panchayat Samiti.

Loans and
sinking funds.

117. (1) A Panchayat Samiti may subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, raise from time to time, with the approval of the State Government, loans for the purposes of this Act and create a sinking fund for the repayment of such loans.

(2) A Panchayat Samiti may borrow money from the State Government or, with the previous sanction of the State Government, from the Central Government or the banks or other financial institutions, for furtherance of its objectives on the basis of specific schemes, as may be drawn up by the Panchayat Samiti for the purpose.

Budget of
the Panchayat
Samiti.

118. (1) Every Panchayat Samiti shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year and submit the budget to the Zilla Parishad or prescribed authority.

(2) The Zilla Parishad or the prescribed authority, within such time as may be prescribed, shall either approve the budget or return it to the Panchayat Samiti for such modifications as it may direct. On such modifications being made, the budget shall be resubmitted within such time as may be fixed by the Zilla Parishad or the prescribed authority. If the approval of the Zilla Parishad or the prescribed authority is not received by the Panchayat Samiti within two months or by the last date of the year, whichever is earlier, the budget shall be deemed to be approved by the Zilla Parishad or the prescribed authority, as the case may be.

(3) No expenditure shall be incurred unless the budget is approved by the Zilla Parishad or the prescribed authority.

(4) The Panchayat Samiti may prepare in each year a supplementary estimate providing for any modification of its budget and may submit to the Zilla Parishad or the prescribed authority for approval within such time and in such manner as may be prescribed.

Accounts

119. A Panchayat Samiti shall keep such accounts and in such form as may be prescribed.

Functions of
the Executive
officer and
other Officers.

120. (1) Save as otherwise expressly provided under this Act, the Executive Officer, shall—

- (a) exercise all the powers specifically imposed or conferred upon him by or under this Act or under any other law for the time being in force ;
- (b) lay down the duties of, and supervise and control, officers and officials of, or holding office under, the Panchayat Samiti, in accordance with rules made by the State Government ;
- (c) supervise and control the execution of all works of the Panchayat Samiti ;
- (d) take necessary measures for the speedy execution of all works and developmental schemes of the Panchayat Samiti ;
- (e) have custody of all papers and documents connected with the proceedings of the meetings of the Panchayat Samiti and of its Committees ;

- (f) draw and disburse money out of the Panchayat Samiti Fund; and
- (g) exercise such other powers and discharge such other functions as may be prescribed.

(2) The Executive Officer shall attend every meeting of the Panchayat Samiti and shall have the right to attend the meeting of a Committee thereof and to take part in the discussion but shall not have the right to move any resolution or to vote. If in the opinion of the Executive Officer, any proposal before the Panchayat Samiti is violative of or inconsistent with the provisions of this Act, or any other law, rule or order made thereunder, it shall be his duty to bring the same to the notice of the Panchayat Samiti and if after that the proposal is acted upon by the Panchayat Samiti, the Executive Officer shall bring it to the notice of the Zilla Parishad and State Government.

(3) The Secretary shall maintain the proceedings of the meetings under the superintendence and control of the Executive Officer.

PART—IV
ZILLA PARISHAD
CHAPTER—I

Establishment of Zilla Parishad

Constitution of
Zilla Parishad

121. (1) For every District there shall be constituted a Zilla Parishad bearing the name of the District having jurisdiction, save as otherwise provided in this Act, over the entire District excluding such portions of the District as are included in the Tripura Tribal Areas Autonomous District or a Municipality or in a Notified Area Authority, constituted under any law for the time being in force :

Provided that Zilla Parishad may have its office in any area comprised within the excluded portion of the District.

(2) Every Zilla Parishad shall be a body corporate having perpetual succession and a common seal and, subject to such restrictions as are imposed by or under this or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, whether without or within the limits of the area over which it has authority, of entering into contracts and of doing all things necessary or proper or expedient for the purpose for which it is constituted .

(3) Subject to the provision of the Tripura Land Revenue & Land Reforms Act, 1960, the State Government, may, after making such enquiry as it may think fit, and after consulting the Zilla Parishad or Parishads concerned, by notification—

- (a) exclude from any District any area comprised therein ;
- (b) include in any District any area contiguous to such Districts or separated by an area to which this Act does not extend or in which the remaining Sections of this Act, referred to in sub-section (3), of Section 1, have not come into force ;
- (c) divide the area of a District so as to constitute two or more Districts ; or
- (d) unite the areas of two or more Districts so as to constitute a single District.

122. (1) The Zilla Parishad shall consist of—

- (a) the members directly elected from territorial constituencies in the district under Section 126 ;

Composition of
the Zilla Parishad.

- (b) the Chairmen of all Panchayat Samitis within the District, ex-officio ;
- (c) the members of the House of the People and the members of the State Legislative Assembly representing part or whole of the District whose constituencies lie within the District, ex-officio ;

(2) All members of the Zilla Parishad whether or not elected by direct election from territorial constituencies in the Zilla Parishad area shall have right to vote in the meetings of the Zilla Parishad except for election and removal of Sabhadhipati and Sahakari Sabhadhipati

(3) Every Zilla Parishad constituted under this Section shall be notified in the Official Gazette.

Elected mem-
bers

123. (1) The State Government may, by notification in the Official Gazette, determine the number of directly elected members from territorial constituencies keeping in view the total population of the district at a rate of one member for every 25,000 population or part thereof.

(2) For the convenience of election, the prescribed authority shall, in accordance with such rules as may be prescribed in this behalf by the Government,

- (a) divide area of the Zilla Parishad into territorial constituencies in such manner that population of each constituency, shall as far as practicable, be the same throughout the Zilla Parishad.
- (3) each territorial constituency will elect one member through direct election in the manner prescribed.

Reservation of
seats.

124. (1) Seats shall be reserved for

- (a) the Scheduled Castes ; and
- (b) the Scheduled Tribes—

in every Zilla Parishad and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the Zilla Parishad as the population of the Scheduled Castes in that Zilla Parishad area or of the Scheduled Tribes in that Zilla Parishad area, as the case may be, bears to the total population of that area and such seats may be allotted by rotation to different constituencies in the Zilla Parishad in such manner as may be prescribed.

- (2) Not less than one third of the total number of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

- (3) Not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election, in every Zilla Parishad, shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Zilla Parishad, in such manner as may be prescribed.

Term of office
of member of
Zilla Parishad.

125. (1) Every Zilla Parishad, except as otherwise provided in this Act, shall continue for five years from the date appointed for its first meeting and no longer.

- (2) No amendment of any law for the time being in force shall have the effect of causing dissolution of Zilla Parishad, which is functioning immediately before such amendment, till the expiration of duration specified under sub-section (1)

General
Election to the
Zilla Parishad.

126. (1) The First General Election or the General Election as the case may be of the members of a Zilla Parishad shall be held under the provisions of this Act and of the rules and orders made thereunder before such date as the State Election Commission in consultation with the State Government may, by one or more notification in the Official Gazette specify.

- (2) There shall be held a General Election to constitute a Zilla Parishad ;

- (a) before expiry of its duration specified in sub-section (1) of Section 125 ; and
(b) in case of dissolution, before the expiry of a period of six months from the date of such dissolution :

Provided that where the remainder of the period for which the dissolved Zilla Parishad would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Zilla Parishad for such period.

(3) Election in respect of casual or other vacancies shall be held at such time as may be prescribed.

(4) If for any reason the First General Election or General Election can not be held within the time specified in the notification referred to in sub-section (1) or sub-section (2), the State Election Commission in consultation with the State Government shall fix another date within which such election shall be held

(5) The names of all the persons elected to be members of a Zilla Parishad at the First General Election or the General Election shall be published by the State Election Commissioner in the Official Gazette and upon such publication being made such Zilla Parishad shall be deemed to be duly constituted

(6) The Zilla Parishad constituted upon the dissolution of a Zilla Parishad before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Zilla Parishad would have continued under sub-section (1) of Section 125 had it not been so dissolved

Disqualification
of members of
Zilla Parishad

127. (1) A person shall not be qualified to be a member of Zilla Parishad, if—

(a) he is a member of any Municipality/Notified Area Authority constituted under any law for the being in force ;

(b) he is in the services of Central or State Government ;

(c) he is so disqualified by or under any law for the time being in force for the purpose of election to the Legislature of the State of Tripura :

Provided that no person shall be disqualified on the ground that he is less than 25 years of age if he has attained the age of 21 years.

(d) if he is so disqualified by or under any law made by the Legislature of the State of Tripura ;

(e) if he has been dismissed from the services of the Central or State Government or a local authority or a cooperative society or a Government company or a corporation under control of the Central or the State Government for misconduct involving moral turpitude and five years have not elapsed from the date of dismissal ;

(f) if he has been adjudged by a competent court to be of unsound mind ;

(g) if he is an undischarged insolvent ; or

(h) he has been convicted by a court for an offence involving moral turpitude.

Disqualification
on the ground
of defection and
decision thereon.

128. (1) A member of a Zilla Parishad belonging to any political party shall be disqualified for being a member of the Zilla Parishad—

(a) if he has voluntarily given up his membership of such political party ; or

(b) if he votes or abstains from voting in the Zilla Parishad contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining in either case, the prior written permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within thirty days from the date of such voting or abstention.

EXPLANATION : For the purpose of this sub-section, a member of Zilla Parishad shall be deemed to belong to the political party, if any, by which he was set up as candidate for election as such member.

(2) A member of a Zilla Parishad who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the Zilla Parishad if he joins any political party after such election.

NOTE : For the purpose of this Section "political party" means a political party which has been recognised by the Election Commission of India as a national party or as state party of this State.

(3) If any question arises as to whether a member of a Zilla Parishad has become subject to disqualification under this Section, the question shall be referred for decision of the District Magistrate having jurisdiction over such Zilla Parishad and his decision shall be final :

Provided that the proceeding under this sub-section shall be completed and decision thereon shall be communicated within fifteen days from the date when any such question has been referred.

(4) During pendency of a proceeding under sub-section (3) no decision shall be taken by the Zilla Parishad in any meeting for the removal or election of the Sabhadhipati and Sahakari Sabhadhipati

(5) The disqualification under sub-section (3) shall take effect from the date of the decision of the District Magistrate.

Majority of members elected at a General Election to function when election of members from some constituencies can not be held.

129. (1) Notwithstanding anything contained elsewhere in this Act, at a General Election of the member of a Zilla Parishad—

- (a) if the election of any member from any constituency can not be held ; or
- (b) if held, result of such election can not be published in the Official Gazette by reason of the order of a court or for any other reason within such time as the State Government considers reasonable

the State Government may, if it thinks expedient so to do in the interest of the administration of the Zilla Parishad concerned, by an order, direct that such of the members of the Zilla Parishad as have been elected and are able to assume office as members, shall forthwith assume such office :

Provided that no order shall be made under this Section unless at least two-third of the total number of members as specified for the Zilla Parishad have been elected and are able to assume office.

(2) Upon an order under sub-section (1) being made, the names of the members, who have been elected and as regards the publication of the result of whose election, there is no impediment, shall be published in the Official Gazette and such members shall assume office as members of the newly constituted Zilla Parishad after General Election of the members of the Zilla Parishad and shall be deemed to constitute, for the time being, total number of members of the Zilla Parishad.

(3) Any member of the Zilla Parishad who is subsequently elected or whose name is subsequently published in the Official Gazette as a member, shall be entitled to assume office as such member, but his term of office shall be deemed to have commenced from the date of the first meeting at which a quorum is present of the members referred to in sub-section (1).

Sabhadhipati and Sahakari Sabhadhipati

130. (1) The directly elected members of every Zilla Parishad shall, at its first meeting at which a quorum is present, elect in the prescribed manner, one of its directly elected members to be the Sabhadhipati and another member to be the Sahakari Sabhadhipati of the Zilla Parishad ;

Provided that a member shall not be eligible for such election unless he declares in writing that on being elected he shall be a whole time functionary of his office and that during the period for which he holds or is continuing to hold such office he shall not hold any office of profit and shall not carry on or be associated with any business, profession or calling in such manner that shall, or is likely to, interfere with due exercise of his powers, due performance of his functions or due discharge of his duties.

(2) The meeting to be held under sub-section (1) shall be convened by the prescribed authority in the prescribed manner.

(3) The Sabhadhipati and Sahakari Sabhadhipati, subject to the provision of Section 135 and to their continuing as members, shall hold office for a period of five years.

(4) On expiry of five years or on ceasing to be members, whichever is earlier, the Sabhadhipati and the Sahakari Sabhadhipati shall handover the charge to the prescribed authority.

(5) When—

- (a) the office of the Sabhadhipati falls vacant by reason of death resignation, removal or otherwise ; or
- (b) the Sabhadhipati is absent by reason of leave, illness or other cause, the Sahakari Sabhadhipati shall exercise the powers, perform the functions and discharge the duties of the Sabhadhipati until a new Sabhadhipati is elected and assumes office or until the Sabhadhipati resumes his duties as the case may be.

(6) When—

- (a) the office of the Sahakari Sabhadhipati falls vacant by reason of death, resignation, removal or otherwise ; or
- (b) the Sahakari Sabhadhipati is absent by reason of leave, illness or other cause, the Sabhadhipati shall exercise the powers, perform the functions and discharge the duties of the Sahakari Sabhadhipati until a new Sahakari Sabhadhipati is elected and assumes office or until the Sahakari Sabhadhipati resumes his duties as the case may be :

Provided that no election shall be held if the vacancy is for a period of less than one month under this sub-section or under sub-section (5).

(7) When the office of the Sabhadhipati and Sahakari Sabhadhipati are both vacant or Sabhadhipati and Sahakari Sabhadhipati are temporarily unable to act, the prescribed authority may appoint a Sabhadhipati and Sahakari Sabhadhipati from among the members of the Zilla Parishad to act as such until a Sabhadhipati or a Sahakari Sabhadhipati is elected and assumes office or until the Sabhadhipati or Sahakari Sabhadhipati resumes duties, as the case may be.

(8) The Sabhadhipati and the Sahakari Sabhadhipati of a Zilla Parishad shall be entitled to leave of absence for Such period as may be prescribed.

Reservation.

131. (1) Seats shall be reserved in the office of the Sabhadhipati for the Scheduled Castes and the Scheduled Tribes and the number of offices so reserved in the State shall bear, as nearly as may be, the same proportion to the total number of such offices as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State.
- (2) Not less than one-third of the total number of offices of Sabhadhipati in the State from each category reserved for persons belonging to the Scheduled Castes and the Scheduled Tribes and those which are unreserved, shall be reserved for women :

Provided that the number of offices reserved under this Section shall be allotted by rotation to different Zilla Parishads in such manner as may be prescribed within the State.

Salary and allowances of the Sabhadhipati, Sahakari Sabhadhipati and members.

132. (1) Salary and allowances of the Sabhadhipati and Sahakari Sabhadhipati shall be such as may be prescribed.

(2) Every member of the Zilla Parishad, other than Sabhadhipati and Sahakari Sabhadhipati, shall be entitled to receive such sitting fee as may be prescribed :

Provided that the members nominated and ex-officio members shall not be entitled to receive any such sitting fee.

Resignation of Sabhadhipati Sahakari Sabhadhipati or member.

133. (1) The Sabhadhipati or Sahakari Sabhadhipati or a member of Zilla Parishad may resign his office by notice in writing expressing his intention to do so to the prescribed authority and, on such resignation being accepted, the Sabhadhipati, the Sahakari Sabhadhipati or the member, as the case may be, shall be deemed to have vacated his office.

(2) When a resignation is accepted under sub-section (1), the prescribed authority shall communicate it to the members of the Zilla Parishad within thirty days of such acceptance.

Removal of members of Zilla Parishad.

134. (1) The prescribed authority may, after giving opportunity to a member of a Zilla Parishad, other than ex-officio members, to show cause against the action proposed to be taken against him, by order, remove him from office—

- (a) if, after his election, he is convicted by a criminal court for an offence involving moral turpitude ;
- (b) if he was disqualified to be a member of Zilla Parishad at the time of his election ;
- (c) if he incurs any of the disqualifications as mentioned in Section 127 after his election as a member of Zilla Parishad ; or
- (d) if he is absent from three consecutive meetings of the Zilla Parishad without leave of the Zilla Parishad authority.

(2) Any member of a Zilla Parishad who is removed from his office by the prescribed authority under sub-section (1) may, within thirty days from the date of order, appeal to such authority as the State Government may appoint in this behalf and, there upon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice to the prescribed authority, and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.

(3) The order passed by such authority on such appeal shall be final.

**Removal of
Sabhadhipati
and Sahakari
Sabhadhipati.**

135. (1) A Sabhadhipati or a Sahakari Sabhadhipati of a Zilla Parishad may, at any time, be removed from his office by a resolution of the Zilla Parishad carried by the majority of the existing elected members of Zilla Parishad at a meeting specially convened for this purpose. Notice of such meeting shall be signed by not less than one fifth of the total members and given to the prescribed authority. The meeting shall be held on a day not later than the fifteenth day from the date of issue of notice of the meeting. The meeting shall be presided over by the Sabhadhipati if the motion is against Sahakari Sabhadhipati, and if the motion is against the Sabhadhipati, by the Sahakari Sabhadhipati, or an elected member, if it is against both.

(2) If the motion of no confidence against Sabhadhipati or Sahakari Sabhadhipati or both is once rejected, no fresh motion of no-confidence against the Sabhadhipati or Sahakari Sabhadhipati or both, as the case may be, shall be brought before the Zilla Parishad within a period of one year from the date of such rejection of the motion.

**Filling of casual
vacancies.**

136. If the office of Sabhadhipati or Sahakari Sabhadhipati falls vacant or in the event of removal of Sabhadhipati or Sahakari Sabhadhipati under Section 135 or when vacancy occurs in the office of Sabhadhipati or Sahakari Sabhadhipati by resignation, death or otherwise, elected members of the Zilla Parishad shall elect another Sabhadhipati or Sahakari Sabhadhipati in the prescribed manner.

**Filling of
casual vacan-
cies in place of
elected members.**

137. If the office of an elected member of a Zilla Parishad becomes vacant by resignation, death, removal or otherwise, the vacancy shall be filled by election in the prescribed manner.

**Term of office
of Sabhadhipati
and Sahakari
Sabhadhipati or
member filling
casual vacancy.**

138. (1) Every Sabhadhipati or Sahakari Sabhadhipati elected under Section 136 and every member elected under Section 137 to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the person in whose place he is so elected.

**Meeting of Zilla
Parishad.**

139. (1) Every Zilla Parishad shall hold meeting in its office at least once in every three months on such date and at such hour as the Zilla Parishad may fix at the immediately preceding meeting :

Provided that the first meeting of a newly constituted Zilla Parishad shall be held at such time and at such place within the local limits of the District concerned as the prescribed authority may fix :

Provided further that the Sabhadhipati, when, required in writing by one fifth of the members of a Zilla Parishad to call a meeting, shall do so, fixing the date and hour of the meeting within fifteen days after giving intimation to the prescribed authority and seven clear days' notice to the members of the Zilla Parishad, failing which the members aforesaid may call a meeting within thirty days after giving intimation to the prescribed authority and seven days' notice to the Sabhadhipati and other members of the Zilla Parishad. Such meeting shall be held at such place, or such date and at such hour as the members calling the meeting may decide. The prescribed authority may appoint an observer for such meeting who shall submit to the prescribed authority a report in writing, duly signed by him, within three days of the meeting, on the proceeding. The prescribed authority shall on receipt of the report take such action thereon as it may deem fit.

(2) One-third of the total number of members of a Zilla Parishad shall form the quorum for a meeting of the Zilla Parishad :

Provided that no quorum shall be necessary for an adjourned meeting.

(3) The Sabhadhipati, or in his absence the Sahakari Sabhadhipati, shall preside at the meeting of the Zilla Parishad and in the absence of both, the members present shall elect one of them to be the president of the meeting.

(4) All questions coming before a Zilla Parishad shall be decided by a majority of votes :

Provided that in case of equality of votes the Sabhadhipati or the member presiding shall have a second or casting vote :

Provided further that in case of a requisitioned of meeting for the removal of Sabhadhipati or Sahakari Sabhadhipati under Section 135, the person presiding shall have no second or casting vote.

(5) The Chief Executive Officer and the Additional Chief Executive Officer of a Zilla Parishad shall attend meetings of the Zilla Parishad and shall participate in the deliberations thereof :

Provided that if for any reason the Chief Executive Officer and the Additional Chief Executive Officer cannot attend any meeting of the Zilla Parishad, the Chief Executive Officer shall depute an appropriate officer to attend the meeting.

(6) ten clear days' notice for an ordinary meeting and seven clear days' notice of a special meeting, specifying the time at which such meeting is to be held and business to be transacted there at, shall be sent to the member and pasted at the office of the Zilla Parishad. Such notice shall include, in case of special meeting, any motion or proposition mentioned in the written request made for such meeting.

List of business to be transacted at a meeting.

140. (1) A list of business to be transacted at every meeting of the Zilla Parishad, except at adjourned meeting, shall be sent to each member of the Zilla Parishad in the manner prescribed at least seven days before the time fixed for such meeting and no business shall be brought before or transacted at any meeting other than business of which notice has been given except with the approval of the majority of the members present at such meeting :

Provided that if the Sabhadhipati thinks that a situation has arisen for which an emergent meeting of the Zilla Parishad should be called, he may call such meeting after giving three days' notice to the members :

Provided further that not more than one business shall be included in the list of business to be transacted at such emergent meeting.

Report on the work of Zilla Parishad.

141. The Zilla Parishad shall prepare and submit annually, in the prescribed manner, a report of the work done during the previous year and the work proposed to be done during the following year to the prescribed authority within the prescribed time.

District Magistrate and Collector to attend meeting.

142. The District Magistrate and Collector or the Additional District Magistrate and Collector shall attend meetings of the Zilla Parishad and shall participate in the deliberations thereof.

CHAPTER—II

Powers, Functions and Duties of Zilla Parishad.

Functions of
Zilla Parishad.

143. (1) Subject to any general or special direction of the State Government, it shall be the function of a Zilla Parishad to prepare plans for economic development and social justice of the District, and to ensure the coordinated implementation of such plans in respect of matters including those enumerated below—

(A) Agriculture.

(1) Promotion of measures to increase agricultural production and to popularise the use of improved agricultural implements and the adoption of improved agricultural practices.

(2) Assisting in opening and maintenance of agricultural seed farms and commercial farms.

(3) Assisting in establishment and maintenance of godowns

(4) Conducting agricultural fairs and exhibitions.

(5) Training of farmers.

(6) Land improvement and soil conservation.

(B) Irrigation, ground water resources and watershed development.

(1) Assisting in construction, renovation and maintenance of minor irrigation works and lift irrigation.

(2) Providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of Zilla Parishad.

(3) Development of ground water resources.

(4) Assisting in installation of community pump sets.

(5) Watershed development programme

(C) Horticulture.

(1) Rural parks and gardens.

(2) Cultivation of fruits and vegetables.

(3) Farms.

(D) Statistics.

(1) Publication of statistical and other information relating to activities of Panchayat Samitis and Zilla Parishad.

(2) Co-ordination and use of statistics and other information required for the activities of the Panchayat Samitis and Zilla Parishad.

(3) Periodical supervision and evaluation of projects and programmes entrusted to the Panchayat Samitis and Zilla Parishad.

(E) Rural electrification.

(F) Assisting in distribution of essential commodities.

(G) Soil conservation.

(1) Soil conservation measures.

(2) Land reclamation and land development works ;

(H) Marketing.

(1) Assisting in development of regulated markets and marketing yards.

(2) Grading and quality control of agricultural products.

(I) Social forestry.

(1) Organise campaign for tree planting.

(2) Planting and maintenance of trees.

(J) Animal husbandry and dairying.

(1) Assisting in establishment of veterinary hospitals and dispensaries.

(2) Assisting in setting up of mobile diagnostic and clinical laboratories.

(3) Assisting in establishment and maintenance of breeding farms for cows and pigs.

(4) Assisting in establishment and maintenance of poultry farms, duck farms and goat farms.

(5) Assisting in establishment and maintenance of common cold storage facility for dairy, poultry and fishery products.

(6) Assisting in fodder development programmes.

(7) Promotion of dairy farming, poultry and piggery.

(8) Prevention of epidemics and contagious diseases.

(K) Minor forest produce and fuel and fodder.

- (1) Promotion of social and farms forestry, fuel plantation and fodder development.
- (2) Management of minor forest produce of the forests raised in community lands.
- (3) Development of wasteland.

(L) Fisheries.

- (1) Assisting in fish seed production and distribution.
- (2) Development of pisciculture in private and community tanks.
- (3) Development of inland fisheries.
- (4) Fish curing and drying.
- (5) Assistance to traditional fishing.
- (6) Organising fish marketing cooperatives.
- (7) Welfare schemes for the uplift and development of fishermen.

(M) Household and small scale industries (including food processing).

- (1) Identification of traditional skills in the locality and developing household industries.
- (2) Assessment of raw material requirement so as to ensure timely supply.
- (3) Design and production to suit the changing consumer demand.
- (4) Organisation of training programme for craftsmen and artisan.
- (5) Liaison to tap bank credit for this programme.
- (6) Popularising and marketing of finished products.
- (7) Industrial estates.
- (8) Organisation of khadi, handloom, handicraft and village and cottage Industries.

(N) Rural roads and building.

- (1) Construction and maintenance of roads other than National and State Highways.
- (2) Bridges and culverts coming under roads other than National and State Highways.

- (3) Construction and maintenance of office building of Zilla Parishad.
- (4) Identification of major link roads connecting markets, educational institutions and health centres.
- (5) Organising voluntary surrender of lands for new roads and for widening of existing roads.

(O) Health and hygiene.

- (1) Assisting in establishment and maintenance of hospitals, primary health centres and dispensaries except medical college hospitals, T. B. sanitoriums, leprosy hospitals and mental hospitals.
- (2) Implementation of immunisation and vaccination programme.
- (3) Health education activities.
- (4) Maternity and child health activities.
- (5) Family welfare activities.
- (6) Organising health camps with Panchayat Samiti and Gram Panchayat
- (7) Measures against environment pollution.

(P) Rural housing.

- (1) Identification of houseless families.
- (2) Implementation of house building programmes in the district.
- (3) Popularising low cost housing.

(Q) Education.

- (1) Promotion of educational activities including establishment and maintenance of primary and secondary schools.
- (2) Planning of programmes for adult education and library facilities.
- (3) Extension work for propagation of science and technology in rural areas.
- (4) Survey and evaluation of educational activities.
- (5) Establishment and maintenance of general hostels, ashram schools and orphanages.

(R) Social welfare and welfare of weaker sections.

(1) Extension of educational facilities to the Scheduled Castes, the Scheduled Tribes and the Backward Classes by giving scholarships, stipends, boarding grants and other grants for the purchase of books and other accessories.

(2) Managing hostels for the benefit of the Scheduled Castes and the Scheduled Tribes.

(3) Organising nursery schools, balawadis, night schools and libraries to eradicate illiteracy and impart general education.

(4) Conduct of model welfare centres and craft centres to train the Scheduled Castes and the Scheduled Tribes in cottage and rural industries.

(5) Managing residential basic schools for the Scheduled Castes and the Scheduled Tribes.

(6) Providing facilities for marketing of goods produced by members of the Scheduled Castes and the Scheduled Tribes.

(7) Organising cooperative societies of the Scheduled Castes and the Scheduled Tribes.

(8) Other welfare schemes for the uplift and development of the Scheduled Castes and the Scheduled Tribes.

(S) Poverty alleviation programmes.

Planning, supervision, monitoring and implementation of poverty alleviation programmes.

(T) Social reform activities.

(1) Women's organisation and welfare.

(2) Children's organisation and welfare.

(3) Local vagrancy relief.

(4) Maintenance of social welfare institutions such as poor home, orphanages, rescue shelters, etc.

(5) Assisting in sanctioning and distribution of pension for widows, old and physically disabled destitutes and allowances for unemployed and couples of inter-caste marriages in which one party is a member of a Scheduled Caste or a Scheduled Tribe.

(6) Campaign against superstition, casteism, untouchability, alcoholism, expensive marriages and social functions, dowry and conspicuous consumption.

- (7) Encouraging community marriages and inter-caste marriages.
- (8) Vigilance against economic offences such as smuggling, tax evasion, food adulteration, etc.
- (9) Assistance for developing lands assigned to landless labourers.
- (10) Assisting in resumption of land alienated by tribals.
- (11) Identify, free and rehabilitate bonded labour.
- (12) Organise cultural and recreational activities.
- (13) Encouragement of sports and games and construction of rural stadia.
- (14) Give new form and social content to traditional festivals.
- (15) Verification of weights and measures in shopping establishments.
- (16) Promotion of thrift and savings through—
 - (a) promotion of saving habits ;
 - (b) small savings campaign ; and
 - (c) fight against spurious money lending practices and rural indebtedness.

(2) In addition, the Zilla Parishad may—

- (a) manage or maintain any work of public utility or any institution vested in it or under its control and management ;
- (b) acquire and maintain village huts and markets ;
- (c) make grants to Panchayat Samiti or Gram Panchayat ;
- (d) adopt measures for the relief of distress ;
- (e) coordinate and integrate the development plans and schemes prepared by Panchayat Samitis in the District ;
- (f) examine and sanction the budget estimates of Panchayat Samiti or Panchayat Samitis in the District ;
- (g) undertake or execute any scheme extending to more than one Block ; and
- (h) take over the maintenance and control of any rural bridge, tank, ghat, well, channel or drain belonging to a private owner or any other authority on such terms as may be agreed upon.

(3) The Zilla Parishad may be vested by the State Government with such powers under any Act as the Government may deem fit.

(4) The Zilla Parishads of two or more adjacent Districts may jointly undertake and execute any development scheme on such terms and conditions as may be mutually agreed upon.

General powers
of Zilla Pari-
shad.

144. (1) Subject to the general or special orders of the State Government, Zilla Parishad may—

- (a) incur expenditure on education or medical relief ; or
- (b) provide for carrying out any work or measures likely to promote health, safety, education, Comfort convenience, or social or economic Comfort or cultural well-being of the inhabitants of District.

(2) Zilla Parishad shall have powers to do all acts necessary for or incidental to the carrying out of the functions entrusted or delegated to it and in particular, and without prejudice to foregoing powers, to exercise all powers specified under this Act.

Assignment of
functions.

145. (1) The Government may assign to Zilla Parishad functions in relation to any matters to which the executive authority of the Government extends or in respect of functions which have been assigned to the State Government by the Central Government.

(2) The Government may, by notification, withdraw or modify the functions assigned under this Section.

Delegation of
powers.

146. Zilla Parishad may, by notification, delegate to Chief Executive Officer or any other officer any of the powers conferred by or under this Act on Zilla Parishad.

State Govern-
ment may place
properties on
Zilla Parishad.

147. The State Government may, from time to time, with the consent of Zilla Parishad place any road, bridge, ferry, channel, building and other properties vested in the State Government and situated within the District under the control or management of Zilla Parishad subject to such conditions as it may specify :

Provided that the State Government may, after consider in the views of Zilla Parishad, withdraw such control and management subject to such condition as it may specify.

Power of Zilla
Parishad to trans-
fer roads to the
State Govern-
ment or Pancha-
yat Samiti.

148. A Zilla Parishad may transfer to the State Government, the Commi-
sioners of a Municipality, a Panchayat Samiti or a Gram Panchayat any road
or part of a road or any other property which is under its control or manage-
ment or which is vested in it, on such terms and conditions as may be agreed
upon.

Vesting of Zilla Parishad with certain powers.

149. (1) Zilla Parishad may be vested by the State Government with such powers under any local or special Act as the State Government may think fit.

(2) Zilla Parishad shall perform such functions as may be transferred to it by notification under Section 31 of the Cattle Trespass Act, 1871.

(3) Zilla Parishad shall exercise such other powers, perform such other functions or discharge such other duties as the State Government may, by general or special order, direct.

Power of supervision over Panchayat Samiti and Gram Panchayat.

150. (1) Zilla Parishad shall exercise general power or supervision over the Panchayat Samitis and Gram Panchayats in the District and it shall be the duty of these authorities to give effect to any directions of Zilla Parishad.

(2) Zilla Parishad may—

- (a) inspect, or cause to be inspected, any immovable property used or occupied by a Panchayat Samiti under it or any work in progress under the direction of the Panchayat Samiti ;
- (b) inspect, or examine or depute an officer to inspect, or examine, any department of a Panchayat Samiti or any services, work or thing under the control of the Panchayat Samiti
- (c) inspect, or cause to be inspected, utilisations or functions in respect of schemes or programmes assigned to a Panchayat Samiti by the State Government for execution either directly or through Zilla Parishad ; and
- (d) require a Panchayat Samiti, for the purpose of inspection or examination, to produce any books, records, correspondence and other documents.

(3) Zilla Parishad may call for meetings of Panchayat Samiti or any of its Standing Committees or of Gram Panchayat in its jurisdiction if no meeting of such Panchayat Samiti or Standing Committee or Gram Panchayat is held in accordance with the provision of this Act or the rules made thereunder,

Powers, functions and duties of Sabhadhipati and Sahakari Sabhadhipati .

151. (1) The Sabhadhipati shall—

- (a) be responsible for the maintenance of the records of the Zilla Parishad ;
- (b) have general responsibility for the financial and executive administration of the Zilla Parishad ;

- (c) exercise administrative supervision over all officers and other employees of the Zilla Parishad and the officers and employees whose services may be placed at the disposal of the Zilla Parishad by the State Government ;
- (d) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Zilla Parishad under this Act or the rules made there under :

Provided that the Sabhadhipati shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the Zilla Parishad at a meeting ; and

- (e) exercise such these powers, perform such other functions and discharge such other duties as the Zilla Parishad may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.
- (2) The Sahakari Sabhadhipati shall—

- (a) exercise such of the powers, perform such of the functions and discharge such of the duties of the Sabhadhipati as the Sabhadhipati may from time to time, subject to rules made in this behalf by the State Government, delegate to him by order in writing :

Provided that the Sabhadhipati may at any time withdraw the powers and functions delegated to the Sahakari Sabhadhipati ;

- (b) during the absence of the Sabhadhipati exercise the powers and functions and discharge all the duties of the Sabhadhipati ; and
- (c) exercise such other powers, perform such other functions, and discharge such other duties as the Zilla Parishad may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.

CHAPTER III

Standing Committees of
Zilla ParishadStanding
Committees.

152. (1) Zilla Parishad shall have the following Standing Committees namely :—

- (a) Finance, Audit and Planning Committee ;
- (b) Education, Environment, Cultural, Health and Sports Affairs ;
- (c) Communication, Rural Electrification and Non Conventional Energy;
- (d) Industries including Cottage Industries and Sericulture ;
- (e) Social Justice Committee;
- (f) Agriculture, Food, Irrigation, Cooperation, Fishery, and Animal Husbandry;
- (g) Poverty Alleviation Programme, Social and Farm Forestry, Rural Housing and Drinking Water and ;
- (h) Such other Standing Committee or Committees as the Zilla Parishad may, subject to the approval of the State Government, constitute.

(2) A Standing Committee shall consist of the following members namely—

- (a) the Sabhadhipati and the Sahakari Sabhadhipati, ex-officio ;
- (b) not less than 5 and not more 7 persons to be elected in the prescribed manner by the members of the Zilla Parishad from among themselves ;
- (c) Chief Executive Officer/Additional Chief Executive Officer-ex-officio ; and
- (d) such number of persons, being officers of the State Government or any statutory body or corporation or being eminent persons having specialised knowledge, as the State Government may think fit, appointed by the State Government :

Provided that such officers and Chief Executive Officer/Additional Chief Executive Officer shall not be eligible for election as the President or Vice President and shall not have any right to vote.

(3) No member of a Zilla Parishad other than the Sabhadhipati and the Sahakari Sabhadhipati shall be eligible to serve on more than two Standing Committees.

(4) An elected member of the Standing Committee shall hold office for a period of five years or for so long as he continues to be a member of Zilla Parishad, whichever is earlier.

(5) The meeting of the Standing Committee shall be held in the office of the Zilla Parishad at such time and in such manner as may be prescribed.

(6) The State Government may make rules providing for the removal of members of a Standing Committee excluding the president and for filling up of casual vacancy.

153. (1) The Finance Audit and Planning Committee shall perform the functions relating to—

- (a) establishment matters, the Finances of the Zilla Parishad, framing of budget, scrutinising proposals for increase of revenue, examination of receipt and expenditure statements, consideration of all proposals affecting the finances of the Zilla Parishad and general supervision of the revenue and expenditure of the Zilla Parishad ; and
- (b) the plan priorities, allocation of outlays to development programmes horizontal and vertical linkages, implementation of guidelines issued by the Government, regular review of planning programmes, evaluation of important programmes and small savings schemes.

(2) The Education, Environment and Health Committee shall perform the following functions—

- (a) be incharge of all educational, environmental and sports activities of the Zilla Parishad ;
- (b) undertake the planning of education in the District within the framework of the national policy and the national and state plan ;
- (c) survey and evaluate the educational activities of the Zilla Parishad ;
- (d) perform such other duties pertaining to education, adult literacy and cultural activities as the Zilla Parishad may assign to it ; and
- (e) health services, hospitals, family welfare and other allied matters.

(3) The Communication, Rural Electrification and Non Conventional Energy Standing Committee shall perform functions relating to communication, buildings, non conventional energy, rural electrification and allied matters.

- (4) The Agriculture Committee shall perform functions relating to—
- (a) agricultural production, animal husbandry, fisheries, contour binding and reclamation of land, food and cooperation ;
- (5) Industries Committee shall perform functions relating to—
- (a) village and cottage industries ;
 - (b) promotion of industrial development of the District ;
 - (c) promotion of sericulture ; and
 - (d) promotion of handloom and handicrafts.
- (6) The Social Justice Committee shall perform functions relating to—
- (a) promotion of education, economic, social, cultural and other interests of the Scheduled Castes and the Scheduled Tribes and the Backward Classes ,
 - (b) protecting them from social injustice and all other forms of exploitation,
 - (c) amelioration of the condition of the Scheduled Castes and the Scheduled Tribes and the Backward Classes, and
 - (d) securing social justice to the Scheduled Castes and the Scheduled Tribes, women and other weaker sections of the society.
- (7) Poverty Alleviation Committee shall perform functions relating to promotion of rural water supply, sanitation, rural employment, other poverty alleviation programmes, rural housing, social forestry and farm forestry.
- (8) The Standing Committees shall perform the functions referred to above to the extent the powers are delegated to them by the Zilla parishad.
- (9) The Committees shall perform, in respect of matters assigned to them, such additional duties as may be prescribed.

President and
Secretary.

54. (1) The members of a Standing Committee shall elect, in such manner as may be prescribed, a chairman to be called President, from among themselves :

Provided that the Sabhadhipati shall be the ex-office President of the Finance, Audit and Planning Committee.

(2) The Secretary of the Zilla Parishad shall act as the Secretary to all Standing Committees ;

Provided that a Standing Committee may select, in such manner as determined by the President, one of the members referred to in clause (d) of sub-section (2) of section 152 to act as the Secretary to such Standing Committee only.

(3) The Secretary to each Standing Committee shall, in consultation with the President, convene the meeting of that Standing Committee.

(4) The President shall be paid out of the Zilla Parishad fund such sitting fees, and shall be entitled to leave of absence for such period or periods, and on such term and conditions, as the State Government may, by order direct or may, by rules, made in this behalf, prescribe.

(5) Notwithstanding anything contained in this Act, the State Government may, by an order in writing, remove the President from his office if, in its opinion, he holds any office of profit or carries on or is associated with any business, profession or calling in such manner that shall, or is likely to, interfere with the exercise of his powers, due performance of his functions or due discharge of his duties ;

Provided that the State Government shall, before making any such order, give the person concerned an opportunity of making representation against the proposed order.

Resignation.

155. The President or any member of the Standing Committee may resign his office by giving notice in writing to the Sabhadhipati and, on such resignation being accepted by the Zilla Parishad, the President or such member shall be deemed to have vacated his office.

CHAPTER IV

Executive Committee of Zilla Parishad

Executive
Committee.

156. (1) There shall be an Executive Committee for every Zilla Parishad consisting of the Sabhadhipati and the Sahakari Sabhadhipati and Presidents of all Standing Committees, the Chief Executive Officer and the Additional Chief Executive Officer of the Zilla Parishad.

(2) The Secretary of the Zilla Parishad shall be the Secretary to the Executive Committee.

(3) The meeting of the Executive Committee shall be held at least once in two months in the office of the Zilla Parishad in such manner as may be prescribed.

(4) The Executive Committee shall be responsible for co-ordinating the functions between the Standing Committees and the Zilla Parishad and among the different Standing Committees of the Zilla Parishad and for monitoring of activities of the Panchayat Samitis in respect of the schemes, funds or which are allotted by the Zilla Parishad to the Panchayat Samitis for execution of such scheme.

(5) The Executive Committee shall exercise such other powers, perform such other functions and discharge such other duties as may be prescribed or as may be assigned to it by the Zilla Parishad at a meeting.

CHAPTER V

Staff of Zilla Parishad

Staff of Zilla Parishad.

157. (1) There shall be a Chief Executive Officer, who shall be the District Magistrate, for every Zilla Parishad appointed by the State Government on such terms and conditions as may be prescribed ,

Provided that any person so appointed shall be recalled by the State Government if a resolution to that effect is passed by the Zilla Parishad, at a meeting specially convened for the purpose, by two-third majority of the total number of members holding office for the time being.

(2) The State Government may appoint an Additional Chief Executive Officer not below the rank of Additional District Magistrate for a Zilla Parishad on such terms and conditions as may be prescribed :

Provided that any person so appointed shall be recalled by the State Government if a resolution to that effect is passed by the Zilla Parishad at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being.

(3) The Additional Chief Executive Officer shall, subject to the provision of this Act, exercise such powers, perform such functions and discharge such duties, of the Chief Executive Officer as the State Government may, from time to time direct.

(4) The State Government may appoint a Secretary, not below the rank of Senior Deputy Magistrate, for a Zilla Parishad on such terms and conditions as may be prescribed.

(5) Subject to such rules as may be made by the State Government, a Zilla Parishad may appoint such other officers and employees as may be required by it, and may fix the salaries to be paid to the persons so appointed :

Provided that no post shall be created or abolished and no revision of scale of pay of any post shall be made by the Zilla Parishad without the prior approval of the State Government.

(6) The State Government shall make rules relating to the method of recruitment and the terms and conditions of service, including the pay and allowances, super-annuation provident fund, and gratuity of the employees of the Zilla Parishad

Placing the services of State Government officers at disposal of Zilla Parishad.

158. The State Government may place at the disposal of Zilla Parishad, services of such officers or other employees serving under it and on such terms and conditions as it may think fit :

Provided that any such officer or employee shall be recalled by the State Government if a resolution to that effect is passed by the Zilla Parishad, at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being.

Disciplinary
power of the
State Govt.

159. The State Government shall have disciplinary control over the Chief Executive Officer, the Additional Chief Executive Officer, Secretary and officers and employees whose services are placed at the disposal of the Zilla Parishad under Section 158.

Control and
punishment of
the Staff of
Zilla Parishad.

160. (1) The Chief Executive Officer shall exercise control over all officers and other employees of the Zilla Parishad.

(2) The Chief Executive Officer may award any punishment, other than dismissal, removal or reduction in rank to an officer or employee of the Zilla Parishad in the prescribed manner.

(3) No officer or other employee of the Zilla Parishad shall be dismissed, removed or reduced in rank by the Zilla Parishad except by resolution of the Zilla Parishad passed at a meeting after following the prescribed procedure.

Appeal.

161. (1) An appeal shall lie to the Zilla Parishad against an order of punishment awarded by the Chief Executive Officer under sub-section (2) of Section 160 within one month from the date of the order.

(2) An appeal shall lie to the State Government against an order of punishment awarded by the Zilla Parishad under sub-section (3) of Section 160 within one month from the date of that order.

Exercise of
powers, etc.
by the officers
and employees.

162. (1) Subject to the provisions of this Act, and rules framed thereunder and to any general or special directions given by the State Government in that behalf, the officers and other employees employed by the Zilla Parishad and the officers and other employees whose services have been placed at the disposal of the Zilla Parishad shall exercise such powers, perform such functions and discharge such duties, as the Zilla Parishad may determine.

CHAPTER—VI

Property and Fund of Zilla Parishad

Power to acquire, hold and dispose of property.

163. A Zilla Parishad shall have the power to acquire, hold and dispose of any property and to enter into contracts :

Provided that in all cases of acquisition or disposal of immovable property, the Zilla Parishad shall obtain the previous approval of the State Government.

Works constructed by a Zilla Parishad to vest in it.

164. All roads, buildings or other works constructed by the Zilla Parishad with its own funds shall vest in it.

Allocation of properties to Zilla Parishad.

165. The State Government may allocate to a Zilla Parishad any public property situated within its jurisdiction, and thereupon, such property shall vest in and come under the control of the Zilla Parishad.

Acquisition of land for Zilla Parishad.

166. Where a Zilla Parishad requires land to carry out any of the purposes of this Act, it may negotiate with any person or persons having interest in the said land, and if it fails to reach an agreement it may make an application to the District Magistrate and collector who may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land under the provisions of the Land Acquisition Act and such land shall, on acquisition, vest in the Zilla Parishad.

Zilla Parishad Fund

167. (1) For every Zilla Parishad there shall be constituted a Zilla Parishad Fund bearing the name of the Zilla Parishad and there shall be placed to the credit thereof—

(a) contribution and grants, if any, made by the Central or the State Government including such parts land revenue collector in the State as determined by the State Government ;

(b) contribution and grant, if any, made by Panchayat Samiti or any other local authority ;

(c) loans, if any granted by the central or State Government or raised by the Zilla Parishad on security of its assets with the permission of the State Government ;

(d) the proceeds of road cess and public works cess levied in the District ;

- (e) all receipts on account of tolls, taxes, rates and fees levied by the Zilla Parishad ;
- (f) all receipts in respect of any schools, hospitals, dispensaries, buildings, institutions, or works, vested in, constructed by, or placed under the control and management of, the Zilla Parishad ;
- (g) all sums received as gift or contribution and all income from any trust or endowment made in favour of the Zilla Parishad ;
- (h) such fines or penalties imposed and realised under the provisions of this Act or of the bye-laws made thereunder, as may be prescribed ; and
- (i) all other sums received by or on behalf of Zilla Parishad.

(2) Every Zilla Parishad shall set apart and apply annually such sum as may be required to meet the cost of its own administration including the payment of salaries and allowances, provident fund and gratuity of the officers and employees. The over all expenditure on establishment shall not exceed one third of the total expenditure.

(3) Every Zilla Parishad shall have the power to spend such sums as it thinks fit for carrying out the purposes of this Act.

(4) The Zilla Parishad Fund shall be vested in the Zilla Parishad and the amount standing to the credit of the Fund shall be kept in such custody or invested in such manner as the State Government may, from time to time, direct.

(5) Subject to such general control as the Zilla Parishad may exercise, from time to time, all orders and cheques for payment from the Zilla Parishad Fund shall be signed by the Chief Executive Officer or, if authorised by the Chief Executive Officer, by the Additional Chief Executive Officer or the Secretary.

Levy of tolls,
fees and rate.

168.(1) Subject to such maximum rates as the State Government may prescribe, a Zilla Parishad may—

(a) levy tolls on persons, vehicles or animals or any class of them at any toll bar established by it on any road other than a kutchra road or any bridge vested in it or under its management ;

(b) levy tolls in respect of any ferry established by it or under its management ; and

(c) levy the following fees and rates, namely—

(i) fees on the registration of boats or vehicles ;

- (ii) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the Government by notification ;
- (iii) a fee for licence for fair or mela ;
- (iv) a lighting rate where arrangement for lighting of public streets and places is made by the Zilla Parishad within its jurisdiction ; and
- (v) water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Zilla Parishad within its jurisdiction.

(2) The Zilla Parishad shall not undertake registration of any vehicle or levy fee therefor and shall not provide sanitary arrangements at places of worship or pilgrimage, fairs and melas within its jurisdiction or levy fee therefor, if such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any other local authority.

(3) The scales of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be provided by regulations. Such regulations may provide for exemption from all or any of the tolls fees or rates in any class of cases.

169. All dues on account of rates, tolls or fees payable to a Zilla Parishad under this Act shall be recoverable as arrears of land revenue.

170 (1) The State Government may remit the whole or part of any rate, toll or fee levied by a Zilla Parishad in respect of any period after the commencement of this Act.

(2) The power exercisable by the State Government under sub-section (1) shall also be exercisable, either generally or in any specified area, by the prescribed authority under such circumstances as the State Government may prescribe.

(3) A Zilla Parishad may, by resolution and under such circumstances as may be prescribed, remit the whole or part of any such rate, toll or fee levied by it provided that no such resolution shall take effect unless it is approved by the prescribed authority.

(4) Where any rate, toll or fee has been remitted under this Section, any sum on account of rate, toll or fee, as remitted, shall be refunded to him by the Zilla Parishad.

Recovery of tolls, rates or fees as arrears of land revenue.

Remission or revision of tolls, rates or fees.

Zilla Parishad may raise loan and create a sinking fund.

171. A Zilla Parishad may, subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, raise from time to time, with the approval of the State Government, loans for the purposes of this Act and create a sinking fund for the repayment of such loans.

Zilla Parishad may borrow money.

172. Notwithstanding anything contained in Section 171, a Zilla Parishad may borrow money from the State Government or, with the previous sanction of the State Government, from the Central Government or banks or other financial institutions, for furtherance of its objectives on the basis of specific schemes as may be drawn up by the Zilla Parishad for the purpose.

Budget of the Zilla Parishad.

173. (1) Every Zilla Parishad shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year and submit it to the State Govt.

(2) The State Government may, within such time as may be prescribed, either approve the budget or return it to the Zilla Parishad for such modifications as it may direct and on such modifications being made the budget shall be re-submitted within such time as may be prescribed for approval of the State Government. If the approval of the State Government is not received by the Zilla Parishad, within two months, or the last day of the year, whichever is earlier, the budget shall be deemed to be approved by the State Government.

(3) No expenditure shall be incurred unless the budget is approved by the State Government except in the prescribed manner.

Supplementary budget.

174. The Zilla Parishad may prepare in each year a supplementary estimate providing for any modification of its budget and may submit it to the State Government for approval within such time and in such manner as may be prescribed.

Accounts.

175. A Zilla Parishad shall keep such accounts in such manner as may be prescribed.

PART V
MISCELLANEOUS
CHAPTER I

Election to Gram Paachayat, Panchayat Samiti and Zilla Parishad

Election
Commission.

176. (1) There shall be a State Panchayat Election Commission constituted by the Governor for superintendence, direction and control of the preparation of electoral rolls and for the conduct of all elections to the Panchayat bodies in this State under this Act and rules made thereunder. The Commission shall consist of a State Election Commissioner to be appointed by the Governor.

(2) The conditions of service and tenure of the office of the Election Commissioner shall be such as the Governor may by rule determine :

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on like grounds as a judge of the High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The State Government shall, when so requested by the State Election Commissioner, make available to the State Election Commissioner such staff as may be necessary for the discharge of the functions conferred on the State Election Commissioner under this Act.

(4) State Government may appoint a District Election Officer and Sub-Divisional Election Officer, who shall, subject to the superintendence and control of the State Election Commissioner, co-ordinate and supervise works in the District and Sub-Division in connection with the conduct of election.

Appointment of
Electoral Regis-
tration Office/
Assist. Electoral
Registration
Officer.

(5) (a) The State Election Commissioner shall, in consultation with the State Government, appoint an officer of the State Government to be the Electoral Registration Officer and one or more persons as Assistant Electoral Registration Officers for each constituency ;

Provided that nothing in this Section shall prevent the State Election Commissioner to appoint the same person to be the Electoral Registration Officer for more than one constituency in one or more Grams.

(b) The electoral roll for each constituency shall be prepared and revised by the Electoral Registration Officer appointed under clause (a).

(c) An Electoral Registration officer may, subject to such rules as may be prescribed, employ such persons as he thinks fit for the preparation and revision of the electoral roll for the constituency.

(6) The State Election Commissioner shall appoint a Returning Officer, who shall be an officer of the State Government, for holding election to a constituency of a Zilla Parishad, a Panchayat Samiti or a Gram Panchayat.

(7) The State Election Commissioner may appoint one or more Assistant Returning Officer who shall be an officer of State Government to assist the Returning Officers in the performance of his functions. Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer :

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning officer which relate to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said functions.

(8) The Returning Officer shall appoint Presiding Officers and Polling Officers for holding the elections or bye-elections referred in sub-section (6) but he shall not appoint any person who has been employed by, or on behalf of, or has been otherwise working for, a candidate in or about the election.

(9) The powers, functions and duties of Returning Officers, Presiding Officers, and Polling Officers and the procedure for holding elections including the declaration of results shall be such as may be prescribed.

(10) At every election where poll is taken, votes shall be counted by or under the supervision and direction of the Returning Officer in such manner as may be prescribed.

Electoral roll for election of members of Gram Panchayat, Panchayat Samiti and Zilla parishad

Disqualification for registration in electoral roll

177. For each constituency, there shall be an electoral roll showing the names of the persons qualified to vote. The electoral roll shall be prepared in accordance with the provisions of this Act and the rules made thereunder.

178. (1) A person shall be disqualified for registration in an electoral roll if he—

- (a) is not a citizen of India ;
- (b) is of unsound mind and has been so declared by a competent court ; or
- (c) is for the time being disqualified from voting under the provisions of this Act or any other law relating to corrupt practices and other offences in connection with election.

(2) The name of any person, who in the opinion of Electoral Registration Officer, becomes so disqualified after registration shall forthwith be struck off from the electoral roll in which it is included :

Provided that the name of any person struck off from the electoral roll by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be restored if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.

No person to be registered in the electoral roll relating to more than one local authority.

179. A person registered in the electoral roll for a constituency relating to a Gram Panchayat, Panchayat Samiti or Zilla Parishad area shall not be entitled to be registered in the electoral roll for a constituency relating to any other Gram Panchayat, Panchayat Samiti or Zilla Parishad area or in the electoral roll for any Municipality or Notified Area Authority established or constituted under any law for the time being in force.

No person to be registered more than once in any constituency.

180. (1) No person shall be entitled to be registered in the electoral roll for more than one constituency.

(2) No person shall be entitled to be registered in the electoral roll for any constituency more than once.

Conditions of registration.

181. Subject to the provisions of Sections 177, 178, 179 and 180 every person who—

(a) is not less than 18 years of age on the qualifying date ; and

(b) is ordinarily resident in a constituency, shall be entitled to be registered in the electoral roll for that constituency.

Meaning of ordinarily resident.

182. (1) A person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of, a dwelling house therein.

(2) A person absenting himself temporarily from his place of ordinary residence shall not, by reason thereof, cease to be ordinarily resident therein.

(3) A member of the Parliament or of the Legislative Assembly of the State absenting himself from his place of ordinary residence in connection with his duties as such member shall not during the term of his office cease to be ordinarily resident therein merely by reason of his absence from that constituency.

(4) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place shall not, by reason thereof, be deemed to be ordinarily resident therein.

(5) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case by the Electoral Registration Officer.

Preparation, revision and correction of electoral rolls.

183. (1) The electoral roll for each constituency shall be prepared by the Electoral Registration Officer in the prescribed manner with reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.

(2) The said electoral roll may, if necessary, be divided into convenient parts which shall be numbered consecutively.

(3) The said electoral roll shall, unless otherwise directed by the State Government for reasons to be recorded in writing, be revised in the prescribed manner with reference to the qualifying date—

- (i) before each General Election of the members of a Gram Panchayat, Panchayat Samiti or Zilla Parishad ; and
- (ii) in any year, in the prescribed manner, with reference to a qualifying date, if such revision has been directed by the Prescribed authority.

(4) Notwithstanding anything contained in sub-section (3), the prescribed authority may at any time, for reasons to be recorded, direct a special revision of the electoral rolls for any Gram Panchayat, Panchayat Samiti, or Zilla Parishad or a part of Gram Panchayat, Panchayat Samiti or Zilla Parishad in such a manner as it may think fit :

Provided that subject to the other provisions of this Act, the electoral roll for the Gram Panchayat, Panchayat Samiti or Zilla Parishad, as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

Correction of entries in the electoral rolls.

184. If the Electoral Registration Officer for a constituency, on application made to him, or on his own motion, is satisfied after such enquiry as he thinks fit that any entry in the electoral roll of the constituency—

- (a) is erroneous or defective in any particular ; or
- (b) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll—

the Electoral Registration Officer shall, subject to such general or special directions, if any, as may be given by the State Election Commissioner in this behalf, amend or delete the entry :

Provided that before taking any action on the ground under clause (a) or any action under clause (b) on the ground that the person concerned has ceased to be ordinarily resident in that constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency, the Electoral Registration Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

Inclusion of names in electoral rolls.

185. (1) Any person whose name is not included in the electoral roll of a constituency may apply to the Electoral Registration Officer in the prescribed manner for the inclusion of his name in that roll.

(2) The Electoral Registration Officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein :

Provided that if the applicant is registered in the electoral roll of any other constituency, the Electoral Registration Officer shall inform the Electoral Registration Officer of the other constituency and that Officer shall, on receipt of the information, strike off the applicant's name from that roll.

(3) No amendment or deletion of any entry shall be made under Section 184 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this Section, after the last date for making nominations for an election in that constituency and before the completion of that election.

Appeal.

186. An appeal shall lie within such time and in such manner as may be prescribed before the prescribed authority from any order of the Electoral Registration Officer under Section 178, 184 or Section 185.

Fee for applications and appeals.

187. Every application under Section 184 or Section 185 and every appeal under Section 186 shall be accompanied by the prescribed fee which shall, in no case, be refunded.

Penalty for making false declaration.

188. If any person makes in connection with—

- (a) the preparation, revision or correction of electoral roll ; or
- (b) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both.

Jurisdiction of Civil Courts barred.

189. No Civil Court shall have jurisdiction—

- (a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a constituency ; or
- (b) to question the legality of any action taken by or under the authority of the Electoral Registration Officer, or of any decision given by any authority appointed under this Act for the preparation or revision of any such roll.

Right to vote.

190. (1) No person who is not, and except as expressly provided by this Act every person who is, for the time being entered in the electoral roll of any constituency, shall be entitled to vote at an election in that constituency:

Provided that no person shall vote at an election in any constituency if he—

- (a) has been adjudged by a competent court to be of unsound mind;

- (b) has voluntarily acquired the citizenship of a foreign State ; or
- (c) has been sentenced by a criminal court for an electoral offence punishable under this Act or has been disqualified under any other law from exercising any electoral right on account of corrupt practices in connection with an election and six years have not elapsed from the date of such sentence or disqualification, provided that the disqualification under this clause may, at any time, be removed by the State Government if it thinks fit.

(2) No person shall vote at a general election in more than one constituency and if a person votes in more than one constituency, his vote in all such constituencies shall be void.

(3) No person shall, at any election, vote in the same constituency more than once notwithstanding that his name may have been registered in the electoral roll for that constituency more than once and if he does so all his votes in that constituency shall be void.

(4) No person shall vote at any election if he is confined in prison whether under a sentence of imprisonment or otherwise or is under the lawful custody of the Police.

(5) Every elector shall have the right to give only one vote in a constituency where the number of members to be elected is one.

(6) Every elector shall have the right to give two votes in a constituency where the number of members to be elected are two, but no such elector shall give more than one vote to any one candidate.

Qualifications for membership of Gram Panchayat, Panchayat Samiti and Zilla Parishad.

191. (1) A person shall not be qualified to be chosen to fill a seat in a constituency of any Gram Panchayat, Panchayat Samiti and Zilla Parishad unless

- (a) in the case of a seat reserved for the Scheduled Castes, or for the Scheduled Tribes, he or she is a member of any of these Tribes, or of these Castes, as the case may be, and his or her name appears as an elector in the electoral roll for any constituency in that Gram Panchayat, Panchayat Samiti or Zilla Parishad Area ;
- (b) in the case of any other seat, his or her name appears as an elector in the electoral roll for any constituency in that Gram Panchayat, Panchayat Samiti or Zilla Parishad area ; and
- (c) he or she has completed 21 years of age on the date of submission of nomination at an election.

(2) A person shall not be qualified to be chosen to fill a seat in more than one constituency of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad.

Bar of
Jurisdiction of
Court.

192. Notwithstanding anything in this Act, no court shall have any jurisdiction in respect of any matters connected with the disqualification of members of Gram Panchayat under Section 16, member of Panchayat Samiti under section 76 and member of Zilla Parishad under section 128.

Directions from
Government.

193. (1) Notwithstanding anything contained in this Act, it shall be lawful for the Government to issue directions to any Gram Panchayat, Panchayat Samiti and Zilla Parishad, in matters relating to the state and national policies, and such directions shall be binding on the Gram Panchayat, Panchayat Samiti and Zilla Parishad.

(2) The State Government may—

- (a) call for any record or register, and other document in possession or under the control of any Panchayat ;
- (b) require any Panchayat to furnish any return, plan, estimate, statement, account or statistics ; and
- (c) require any Panchayat to furnish any information or report on any matters connected with such Panchayat.

Powers of
State Govern
ment to dissolve
Gram Panchayat,
Panchayat
Samiti or
Zilla Parishad.

194. (1) If in the opinion of the State Government any Gram Panchayat, Panchayat Samiti or Zilla Parishad—

- (a) has shown its incompetence to perform, or has persistently made default in the performance of, the duties imposed on it by or under this Act or any other law ;
- (b) has failed to carry out or implement the direction given by the State Government under Section 193 ; or
- (c) has exceeded or abused its powers,

the State Government may, by order, to be published in the Official Gazette, stating the reasons therefor, dissolve the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad, as the case may be, and direct that it be reconstituted within such period not exceeding six months as may be specified in the order :

Provided that the members of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad, as reconstituted, shall hold office for the unexpired portion of the period for which the members of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad, as the case may be, would have held office had the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad, as the case may be, not been dissolved.

(2) The State Government shall, before making any order under sub-section (1) give the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad, as the case may be, an opportunity of making representation against the proposed order.

(3) Every order made under sub-section (1) shall be laid before the State Legislature.

Consequences
of dissolution.

195. (1) When an order of dissolution has been passed under Section 194, then with effect from the date of the order—

- (a) all the members of the Gram Panchayat, the Panchayat the members of the Standing Committees thereof, shall Samiti or the Zilla Parishad, as the case may be, and all vacate their offices ;
- (b) all the powers, duties and functions which, under the provisions of this Act or any rule or regulation of bye law or made thereunder or any law for the time being in force, may be exercised, discharged or performed by the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad, as the case may be, or any Standing Committees thereof shall be exercised, discharged or performed by such authority, person or persons as may be appointed by the State Government in this behalf ; and
- (c) all properties vested in the Gram Panchayats, the Panchayat Samiti or the Zilla Parishad, as the case may be, shall remain vested in the State Government until the reconstitution of such Gram Panchayats, Panchayat Samitis or Zilla Parishads.

(2) On the reconstitution of the Gram Panchayat, the Panchayat Samiti, or the Zilla Parishad, as the case may be, the authority, person or persons appointed under clause (b) of sub-section (1) shall cease to function.

Inspection:

196. (1) The State Government shall appoint a Director of Panchayats and such other officers as it may consider necessary for the purpose of inspection or superintending the work of all, or any of the Gram Panchayats, the Panchayat Samitis or the Zilla Parishads.

(2) An officer appointed to inspect or superintend the work of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad may at any time—

- (a) inspect or cause to be inspected, any immovable property used or occupied by the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad or any work in progress under the direction of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad ;
- (b) inspect or examine, or depute any other officer of the Government to inspect or examine, any department of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad or any service, work or thing under the control of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad ; and
- (c) require for the purposes of inspection or examination the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad—

(i) to produce any record, correspondence, plan or other document;

(ii) to furnish any return, plan, estimate, statement, accounts or statistics; or

(iii) to furnish or obtain any report or information.

(3) The District Magistrate or any other officer not below the rank of a Deputy Collector, when authorised by the State Government in this behalf, may exercise all or any of the powers conferred on an inspecting officer under sub-section (2).

(4) When an inspection of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad is undertaken by any officer referred to in sub-section (3), a report of such inspection shall be submitted by such officer to the State Government.

Delegation.

197. The State Government may, by notification published in the Official Gazette, delegate, subject to such conditions as it may specify, all or any of its powers under this Act, except the powers under section 228, to any person or authority subordinate to it.

**Constitution of
Panchayat
Election Tribunal**

198. (1) The State Government shall constitute such Panchayat Election Tribunals, as may be necessary, on the recommendation of the Guwahati High Court, to dispose of all election petitions challenging elections under this Act. The jurisdiction, powers and functions, and headquarters of these Tribunals shall be such as may be prescribed in consultation with the High Court.

(2) The decision and order of the Election Tribunal passed under sub-section (1) shall be final.

CHAPTER—II

Electoral Offences and Election Disputes.

Breach of official duty in connection with preparation etc. of electoral roll.

199. (1) If any Electoral Registration Officer, Assistant Electoral Registration Officer or other person required by or under this Act and the rules framed thereunder, to perform any official duty in connection with the preparation, revision or correction of an electoral roll or the inclusion or exclusion of any entry in or from that roll, is, without reasonable cause, guilty of any act or omission in breach of such official duty, he shall be punishable with fine which may extend to two hundred rupees.

(2) No suit or other legal proceeding shall lie against any such officer or other person for damages in respect of any such act or omission as aforesaid.

(3) No court shall take cognizance of any offence punishable under sub-section (1) unless there is a complaint made by order of, or under authority from the State Panchayat Election Commissioner.

Prohibition on Public meeting before election.

200. (1) No person shall convene, hold or attend any public meeting in any area of a constituency during the period of 48 hours ending with the hour fixed for the conclusion of the poll for any election in that constituency.

(2) Any person, who contravenes the provisions of sub-section (1), shall be punishable with fine which may extend to one hundred rupees.

Prohibition on canvassing in or near polling station.

201. (1) No person shall, on the date or dates on which a poll is taken in any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of 100 metres of the polling station, namely:—

- (a) canvassing for votes;
- (b) soliciting vote of any elector;
- (c) persuading any elector not to vote at the election;
- (d) persuading any elector not to vote for any particular candidate; and
- (e) exhibiting any notice or sign other than an official notice relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to one hundred rupees.

(3) An offence punishable under this Section shall be cognizable.

Penalty for disorderly conduct in or near polling station.

202. (1) No person shall, on the date or dates on which a poll is taken at any polling station,

- (a) use or operate, within or at entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus or amplifier for reproducing the human voice, such as a megaphone or a loud-speaker; or

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers any other persons on duty at the polling station.

(2) Any person who contravenes or wilfully aids or abets the contravention of the provisions of sub-section (1), shall, on conviction, be punishable with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

(3) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this Section, he may direct any Police officer to arrest such person and thereupon the Police Officer shall arrest him.

(4) Any Police Officer may take steps and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1) and may seize any apparatus used for such contravention.

203. (1) Any person, who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the Presiding Officer, may be removed from the polling station by the Presiding Officer or any Police Officer on duty or by any person authorised in this behalf by such Presiding Officer.

(2) Powers conferred by sub-section (1), shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the Presiding Officer, he shall, on conviction, be punishable with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

204. (1) Any person, who at any election fraudulently takes or attempts to take a ballot paper out of a polling station or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

(2) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a Police Officer to arrest such person and may search such person or cause him to be searched by a Police Officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

Penalty for misconduct at Polling station.

→ removal of ballot paper from Polling station to be an offence.

(3) Any ballot paper found upon the person arrested on search shall be made over to a Police officer for safe custody by the Presiding Officer or when the search is made by a Police Officer shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

Other offences
and penalties
therefor.

205. (1) A person shall be guilty of an electoral offence if at any election he—

- (a) fraudulently defaces or fraudulently destroys any nomination paper ;
- (b) fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of the Returning Officer ;
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on the ballot paper or any declaration or identification ;
- (d) without due authority supplies any ballot paper to any person ;
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in ;
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or papers then in use for the purpose of the election ; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this Section shall—

- (a) if he is a Returning Officer or Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punishable with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both ; and
- (b) if he is any other person, on conviction, be punishable with the imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

(3) For the purpose of this Section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of the election or part of an election including counting of votes or to be responsible, after an election, for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

Maintenance of
secrecy of
voting.

206. (1) Where an election is held by ballot, every officer, clerk, agent or other persons who performs any duty in connection with the recording or counting of votes at an election, shall maintain and aid in maintaining the secrecy of the voting and shall not, except for any purpose authorised by or under any law, communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provision of sub-section (1) shall, on conviction, be punishable with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Officers etc. at
an election not
to act for the
candidates or
influence voting

207. (1) No person who is a Returning Officer or a Presiding Officer or Polling Officer at an election or an officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall, in the conduct or the management of election, do any act other than the giving of his vote for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid and no member of a Police Force shall endeavour—

(a) to persuade any person to give his vote at an election ;

(b) to dissuade any person from giving his vote at an election ;
or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall, on conviction, be punishable with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

Breaches of
official duty
in connection
with election.

208. (1) If any person to whom this Section applies is, without reasonable cause, guilty of any act or omission, in breach of his official duty, he shall be punishable with fine which may extend to two hundred rupees.

(2) An offence punishable under sub-section (1) shall be cognizable.

(3) No suit or legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(4) The persons to whom this Section applies are Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidature or the recording or counting of votes at an election ; and the expression "official duty" shall, for the purpose of this Section, be construed accordingly, but shall not include the duties imposed otherwise than by or under this Act.

Prosecution in
certain offences.

209. No court shall take cognizance of an offence punishable under clause (a) of sub-section (2) of Section 205 or under Section 206, 207 or 208 unless there is a complaint made by an order of, or under the authority from, the State Panchayat Election Commissioner.

**Corrupt
practice.**

210. (1) A person shall be deemed to have committed a corrupt practice who directly or indirectly by himself or by any other person—

- (i) induces or attempts to induce by fraud or coercion any elector to give or refrain from giving a vote in favour of any candidate ;
- (ii) threatens any candidate or elector, or any person in whom a candidate or elector is interested with injury of any kind with a view to influence him in any way in connection with the election ;
- (iii) induces or attempts to induce a candidate or elector to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or of spiritual censure with a view to influence him in any way in connection with the election ;
- (iv) employs, instigates or threatens any form of social boycott of any elector or candidate or of any one in whom such elector or candidate is interested ;
- (v) with a view to inducing any elector to give or to refrain from giving a vote in favour of any candidate, offers or gives any food or drink, or any money or valuable consideration, or any place or employment, or holds out any promise of individual advantage or profit to any person, including a promise of spiritual salvation ;
- (vi) gives or procure the giving of a vote in the name of an elector who is not the person giving such vote ;
- (vii) makes any payment or promise of payment to any person on account of the conveyance of any elector to or from any place for the purpose of recording his vote :

Provided that nothing contained in this clause shall prevent a conveyance being hired by an elector or by several electors at their joint cost, for the purpose of conveying him or them to or from the place fixed for the poll :

- (viii) offers any money or valuable consideration to any person to induce him to withdraw from being a candidate at an election, or being a candidate, accepts any money or valuable consideration so offered ; or
- (ix) abets the doing of any of the acts specified in clauses (i) to (viii).

Explanations—(a) A “promise of individual advantage or profit to a person” includes a promise for the benefit of the person himself, or of any one in whom he is interested, but does not include a promise to further or oppose, or to vote for or against any particular Gram Panchayat, Panchayat Samiti or Zilla Parishad measure or work ;

- (b) no agent, clerk, messenger, or other person who may, in accordance with rules made by the State Government, be employed for remuneration by a candidate at an election shall by reason of such employment alone be deemed to come within the provision of this Section.

(2) A corrupt practice shall be deemed to have been committed by a candidate if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

(3) Every person who is guilty of a corrupt practice at or in connection with an election held under the provisions of this Act shall be punishable with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both.

211. If the Election Tribunal sets aside an election under Section 198, he may, if he thinks fit, declare any person by whom a corrupt practice has, in his opinion, been committed within the meaning of Section 210 to be disqualified from being a candidate for election in that or any other Panchayat for a period not exceeding six years and the tribunal decision shall be final:

Provided, however, that such person may, by an order of the State Government, be at any time, relieved from such disqualification.

212. Where by an order under Section 211, the election of a returned candidate is deemed to be void, acts and proceedings in which that returned candidate has, before the date thereof, participated as a member of any Panchayat, shall not be invalidated by reason of that order nor shall such candidate be subjected to any liability or penalty on the ground of such participation.

213. No court shall grant an injunction—

- (i) to postpone the election of a member or any other functionary of a Panchayat; or
- (ii) to prohibit a person declared to have elected under this Act from taking part in the proceeding of the Panchayat to which he has been elected; or
- (iii) to prohibit the members elected to a Panchayat under this Act from entering upon their office.

Disqualification of persons who commit corrupt practice from being a candidate.

Saving of acts done by a member before election is set aside.

Bar to interference by courts in election matters.

CHAPTER III

Finance Commission

Finance
Commission
for Panchayats

214. (1) The Governor shall as soon as may be within one year from the commencement of the Constitution (Seventy third) Amendment Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Zilla Parishads, the Panchayat Samitis and the Gram Panchayats and to make recommendation to the Governor as to —

(a) the principles which should govern—

(i) the distribution between the State and the Zilla Parishads, the Panchayat Samitis and the Gram Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State which may be divided between them under this Act and allocation between the Zilla Parishads, Panchayat Samitis and the Gram Panchayats of their respective shares of such proceeds ;

(ii) the determination of the taxes, duties, tolls, rates and fees which may be assigned to or appropriated by the Zilla Parishads, the Panchayat Samitis and the Gram Panchayats;

(iii) the grants-in-aid to the Zilla Parishads, the Panchayat Samitis and the Gram Panchayats from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Zilla Parishads, the Panchayat Samitis and the Gram Panchayats ; or

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Zilla Parishads, the Panchayat Samitis and the Gram panchayats.

(2) The Finance Commission shall consist of one or more members of whom one shall be the chairman.

(3) The chairman or members of the Finance Commission shall possess such qualification and shall be appointed in such manner as may be prescribed.

(4) The Finance Commission shall determine its procedure.

(5) The chairman or a member of the Finance Commission may resign his office by writing under his hand and addressed to the Governor but he shall continue in office until his resignation is accepted by the Governor.

(6) The casual vacancy created by the resignation of the chairman or a member under sub-section (5) or for any other reason may be filled up by fresh appointment and the chairman or the member so appointed shall hold office for the remaining period for which the chairman or the member in whose place he was appointed would have held office.

(7) The Finance Commission shall have the following powers in the performance of its functions, namely—

- (a) to call for any record from any officer or authority ;
- (b) to summon any person to give evidence or produce any record ; and
- (c) such other powers as may be assigned to it by the Governor.

(8) The Governor shall cause every recommendation made by the Finance Commission under this Section, together with an explanatory memorandum as to the action taken thereon, to be laid before the State Legislature.

CHAPTER—IV

Audit and Miscellaneous

Audit.

215. The audit of the accounts of the funds of a Gram Panchayat, or a Panchayat Samiti, or a Zilla Parishad shall be carried out by the authority as may be prescribed by the Government and a copy of the audit report—

- (a) on the Gram Panchayat, shall be forwarded to the Panchayat Samiti by the Gram Panchayat ;
- (b) on the Panchayat Samiti, shall be forwarded to the Zilla Parishad or the Prescribed authority by the Panchayat Samiti ; and
- (c) on the Zilla Parishad, shall be forwarded to the State Government by the Zilla Parishad,

after taking steps to rectify any defects or irregularities which have been pointed out in the audit.

Power over decision of the Committees.

216. Every Panchayat shall have the power to revise or modify any decision taken by any of its Committees.

Oath of affirmation by members of Gram Panchayat, Panchayat Samiti and Zilla Parishad.

217. (1) Notwithstanding anything contained in the Indian Oaths Act, 1873 (Act 10 of 1873), every person who is elected a member of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad shall, before taking his seat, make and subscribe, before such authority as may be specified by the State Government in this behalf, oath of affirmation of his allegiance to the Constitution of India according to the form set out for the purpose in the Schedule.

(2) When any person has failed to make oath of affirmation of allegiance referred to in sub-section (1), and the State Government is satisfied that the failure of such person to make oath of affirmation was due to inadvertance or mistake, the State Government may declare that failure of such person to comply with the provisions of sub-section (1) is condoned.

(3) When a declaration has been made by the State Government under sub-section (2) in respect of any person, such person shall be deemed to have continued, notwithstanding his default, to hold his office and all acts done by him shall be deemed as valid and lawful, as if the person in respect of whom the declaration has been made, had made the oath of affirmation of allegiance in accordance with the provisions of sub-section (1).

(4) Where all the members of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad have failed to make the oath of affirmation under sub-section (1) or where the number of members of a Gram Panchayat,

a Panchayat Samiti or a Zilla Parishad who have made the oath of affirmation is insufficient to allow of a quorum being formed under Section 27, Section 87 and Section 139 and the State Government is not satisfied that the failure of the members who have failed to make the oath of affirmation was due to inadvertance or mistake, the State Government may by an order published in the Official Gazette dissolve the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad. Thereafter the State Government shall, as soon as may be convenient, reconstitute the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad by fresh General Election and the person who failed to make the oath of affirmation, shall not be deemed to be disqualified for election at such general election.

Power of State Government to rescind or suspend resolution of a Gram Panchayat, Panchayat Samiti or Zilla Parishad.

218. (1) The State Government may, by order in writing, rescind any resolution passed by a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad, if in its opinion such resolution—

- (a) has not been legally passed ; or
- (b) is in excess, or abuse of the powers conferred by, or under this Act or in rules made thereunder.

(2) The State Government shall, before taking any such action under sub-section (1), give the Gram Panchayat, the Panchayat Samiti, or the Zilla Parishad concerned an opportunity for making representation against the proposed order.

Penalty for infringement of the provisions of the Act.

219. Unless otherwise provided elsewhere in this Act, whoever contravenes any provisions of this Act, shall be punishable with fine, which may extend to five hundred rupees and when the breach is a continuing one, with a further fine which may extend to one thousand rupees for every day after first conviction during which an offender is proved to have been persistent in the offence.

Infringement of Rules or bye-laws or regulations.

220. In making rules the State Government, in making bye-laws the Gram Panchayat, in making regulations the Panchayat Samiti and in making regulations or regulation the Zilla Parishad, with the sanction of the prescribed authority, may direct that a breach of it shall be punishable with a fine which may extend to five hundred rupees and when the breach is a continuing one, with a further fine which may extend to five thousand rupees for every day after the date of first conviction during which the offender is proved to have persisted in the offence.

Penalty or interfering with the Panchayat property.

221. (1) Whoever removes, displaces or makes an alteration in or otherwise interferes with any pavement, gutter or other materials of public streets, or any fence, wall or post thereof, or a lamp post or bracket, direction post, stand post, hydrent or other such property of the Gram Panchayat, the Panchayat Samiti and the Zilla Parishad without the sanction

from the respective Gram Panchayat, Panchayat Samiti and Zilla Parishad or other local authority shall be punishable with fine which may extend to one thousand rupees.

**District Planning
Committees:**

222. (1) The Government shall constitute in every District, a Planning Committee to consolidate the plans prepared by the Zilla Parishad, the Panchayat Samitis, the Gram Panchayats, Notified area Authorities and Municipal Authorities or any other local authorities in the District and to prepare a draft development plan for the District as a whole.

(2) The District Planning Committee shall consist of—

- (a) members of the House of People who represent the whole or a part of the District ;
- (b) such number of members of the State Legislative Assembly whose constituencies lie within the District ;
- (c) Sabhadhipati of the Zilla Parishad ;
- (d) Chairman of the Panchayat Samitis of the District ;
- (e) Chairmen of the Municipal Authorities and Notified area Authorities within the District ;
- (f) such number of representatives from other local authorities as may be prescribed ;
- (g) Chief Executive Officer of the Zilla Parishad ;
- (h) District Magistrate & Collector, and
- (i) representatives of Banks as may be nominated by the State Government.

(3) The Chief Executive Officer of the Zilla Parishad shall be the Secretary of the Committee.

(4) The Committee shall be headed by a Minister of the State Government of cabinet rank as may be nominated by the Chief Minister.

(5) Every District Planning Committee shall in preparing the draft development plan—

- (a) have regard to
 - (i) the matters of common interest between the Zilla Parishad, the Panchayat Samitis, the Gram Panchayat, Notified Area authorities and Municipal authorities and other local authorities in the District including special planning, sharing of water and other physical and natural resources, integrated development of infrastructure and environmental conservation ; and

(ii) the extent and type of available resources whether financial or otherwise ; and

(b) consult such institutions and organisations as the Government may by order specify.

(6) The Chairman of every District Planning Committee shall forward development plans as recommended by such committee to the State Government.

A Annual
A Administration
rereport.

223. (1) As soon as may be after the first day of April in every year, and not later than such date as may be fixed by the Government, the Executive Officer shall place before the Panchayat Samiti a report of the administration of the Panchayat Samiti during the preceding financial year, in such form and with such details as the Government may direct, and shall forward the report, with the resolution of the Panchayat Samiti thereon, to the Zilla Parishad and to the Government.

(2) As soon as may be after the first day of April in every year, and not later than such date as may be fixed by the State Government, the Chief Executive Officer of the Zilla Parishad shall prepare a report on the administration of the Zilla Parishad during the preceding financial year, in such form and with such details as the Government may direct, and submit the report to the Zilla Parishad. After approval by the Zilla Parishad, the report shall be submitted to the Government.

(3) The report submitted to the Government under sub-section (2) shall, together with a memorandum by the Government reviewing the working of the Zilla Parishad, be laid before the State Legislature.

Power of
Pancha-
yats to make
bye-laws.

224. (1) A Gram Panchayat may, subject to the provisions of this Act and the rules made thereunder and with the previous sanction of the prescribed authority, make bye-laws to carry out the purposes of this Act in so far as this relate to its powers and duties.

(2) All bye-laws made under this Section shall be subject to the condition of previous publication, and such publication shall be in such manner as may be prescribed.

Power of
Pancha-
tisis to make
regulations.

225. (1) A Panchayat Samiti may subject to the provisions of this Act and the rules made thereunder and with the previous sanction of the Government, by notification published in the Official Gazette, make regulations to carry out the purposes of this Act in so far as these relate to its powers and duties

(2) The regulations made under sub-section (1) shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

Power of Zilla Parishads to make regulations

226. (1) A Zilla Parishad may, subject to the provisions of this Act and the rules made thereunder, with previous sanction of the State Government, by notification, make regulations to carry out the purposes of this Act in so far as these relate to its powers and duties.

(2) The regulations made under sub-section (1) shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

Power of Government to make model regulations.

227. (1) The Government may, subject to the provisions of this Act and the rules made thereunder, after previous publication of the draft for not less than one month, make model regulations, detailed regulations and bye-laws for Gram-Panchayat, Panchayat Samiti and Zilla Parishad.

(2) A Gram Panchayat, a Panchayat Samiti or a Zilla Parishad may, by resolution, adopt the model bye-laws or regulations, as the case may be made under sub-section (1) and such bye-laws or regulation, as the case may be, shall come into force within the jurisdiction of the Gram Panchayat, the Panchayat Samiti and the Zilla Parishad from such date as the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad, as the case may be, may specify in a notice published in the prescribed manner.

Rules and orders to be laid before the House of the State Legislature

228. (1) The State Government may, by notification published in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made, before the State Legislature while it is in session for a period of fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or sessions immediately following, the House agrees or makes any modification in the rule or the House agrees that the rules should not be made, the rule shall thereafter have the effect or be effective only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Removal of difficulties.

229 (1) If any difficulty arises in giving effect to any provision of this Act, the State Government may by an order, published in the Official Gazette, as the occasion may require, do anything which appear to it to be necessary to remove the difficulty.

(2) Every order made under sub-section (1) shall be laid before the State Legislature.

(3) No such order shall be made after expiry of two years from the commencement of this Act.

Repeal and
savings.

230. (1) The Tripura Panchayats Act, 1983, and the Tripura Block Panchayat Samities Act, 1978 are hereby repealed.

(2) Notwithstanding such repeal of the said Acts anything done, any action taken, order issued, notification published, proceeding started, appeal preferred, legal effect produced, by or under the provisions of the said Acts, shall be deemed to have been respectively done, taken, issued, published, started, preferred or produced by or under the corresponding provisions of this Act

SCHEDULE

Form of oath or affirmation to be made by a member of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad.

(See Section 217).

I, A. B. C. _____ having been declared a member of Gram Panchayat/Panchayat Samiti/Zilla Parishad do swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and I will faithfully discharge the duties upon which I am about to enter.

R. M. MAJUMDER
DEPUTY SECRETARY TO THE
GOVERNMENT OF TRIPURA

NIEPA DC



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