

Tripura Panchayats (First Amendment) Act, 1994

CONTENTS

1. Short Title And Commencements
2. Amendment Of Section 27
3. Amendment Of Section 42
4. Amendment Of Section 74
5. Amendment Of Section 87
6. Amendment Of Section 109
7. Amendment Of Section 139
8. Amendment Of Section 191
9. Insertion Of New Section

Tripura Panchayats (First Amendment) Act, 1994

AN ACT to amend the Tripura Panchayats Act, 1993. Be it enacted by the Tripura Legislative Assembly in the Forty fifth Year of the Republic of India as follows :-

1. Short Title And Commencements :-

(1) This Act may be called "The Tripura panchayats (First Amendment) Act, 1994."

(2) It shall come into force at once.

2. Amendment Of Section 27 :-

In the Tripura Panchayats Act, 1993 (hereinafter referred to as the Principal Act), in Section 27, -

(i) both the first and the second proviso of Sub-section (5) shall be deleted ;

(ii) in sub-section (5) the following words shall be added at the end, namely :-

"and the person presiding, if he is Pradhan, Upa Pradhan or an elected member, shall have right to vote."

3. Amendment Of Section 42 :-

In the Principal Act, for sub-section (2) of section 42 the following sub-section shall be substituted, namely :-

"(2) If any difference of opinion arises between the constituent

Gram Panchayats under this Section it shall be referred to the concerned Panchayat Samiti or Samities and their decision thereon shall be binding on each of the constituent Gram Panchayats."

4. Amendment Of Section 74 :-

In the Principal Act in sub-section (I) of Section 74 for the word "Constitution" in the fourth line, the words "thereunder before such date as the State Election Commission in consultation," shall be inserted.

5. Amendment Of Section 87 :-

In the Principal Act, in Section 87,-

(i) both the first and the second proviso of sub-section (5), shall be deleted,

(ii) In sub-section (5) the following words shall be added at the end, namely ;-

"and the person presiding shall have a right to vote."

6. Amendment Of Section 109 :-

In Section 109 of the Principal Act,-

(i) in sub-section (1) for the words "the Panchayat Samiti may frame regulations," the words "the State Government may make rules, shall be substituted-

(ii) after sub-section (5) a new sub-section shall be added namely :-

"(6) The President and members shall be paid out of the Panchayat Samiti fund Such sitting fees and the President shall be entitled to leave of absence for such period or periods and on such terms and conditions, as the State Government may, by order direct or may, by rules, made in this behalf, prescribe."

7. Amendment Of Section 139 :-

In the Principal Act, in Section 139,-

(i) both the first and the second proviso to sub-section (4) shall be deleted ;

(ii) in sub-section (4), the following words shall be added at the end namely ;

"and the person presiding shall have right to vote."

8. Amendment Of Section 191 :-

After sub-section (2) of Section 191 a new sub-section shall be added namely ;-

"(3) No person shall be a member simultaneously of a Panchayat Samiti or a Zilla Parishad. If a person is elected to Panchayat Samiti and Zilla Parishad or being a member of one body is subsequently elected as member of another, he shall, before taking his seat in either of the two or in the body where he is subsequently elected, submit resignation from the office of member of the other. If he fails to do so, seats both at Panchayat Samiti and Zilla Parishad to which he is elected or as the case may be, to which he is subsequently elected shall be deemed to have become vacant.

9. Insertion Of New Section :-

In the Principal Act after Section 210 the following new Section shall be inserted namely :-

210A.-"Election.-(1) If any dispute arises as to the validity of the election petition and of a member of a Gram Panchayat, Panchayat Samiti or procedure Zilla Parishad, any candidate or any person entitled to vote at such election which is in dispute, may within sixty days from the date of declaration of results of such election present in person a petition calling in question such election before the Panchayat Election Tribunal having jurisdiction constituted under Section 198 and at the same time deposit in the Tribunal such fee as may be prescribed being the costs likely to be incurred.

(2) No election of any member of a Gram Panchayat, Panchayat Samiti or Zilla Parishad shall be called in question except on any one or more of the following grounds, namely :--

(a) that on the date of election the returned candidate was not qualified or was disqualified to be chosen to fill the seat of the Gram Panchayat or, as the case may be, the Panchayat Samiti or the Zilla Parishad ;

(b) that any corrupt practice as defined in Section 210 has been committed by the returned candidate or the election Agent or by any person with the consent of the returned candidate or his election Agent ;

(c) that the result of the election, in so far as it concerned the returned candidate, has been materially affected :-

(i) by improper acceptance or rejection of any nomination ; or

(ii) by improper acceptance or rejection of any vote ; or

(iii) by declaring election result on the basis of wrong counting of

votes ; or

(iv) by any gross noncompliance of the provisions of this Act or the Rules or orders made thereunder ; or

(v) by commission of such offences as may be prescribed".