

TRIPURA PANCHAYATS ACT, 1993

7 of 1993

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TRIPURA PANCHAYATS ACT, 1993

7 of 1993

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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 1

PART

CHAPTER 1

Preliminary

1. Short title, extent and commencement :-

(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.

2. Definitions :-

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 S. 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 Additional Director of Panchayats and a 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 S. 198 ;

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

(17) "Governor" means Governor 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 Samitis 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 S. 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 S. 21 of the Indian Penal Code 1860 (Act XLV of 1860) ;

(30) "public street" means any street, road, lane, gulley, passages pathway, 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 up to 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 S. 176 ;

(39) "Scheduled Castes" means such castes as are specified by order made by the President under Art. 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 Art. 342 (1) of the Constitution of India as modified by the law made by 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 a section of this Act ;
- (45) "Sabhadhipati" means a Sabhadhipati of a Zilla Parishad elected under S. 130 ;
- (46) "Sahakari Sabhadhipati" means Sahakari Sabhadhipati of a Zilla Parishad elected under S. 130 ;
- (47) "Standing Committee" means a Standing Committee constituted by a Zilla Parishad or a Panchayat Samiti constituted under this Act;
- (48) "Up-pradhan" means an Up-pradhan of a Gram Panchayat elected under S. 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 2

Gram Panchayat

CHAPTER 1

Gram

3. Constitution of Gram :-

(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. Sic. Repeated. The definition already exists at (31).

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

4. Composition of the Gram Sabha :-

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.

5. Effect of alteration of the area of Gram :-

(1) When an area is excluded from a Gram under Cl. (a) of sub-S. (3) of S. 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 as notifications in force therein.

(2) When an area is included in a Gram under Cl. (b) of sub-S. (3) of S. 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 Cl. (c) of sub-S. (3) of S. 3, so as to constitute two or more Grams, the Gram Panchayat of that Gram shall, from the date of 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 Cl. (d) of sub-S. (3) of S. 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-S. (3) of S. 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-S. (5) may contain such supplemental, incidental and consequential provision as may be necessary to give effect to such reorganisation.

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

(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 Cantonment, the Gram Panchayat concerned shall cease to exist and the properties, funds and other assets vested in the Gram Panchayat and all the rights and liabilities of such Gram Panchayat shall vest and devolve on the commissioners of 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.

7. Convening of meeting :-

(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.

8. Vigilance Committee :-

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.

9. Presiding Officer :-

Every meeting of the Gram Sabha shall be presided over by the

Pradhan of the concerned Gram Panchayat and in his absence by the Up-pradhan.

10. Matters for consideration :-

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 2

Constitution of Gram Panchayat

11. Gram Panchayats and their constitution :-

(1) For every Gram declared under S. 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 used.

(3) The Pradhan or in his absence the Up-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 the 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 Up-pradhan shall preside over the meeting.

12. Composition of Gram Panchayats :-

(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.

(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-S. (1) or under sub-S. (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.

13. Power to divide Gram into constituencies and to fix the number of members to be elected from each constituency :-

(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-S. (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.

14. Reservation of seats :-

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

15. General disqualification for membership of Gram

Panchayat :-

(2) If a person is a member of a Municipality or a District Council or 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 Up-pradhan or a member thereof.

16. Disqualification on ground of defection :-

(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.

(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-S. (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 Up-pradhan.

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

17. Election of members of Gram Panchayats :-

(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.

(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 cannot be held within the time specified in the notification referred to in sub-S. (1) or sub-S. (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.

18. Duration of Gram Panchayat and term of office of members of Gram Panchayat :-

(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-S. (1).

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

(2) Upon an order under sub-S. (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 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-S. (1).

20. Pradhan and Up-Pradhan :-

(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 Up-pradhan of the Gram Panchayat and any dispute relating to the validity of the election of Pradhan and Up-pradhan shall be made before the prescribed authority.

(2) The meeting to be held under sub-S. (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.

(5) The term of offices of every Pradhan and every Up-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.

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

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

21. Resignation of Pradhan or Up-pradhan or a member :-

(1) A Pradhan or Up-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 Up-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-S. (1) the prescribed authority shall communicate it to the members of the Gram Panchayat within fifteen days of such acceptance.

22. Removal of members of Gram Panchayat :-

(2) Any member of a Gram Panchayat who is removed from his office by the prescribed authority under sub-S. (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.

23. Removal of Pradhan or Up-pradhan :-

(1) The Pradhan or the Up-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-S. (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-S. (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 Up-pradhan and if the motion for removal of Up-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 Up-pradhan from their

offices is under consideration in a meeting convened under sub-S. (1), the Pradhan or the Up-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 Up-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 Up-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 Up-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 Up-pradhan including that to be followed at such meeting, shall be such as may be prescribed.

24. Filling of casual vacancy in the office of Pradhan or Up-pradhan :-

In the event of removal of a Pradhan or an Up-pradhan under S. 23 or when a vacancy occurs in the office of a Pradhan or an Up-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 Up-pradhan in the prescribed manner.

25. Filling of casual vacancy in place of a member of Gram Panchayat :-

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.

26. Term of office of Pradhan, Up-pradhan or member filling casual vacancy :-

Every Pradhan or Up-pradhan elected under S. 24, and every member elected under S. 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.

27. Meeting of Gram Panchayat :-

(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.

(3) The Pradhan, or in his absence the Up-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.

28. Transaction of business at Panchayat meetings :-

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.

29. Meeting of Gram Sabha :-

(2) Such other business relating to the affairs of the Gram Panchayat may also 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 S. 30 for the following year.

30. Report on the work of Gram Panchayat :-

(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 Samiti 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-S. (2), publish the same in the office of the Gram Panchayat for information of the general public.

CHAPTER 3

Powers and duties of Gram Panchayat

31. Obligatory duties of Gram Panchayat :-

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 Samiti 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 S. 31 of the Cattle Trespass Act, 1871.

32. Other duties of Gram Panchayat :-

(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-S. (1) the State Government may, after recording its reason, withdraw such function from such Gram Panchayat.

33. Discretionary duties of Gram Panchayat :-

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 co-operative farming, co-operative stores, and other co-operative 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, hats and exhibitions of local produce and products of local handicrafts and home industries ;

(g) the allotment of places of 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, dharmashallas, 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 corpses 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 station 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.

34. State Government to place fund :-

Where the State Government assigns any function to a Gram Panchayat under S. 32 or where it directs a Gram Panchayat to make provision for any of the items enumerated in S. 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 taking such provision, as the case may be.

35. Contral of building operation :-

(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 in writing to the Gram Panchayat.

36. Improvement of sanitation :-

(2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the person 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.

37. Power of Gram Panchayat over public street, waterways and other matters :-

(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-S. (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.

38. Power of Gram Panchayat in respect of polluted water supply :-

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

(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.

40. Emergent power on outbreak of epidemic :-

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 Up-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.

41. Power of recovery of cost for work carried out by Gram Panchayat on failure of any person :-

If any work required to be done by an order contained in a notice served under Ss. 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 by 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.

42. Joint Committees :-

(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.

43. Delegation of functions by Zilla Parishad and Panchayat Samiti :-

(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.

44. Delegation of functions of Gram Panchayat to its Pradhan :-

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.

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

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.

46. Powers, functions and duties of Pradhan and Up-

pradhan :-

47. Handing over charge by the retiring Pradhan to the new Pradhan :-

(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-S. (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-S. (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-S. (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-S. (2).

48. Rights of individual members :-

(1) 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.

(2) Every member of a Gram Panchayat shall have the right to move resolution and to interpolate 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. Pradhan, Up-pradhan or member not to receive salary etc :-

No Pradhan, Up-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 Up-pradhan exercises the powers, perform the functions and discharges the duties of the Pradhan under circumstances specified in sub-S, (7) of S, 20 or when a member is appointed to act as Pradhan under sub-S. (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.

CHAPTER 4

Staff of Gram Panchayat

50. Secretary of Gram Panchayat :-

(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.

51. Staff of the Gram Panchayat :-

52. Exercise of powers etc. by the officers and employees :-

Subject to the provisions of the 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 5

Property and fund of Gram Panchayat

53. Power to acquire, hold and dispose of property :-

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.

54. Properties vested in the Gram Panchayat :-

55. Allocation of property to Gram Panchayats :-

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.

56. Acquisition of land for Gram Panchayat :-

(1) Where a Gram Panchayat requires land for carrying 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 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 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.

57. Power to borrow money :-

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.

58. Gram Panchayat Fund :-

(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 accounts 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 Up-pradhan.

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

59. Imposition of tax by Gram Panchayats :-

(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.

(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.

60. Levy of rates and fees :-

(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.

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

An appeal shall lie against any order made by the 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.

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

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.

63. Remission or revision of tax, tolls, rate or fee :-

(1) The State Government may remit the whole or part of any tax imposed or rate, tolls 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-S. (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.

64. Budget of the Gram Panchayat :-

(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 re-submitted 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-S. (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-S. (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.

65. Supplementary budget :-

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.

66. Accounts :-

Every Gram Panchayat shall keep accounts of its income and

expenditure in such manner and in such form as may be prescribed.

PART 3

Panchayat Samiti

CHAPTER 1

Constitution of Panchayat Samiti

67. Creation of block :-

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

68. Constitution of Panchayat Samiti :-

(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.

69. Effect of alteration of the area of Block :-

(1) When any Gram is excluded from a Block under Cl. (a) of sub-S. (3) of S. 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 Cl. (b) of sub-S. (3) of S. 67, the Panchayat Samiti for the 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 Cl. (c) of sub-S. (3) of S. 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 Cl. (d) of sub-S. (3) of S. 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 Samitis 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-S. (3) of S. 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 the 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-S. (5) may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such reorganisation.

70. Composition of Panchayat Samiti :-

(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.

71. Number of members to be elected to Panchayat Samiti :-

(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 thousand 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.

72. Reservation of seats :-

(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 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-S. (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.

73. 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-S. (1).

74. General election to the Panchayat Samiti :-

(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 in consultation with the State Government may, by one or more notification in the official Gazette, specify.

(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 cannot be held within the time specified in the notification referred to in sub-S. (1) or sub-S. (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-S. (1) of S. 73 had it not been so dissolved.

75. Disqualification of members of Panchayat Samiti :-

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 ;

(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 mis fortune without any misconduct on his part ; or

(h) he has been convicted by a court for an offence involving moral turpitude punishable with imprisonment for a period of more than six months or an offence under Chapter XI-A 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.

76. Disqualification on the ground of defection and decision thereon :-

(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.

(3) If any question arises as to whether a member of the Panchayat Samiti has become subject to disqualification under sub-S. (2), 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-S. (1) shall be completed and decision thereon shall be communicated within fifteen days from the date when any question has been referred.

(5) During the 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. Majority of members elected at a general election to function when election of members from constituencies cannot be held :-

(2) Upon an order under sub-S. (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 time 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 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-S. (1).

78. Election of Chairman/Vice-Chairman :-

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

(3) The Chairman or Vice-Chairman, subject to the provision of S. 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, whichever is earlier, the Chairman or the Vice-Chairman shall hand over the charges to the prescribed authority.

(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 a 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.

(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.

79. Reservation of seats :-

(1) Seats shall be reserved in the office of the Chairman of Panchayat Samiti for the Scheduled Castes 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.

(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.

80. Resignation of Chairman, Vice-Chairman or member :-

(1) A Chairman or a Vice-Chairman or a member of a 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-S. (1), the prescribed authority shall communicate it to the members of Panchayat Samiti concerned within thirty days of such acceptance.

81. Removal of members of Panchayat Samiti :-

(2) Any member of a Panchayat Samiti who is removed from his office by the prescribed authority under sub-S. (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.

82. Removal of Chairman/Vice-Chairman :-

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 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-S. (3) of S. 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.

83. Filling of casual vacancy of the office of Chairman/Vice-Chairman :-

In the event of removal of a Chairman or a Vice-Chairman under S. 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.

84. Filling of casual vacancy in the office of the member of Panchayat Samiti :-

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.

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

Every Chairman or Vice-Chairman elected under S. 83 and a person who becomes a member under S. 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.

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

(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.

87. Meeting of Panchayat Samiti :-

(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 thereat, 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.

(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.

(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-S. (2) and setting forth fully the resolution which it is proposed to modify fully or cancel at such meeting any 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 decision 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 Sami 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.

88. List of business to be transacted at a meeting :-

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 Panchayat Samiti in the manner prescribed, along with the notice for 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.

89. Report on the works of Panchayat Samiti :-

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 to the prescribed authority and to the Zilla Parishad concerned within the

prescribed time.

90. Block Development Officer to attend meeting :-

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

CHAPTER 2

Functions and powers of Panchayat Samiti

91. Functions :-

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

(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.

(E) Poverty alleviation programmes : Planning and implementation of poverty alleviation programmes and schemes.

(G) Fisheries : Promotion of fisheries development.

(I) Rural housing : Implementation of housing schemes and distribution of house sites in villages.

(L) Non-conventional energy sources : Promotion and development of non-conventional energy sources.

(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.

(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.

(AB) Such other functions as may be entrusted.

92. Assignment of functions :-

(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.

93. Power of Panchayat Samiti :-

(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.

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

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.

95. Power of Panchayat Samiti to transfer roads or properties to the State Government or Zilla Parishad or Gram Panchayat :-

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.

96. Panchayat Samiti may take over works :-

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.

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

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.

98. Vesting Panchayat Samiti with certain powers :-

(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 S. 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.

99. Power of supervision by Panchayat Samiti over the Gram Panchayat :-

(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.

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

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.

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

CHAPTER 3

Staff of Panchayat Samiti

102. Staff of Panchayat Samiti :-

(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.

(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.

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

(2) Notwithstanding anything contained in the Act or any other law for the time being in force, the 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.

104. Control and establishment of the staff of Panchayat Samiti :-

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

105. Appeal :-

(1) An appeal shall lie to the Panchayat Samiti against an order of punishment awarded by the Executive Officer under sub-S. (2) of S. 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-S. (3) or

(4) of S. 104 within one month from the date of that order.

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

:-

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 4

Standing committees of Panchayat Samiti

107. Standing committees of the Panchayat Samiti :-

(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.

108. Functions of the standing committees :-

(3) The Works Committee shall perform functions relating to

communication, buildings, non-conventional energy, rural electrification and allied matters.

(4) The Agricultural Committee shall perform functions relating to agricultural production, animal husbandry, fisheries, contour bunding and reclamation of waste land, food and co-operation.

(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.

109. Procedure of committees :-

(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.

110. Executive Committee :-

(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.

111. Casual vacancy :-

When a 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 select 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 5

Property and Fund of Panchayat Samiti

112. Power to acquire, hold and dispose of property :-

(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.

113. Panchayat Samiti Fund :-

(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.

114. Taxation :-

(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.

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

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.

116. Remission or revision of taxes, tolls, rates or fees :-

(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-S. (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.

117. Loans and sinking funds :-

(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.

118. Budget of the Panchayat Samiti :-

(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.

119. Accounts :-

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

120. Functions of the Executive Officer and other officers :-

(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 the Panchayat Samiti, the Executive Officer shall bring it to the notice of the Zilla Parishad and the State Government.

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

PART 4

Zilla Parishad

CHAPTER 1

Establishment of Zilla Parishad

121. Constitution of Zilla Parishad :-

(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 Act 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.

122. Composition of the Zilla Parishad :-

(2) All members of the Zilla Parishad whether or not elected by direct election from territorial constituencies in the Zilla Parishad area shall have the right to vote in the meeting 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.

123. Elected members :-

(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.

124. Reservation of seats :-

(2) Not less than one-third of the total number of seats reserved under sub-S. (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.

125. Term of office of members of Zilla Parishad :-

(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-S. (1).

126. General election to the Zilla Parishad :-

(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 notifications in the official Gazette, specify.

(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 cannot be held within the time specified in the notification referred to in sub-S. (1) or sub-S. (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 the members of a Zilla Parishad at the first general election or the general election shall be published by the State Election Commission 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-S. (1) of S. 125 had it not been so dissolved.

127. Disqualification of members of Zilla Parishad :-

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 time being in force ;

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

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

(e) he has been dismissed from the services of the Central or State Government or a local authority or a co-operative 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) he has been adjudged by a competent court to be of unsound mind ;

(g) he is an undischarged insolvent ; or

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

128. Disqualification on the ground of defection and decision thereon :-

(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.

(4) During pendency of a proceeding under sub-S. (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-S. (3) shall take effect from the date of the decision of the District Magistrate.

129. Majority of members elected at a general election to function when election of members from some constituencies cannot be held :-

(2) Upon an order under sub-S. (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 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-S. (1).

130. Sabhadhipati and Sahakari Sabhadhipati :-

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

(3) The Sabhadhipati and Sahakari Sabhadhipati, subject to the provision of S. 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.

(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 assume office or until the Sabhadhipati or Sahakari Sabhadhipati resumes duties, as the case may be.

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

131. Reservation :-

(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.

132. Salary and allowances of the Sabhadhipati, Sahakari Sabhadhipati and members :-

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

133. Resignation of Sabhadhipati, Sahakari Sabhadhipati or members :-

(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-S. (1), the prescribed authority shall communicate it to the members of the Zilla Parishad within thirty days of such acceptance.

134. Removal of members of Zilla Parishad :-

(2) Any member of a Zilla Parishad who is removed from his office by the prescribed authority under sub-S. (1) may, within thirty days from the date of 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 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.

135. Removal of Sabhadhipati and Sahakari Sabhadhipati :-

(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

Sahakari Sabhadhipati, by the 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.

136. Filling of casual vacancies :-

If the office of Sabhadhipati or Sahakari Sabhadhipati falls vacant or in the event of removal of Sabhadhipati or Sahakari Sabhadhipati under S. 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.

137. Filling of casual vacancies in place of elected members :-

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.

138. Term of office of Sabhadhipati and Sahakari Sabhadhipati or member filling casual vacancy :-

Every Sabhadhipati or Sahakari Sabhadhipati elected under S. 136 and every member elected under S. 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.

139. Meeting of Zilla Parishad :-

(2) One-third of the total number of the members of the 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.

(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 thereat, 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.

140. List of business to be transacted at a meeting :-

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.

141. Report on the work of Zilla Parishad :-

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.

142. District Magistrate and Collector to attend meeting :-

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 there of.

CHAPTER 2

Powers, functions and duties of Zilla Parishad

143. Functions of Zilla Parishad :-

(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.

144. General powers of Zilla Parishad :-

(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.

145. Assignment of functions :-

(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.

146. Delegation of powers :-

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.

147. State Government may place properties on Zilla Parishad :-

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 situate 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 considering the views of Zilla Parishad, withdraw such control and management subject to such condition as it may specify.

148. Power of Zilla Parishad to transfer roads to the State Government or Panchayat Samiti :-

A Zilla Parishad may transfer to the State Government, the Commissioners of the 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 management or which is vested in it on such terms and conditions as may be agreed upon.

149. Vesting of Zilla Parishad with certain powers :-

(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 S. 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.

150. Power of supervision over Panchayat Samiti and Gram Panchayat :-

(1) Zilla Parishad shall exercise general power of 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.

(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 provisions of this Act or the rules made thereunder.

151. Powers, functions and duties of Sabhadhipati and Sahakari Sabhadhipati :-

CHAPTER 3

Standing committees of Zilla Parishad

152. Standing committees :-

(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. Functions of standing committees :-

(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.

(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.

154. President and Secretary :-

(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 terms and conditions, as the State Government may, by order direct or may, by rules made in this behalf, prescribe.

155. Resignation :-

The President or any member of standing committee may resign his office by giving notice 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 4

Executive Committee of Zilla Parishad

156. Executive Committee :-

(1) There shall be an Executive Committee for every Zilla Parishad consisting of the Sabhadhipati and the Sahakari Sabhadhipati and Presidents of all State 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 committee 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 5

Staff of Zilla Parishad

157. Staff of Zilla Parishad :-

(3) The Additional Chief Executive Officershall, 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.

(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, superannuation, provident fund and gratuity of the employees of the Zilla Parishad.

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

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 called 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.

159. Disciplinary power of the State Government :-

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 S. 158.

160. Control and punishment of the Staff of Zilla Parishad :-

(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.

161. Appeal :-

(1) An appeal shall lie to the Zilla Parishad against an order of punishment awarded by the Chief Executive Officer under sub-S. (2) of S. 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-S. (3) of S. 160 within one month from the date of that order.

162. Exercise of powers, etc. by the officers and employees :-

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 Zilla Parishad shall exercise such powers, perform such functions and discharge such duties, as the Zilla Parishad may determine.

CHAPTER 6

Property and Fund of Zilla Parishad

163. Power to acquire, hold and dispose of property :-

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.

164. Works constructed by a Zilla Parishad to vest in it :-

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

165. Allocation of properties to Zilla Parishad :-

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 Zilla Parishad.

166. Acquisition of land for Zilla Parishad :-

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.

167. Zilla Parishad Fund :-

(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 overall 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.

168. Levy of tolls, fees and rate :-

(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. Recovery of tolls, rates or fees as arrears of land revenue :-

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. Remission or revision of tolls, rates or fees :-

(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-S. (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.

171. Zilla Parishad may raise loan and create a sinking fund :-

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.

172. Zilla Parishad may borrow money :-

Notwithstanding contained in S. 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.

173. Budget of the Zilla Parishad :-

(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 Government.

(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.

174. Supplementary budget :-

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.

175. Accounts :-

A Zilla Parishad shall keep such accounts in such manner as may be prescribed.

PART 5

Miscellaneous

CHAPTER 1

Election to Gram Panchayat, Panchayat Samiti and Zilla Parishad

176. Election Commission :-

(1) There shall be a State Panchayat Election Commission constituted by the Governor for superintendence, direction and control of the preparation of electorol 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.

(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) The 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.

(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.

(8) The Returning Officer shall appoint Presiding Officer and Polling Officers for holding the elections or bye-elections referred to in sub-S. (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.

177. Electoral roll for election of members of Gram Panchayat, Panchayat Samiti and Zilla Parishad :-

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. Disqualification for registration in electoral roll :-

179. No person to be registered in the electoral roll relating to more than one local authority :-

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.

180. No person to be registered more than once in any constituency :-

(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.

181. Conditions of registration :-

Subject to the provisions of Ss.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.

182. Meaning of "ordinarily resident" :-

(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.

183. Preparation, revision and correction of electoral rolls :-

(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.

184. Correction of entries in the electoral rolls :-

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 particulars ; or

185. Inclusion of names in electoral rolls :-

(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.

(3) No amendment or deletion of any entry shall be made under S. 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.

186. Appeal :-

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 S. 178, 184 or S. 185.

187. Fee for applications and appeals :-

Every application under S. 184 or S. 185 and every appeal under S. 186 shall be accompanied by the prescribed fee which shall, in no case, be refunded.

188. Penalty for making false declaration :-

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.

189. Jurisdiction of Civil Courts barred :-

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.

190. Right to vote :-

- (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.

191. Qualifications for membership of Gram Panchayat, Panchayat Samiti and Zilla Parishad :-

(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.

192. Bar of jurisdiction of Court :-

Notwithstanding in this Act, no court shall have any jurisdiction in respect of any matters connected with the disqualification of members of Gram Panchayat under S. 16, member of Panchayat Samiti under S. 76 and member of Zilla Parishad under S. 128.

193. Directions from Government :-

(1) Notwithstanding anything contained in this Act, it shall be lawful for the Government to issue direction 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.

194. Power of State Government to dissolve Gram Panchayat, Panchayat Samiti or Zilla Parishad :-

(2) The State Government shall, before making any order under sub-S. (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-S. (1) shall be laid before the State Legislature.

195. Consequences of dissolution :-

(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 Cl. (b) of sub-S. (1) shall cease to function.

196. Inspection :-

(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.

(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-S. (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-S. (3), a report of such inspection shall be submitted by such officer to the State Government.

197. Delegation :-

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 S. 228, to any person or authority subordinate to it.

198. Constitution of Panchayat Election Tribunal :-

(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-S. (1) shall be final.

CHAPTER 2

Electoral offences and election disputes

199. Breach of official duty in connection with preparation etc. of electoral roll :-

(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-S. (1) unless there is a complaint made by order of, or under authority from, the State Panchayat Election Commissioner.

200. Prohibition on public meeting before election :-

(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-S. (1) shall be punishable with fine which may extend to one hundred rupees.

201. Prohibition on canvassing in or near polling station :-

(2) Any person who contravenes the provisions of sub-S. (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.

202. Penalty for disorderly conduct in or near polling station :-

(2) Any person who contravenes or wilfully aids or abets the contravention of the provisions of sub-S. (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-S. (1) and may seize any apparatus used for such contravention.

203. Penalty for misconduct at polling station :-

(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-S. (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-S. (3) shall be cognizable.

204. Removal of ballot paper from polling station to be an offence :-

(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 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.

(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.

205. Other offences and penalties therefor :-

(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 Cl. (b) of sub-S. (2) shall be cognizable.

206. Maintenance of secrecy of voting :-

(1) Where an election is held by ballot, every officer, clerk, agent or other person 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-S. (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.

207. Officers etc., at an election not to act for the candidates or influence voting :-

(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.

(3) Any person who contravenes the provisions of sub-S. (1) or sub-S. (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-S. (3) shall be cognizable.

208. Breaches of official duty in connection with election :-

(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-S. (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.

209. Prosecution in certain offences :-

No court shall take cognizance of an offence punishable under Cl. (a) of sub-S. (2) of S. 205 or under S. 206, 207 or 208 unless there is a complaint made by an order of, or under the authority from the State Panchayat Election Commissioner.

210. Corrupt practice :-

(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. Disqualification of persons who commit corrupt practice from being a candidate :-

If the Election Tribunal sets aside an election under S. 108, he may, if he thinks fit, declare any person by whom a corrupt practice has, in his opinion, been committed within the meaning of S. 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's 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. Saving of acts done by a member before election is set aside :-

Where by an order under S. 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. Bar to interference by courts in election matters :-

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.

CHAPTER 3

Finance Commission

214. Finance Commission for 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-S. (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.
- (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 4

Audit and miscellaneous

215. Audit :-

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.

216. Power over decision of the committees :-

Every Panchayat shall have the power to revise or modify any decision taken by any of its committees.

217. Oath or affirmation by members of Gram Panchayat, Panchayat Samiti and Zilla Parishad :-

(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 or 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 or affirmation of allegiance referred to in sub-S. (1), and the State Government is satisfied that the failure of such person to make oath or affirmation was due to inadvertance or mistake, the State Government may declare that failure of such person to comply with the provisions of sub-S. (1) is condoned.

(3) When a declaration has been made by the State Government under sub-S. (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 or affirmation of allegiance in accordance with the provisions of sub-S. (1).

(4) Where all the members of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad have failed to make the oath or affirmation under sub-S. (1) or where the number of members of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad who have made the oath or affirmation is insufficient to allow of a quorum being formed under S. 27, S. 87 and S. 139 and the State Government is not satisfied that the failure of the members who have failed to make the oath or affirmation was due to inadvertence 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 or affirmation, shall not be deemed to be disqualified for election at such general election.

218. Power of State Government to rescind or suspend resolution of a Gram Panchayat, Panchayat Samiti or Zilla Parishad :-

(2) The State Government shall, before taking any such action under sub-S. (1), give the Gram Panchayat, the Panchayat Samiti, or the Zilla Parishad concerned an opportunity for making representation against the proposed order.

219. Penalty for infringement of the provisions of the Act :-

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 persisted in the offence.

220. Infringement of rules or bye-laws or regulations :-

In making rules, the State Government, in making the bye-laws, the Gram Panchayat, in making regulations the Panchayat Samiti and in making regulations 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.

221. Penalty for tampering with the Panchayat property :-

Whoever removes, displaces or makes an alteration in or otherwise interferes with any pavement, gutter or materials of public streets, or any fence, wall or post thereof, or a lamp post or bracket, direction post, stand post, hydrant 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.

222. District Planning Committees :-

(1) The Government shall constitute in every District, a Planning Committee to consolidate the plans prepared by the Zilla Parishads, 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.

(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.

(6) The Chairman of every District Planning Committee shall forward development plans as recommended by such committee to the State Government.

223. Annual administration report :-

(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-S. (2) shall, together with a memorandum by the Government reviewing the working of the Zilla Parishad, be laid before the State Legislature.

224. Power of Gram Panchayats to make bye-laws :-

(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.

225. Power of Panchayat Samitis to make regulations :-

(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-S. (1) shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

226. Power of Zilla Parishad to make regulations :-

(1) A Zilla Parishad may, subject to the provisions of this Act and the rules made thereunder, with the 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-S. (1) shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

227. Power of Government to make model regulations :-

(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 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-S. (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.

228. Rules and orders to be laid before the House of the State Legislature :-

(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 rule 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.

229. Removal of difficulties :-

(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-S. (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.

230. Repeal and savings :-

(1) The Tripura Panchayats Act, 1983 and the Tripura Block Panchayat Samiti 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 1

Form of oath or affirmation to be made by a member of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad

SCHEDULE
[See Section 217]

Form of oath or affirmation to be made by a member of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad

"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."