

The Tripura Act

**THE TRIPURA PANCHAYATS
(THIRD AMENDMENT)
ACT, 2003**

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**GOVERNMENT OF TRIPURA
LAW DEPARTMENT**

No. F. 8(21)-Law/Leg-II/2002

Dated, Agartala, the 11th February, 2004.

NOTIFICATION

The following Act of the Tripura Legislative Assembly received the assent of the Governor on the 7th day of February, 2004 and is hereby published for general information.

A. B. Paul.
Secretary,
Government of Tripura.

THE TRIPURA PANCHAYATS (THIRD AMENDMENT)

ACT, 2003

AN

ACT

further to amend the Tripura Panchayats Act, 1993.

BE it enacted by the Tripura Legislative Assembly in the fifty fourth year of the Republic of India as follows :

*Short title and
Commencement*

1. (1) This Act may be called "The Tripura Panchayats (Third Amendment) Act, 2003".

(2) It shall come into force at once.

*Amendment of
Section 2.*

2. In the Tripura Panchayats Act, 1993 (hereinafter referred to as the Principal Act), -

for the words "Sub-Divisional Officer" wherever they occur, the words "Sub-Divisional Magistrate" shall be substituted ;

*Amendment of
Section 5*

3. In the Principal Act, after sub-section (1) of Section 5, following proviso shall be added namely :-

“Provided that in the event of exclusion of any area comprising whole of constituency or constituencies of a Gram such constituency or constituencies shall cease to exist and the member or members elected therefrom shall be deemed to have vacated the office of member including office of the Pradhan or the Upa-Pradhan if any held by him. But if the excluded area comprises only a part of the constituency, such constituency shall continue to exist and the member shall continue to hold his office”.

*Amendment of
Section 20, 79
& 131*

4. In the Principal Act, after sub-section (3) of Section 20, sub-section (1) of Section 79 and sub-section (1) of Section 131, the following note shall be inserted, namely :-

“NOTE :- For the purpose of this sub-section ‘State’ shall mean the area of the State where the provisions of this Act extend.”

*Amendment of
Section 22.*

5. In the Principal Act, in sub-section (1) of Section 22, -
after clause (d), the following new clauses shall be added, namely :-

“(e) in case of meeting of the Gram Panchayat to fill the casual vacancy in the office of Pradhan or, as the case may be, the Upa-Pradhan, if any member remains absent in such three meetings consecutively ;

(f) if being a male member of the Gram Panchayat he uses in any meeting or public place abusive or filthy language at any woman or behaves in a manner derogatory to the dignity of woman”.

*Amendment of
Section 49*

6. In the Principal Act, for Section 49 and its two provisos, following shall be substituted, namely :-

Honorarium for Pradhan and Upa-Pradhan, -

“49 (1) Honorarium for Pradhan and Upa-Pradhan and sitting allowance for members. The Pradhan and the Upa-Pradhan of a Gram Panchayat shall be entitled to receive such honorarium and travelling allowances per month and every member shall get such sitting fees per month out of fund at the disposal or under the control of the Gram Panchayat as may be fixed by the State Government from time to time ;

(2) When an Upa-Pradhan exercises the powers, performs the functions and discharges the duties of the Pradhan under circumstances specified in sub-section (6) of Section 20 or when a member is appointed to act as Pradhan under sub-section (8) of that Section, such Upa-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."

*Amendment of
Section 69*

7. In the Principal Act, after sub-section (1) of Section 69, a proviso shall be added, namely :-

"Provided that in the event of exclusion of any Gram or Grams comprising whole of the area of a constituency or constituencies of the Panchayat Samiti from the area of the Block concerned, such constituency or constituencies shall cease to exist and the member or members elected therefrom shall be deemed to have vacated the office of member including the office of Chairman, and Vice-Chairman of Panchayat Samiti if any held by him."

*Amendment of
Section 70.*

8. In the Principal Act, in sub-section (1) of Section 70, -

(1) below clause (b) following shall be inserted, namely :-

"NOTE":- for the purpose of this section Member of Legislative Assembly shall not include any Minister, Speaker, or Deputy Speaker".

*Amendment of
Section 81.*

9. In the Principal Act, in sub-section (1) of Section 81, -

after clause (e), the following new clauses shall be added, namely --

"(f) in case of meeting of the Panchayat Samiti to fill the casual vacancy in the office of Chairman or, as the case may be, Vice-Chairman, if any member remains absent in such three meetings consecutively ;

(g) if being a male member of the Panchayat Samiti he uses in any meeting or public place abusive or filthy language at any woman or behaves in a manner derogatory to the dignity of woman".

*Amendment of
Section 121.*

10. In the Principal Act, after clause (a) of sub-section (3) of Section 121, a proviso shall be added, namely --

“Provided that in the event of exclusion of any area comprising whole of the area of a constituency or constituencies of the Zilla Parishad from the area of the District concerned, such constituency or constituencies shall cease to exist and the member or members elected therefrom shall be deemed to have vacated the office of member including the office of Sabhadhipati or Sahakari Sabhadhipati of the Zilla Parishad as the case may be”.

*Amendment of
Section 122.*

11. In the Principal Act, after clause (c) of sub-section (1) of Section 122, following explanation shall be inserted, namely :-

“(i) **Explanation** :- The expression ‘member of the House of the people’ shall not include a member who for the time being holds the office of a Cabinet Minister, Minister of State or Deputy Minister of Union Government or Speaker or Deputy Speaker of that House.

Similarly, the expression ‘members of the State Legislative Assembly’ shall not include a member who for the time being holds the office of a Minister or Speaker or Deputy Speaker of that House.”

*Amendment of
Section 134.*

12. In the Principal Act, in sub-section (1) of Section 134, after clause (d), the following new clauses shall be added, namely -

“(e) in case of meeting of the Zilla Parishad to fill the casual vacancy in the office of Sabhadhipati or, as the case may be, Sahakari Sabhadhipati, if any member remains absent from such three consecutive meetings ;

(f) if being a male member of the Zilla Parishad he uses in any meeting or public place abusive or filthy language at any woman or behaves in a manner derogatory to the dignity of woman”.

*Amendment of
Section 135.*

13. In the Principal Act, in sub-section (1) of Section 135, in the sixth line, for the words and punctuation marks “The meeting shall be held on a day not later than the fifteenth days from the date of issue of notice of the meeting”, the words “The meeting of the Zilla Parishad shall be convened by the prescribed authority after giving fifteen days’ prior notice to the members” shall be substituted.

*Amendment of
Section 154.*

14. In the Principal Act, in Section 154 -
- (1) in the proviso to sub-section (2), the words “during temporary absence of the Secretary” shall be added at the end ;
 - (2) for sub-section (4), following sub-section shall be substituted, namely :-

“(4) Every President of a Standing Committee of a Zilla Parishad and every member of a Zilla Parishad other than Sabhadhipati and Sahakari Sabhadhipati shall be entitled to receive such sitting fee as may be prescribed.”

*Amendment of
Section 217.*

15. In the Principal Act, after sub-section (1) of Section 217, following proviso shall be added, namely –

“Provided that if any elected member of a Gram Panchayat, Panchayat Samiti and Zilla Parishad willfully and persistently refuses to take oath of affirmation within three months from the date of election, he shall incur disqualification to be a member of the Gram Panchayat or Panchayat Samiti or Zilla Parishad, as the case may be, to which he has been elected.”

A. B. Paul.
Secretary,
Government of Tripura.