



# THE TRIPURA PANCHAYATS ACT, 1993

**MOUSUMI DASGUPTA**  
Faculty (Legal Affairs)

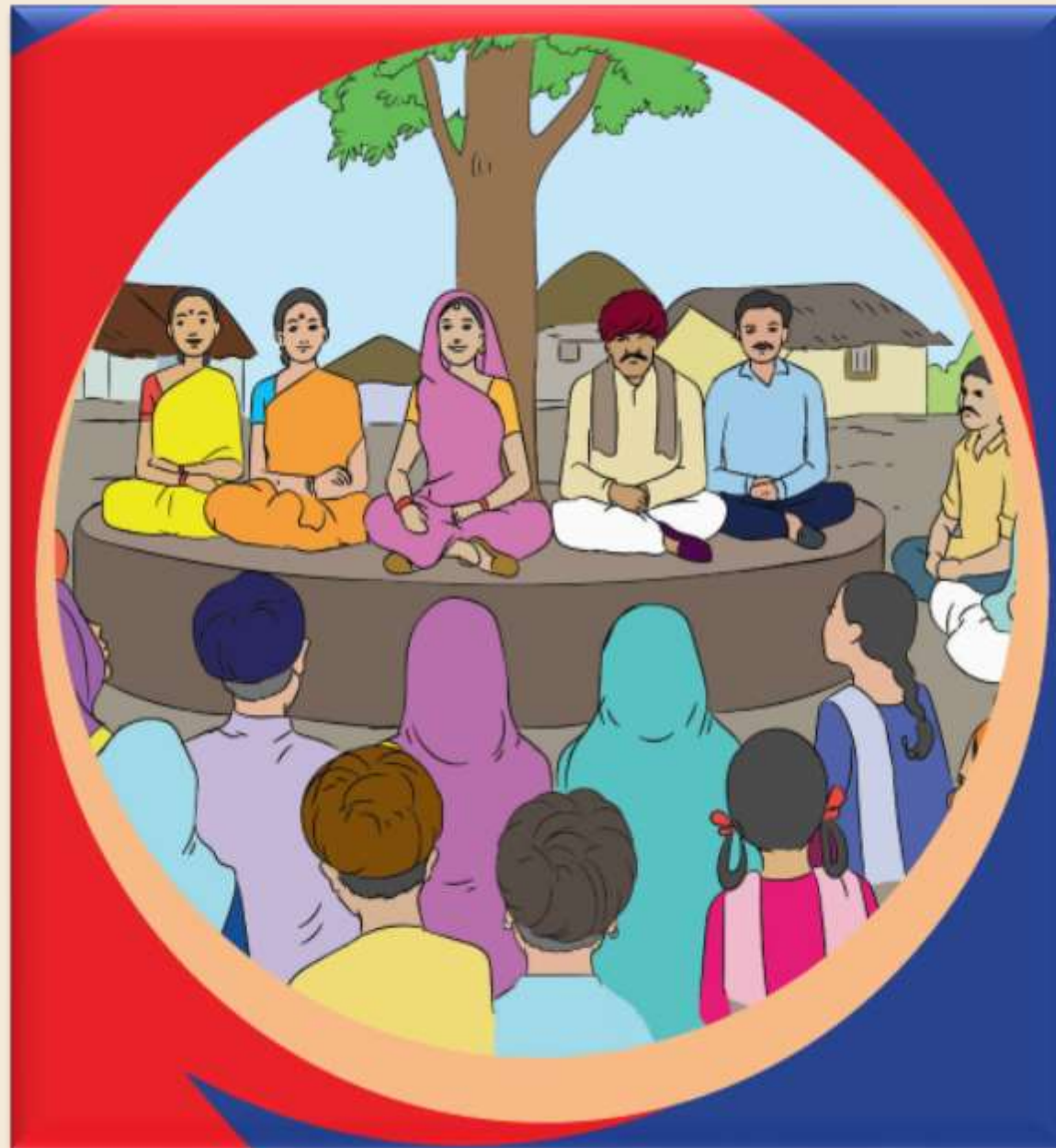
# Introduction

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## **Gandhi says-**

Independence must begin at the bottom. Thus every village will be a Republic and every Panchayats having full powers.



## **Gandhi says-**

When Panchayat Raj is established, public opinion will do what violence can never do.





# ABOUT THE ACT

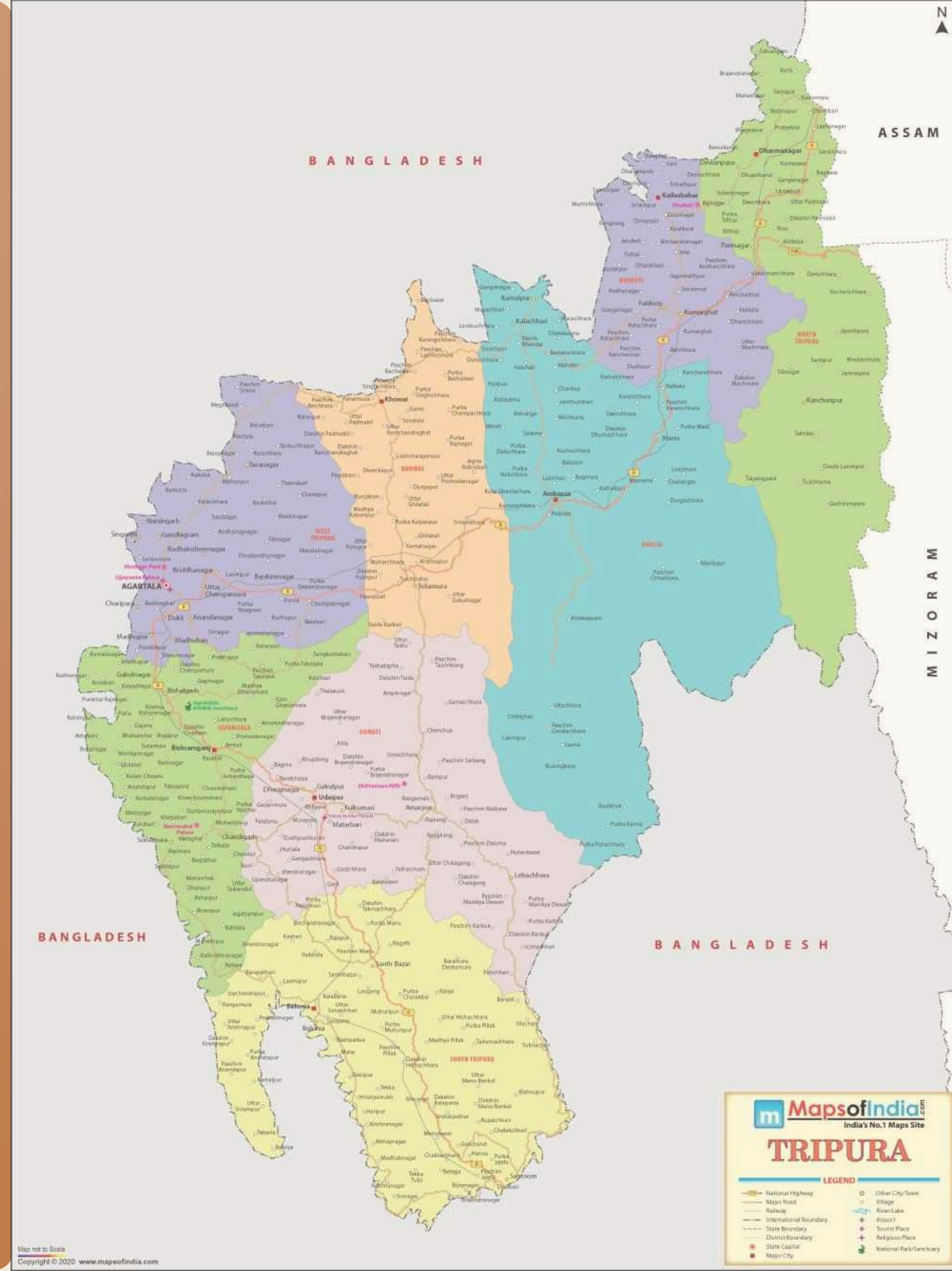
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- **The Tripura Panchayat Act receive the assent of Governor on the 7<sup>th</sup> November 1993 and is hereby published for general information.**
- This Act deals with -
  - Part –V,
  - Sections – 230
  - Amendment -6 times
- The Act extends to the entire state of Tripura, with certain exceptions. It does not apply to areas that have been declared or included in a Municipality or a Notified Area under existing laws, or to areas that are under the jurisdiction of the Cantonments Act, 1924. Additionally, it does not apply to the Tripura Tribal Areas Autonomous District. These exceptions are likely due to the presence of different administrative structures or governance systems in these areas

# The structure of the panchayat system in Tripura

The structure of the three-tier panchayat system in Tripura is as follows:

- Village level - Gram Panchayat*
- Block level - Panchayat Samiti*
- District level - Zila Parishad*





# *Main purpose the Act*

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To establish a democratic and accountable system of local self – government in rural areas.

To promote social justice and equity in the development process

To promote economic development and improve the quality of life in rural area.

To ensure the participation of all section of the community, particularly the women and marginalized group in the decision making process.

# Role and Responsibilities of Three-Tier Panchayat

- Representation**
- Decision-Making**
- Development Planning**
- Budget Allocation**
- Monitoring**
- Social Welfare and Empowerment**
- Conflict Resolution**
- Accountability**
- Promotion of Participatory Democracy**

# Key Definitions

## **Bye-Election:**

An election held to fill a casual vacancy in the Panchayat bodies.

## **Beneficiary:**

Individuals, families, groups, or cooperative societies receiving benefits under various government schemes.

## **Casual Vacancy:**

A vacancy in the office of an elected member of the Gram Panchayat, Panchayat Samiti, or Zilla Parishad that occurs before the expiration of their term.

## **Constituency:**

The area determined for the election of members to the Panchayat bodies.

## **First General Election:**

The first general election held for constitution of Gram Panchayat ,Panchayat Samities or Zila Parishad after commencement of this Act .

## **Gram Sabha:**

A body consisting of all eligible voters in a Gram Panchayat area.

# Key Definitions

## **Gram Sansad:**

A body consisting of persons registered in the electoral rolls for a constituency or group of constituencies.

## **General election:**

An election held to constitute the Panchayat bodies.

## **Public Street:**

Any street, road, or pathway accessible to the public.

## **Public property and Public Land:**

Any property or land accessible to the public.

## **Public Servant:**

As defined in the Indian Penal Code.

## **Panchayat:**

An institution of self-government for rural areas.



# Key Definitions

## Panchayat Area:

The territorial jurisdiction of a Panchayat.

## State Election Commissioner:

The officer responsible for overseeing Panchayat elections.

## Year:

The financial year, starting from April 1st.

## Standing Committee:

Committees constituted by Zilla Parishads or Panchayat Samitis.

# Constitution of Gram

1. The State Government has the authority to declare any revenue mouza (a term used in India for a revenue estate or unit), part of a mouza, or multiple mouzas or parts thereof as a Gram for the purposes of the Act. This declaration is made through a notification published in the Official Gazette, a formal process that ensures transparency and legal validity.



2. Specification of Name and Local Limits

3. Modification of Gram Boundaries

Exclusion of Area

Inclusion of Area

Uniting Grams

Division of Gram



# The Gram Sabha

## 1 Composition

The Gram Sabha is a body consisting of all persons registered in the electoral rolls of the Gram's area.

## 2 Responsibilities

The Gram Sabha is tasked with considering the Gram Panchayat's annual accounts, budget, development programs, and other matters related to the Gram's affairs.

## 3 Meetings

The Pradhan of the Gram Panchayat is responsible for convening Gram Sabha meetings, which must be held with a prescribed frequency and procedure.



## *Effect on alteration of the area of Gram*

- Exclusion of Area from a Gram
- Inclusion of Area in a Gram
- Division of a Gram into Two or More Grams
- Union of Two or More Grams into a Single Gram
- Transfer of Properties, Funds, and Liabilities

## *Effect of inclusion of a Gram or part thereof in Municipality etc*

- Inclusion of the Whole Area of a Gram
- Inclusion of Part of a Gram's Area



# Convening Gram Sabha Meetings



1

## Periodicity

The frequency and process for convening Gram Sabha or Gram Sansad meetings shall be prescribed by the authorities.

2

## Responsibility

The Pradhan is responsible for calling these meetings. In the Pradhan's absence, the Upa-Pradhan may convene the meeting with prior approval from the Gram Panchayat.

3

## Presiding Officer

The Gram Sabha meetings are presided over by the Pradhan, or the Upa-Pradhan in the Pradhan's absence.

# Vigilance Committee

1

## Purpose

A vigilance committee is constituted for each Gram Sabha to supervise the Gram Panchayat's works, schemes, and activities, and report on them in the meetings.

2

## Composition

The vigilance committee is formed with Min 3, max 5 members , appointed by District Panchayat Officer .

3

## Oversight

The vigilance committee plays a crucial role in ensuring transparency and accountability in the Gram Panchayat's operations.



# Matters for consideration

## *Gram Sabha*

- ❖ Annual Statement of Accounts and Administration Report
- ❖ Budget for the Next Financial Year
- ❖ Development Programmes Report
- ❖ Report Prepared Under Section 30 (work done during previous year and work proposed to be done the following year and to be submitted to the DPO before 15<sup>th</sup> May of every Year)
- ❖ Other Business and Issues

## *Gram Sansad*

- ❖ Selection of Beneficiaries
- ❖ Selection of Sites for Public Utility Works
- ❖ Development Programmes Report
- ❖ Other Issues

# The Gram Panchayat

## Establishment

A Gram Panchayat is constituted for every Gram, with elected members chosen by direct secret ballot.

## Composition

The Gram Panchayat consists of elected members, as well as ex-officio members who are Panchayat Samiti (intermediate council) representatives from the Gram's constituencies. The number of elected members is determined by the state government, ranging from 9 to 15.

## Meetings

The Pradhan or Upa-Pradhan is responsible for convening Gram Panchayat meetings, which require a quorum of one-third of the total members, or a minimum of four.



# Constituencies and Reservations

## 1 — **Constituencies**

The prescribed authority divides the Gram Panchayat area into 5 to 15 territorial constituencies, with the number of seats per constituency not exceeding two.

## 2 — **Reservations**

Seats shall be reserved for Scheduled Castes and Scheduled Tribes in proportion to their population in the Gram Panchayat area.

50% of the total seats, including those reserved for SC/ST, shall be reserved for women.

The reserved seats for SC/ST and women shall be rotated across different constituencies in the Gram Panchayat.

## 3 — **Modifications**

The state government can review and modify the constituency divisions and seat allocations before each general election.

# General Disqualification

## General disqualification for membership of the Gram Panchayat:

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

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

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

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

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

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

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

(i) any lease, sale or purchase of land or any agreement for the sale;

(ii) any agreement for the loan of money or any security for the payment of money only; or

(iii) any public company as defined in the Companies Act, 1956 which contracts with or is employed by the concerned Gram Panchayat;



# General Disqualification

- (e) he has been dismissed from the service of the Central or a State Government or a local authority or a co-operative society or Government company or a corporation, owned or controlled by the Central or a State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal;
- (f) he has been adjudged by a competent court to be of unsound mind;
- (g) he is an undischarged insolvent;
- (h) he, being a discharged insolvent, has not obtained from the court certificate that his insolvency was caused by misfortune and without any misconduct on his part;
- (i) he has been convicted of any offence punishable under Chapter IX-A of the Indian Penal Code or under Chapter-III of Part-VII of the Representation of the People Act, 1951 and five years have not elapsed from the date of the expiration of the sentence;
- (j) he has been convicted by a criminal court to imprisonment for a period of more than two years for any offence other than an offence involving moral turpitude (such sentence not having been reserved or the offence pardoned) and five years have not elapsed from the date of expiration of the sentence, provided that the State Government may direct that such sentence shall not operate as a disqualification;

# General Disqualification

(k) he has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election under this Act or any other Act, and six years have not elapsed from the date of such disqualification, provided that the disqualification under this clause may at any time be removed by the State Government if it thinks fit ; or

(1) he has voluntarily acquired citizenship of a foreign state.

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

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



# Disqualification on ground of Defection

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

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

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

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

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

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

# Disqualification on ground of Defection

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

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

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

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

# Election of Gram Panchayat Members

1

## General Elections

The Gram Panchayat members are elected through general elections held before the expiry of the Panchayat's duration or within six months of its dissolution.

2

## Casual Vacancies

Elections to fill casual or other vacancies are held at prescribed times to ensure the Panchayat remains fully constituted.

3

## Publication of Results

The names of all elected members are published in the official gazette, officially constituting the new Gram Panchayat.





# Gram Panchayat Duration and Term of office of Member

## Gram Panchayat Duration

Every Gram Panchayat shall continue for five years from the date of its first meeting, unless sooner dissolved.

The general election to constitute a new Gram Panchayat must be completed before the expiration of the current Panchayat's duration.

## Member Terms

The term of office for members of a Gram Panchayat elected at a general election shall commence from the date of the first meeting where a quorum is present.

If the first meeting cannot be held within three months, the state government may terminate the current members' terms and appoint an authority to exercise the Panchayat's powers until the new members assume office.

## Dissolved Panchayats

A Gram Panchayat constituted after the dissolution of the previous Panchayat shall continue only for the remainder of the previous Panchayat's term.

The state government may appoint an authority to exercise the dissolved Panchayat's powers until the new members assume office.

# Functioning with Incomplete Elections

1

## **Partial Election Results**

If the election of any member from a constituency cannot be held or the results cannot be published, the state government may still allow the elected members to assume office.

2

## **Minimum Threshold**

This is permitted only if at least two-thirds of the total number of Gram Panchayat members have been elected and can assume office.

3

## **Subsequent Members**

Any members subsequently elected or whose names are published shall assume office, but their term will be counted from the date of the first meeting with a quorum.

# Electing the Pradhan and Upa-Pradhan

1

## **Gram Panchayat Meeting**

The Gram Panchayat holds its first meeting, where a quorum of members is present, to elect the Pradhan and Upa-Pradhan.

2

## **Prescribed Authority**

The prescribed authority, as defined by the state government, is responsible for convening the meeting and overseeing the election process.

3

## **Seat Reservations**

Seats for the Pradhan position are reserved for Scheduled Castes and Scheduled Tribes, ensuring representation for marginalized communities. Additionally, 50% of the Pradhan seats are reserved for women.



# Roles and Responsibilities

## Pradhan

The Pradhan is the elected head of the Gram Panchayat, responsible for exercising the powers, performing the functions, and discharging the duties of the office. They serve as the primary point of contact for the community and oversee the implementation of government programs.

## Upa-Pradhan

The Upa-Pradhan, steps in to fulfill the Pradhan's responsibilities in their absence due to reasons such as leave, illness, or vacancy. They work closely with the Pradhan to ensure the smooth functioning of the Gram Panchayat.

## Temporary Replacements

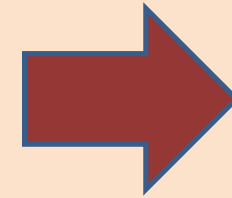
When both the Pradhan and Upa-Pradhan are temporarily unable to perform their duties, the prescribed authority can appoint members of the Gram Panchayat to act as Pradhan and Upa-Pradhan until they resume their roles.

# Leave

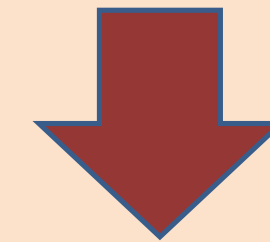
- The Pradhan /Upa-Pradhan of the Panchayat may enjoy forty five days of leave in a calendar year.
- Leave shall be requested prior proceeding on leave.
- If had to proceed on leave without prior sanction but after handing over the charge, the Gram Panchayat to regularize the leave in the next meeting.
- Provided that if total leave period exceeds forty five days , no honorarium and fixed TA shall be paid for the exceeding period.
- Whenever Pradhan or, as the case may be Upa Pradhan proceeds on leave with or without prior approval of leave shall hand over charge to Pradhan or Upa Pradhan in Form 1.
- If Pradhan or Upa Pradhan remains absent from duties for more than three months without intimation ,in such situation they may be removed.
- If both Pradhan and Upa Pradhan proceed on leave simultaneously for a period exceeding fifteen days or in case of temporary vacancy arises in offices of both Pradhan and Upa Pradhan for a period exceeding fifteen days ,the Panchayat Secretary with prior approval of BDO shall call an emergency meeting. In the meeting the Gram Panchayat shall take a resolution suggesting the name of the member who may act as temporary Pradhan or Upa Pradhan. The Block Development Officer ,on receipt of this resolution shall appoint the temporary Pradhan or Upa Pradhan.

# Resignation of Pradhan / Upa-Pradhan / Member

Pradhan / Upa-Pradhan /  
Member may resign in writing  
addressed to **BDO**



After enquiry if BDO thinks  
fit may accept the resignation



Within 15 days of acceptance the BDO shall inform the person concerned,  
the members of the Gram Panchayat and the DPO

*In case of simultaneous resignation of Pradhan / Upa-Pradhan , the BDO shall appoint a  
temporary Pradhan & Upa-Pradhan*



# Removal of Members

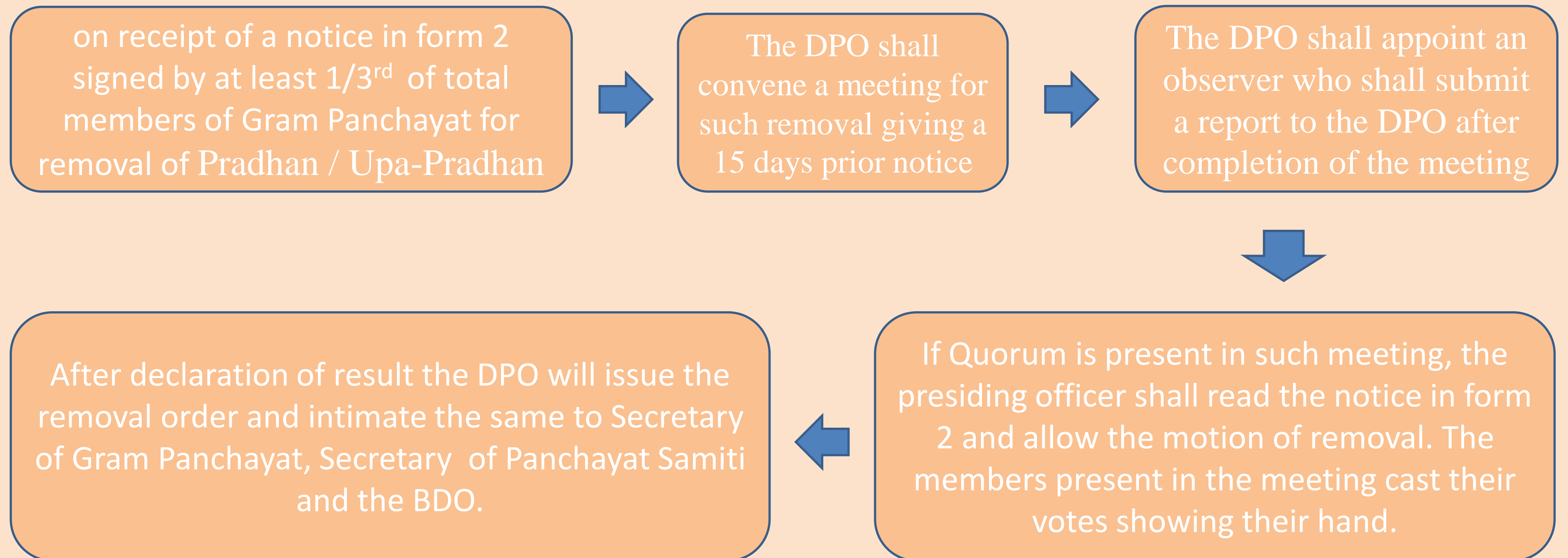
Members can be removed for-

- conviction for moral turpitude, punishable for a period of more than six months,
- disqualification,
- absence from five consecutive meetings without intimation, in case of filling casual vacancy in the office of Pradhan / Upa Pradhan, the member remains absent in three consecutive meetings,
- inappropriate behaviour towards women.

\*\*\*DPO is the prescribed authority for removal of member.

Removed members can appeal to a higher authority (ADM) within 30 days.

# Procedure for removal of Pradhan / Upa-Pradhan



# Casual Vacancy:

When a vacancy occurs due to death, resignation, removal or otherwise is called casual vacancy.

## Filling of casual vacancy:

### *Pradhan / Upa-Pradhan*

In case of Pradhan / Upa-Pradhan the existing members of the Gram Panchayat shall elect, from amongst them within 60 days of casual vacancy .

**\*\*Will serve for that left out period.**

### *member*

In case of member, fresh election on that seat within 6 month of casual vacancy .



# Gram Panchayat Meetings



## Agenda Circulation

A list of business to be transacted must be sent to each Gram Panchayat member at least 7 days before the meeting, except for emergencies.

## Emergencies

The Pradhan may call an emergent meeting with 3 days' notice if a situation arises requiring immediate attention.

## Approval of Business

No business can be transacted at a meeting unless it was included in the agenda, except with the approval of the majority of members present.

Name of the Meeting	Minimum Number of Meeting	Who will serve notice	Notice	Quorum
First meeting	After Every election	DPO	7 days before the meeting	Majority
General Meeting	Once in a month	Panchayat Secretary	7 days before the meeting	(1/3+1) or at least 4,if quorum is not present meeting will be adjourned. Next meeting quorum is not needed.
Emergency Meeting	If necessary	Panchayat Secretary	3 days before meeting	(1/3+1) or at least 4,if quorum is not present meeting will be adjourned. Next meeting quorum is not needed.
Special Meeting (For election of Pradhan or Upa Pradhan)	If necessary	DPO	7 days before the meeting	Majority
Special Meeting (Removal of Pradhan or Upa Pradhan)	If necessary	DPO	15 days before the meeting	Majority
Gram Sansad	Four times a year (As administrative Order)/as and when required	Panchayat Secretary	7 days before the meeting	1/5 <sup>th</sup> of the voter
Gram Sabha	Four times a year (As administrative Order)/as and when required	Panchayat Secretary	10 days before the meeting	1/8 <sup>th</sup> of the voter

# Gram Panchayat Reporting

1

## **Annual Report**

The Gram Panchayat must prepare an annual report on the previous year's work and the upcoming year's plans, and submit it to the prescribed authorities and the Panchayat Samiti.

2

## **Biannual Report**

The Gram Panchayat must also prepare a biannual report in October and April detailing the funds received, expenditures, and a list of functionaries, and publish it for public information.

3

## **Transparency**

These reporting requirements ensure transparency and accountability in the Gram Panchayat's operations and utilization of resources.





**Thank you**