

THE TRIPURA PANCHAYATS ACT, 1993

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CHAPTER-III

POWERS AND DUTIES OF GRAM PANCHAYAT

❖ Chapter III deals with Section-31 to 49.

❖ Powers and Duties of Gram Panchayat

The powers and duties of Gram Panchayat has been divided into **Three (3) categories** as per the Tripura Panchayats Act, 1993:-

- Obligatory duties of Gram Panchayat
- Other duties of Gram Panchayat
- Discretionary duties of Gram Panchayat

(A) OBLIGATORY DUTY

- ❖ Obligatory duties are those functions which **have to be implemented by the State** at any cost.
- ❖ State **can't abstain** from its obligatory duties.
- ❖ The life and property of the people can't be protected if the obligatory functions are not performed.

OBLIGATORY DUTIES OF GRAM PANCHAYAT (SEC-31)

It shall be the Obligatory duty of every Gram Panchayat to make reasonable provisions within the area under its jurisdiction for -

- ❖ (a) Sanitation and prevention of **public nuisances**;
- ❖ (b) Curative and preventive measures in respect of **infectious diseases** (malaria, small pox, cholera or any other epidemic diseases);
- ❖ (c) Supply of **drinking water** and the cleaning of **public streets** and protection thereof;
- ❖ (d) Maintenance, repair and construction of **public streets and protection thereof**;
- ❖ (e) Removal of encroachments of public streets or public places;

OBLIGATORY DUTIES OF GRAM PANCHAYAT (SEC-31) (CONT..)

- ❖ (f) Protection and repair of buildings and other property vested in it;
- ❖ (g) Management and care of public tanks, common grazing grounds, burning ghats and public graveyards;
- ❖ (h) Supplying of any local information which the District Magistrate, the Zilla Parishad , the Panchayt Samity or the Sub-divisional Officer, within the local limits of whose jurisdiction the Gram Panchayat is situated;
- ❖ (i) Organising voluntary labour for community works for the upliftment of its area;

OBLIGATORY DUTIES OF GRAM PANCHAYAT (SEC-31) ..

- ❖ (j) Control and administration of the **Gram Panchayat Fund** establishment under this Act;
- ❖ (k) The imposition, assessment and collection of **taxes, rates or fees leviable** under this Act;
- ❖ (l) The performance of such functions which are punishable under **Section 31 of the Cattle Trespass Act, 1871**.

(B) OTHER DUTIES OF GRAM PANCHAYAT

(SEC - 32)

A Gram Panchayat shall also perform such other functions as the State Govt. may assign to it in respect of –

- ❖ (a) Primary, social, technical, adult or vocational education;
- ❖ (b) Rural dispensaries, health centers and maternity and child welfare centres.
- ❖ (c) Management of any markets which are not declared as regulated markets under any law for the time being in force;
- ❖ (d) Irrigation including minor irrigation, water management and water shed development;
- ❖ (e) Grow more food campaign;

OTHER DUTIES OF GRAM PANCHAYAT (SEC - 32) (CONT..)

- ❖ (f) Care of the infirm and the destitute;
- ❖ (g) Rehabilitation of displaced persons;
- ❖ (h) Improved breeding of cattle, medical treatment of cattle and prevention of cattle disease;
- ❖ (i) Acting as a channel through which Govt. assistance should reach the villages;
- ❖ (j) Bringing waste land under cultivation, through improvement of land and soil conservation;
- ❖ (k) Promotion of village plantation, social forestry and farm forestry;
- ❖ (l) Arranging cultivation of land lying fallow;

OTHER DUTIES OF GRAM PANCHAYAT (SEC - 32) (CONT..)

- ❖ (m) Arranging co-operative management of land and other resources of the villages;
- ❖ (n) Assisting in the implementation of **land reform measure** in its area;
- ❖ (o) Implementation of **such Schemes** (MGNREGA, PMAY(G), PMGSY, DDU-GKY etc) as may be formulated or performance of such acts as may be entrusted;
- ❖ (p) Filed publicity on matters connected with **development works** and **other welfare measures** undertaken by the State Govt.
- ❖ (q) Supervision of **supply of food and essential commodities** through ration shops;
- ❖ (r) Minor forest produce;
- ❖ (s) Rural housing programme

OTHER DUTIES OF GRAM PANCHAYAT (SEC - 32) (CONT..)

- ❖ (t) Rural electrification including distribution of electricity;
- ❖ (u) Non-conventional energy sources;
- ❖ (v) Family welfare and women and child development;
- ❖ (w) Welfare of weaker sections (SCs & STs);
- ❖ (x) Maintenance of community assets;
- ❖ (y) Public distribution system; and
- ❖ (z) Poverty alleviation programme.

OTHER DUTIES OF GRAM PANCHAYAT (SEC - 32) (CONT..)

- If the State Govt. is of the opinion that if Gram Panchayat has persistently made any **default** in the performance of any of the functions assigned to it under Sub-Section (1), the State Govt. may, **after recording its reasons, withdraw such function** from such Gram Panchayat.

(C) DISCRETIONARY DUTIES OF GRAM PANCHAYAT (SEC-33)

- Discretionary duties of Gram Panchayat mean **voluntary functions** to be performed by Gram Panchayat.

- Gram Panchayat may make provision for –
 - ❖ (a) Maintenance of **lighting** in public streets;
 - ❖ (b) **Planting and maintaining trees** on the sides of public streets or in any other public places ;
 - ❖ (c) Establishment and maintenance of **horticulture training centre**;
 - ❖ (d) Sinking of wells and excavation of ponds and tanks;
 - ❖ (e) Introduction and promotion of co-operative farming, co-operative stores and other co-operative enterprises, trades and callings;

DISCRETIONARY DUTIES OF GRAM PANCHAYAT (SEC-33)

- ❖ (f) Construction and regulation of markets other than markets which are declared as regulated markets under any law for the time-being in force, the holding and regulation of fairs, melas, huts and exhibitions of local produce and products of local handicrafts and home industries;
- ❖ (g) Allotment of places for storing manure;
- ❖ (h) Assisting and advising agriculturists in the matter of obtaining State loan and its distribution and repayment;
- ❖ (i) Filling up of insanitary depressions and reclaiming of unhealthy localities;
- ❖ (j) Promotion and encouragement of cottage industries;
- ❖ (k) Establishment and running of piggeries, duckaries and milk centres;
- ❖ (l) Destruction of rabid dogs;

DISCRETIONARY DUTIES OF GRAM PANCHAYAT (SEC-33)

- ❖ (m) Construction and maintenance of sarais, dharmasallas, rent houses, cattle sheds and cart stands;
- ❖ (n) Regulating production and disposal of foodstuffs and other commodities in the manner prescribed;
- ❖ (o) Disposal of unclaimed cattle;
- ❖ (p) Disposal of unclaimed corpses and carcasses;
- ❖ (q) The establishment and maintenance of libraries and reading rooms;
- ❖ (r) Organisation and maintenance of akhraras, clubs and other places for recreation or games and sports;

DISCRETIONARY DUTIES OF GRAM PANCHAYAT (SEC-33)

- ❖ **(s) Maintenance of records** relating to population census, agricultural labour census, crop census, cattle census and census of unemployed persons and of other statistics as may be prescribed;
- ❖ **(t) Rendering assistance in extinguishing fire and protecting life and property** when fire occurs;
- ❖ **(u) Assisting in the prevention of burglary and dacoity;**
- ❖ **(v) Relief against famine** or other calamity;
- ❖ **(w) Assisting in formulation and implementation of the schemes and annual plans of the State** in so far as such schemes and Plans related to the are under its jurisdiction;

DISCRETIONARY DUTIES OF GRAM PANCHAYAT (SEC-33)

- ❖ (x) Performance in the manner prescribed of any of the functions of the Zilla parishad or the Panchayat Samiti, 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 the Act.

STATE GOVT TO PLACE FUND (SEC - 34)

Where the State Govt. –

- ❖ assigns any function to a Gram Panchayat U/S 32 ;
- ❖ directs a Gram Panchayat to make provision for any of the items U/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 making such provision, as the case may be.

CONTROL OF BUILDING OPERATION

(SEC - 35)

- ✘ **Permission Required for New Structures or Additions:** No individual is allowed to construct a new structure, building, or make any additions to existing structures or buildings without obtaining prior written permission from the Gram Panchayat.
- ✘ **Application Process:** Those seeking permission must submit a written application to the designated authority. The application must be in a prescribed form, contain specified details, and be accompanied by a fee not exceeding Rs. 10, unless otherwise prescribed.
- ✘ **Exemptions for Certain Structures:** There are specific exemptions to the requirement for permission. Structures such as thatched structures, tin sheds, or tile sheds that do not have brick walls and cover an area of 750 square feet or less do not require permission.

OTHER ACTIVITIES OF GRAM PANCHAYATS

- ✘ Improvement of Sanitation (**Sec-36**)
- ✘ Power of Gram Panchayat over public streets, water ways and other matters (**Sec-37**)
- ✘ Power of Gram Panchayat in respect of polluted water supply (**Sec- 38**)
- ✘ Power of Gram Panchayat to prevent growth of water hyacinth or other weed which may pollute water (**Sec – 39**)
- ✘ Emergent Power on outbreak of epidemic (Cholera or any other water based infectious disease etc) (**Sec-40**)

DELEGATION OF FUNCTIONS BY ZILLA PARISHAD AND PANCHAYAT SAMITI (SEC- 43)

- ✘ A Zilla Parishad or Panchayat Samiti, may **with the concurrence of the Gram Panchayat**, as may be mutually agreed upon, **delegate** to such Gram Panchayat, any of its functions in the **manner prescribed**.
- ✘ 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 Zilla Parishad or the Panchayat Samiti** as the case may be.

DELEGATION OF FUNCTIONS OF GRAM PANCHAYAT TO ITS PRADHAN (SEC-44)

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

POWER, FUNCTIONS AND DUTIES OF PRADHAN AND UPA-PRADHAN (SEC-46)

The Pradhan Shall –

- ❖ (a) Be responsible for the **maintenance of the records** of the Gram Panchayat;
- ❖ (b) Have general responsibility for the **finance and the administration** of the Gram Panchayat;
- ❖ (c) Exercise administrative **supervision and control** over the work of the staff of the Gram Panchayat and the Officers and employees whose services may be placed at the disposal of the Gram Panchayat by the State Govt.
- ❖ (d) For the **transaction of business** connected with this Act or for the purpose of making any order authorized thereby.

The Upa-Pradhan shall---

- ❖ Exercise such of the powers, perform such of the functions and discharge such of the duties **of the Pradhan** as the Pradhan may from time to time subject to rules made in this behalf by the **State Govt. delegate to him by order in writing..**
- ❖ Provided that the **Pradhan may at any time withdraw** all or any of the powers, functions and duties as **delegated to the Upa-Pradhan;**
- ❖ **During the absence of the Pradhan,** exercise all the powers perform all the functions and discharge all the duties of the Pradhan; and
- ❖ Exercise such other powers, perform such other functions and discharge such other duties as the Gram Panchayat may by **general or special resolution,** direct or as the State Govt. may by rules, may in this behalf prescribe.

PRADHAN, UPA-PRADHAN OR MEMBER NOT TO RECEIVE SALARY (SEC - 49)

Honorarium for Pradhan and Upa-Pradhan and sitting allowances for members-

- (1) The Pradhan and 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 a 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.**

CHAPTER-IV

STAFF OF GRAM PANCHAYAT

- ❖ Chapter IV deals with Section - 50 to 52.

- ❖ **Secretary of Gram Panchayat (Sec-50)**
 - (1) For every Gram Panchayat there shall be [**one or more**] **Panchayat Secretaries** appointed by the State Government.

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

STAFF OF THE GRAM PANCHAYAT (SEC-51)

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

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EXERCISE OF POWERS ETC BY THE OFFICERS AND EMPLOYEES- (SEC-52)

- ❖ The officers and other employees employed by the Gram Panchayat and the officers and other employees whose services have been placed at the disposal of the Gram Panchayat shall exercise such powers, perform such functions and discharge such duties as the Gram Panchayat may determine

CHAPTER-V

PROPERTY AND FUND OF GRAM PANCHAYAT

- ❖ Chapter V deals with Section - 53 to 66.

- ❖ Power to acquire, hold and dispose of property (Sec - 53)-
 - ❑ A Gram Panchayat shall have power to acquire, hold and dispose of property and to enter into contracts:
 - ❑ Provided that in all cases of acquisition or disposal of immovable property, the Gram Panchayat shall obtain the prior approval of the State Government.

PROPERTY VESTED IN THE GRAM PANCHAYATS (SEC-54)

- ❖ All properties of the nature specified below and situated **within the local limits of a Gram Panchayat** shall vest in and belong to the Gram Panchayat concerned and **shall be under its directions, management and control** and shall be held and applied for the purpose of this Act—
 - ❑ **all public buildings constructed and maintained out of the funds of the Gram Panchayat;**
 - ❑ **all public roads** which have been constructed and maintained out of the funds of the Gram Panchayat and
 - ❑ **all lands and other properties movable or immovable transferred to the Gram Panchayat by the State Government.**

GRAM PANCHAYAT FUND (SEC-58)

- ❖ For every Gram Panchayat there shall be constituted a Gram Panchayat Funds bearing the name of the Gram Panchayat and there shall be placed to the credit thereof--
 - ❑ (a) contributions, and grants, made by the Central or the State Government including grants-in-aid from the Consolidated Fund of the State based on the recommendation of the State Finance Commission constituted under this Act;
 - ❑ (b) contributions and grants, if any made by the Zilla Parishad, Panchayat Samiti or any other local authority;
 - ❑ (c) loans, if any, granted by the Central Government or the State Government or any of the institutions specified in this Section;

GRAM PANCHAYAT FUND (CONT..)

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

GRAM PANCHAYAT FUND (CONT..)

- ❑ 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.
- ❑ Every Gram Panchayat shall have the **power to open such Bank or Postal account** as may be directed by the State Government.
- ❑ All orders for payment from the Gram Panchayat Fund shall be jointly signed by the Pradhan and Panchayat Secretary. In absence of Pradhan, the Upa-Pradhan may sign jointly with Panchayat Secretary with **prior specific approval of the Gram Panchayat**.
- ❑ No order for payment shall issue without prior approval of the Gram Panchayat.
- ❑ In cases where the offices of both the Pradhan and the Upa-Pradhan fall vacant by virtue of their having resigned from their posts or otherwise, all orders for payment from the Gram Panchayat fund shall be signed jointly by the in-charge Panchayat Secretary of the Gram Panchayat and the Block Development Officer concerned, till the time new Pradhans or Upa-Pradhans are elected.

IMPOSITION OF TAX BY GRAM PANCHAYAT (SEC- 59)

- ❖ 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.

- ❖ The following lands and buildings shall be exempted from imposition of tax -
 - ❑ lands and buildings belonging to a local authority and used or intended to be used exclusively for a public purpose and not used or intended to be used for purposes of profit ;
 - ❑ lands and buildings used exclusively for religious, educational or charitable purposes ; and
 - ❑ lands and buildings owned by the Central or State Government.

LAVY OF RATES AND FEES (SEC- 60)

A Gram Panchayat may levy the following **fees, rates and tolls** namely:-----

- ✘ (i) fees on the **registration of vehicles**;
- ✘ (ii) a fee for providing **sanitary arrangements** at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the State Government by notification published in the manner prescribed;
- ✘ (iii) a **water rate**, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Gram Panchayat within its jurisdiction;
- ✘ (iv) a **lighting rate**, where arrangement for lighting of public streets and places is made by the Gram Panchayat within its jurisdiction;

LAVY OF RATES AND FEES (CONT..)

- ✘ (v) a conservancy rate, where arrangement for cleaning private latrines, urinals and cesspools is made by the Gram Panchayat within its jurisdiction;
- ✘ (vi) fees on **licence for running trade, wholesale or retail**, within the jurisdiction of the Gram Panchayat unless such licence or such trade is prohibited under any law for the time being in force;
- ✘ (vii) **tolls on persons, vehicles or animals** or any class of them at any toll bar which is established by the Gram Panchayat on any roads or bridge vested in or under the management of the Gram Panchayat; and
- ✘ (viii) **tolls in respect of any ferry** established by or under the management of the Gram Panchayat.

APPEAL AGAINST IMPOSITION OF TAX AND LAVY, RATE OR FEE- (SEC- 61)

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

BUDGET OF GRAM PANCHAYATS (SEC- 64)

✘ A budget helps to create **financial stability**.

❖ Preparation of the Budget:

The Pradhan (head) of every Gram Panchayat is responsible for preparing a budget that estimates the **income and expenditure for the following year**. This budget must be **presented to the Gram Panchayat for approval and then submitted to the Panchayat Samiti**, which is a higher-level body with jurisdiction over the area of the Gram Panchayat.

BUDGET OF GRAM PANCHAYATS (CONT..)

❖ Approval Process:

The Panchayat Samiti reviews the budget and can either approve it or return it to the Gram Panchayat for modifications.

If the Panchayat Samiti does not approve the budget within two months or by the end of the year, whichever comes first, the budget is automatically deemed approved.

BUDGET OF GRAM PANCHAYATS (CONT..)

❖ Expenditure Restrictions:

No expenditures can be made by the Gram Panchayat unless the budget has been formally approved by the Panchayat Samiti.

❖ Failure to Submit the Budget:

If a Gram Panchayat fails to submit its budget by a prescribed date, the prescribed authority can step in to gather necessary information and prepare the budget on behalf of the Gram Panchayat. This budget is then submitted to the Panchayat Samiti for approval.

BUDGET OF GRAM PANCHAYATS (CONT..)

❖ Prescribed Authority's Role:

If the budget is prepared by the prescribed authority, it is considered as if it had been passed by the Gram Panchayat. The prescribed authority then submits it to the Panchayat Samiti.

❖ Final Approval and Modifications:

Upon receiving the budget from the prescribed authority, the Panchayat Samiti can approve it with any necessary modifications and return it to the prescribed authority for transmission to the Gram Panchayat.

SUPPLEMENTARY BUDGET- (SEC-65)

❖ Supplementary Estimate:

This is a **revised budget** that the Gram Panchayat may prepare during the **fiscal year to adjust its financial plan**. It could be due to **unforeseen circumstances, additional projects, or changes in income** that were not accounted for in the original budget.

❖ Submission to Panchayat Samiti:

The Gram Panchayat must submit this supplementary estimate to the **Panchayat Samiti for approval**.

SUPPLEMENTARY BUDGET- (SEC-65)

❖ **Time and Manner of Submission:**

The supplementary estimate must be **submitted within a prescribed timeframe and in a prescribed manner.** This means there are specific deadlines and procedures that the Gram Panchayat must follow when preparing and submitting the supplementary estimate.

❖ **Approval Process:**

Once the supplementary estimate is submitted, the Panchayat Samiti will review it and **either approve it or provide directions for modifications.**

ACCOUNTS- (SEC-66)

❖ Importance of Accounting:

Proper accounting in Gram Panchayat is essential to **track its financial health**, make informed decisions, and **plan for future expenditures**. It also **enables higher authorities to monitor the financial activities** of the Gram Panchayat and ensures that **public funds are used efficiently** and for the intended purposes.

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

***THANK
YOU***