



# ***The Tripura Tribal Areas Autonomous District Council Act, 1979***

***Payel Dasgupta  
FACULTY(LEGAL AFFAIRS)  
R.D(PANCHAYAT) DEPT.***



- The Act of the Tripura Legislative Assembly received assent of the President on **20<sup>th</sup> July, 1979.**

- This Act deals with -  
Chapter –VII,  
Sections - 56  
Schedule – 2

- The Act extends to the **whole of the State of Tripura.**

- **Purpose of this Act is –**

- To provide for **establishment of an Autonomous District Council** for tribal areas in the State of Tripura;

- To provide **self-government by the Tribals** in such areas.

# Key Definitions- Section-2

## Autonomous District

The Act defines the "Autonomous District" as the **territory encompassing the tribal areas specified in the First Schedule** of the Act. It's important to note that this does not constitute a separate or revenue district.

## Constituency

A "Constituency" refers to a **District Council Constituency** defined by an order under section 6 of the Act. These constituencies serve as **electoral units for the District Council elections**.

## Council and District Council

The terms "Council" and "District Council" both refer to the same governing body, established under section 4 of the Act. It's the **primary administrative and legislative entity** for the autonomous district.

## Government and Official Gazette

The "Government" refers to the **State Government of Tripura**, while the "Official Gazette" signifies the **gazette published by the Government of Tripura**. These terms are relevant for official pronouncements and notifications related to the TTAADC.







# Scheduled Tribes and Tribal Areas

## 1 Scheduled Tribes

The Act defines "Scheduled Tribes" as those tribes recognized by the President **under Article 342(1) of the Constitution**, as amended by Parliament, specifically pertaining to Tripura.

## 3 Prescribed

"Prescribed" denotes **procedures or regulations** established through rules framed under the Act, providing clarity and standardization in the implementation of the law.

## 2 Tribal Areas

"Tribal Areas" encompass the regions included in the **First Schedule of the Act**. These areas are designated as autonomous territories with **special provisions for tribal communities**.

## 4 District Fund

The "District Fund" is a **financial resource constituted under section 30 of the Act**, supporting the **administrative and developmental activities of the TTAADC**.

# Governance and Administration

## Executive Committee

The "Executive Committee" is a key **administrative body** within the District Council, responsible for **implementing the Council's decisions and carrying out its day-to-day operations.**

## Elections

The Act defines "Election" as **both general elections and elections to fill vacant seats within the District Council.** This ensures a democratic process for selecting representatives for the TTAADC.

## Elector

An "Elector" is an **individual whose name appears on the electoral roll** of a constituency for the TTAADC elections. This roll serves as the official list of **eligible voters.**

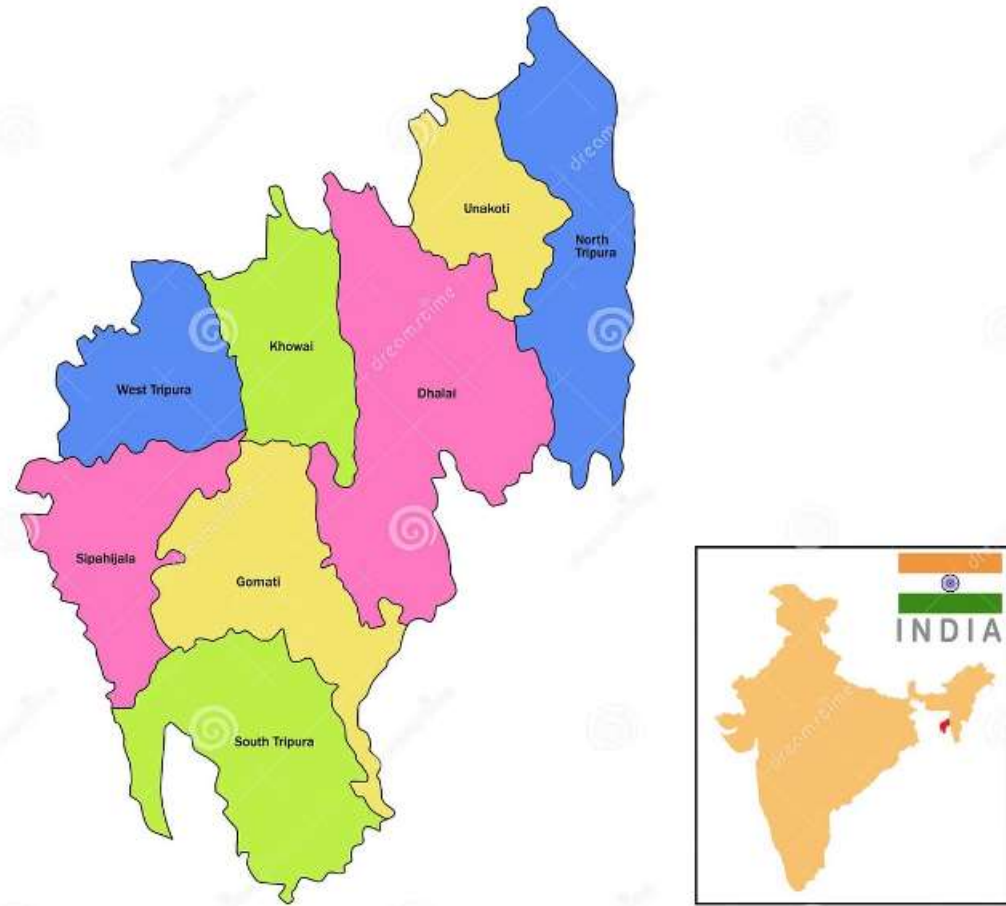
# Constitution of the Autonomous District Council

The Constitution of the Autonomous District Council in Tripura is a vital document that outlines the structure, powers, and functions of the council. It's a cornerstone for tribal governance and self-determination in the state. The Act establishes the council as a body corporate with the authority to govern specific tribal areas, ensuring their cultural preservation and socioeconomic development.





# TRIPURA



## Establishment of the Autonomous District

1

### Commencement of Act

The Act specifies that the **State Government** will, **through a notification, designate a date** on which the Autonomous District comes into existence. This date marks the beginning of the council's governance and authority over the designated tribal areas.

2

### Specification of Tribal Areas

The Act refers to a "**First Schedule**" appended to the document. This schedule details the specific tribal areas that will be included within the Autonomous District. It's crucial for **defining the geographical scope of the council's jurisdiction**.

3

### Notification and Official Gazette

The State Government uses the **Official Gazette, a government publication, to announce and formally declare the establishment of the Autonomous District**. This ensures transparency and public awareness of the council's creation and the areas under its governance.

# Flexibility and Adaptability of District Boundaries

## Inclusion of Areas

The Act empowers the State Government **to include additional areas** into the Autonomous District.

## Exclusion of Areas

Similarly, the Act allows for the **exclusion of areas** from the Autonomous District.

## Boundary Redefinition

The State Government has the authority to **redefine the boundaries** of the Autonomous District.



# Consultation and Decision-Making

## 1 Consultation with District Council

Before making any decisions related to the **inclusion, exclusion, or redefinition** of the Autonomous District's boundaries, the **State Government is required to consult with the District Council**. This fosters collaboration and ensures the council's voice is heard in decisions that directly affect its jurisdiction.

## 2 Order and Notification

Any **changes to the Autonomous District's boundaries** are made through an order issued by the **State Government and published in the Official Gazette**. This formal process ensures transparency and legal recognition of any adjustments to the council's territory.



# Incorporation of the District Council

## Body Corporate

The Act formally establishes the District Council as a "**body corporate**" – a **legal entity with distinct rights and responsibilities**. This legal framework enables the council to function effectively as a self-governing body.

## Name and Seal

The District Council is given a **specific name**, reflecting the district it serves. It also has a **common seal**, which is used for official documents and transactions, signifying its legal identity and authority.

## Property Acquisition and Disposal

The Act grants the District Council the **power to acquire, hold, and dispose of property**. This enables the council to manage its own assets, acquire land for development, and maintain necessary infrastructure for its operations.

## Legal Capacity

The District Council has the **legal capacity to sue and be sued in its own name**. This allows the council to engage in legal proceedings to protect its interests and fulfill its responsibilities.





# Composition and Representation of the District Council



Total Members

28

Election Method

Adult Suffrage from  
Territorial Constituencies

Reserved Seats for  
Scheduled Tribes

At least Three-Fourths of  
the Total Membership

# Delimitation of Constituencies

1

## Territorial Constituencies

The Act mandates that the constituencies for elections to the District Council are based on **geographical boundaries**. This ensures representation based on **specific areas** within the Autonomous District.

2

## State Government's Role

The State Government is responsible for defining the territorial limits of the constituencies, **dividing the Autonomous District into specific electoral regions**.

3

## Notification and Reservation

The State Government publishes its delimitation order in the **Official Gazette**, clearly defining the constituencies and specifying which ones are reserved for Scheduled Tribes. This transparency ensures fair representation.



# Qualifications and Disqualifications for Membership



## Elector Requirement

A candidate for the District Council **must be an elector from a constituency** within the Autonomous District. This ensures that representatives are chosen from within the community they will serve.



## Parliamentary Disqualification

A person **disqualified from being a member of either House of Parliament cannot be a District Council member**. This aligns with broader electoral standards and prevents conflicts of interest.



## Office of Profit

**Holding an office of profit under the Central, State, or District Council** disqualifies a person from serving on the Council. This prevents potential bias or conflicts of interest.



# Publication of Election Results for the District Council



The Tripura District Council is an essential body responsible for governing the tribal areas of Tripura. Following a democratic election process, the results of the election must be officially announced and published. This process ensures transparency and accountability in the formation of the District Council, which plays a crucial role in the administration and development of the tribal community in the state.

# Term of Office of members

1

## Initial Term

Elected members of the District Council serve a term of 5 years, commencing from the first meeting after the election. This term can be extended by the State Government under specific circumstances.

2

## Casual Vacancies

Members elected to fill a casual vacancy hold office only for the remaining term of the member they replace. This ensures continuity and stability within the Council.



alamy

Image ID: 8KW605  
www.alamy.com

# Election Process

## 1 Electoral Roll Splitting

The State Government establishes rules for dividing electoral rolls for assembly constituencies into parts, creating electoral rolls for District Council constituencies.

## 2 Election Program

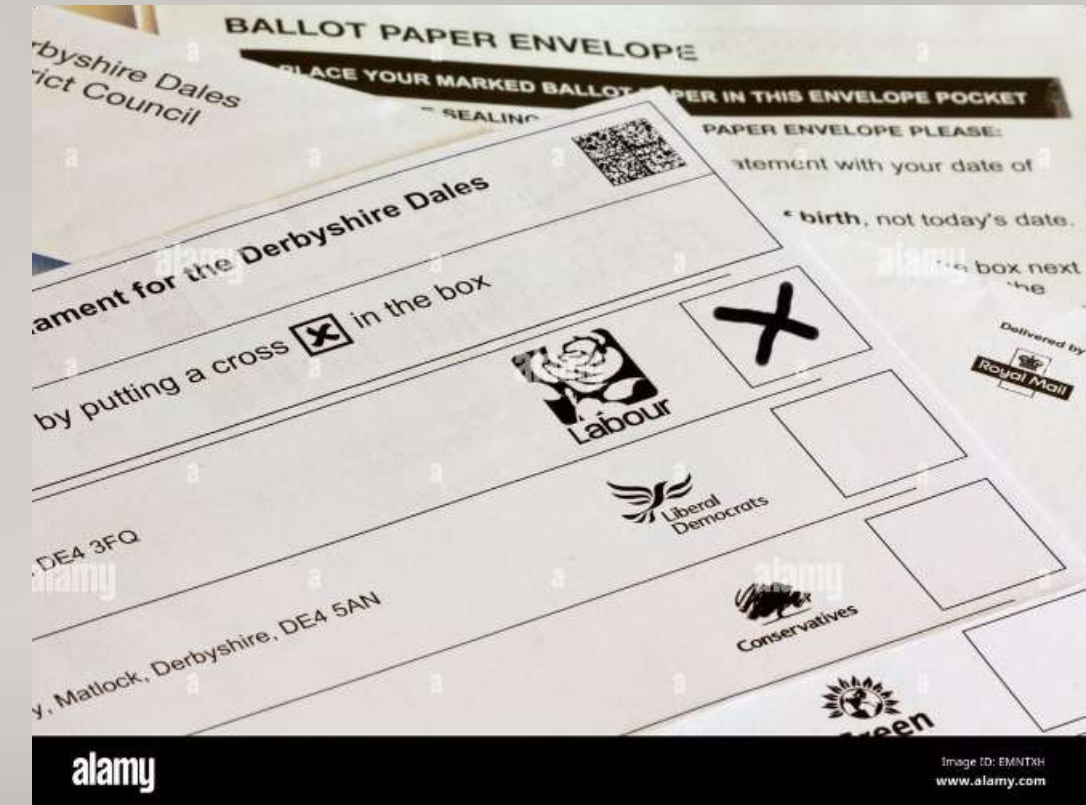
The State Government sets the election program, outlining key stages like nomination, scrutiny, polling, and result declaration.

## 3 Election Officials

The State Government appoints Returning Officers, Presiding Officers, and Polling Officers to oversee the election process, ensuring fairness and transparency.

## 4 Candidate Nomination

Candidates are nominated and their nominations are scrutinized, ensuring they meet the eligibility criteria and follow the prescribed procedures.





# Election Procedures

- 1** Candidate Deposits  
Candidates are required to make deposits, **ensuring their seriousness and commitment to the election process.** The rules specify the amount and the time and manner of making these deposits.
- 2** Candidate Withdrawal  
Candidates have the **option to withdraw their nominations before the election,** allowing for adjustments and streamlining the process.
- 3** Appointment of Agents  
**Candidates can appoint agents to represent them during the election process,** facilitating communication and coordination.
- 4** Filling Casual Vacancies  
The **State Government establishes rules for filling casual vacancies** that may arise during the term of office, ensuring continuity and representation.

# Election Procedures (Continued)

## 1 General Election Procedures

The State Government sets rules for the general election procedure, including the **time, place, and hours of polling, as well as the method of casting votes.**

## 2 Election Petition Fees

The State Government sets the **fee payable for filing an election petition,** ensuring fairness and discouraging frivolous claims.

## 3 Other Election Matters

The State Government can make rules for **any other matter related to elections or election disputes,** ensuring comprehensive coverage and addressing potential issues.

# Chairman and Vice-Chairman

## Selection

The District Council elects **two members to serve as Chairman and Vice-Chairman**. These positions are filled through a prescribed process, ensuring democratic representation.

## Vacancy

If the office of Chairman or Vice-Chairman becomes vacant, the Council elects **another member to fill the position**, ensuring continuity in leadership.

## Removal

The Council can **remove the Chairman or Vice-Chairman** by a resolution passed by at least **two-thirds of its members**.

# Executive Committee

## Composition

The Executive Committee consists of **seven members**, with the **Chairman** of the District Council serving as the Chief Executive member. **The Chief Executive member selects six other members** from the District Council to form the Executive Committee.

## Functions

The Executive Committee is responsible for carrying out the **executive functions of the District Council**, making **decisions and implementing policies**.

## Decision-Making

The **Executive Committee handles most matters within its purview**, but certain important decisions are referred to the **District Council for final approval**.



# Chief Executive Officer

1

## Appointment

The State Government appoints the Chief Executive Officer, who serves as **the principal executive officer of the District Council**. This ensures a strong and independent executive arm.

2

## Responsibilities

The Chief Executive Officer is responsible for overseeing the **day-to-day operations of the District Council**, managing its **staff and resources**, and implementing the decisions of the Council and its Executive Committee.

3

## Accountability

The Chief Executive Officer is **accountable to the Chairman and the members of the District Council**, ensuring transparency and responsiveness to the elected representatives.

# POWERS AND FUNCTIONS OF THE DISTRICT COUNCIL

1

Matters under the exclusive control and administration of the District Council-

Lists of matters under the **exclusive control and administration** of the District Council are- land allotment, forest management, water use for agriculture, shifting cultivation practices, village or town administration, and local police and public health.

2

Power to make by-laws-

The District Council is granted the power to **frame bye-laws for the district**, covering inheritance, marriage and divorce, social customs of Scheduled Tribes etc. **These bye-laws come into effect upon publication in the Official Gazette..**

3

Powers to establish primary schools etc-

The District Council has the authority to **establish and manage** primary schools, dispensaries, markets, and other local infrastructure. It can also regulate these services, including determining the language in primary schools..

# POWERS AND FUNCTIONS OF THE DISTRICT COUNCIL (cont.)

1

## Functions entrusted by the Govt.-

The government can entrust additional functions to the District Council **with its consent**, such as agriculture, animal husbandry, village planning, and social welfare etc.

2

## Power to levy and collect taxes and fees -

The District Council has the power to levy and collect taxes and fees as specified in the **Second Schedule** of the Act, as well as fees for school maintenance, market entry, tolls for ferries, traffic regulation, and animal-related fees.

# Administration of Justice

## Constitution of Village Councils

- The government can establish village councils in autonomous districts, which can **try certain civil suits and offences, excluding the jurisdiction of regular courts.**
- The government appoints **members and presiding officers** of these **councils in consultation with the District Council's Chairman or Vice-Chairman.**
- Village councils have the power to try **civil suits with a value not exceeding one thousand rupees**, including suits for money due on contract, recovery of property, compensation for injury to property, and damages for cattle trespass.
- They can also try cases or offences arising from bye-laws, regulations, or rules in the autonomous district, as well as offences like theft and theft in a building, respectively) where the value of the **stolen property does not exceed five hundred rupees. The maximum fine they can impose is three hundred rupees.**

## Appeal to the District Judge

- Decisions made by village councils in **civil suits** can be appealed to the District Judge.
- Decisions in **criminal cases** can be appealed to the Sessions Judge.

# FINANCE OF DISTRICT COUNCIL AND VESTING OF PROPERTY

## District Council Fund

- A District Fund is established for the autonomous district, into which **all money received by the District Council is credited.**
- The **government can make rules for the management of the fund**, including procedures for payments, withdrawals, and custody of money.
- The **accounts of the District Council are to be kept in a form prescribed** by the government in **consultation with the Accountant General.**
- The State Government ensures the **accounts are audited by the Accountant General, and the report is submitted to the government** after being placed before and discussed by the District Council.
- The report is then **laid before the State Legislature.**



## Property vested in the District Council

Subject to restrictions or conditions set by the State Government, certain properties in the autonomous district are vested in the District Council. These include:-

- Public buildings constructed and maintained with District Council funds.
- Public roads built or maintained with District Council funds, along with related materials and trees.
- Land or other properties, movable or immovable, transferred to the District Council by the government.

## Conduct of business

### ➤ Frequency of Meetings:

The District Council is required to meet **at least once every six months** to conduct its business.

### ➤ Procedure:

The manner in which the council conducts its business, including the procedures for meetings is to be **determined by the government** through rules framed under the act.

This means that the government has the authority to set the rules that govern how the council operates, including how decisions are made, how votes are conducted, and the general order of business.

## Officers and staffs

### ➤ Appointment:

The **District Council** can appoint officers and staff **necessary for the administration** of its bye-laws, rules, or regulations, and for the efficient execution of its duties. This includes the power to create rules governing the conditions of service for these employees.

### ➤ Government Servants:

For government servants transferred to the District Council, there are specific protections in place. Their terms and conditions of service cannot be changed to their disadvantage **without the approval of the State Government**.

Additionally, any **disciplinary or other action** required against such government servants must be **referred to the State Government**, which will then take action in accordance with the applicable service rules.

## Appointment of Commission to inquire into and report on the administration of autonomous district

**The Purpose:** The government has the authority to appoint a **Commission to investigate and report on various aspects of the administration** of the autonomous district, including specific areas mentioned in other sections of the Act (e.g., educational, medical facilities, communication, need for new legislation, and the administration of bye-laws).

**Reporting:** The Commission's report, along with government recommendations, must be presented to the state legislature, accompanied by an **explanatory memorandum detailing the proposed government actions** in response to the report.

## Annulment or Suspension of Acts and Resolutions of District Council

**Government Intervention:** If the state government believes that any bye-law, resolution, regulation, or rule of the District Council **could endanger the safety, security, or public order of the state**, it has the power to annul or suspend such measures and take necessary steps to prevent or address any issues arising from these acts.

## **Dissolution of District Council**

### **Authority to Dissolve:**

- The government can dissolve the District Council **based on the recommendation of the Commission.**
- Upon dissolution, the government can either call for **fresh elections** or **place the administration** of the autonomous district under the Commission or another suitable body for a period **not exceeding 12 months.**

### **Application of Acts of the Legislature of the State**

**Precedence of State Law:** In cases where there is a **conflict between a bye-law, regulation made by the District Council, and a law enacted by the state legislature on the same matter, the state law prevails,** and the conflicting local regulation is considered void to the extent of the repugnancy.

## **Offenses and Penalties**

**Contravention of Provisions:** Any person found to be in **violation of the Act** or any rule, bye-law, or regulation made under it is considered to have **committed an offense** against the Act.

**Penalties:** Upon conviction, the offender can be punished with imprisonment for a **term not exceeding 6 months, a fine not exceeding Rs. 2,500, or both**. This sets a clear legal consequence for non-compliance with the Act and its associated regulations.

## **Cognizance of Offenses**

**Requirement for Complaint:** No court can take cognizance of an offense against the Act **unless a written complaint is made by the Chairman or the Vice-Chairman of the District Council**, or a person authorized by them for this purpose.

**Authorization for Complaint:** This section delegates the authority to initiate legal action for offenses under the Act to specific individuals within the District Council, ensuring that such actions are taken in a controlled and responsible manner. It also streamlines the process by specifying who can bring these matters to the attention of the courts.



***THANK YOU***