

# **Tripura Tribal Areas Autonomous District (Establishment of Village Committee) Act, 1994**

TRIPURA

India

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### **Rule**

### **TRIPURA-TRIBAL-AREAS-AUTONOMOUS-DISTRICT-ESTABLISHMENT of 1994**

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Tripura Tribal Areas Autonomous District (Establishment of Village Committee) Act, 1994 Last Updated 18th February, 2020 [Dated 22.3.1994] An Act To provide for the establishment of Village Committees in villages for the Tripura Tribal Areas Autonomous District and for matters connected therewith and incidental thereto. Whereas it is expedient to establish and development local self Government and to make better provisions for administration of villages into well developed and sufficient Unit. It is hereby enacted to the Forty-fifth year of Republic of India as follows: -

### **1. Short title, extent and commencement.**

(1) This Act may be called the Tripura Tribal Areas Autonomous District (Establishment of Village Committee) Act, 1994. (2) It extends to the whole of the Autonomous District Council Areas. (a) It shall come into force on such date as the Executive Committee may by Notification in the Tripura Gazette appoints.

### **2. Definitions.**

(1) In this Act, unless there is anything repugnant in the subject or context. (a) "Auditor" means an Auditor appointed under this Act and includes an officer authorized by him to perform all or any of the functions of an Auditor. (b) "Autonomous District" means the Tripura Tribal Areas Autonomous District comprising the Tribal Areas referred to in part 11A of the Table of the Sixth Schedule to the Constitution of India. (c) "Block Development Officer" means an officer appointed as such by the State Government and includes the Additional Block Development Officer-in-Charge of Block. (d) "

Casual Vacancy" means a vacancy occurred otherwise than by efflux of the time in the office of an elected Village Committee.(e)" Chief Executive Member" means the Chief Executive Member of the District Council and includes any person for the time being performing the duties of the Chief Executive Member;(f)" Chief Executive Office" means the Chief Executive Officer of the District Council.(g)" Collector" means the Collector of the District appointed by the State Government to be in-charge of Revenue District.(h)"Constituency" means a constituency as determined for election of members of a Village Committee under the provisions of this Act;(i)"Chairman or Vice-Chairman" as the case may be, means the Chairman or Vice-Chairman of a Village Committee constituted under this Act;(j)" District" means the Tripura Tribal Areas Autonomous District.(k)"District Council" means the District Council of the Tripura Tribal Areas Autonomous District.(l)"Executive Committee" means the Executive Committee of the Tripura Tribal Areas Autonomous District Council constituted under Rule 157 of the Tripura Tribal Areas Autonomous District Council (Constitution, Election and Conduct of business) Rules, 1985.(m)"Extension Officer" means Extension Officer of the Village Committee appointed as such by the District Council;(n)"First General Election" means the first general election of members held for constitution of Village Committee after commencement of this Act;(o)"General Election" means an election of members held for constitution of Village Committee in such areas as the District Council may, by Notification, specify and include the first General Election;(p)"Government" means the Government of Tripura;(q)"Governor" means the Governor of Tripura;(r)"Member" means a member of Village Committee;(s)"Notification" means the Notification published in the Tripura Gazette;(t)"Prescribed" means prescribed by Rules made under this Act;(u)"Prescribed Authority" means the authority appointed by the District Council by Notification published in the Tripura Gazette for all or any of the purpose of this Act;(v)"Principal Officer" means the Principal Officer of Village Committees, District Council and includes an Additional Principal Officer of Village Committees, Joint Principal Officer of Village Committees and Deputy Principal Officer of Village Committees;(w)"Public Servant" means a public servant as defined in Section 21 of the Indian Penal Code 1860(Act XIV of 1860);(x)"Section" means Section of this Act.(y)"Sub-Divisional Magistrate" [Substituted by Amendment Act 2005.] includes an Additional Sub-Divisional Magistrate designated or appointed as such by the State Government;](z)"Village Committee" means a Committee constituted in accordance with the provisions of paragraph 3(1) (e) of the Sixth Schedule to the Constitution of India and this Act;(za)" Village Committee Secretary" means the Village Committee Secretary appointed by the District Council and includes an Additional Village Committee Secretary.(zb)"Year" means the year beginning on the first day of April; the same meaning as assigned to them in the Tripura Tribal Areas Autonomous District Council (Constitution, Election and conduct of business) Rules, 1985 or in the Constitution of India.

### **3. Constitution of Village.**

(1)The Executive Committee may, by notification published in the Tripura Gazette declare for the purpose of this Act, any Revenue Mouja or part of Revenue Mouja or groups of Revenue Moujas or part there of to be a village.(2)The Notification under sub-section (1) shall contain the name of village by which it shall be known and specify the local limits or such village;(3)The Executive Committee may, after making such enquiry as it may think fit and proper and after consulting the Village Committee or Committees concerned constituted under the provisions of this Act, by

Notification in the Tripura Gazette-(a)Excludes from any village, any area comprised therein ; or(b)Include in any village, any area contiguous to such village or(c)Divide the area of a village so as to constitute two or more villages; or(d)Unite the areas of two or more villages so as to constitute a single village.

#### **4. [ Establishment and composition of Village Committee. [Substituted by Amendment Act 2005.]**

(1)There shall be established for each village a Village Committee to deal with all or any of the matters referred to in Section 20 and 21 and the Village Committee shall consist of such number of members not having more an "11"(Eleven) and not being less than "7"(Seven) as may be determined by the Executive Committee by Notification in accordance with such scale as may be prescribed on the reference to the population of the Village Committee determined on the basis of the register of ordinary residents of the village.(2)There shall be reservation for the scheduled tribes and scheduled castes in the Village Committees proportionate to their respective population of the area concerned.(3)Not less than one third of the members of the Village Committee shall be reserved for women on rotation basis.(4)The members shall be elected on the basis of adult suffrage;(5)Every Village Committee 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 Act, having power of acquire by purchase, gift or otherwise, to hold, administer or transfer-property both movable and Immovable, and to enter into any contract shall, by its name, sue or be sued.(6)Seats shall be reserved in the office of the Chairman of Village Committee for Scheduled Castes and Scheduled Tribes, proportionate to their respective population in the Zone on rotation basis as may be prescribed.(7)Not less than one third of the total number of offices of the Chairman of the Village Committee shall be reserved for women on rotation basis as may be prescribed.]

#### **5. [ [Deleted by Amendment Act 2005.]**

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#### **6. General disqualification for membership of Village Committee.**

(1)A person shall be disqualified for being chosen a member of a Village Committee, if-(a)he is so disqualified by or under any law for the time being in force or 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 by 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 Panchayet Samiti or a Gram Panchayet or a Village Committee;(d)if he has directly or indirectly, by himself or by his partner or employed hold any share or interest in any contract or employed with, by or on behalf of the Village Committee concerned;Provided that notwithstanding anything contained in this clause no person shall be deemed to be disqualified thereunder by reason only on his having a share of 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 "or th3 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 Village Committee.(e)he has been dismissed from the service of the Central or State Government or a legal 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-VIII of the Representative of the People Act, 1951,and five years have not been 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 of 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;(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 elapse 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 Samity, such person ,if elected as member of Village Committee, 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 Village Committee by reason only of his being a Chairman or Vice-Chairman or a member thereof;

## **7. Disqualification on grounds of defection.**

(1)A member of a Village Committee belonging to an any political party shall be disqualified for being a member of the Village Committee-(a)If he has voluntarily given up his membership of such political party or(b)If he votes or abstains from voting in the Village Committee contrary to any direction issued by the political party to which (sic) belongs or by any person or authority authorised by it in this behalf, without containing 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 this sub-section, a member of Village Committee 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 Village Committee 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 Village Committee if he joins any political party after such election.Note. - For the purpose of this section "political party" means political party which has been recognized by the Election Commission of India as a National Party or as a State Party of this State.(3)If any question arises as to whether a member of a Village Committee has become subject to disqualification under this Section, the question shall be referred for decision of the Zonal Development Officer having jurisdiction over

such Village Committee and this 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 Village Committee in any meeting for the removal or election of the Chairman or Vice-Chairman.(6)Disqualification under this Section shall take effect from the date of the decision of the Zonal Development Officer.

## **8. Publication of the results of election.**

- The names of all persons elected to be members of the Village Committee shall be published by the Executive Committee in the Tripura Gazette and upon such publication being made the Village Committee shall be deemed to be duly constituted.

## **9. Majority of members elected at a General Election to function when election members from some constituencies cannot be held.**

(1)Notwithstanding any thing contained elsewhere in this Act, at a General Election of the members of Village Committee.(a)If the election of any member from any constituency cannot be held ; or(b)if held, result of such election cannot be published in the Tripura Gazette by reason of the order of a court or for any other reason, within such time as the District Council considers reasonable.The District Council may, if it thinks expedient so to do in the interest of the administration of Village Committee concerned, by an order, direct that such of members of the Village Committee as have been elected and are able to assume office as members, shall forthwith assume such office;Provided that no order shall be made under this Section unless at least two third of the total number specified for the Village Committee have been elected and are able to assume office.(2)Upon an order under sub-section (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 Tripura Gazette and such members shall assume office as member of the newly constituted Village Committee and shall be deemed to constitute, for the time being, total number of members of Village Committee.(3)Any member of the Village Committee, who is subsequently elected or whose name is subsequently published in the Tripura 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-section (1).

## **10. Duration of term of office of members of Village Committee.**

(1)The members of Village Committee elected at the first General Election or any general election as the case may be shall hold office for five years from the date appointed for its first meeting and no longer unless otherwise dissolved under any law for time being in force.(2)No amendment of any law for the time being in force shall have the effect of causing dissolution of a Village Committee which is functioning immediately before such amendment, till the expiration of its duration specified in sub-section (1).(3)The first General Election or any General Election shall be held before such date as the State Election Commission in consultation with the District Council may by

Notification published in Tripura Gazette appoint.(4)The election to constitute a Village Committee shall be completed,(a)before the expiration of its duration specified in sub-section (1);(b)in case of dissolution, before the expiration of a period of six months from the date of its dissolution;Provided that where the remainder of the period for which the dissolved Village Committee would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Village Committee for such period.(5)The term of office of the members of Village Committee elected at a general election specified under Section-10 shall be deemed to commence with effect from the date of its first meeting at which quorum is present;Provided that if the first meeting of the newly constituted Village Committee can not be held within three months of the constitution of Village Committee, the Executive Committee may by order terminate the term of office of the members of the Village Committee continuing in office under this sub-section and appoint any authority or person to exercise and perform, subject to such conditions as may be specified in the order, powers and functions of the Village Committee under this Act until the date on which such first meeting of the newly constituted is held.(6)A Village Committee constituted upon the dissolution of a Village Committee before the expiration of its duration shall continue only for the remainder period for which the dissolved Village Committee would have continued under sub-section (1) had not been so dissolved.Provided that the Executive Committee 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 Village Committee under this Act or under any law for the time being in force until the date on which such first meeting of the newly formed Village Committee is held.

## **11. Casual Vacancy.**

- A member elected to fill up a casual vacancy shall hold office only for the remainder term of the members so he replaces.

## **12. Chairman & Vice-Chairman.**

- There shall be Chairman and Vice-Chairman of the Village Committee to be elected by the members of the Village Committee from amongst themselves in the manner prescribed in the Rules.

## **13. Secretary of Village Committee.**

(1)For every Village Committee there shall be two Village Committee Secretaries appointed by the District Council.(2)The senior Village Committee Secretary shall be Ex-officio Secretary to the Village Committee and shall be in charge of the office of the Village Committee and the other Village Committee Secretary shall perform such functions and discharge such duties as may be assigned to him by the Village Committee.(3)Subject to such Rules and conditions as may be prescribed, the Village Committee Secretary shall Act in all matters under the control of the Chairman through whom they shall be responsible to the Village Committee.

#### **14. Other members of staffs.**

(1)The District Council shall appoint such other officers as may be required from time to time on such conditions as may be specified.

#### **15. Resignation of Chairman or Vice-Chairman or a member.**

(1)A Chairman or a Vice-Chairman or a member of a Village Committee may resign his office by writing under his hand addressed to the prescribed authority and on such resignation being accepted by such authority 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-section (1), the prescribed authority shall communicate it to the members of the Village Committee within fifteen days of such acceptance.

#### **16. Removal of members of a Village Committee.**

(1)The prescribed authority may, after giving an opportunity to a member of a Village Committee to show cause against the action proposed to be taken against him, by order remove him from office-(a)if after his election, he is convicted by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a period of more than six months;(b)if he was disqualified to be a member of the Village Committee at the time of his election; or(c)if he incurs any of the disqualifications mentioned in clause (a) of sub-section(1) of Section 6 after his election as member of the Village Committee; or(d)if he is absent from consecutive meetings of the Village Committee.(2)Any member of a Village Committee who is removed from his office by the prescribed authority under sub-section (1) may, within thirty days from the date of the order, appeal to such authority as the District Council 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.

#### **17. Removal of Chairman or Vice-Chairman.**

(1)The Chairman or the Vice-Chairman of Village Committee may be removed from his office by a resolution of the Village Committee 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-section(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 Village Committee in such form and in such manner as may be prescribed.(3)The prescribed authority shall convene the meeting under sub-section(1) after giving at least fifteen days prior notice to all the existing members of the Village Committee.(4)If the motion for removal of Chairman is under consideration, the meeting will be presided over by the Vice-Chairman and if the motion for removal of Vice-Chairman is under consideration, the meeting will be presided over by the Chairman.(5)Notwithstanding anything

contained elsewhere in this Act, while any motion for removal of a Chairman and Vice-Chairman from their office is under consideration in a meeting convened under sub-section (1), the Chairman or the Vice-Chairman shall not preside over such meeting, but he shall have right to speak or otherwise take part in the proceedings of such 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 Chairman or as the case may be a Vice-Chairman, is not carried out by the majority of the existing members of the Village Committee no subsequent meeting for the removal of the same Chairman, or as the case may be the Vice-Chairman, 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 Village Committee shall to form the quorum for a meeting for removal of a Chairman or a Vice-Chairman, as the case may be, under this Section.(8)Subject to the provision of this Section, the procedure for the removal of the Chairman or Vice-Chairman including that to be followed at such meeting, shall be such as may be prescribed.

## **18. First meeting of the Village Committee.**

- When the constitution of Village Committee under Section 8 is completed the Secretary to the Village Committee shall call a meeting of the newly elected members which may, otherwise call the first meeting of the said Committee and, in the first meeting the Village Committee shall elect the Chairman or Vice-Chairman from among its members.

## **19. Presiding Officer of the first meeting.**

- The Secretary of the Village Committee shall preside over the first meeting of the Village Committee.

## **20. Functions of the Village Committee.**

(1)Subject to the control and guidance of the Executive Committee the Village Committee shall initiated the development schemes for their village areas. They shall be the Executive Agency of all minor development schemes for their village areas. They shall be the Executive Agency of minor development schemes within their jurisdiction for which the District Council may provide funds. They may also receive and recommend the cases of any individual Development Scheme or grievances to the District Council.(2)Subject to such rules as may be prescribed on behalf by the Executive Committee, Village Committee may exercise all or any of the following functions:-(a)Sanitation and conservancy of the village areas;(b)Cleaning and maintaining of Village roads and paths;(c)Construction, maintenance and improvement of village wells and tanks for the supply of water to the villagers for drinking, washing and bathing purposes;(d)Taking of curative and preventive measures of the epidemic diseases;(e)Opening and maintenance of burial and cremation grounds for human dead bodies and opening of disposal of animal bodies.(f)To encourage Villagers for kitchen gardening and educate them for preparation of organic manure and use of chemical fertilizers.(g)Maintenance of records of yearly population census, cattle census, spinning and weaving loom census, landless and unemployed person census;(h)Encouragement of cattle rearing in khutti system and establishment of village grazing grounds to control stray



cattle;(i)Maintenance and construction of new building and houses;(j)Encouragement for maintaining of register of birth and death in the village;(k)Maintenance of children, adult and women educator;(l)Construction and maintenance of Rest house in the village;(m)Establishment and maintenance of social and cultural club including reading and recreation room;(n)Popularisation of indigenous sports, folk dances and music and celebration of National days and other festivals;(o)Destruction of stray dogs and disposal of un-claimed cattle;(p)Any other matter which, if the Executive Committee think proper, may be delegated from time to time.(q)Subject to such conditions and modifications as may be made by the Executive Committee, the Village Committee may also perform any of the duties and functions as specified in Chapter III Part II of the Tripura Panchayat Act, 1993.

## **21. Powers of Village Committee.**

(1)The Village Committee shall have the power to levy and collect all or any of the following fees at such rates as may be prescribed by the Executive Committee by rules within its jurisdiction :  
-(a)Fees for maintenance of Primary Schools;(b)Fees for maintenance of roads, bridges, paths and land constructed or maintained by it or which may be transferred to it for maintenance.(2)Notwithstanding any thing contained in sub-section (1) the Village Committee shall have the power to impose and realize all or any of the following fees within its jurisdiction.(a)Fees for the use and for the maintenance of Rest House constructed or transferred to Village Committee.(b)Fees for the maintenance of public well, tanks and water supply constructed or transferred to the Village Committee.(c)Fees for the maintenance of lighting installation within the village and;(d)Fees for conducting anti-epidemic services and other schemes of social services meant for the improvement of public health and sanitation within the village.

## **22. Village Committee Fund.**

(1)The Village Committee shall establish and maintain fund to be called "Village Committee Fund" and there shall be placed to the credit thereof;(a)Such contribution from the District Council as may be made to this fund.(b)Such contribution from the State Government.(c)Contribution from Corporation, Societies, Companies or other public bodies; and(2)The District Council may place at the disposal of the Village Committee the following sources of revenue accruing within the areas;(a)Cattle pound.(b)Local rates.(c)Cart, cycle, boats and other means of conveyance but shall not include taxes on mechanically propelled vehicles;(d)Any other sources of revenue, which may be assigned to the Village Committee.(3)All money received by the Village Committee in accordance with rules as may be prescribed by the District Council under this Act shall be credited to the Village Committee fund.

## **23. Administration of Village Committee fund.**

- The Executive Committee at the District Council may form rules for the management and control of the Village Committee fund and such rules may prescribed the procedure to be followed in respect of payment of money into this fund, the withdrawal thereof, its custody and any other matter connected with or ancillary to it.

## **24. Budget of the Village Committee.**

- The Village Committee shall annually before end of the financial year prepare a budget and submit the same to the Executive Committee of the District Council for consideration and approval through such authority as may be prescribed.

## **25. Accounts.**

- Every Village Committee shall keep accounts of its income and expenditure in such manner and in such form as may be prescribed.

## **26. Audit of the accounts of Village Committee.**

- The Accounts of the Village Committee shall be subject to audit, as and when considered necessary by the Executive Committee of the District council.

## **27. Inspection Supervision & Control.**

- The Executive Committee or any other Officer empowered by it shall have the power of inspection, supervision and control over the administration of the Village Committee in all its activities.

## **28. Utilisation of the Village Committee Fund.**

- The Village Committee fund shall be utilised by the Village Committee to meet the charges in connection with the administration of the Village Committee under this Act. .

## **29. Dissolution of the Village Committee.**

- The Executive Committee of the District Council may dissolved the Village Committee and take over its administration of the Village Committee if, in its opinion its continuation would adversely affect the peace, welfare and progress of the people of the village; Provided such taking over of the administration of Village Committee shall not exceed six months.

## **30. Meeting of the Village Committee.**

(1)The Village Committee shall meet in the interval of every 30 days to discuss the subjects specified in Section 20 and 21 of this Act. In the case of emergency it may meet frequently with three clear days notice.(2)The Secretary of the Village Committee in consultation with the Chairman shall fix the date, time and place and issue notice to all members at least seven days ahead of the meeting.

### **31. Quorum.**

(1) Five members shall form the quorum of the meeting. Provided that if a meeting is adjourned for want of quorum, the quorum at its adjourned meeting shall be two members in addition to the Chairman or Vice-Chairman.

### **32. Decisions of the meeting.**

(1) The deliberation of the meeting of the Village Committee shall be confined within the specified subjects except when the Executive Committee, by order direct for discussion of any other matters. (2) The Secretary of the Village Committee shall record the decisions of every meeting of the Committee and submit a copy to the Chief Executive Officer of the District Council.

### **33. Presiding Officers of the meeting.**

- The Chairman, in his absence the Vice-Chairman shall preside over the meeting of the Village Committee. The Chairman or the Vice-Chairman who is presiding over the meeting shall have no vote, but in case of tie he may exercise the casting vote.

### **34. Matters related to election to Village Committee.**

(1) The superintendence, direction and control of the preparation of electoral rolls, revision of electoral rolls and the conduct of all elections to the Village Committee shall be vested in the State Election Commission constituted by the State Government. (2) Subject to provisions contained in sub-section (1) provisions contained in Part-V of the Tripura Panchayat Act, 1993, shall as far as practicable be followed in the matter of Election to Village Committee electoral offences and election disputes and matters related thereto.

### **35. Powers, Functions and Duties of Chairman and Vice-Chairman.**

(1) The Chairman shall, (a) be responsible for the maintenance of records of the Village Committee; (b) have general responsibility for the finance and the administration of Village Committee; (c) exercise administrative supervision and control over the work of the staff of Village Committee and the officers and employees whose service may be placed at the disposal of the Village Committee by the District Council; (d) for the transactions of business under this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed by the Village Committee under the Act or the rules made there under; Provided that the Chairman shall not exercise powers such functions or discharge duties as may be required by the rules made under this Act to be exercised, performed or discharged by the Village Committee at a meeting; (e) exercise such powers, perform such other functions and discharge such other duties as the Village Committee may, direct or as the District Council may by rules made in this behalf, prescribe and (f) to represent the Village Committee in the different institution constituted by the State Government. (2) The Vice-Chairman shall (a) exercise

such of the powers, perform such of the functions and discharge such of the duties of the Chairman as the District Council may by rules, made in this behalf prescribe.

### **35A. [ Honorarium for Chairman and Vice-Chairman. [Inserted by the 3rd Amendment Act, 2005.]**

(1)The Chairman and Vice-Chairman of a Village Committee shall be entitled to receive such honorarium and traveling allowances per month and every member shall get such sitting fees per month out of the fund at the disposal or under the control of the Village Committee as may be fixed by the Executive Committee by order from time to time.(2)When a Vice-Chairman or a member exercise the power, performs the functions and discharges the duties of the Chairman under circumstances specified under Section 16 or 17 of the Act or under any circumstances such Vice-Chairman or Member shall for the period during which he acts as such be entitled to fixed honorarium and traveling allowances at which a chairman is entitled.]

### **36. Handing over Charge by the retiring Chairman to the new Chairman.**

(1)On the election of a new Chairman, the retiring Chairman or the person holding charge of the office shall hand over to him the Charge of the Chairman's office.(2)If the retiring Chairman or the person holding charge of the Chairman's Office fails or refuses to hand over charge of his office as required under sub-section (1) the Principal Officer of the Village Committee or any Officer empowered by him in this behalf, may, by order in writing, directs the retiring Chairman to hand over charge of his Office forthwith and all papers and properties in his possession as such Chairman to the new Chairman.(3)If the person to whom a direction has been issued under sub-section (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 fine of one thousand rupees or with both.(4)Without prejudice to the action which may be taken under sub-section(3) any officer empowered by the Principal Officer of the Village Committee shall be entitled to take possession of, through police help, all papers and properties from the retiring Chairman or the person holding charge of the Chairman's office who failed to comply with the directions issued under sub-section (2).

### **37. Right of individual members.**

(a)Every member of a Village Committee may call the attention of the District Council to any neglect in the execution of any work or duty assigned by or under this Act to a Village Committee to any waste of the Village Committee property or to the waste of any locality and may suggest any improvement which may appear desirable.(b)Every member of a Village Committee shall have the right to move resolution and to interpellate the' Chairman on the matters connected with the administration or the Village Committee, subject to such rules as may be prescribed.(c)Every member of a Village Committee shall have access, during office hours, to the records of the Village Committee for his inspection after giving the due notice to the Village Committee.

### **38. Properties vested in Village Committee.**

- Subject to such restrictions or conditions as the District Council may think fit and proper, all properties of the nature specified below and situated the within the local limit of a Village Committee shall vest in and belong to the Village Committee concerned and shall be under its direction, management and shall be hold and applied for the purpose of this Act-(a)all public buildings constructed and maintained out of the funds of the Village Committee.(b)all public roads which have been constructed and maintained out of the funds of the Village Committee and the stones and other materials thereof and also trees, erection materials, implements and things provided for such roads ; and(c)all lands and other properties movable and immovable transferred to the Village Committee by the District Council.(2)The District Council, may, by notification, exclude any street, bridge or drain from the operation of this Act or of any specified Section of this Act;Provided that, if the cost of the construction of the work shall have been paid from the Village Committee Fund, such work shall not be excluded from the operation of this Act or any specified Section of this Act except after consideration of the views of the Village Committee at a meeting.

### **39. Oath of affirmation by members of Village Committee.**

(1)Notwithstanding anything contained in the Indian Oaths Act, 1873 (Act 10 of 1873) every person who is elected as a member of a Village Committee shall, before taking his seat, make and subscribe before such authority as may be specified by the Executive Committee in this behalf, oath of 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 of affirmation of allegiance referred to in sub-section (1) and the Executive Committee is satisfied that the failure of such person to make oath of affirmation was due to inadvertence of mistake, the Executive Committee may declare that failure of such person to comply with the provisions of sub-section (1) is condoned.(3)When a declaration has been made by the Executive Committee under sub-section (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 of affirmation of allegiance in accordance with the provisions of sub-section (1).(4)Where all the members of a Village Committee have failed to make the oath of affirmation under sub-section (1) or where the number of members of a Village Committee who have made the oath of affirmation is insufficient to allow of a quorum being formed under Section 31 and the Executive Committee is not satisfied that the failure of the members who have failed to make oath of affirmation was due to (sic) in advertise mistake the Executive Committee by an order published in the Tripura Gazette dissolve the Village Committee. Thereafter the Executive Committee by fresh general election and the person, who failed to make the oath of affirmation, shall not be deemed to be disqualified for election at such general election.

### **40. Powers of the District Council to make rules.**

(1)The Executive Committee of the District Council may make rules providing for any matters which under any of the provisions of this Act, as to be or may be prescribed or which may be considered necessary or expedient in order to give effect to the purpose of this Act.(2)In particular and without

prejudice to the generality of the fore-going powers such rule may provide for :-(a)The qualification for voting at such election and the preparation of the electoral rolls thereof.(b)The qualification for being elected at such elections as member of the Village Committee.(c)The terms of Office of the Chairman, Vice-Chairman and Members of the Village Committee.(d)The procedure and conduct of election of the members of the Village Committee.(e)Numbers of seats to be reserved for Scheduled Tribes, Scheduled Castes in a Village Committee.(f)Delimitations of constituency for the purpose of and election to the Village Committee.(3)Every rule made by the Executive Committee under this Act shall be laid as soon as may be after it is made before the Council of the Autonomous District of Tripura while it is in session for a total period of ten days which may comprise in one session or in two or more successive sessions immediately following, the House agrees in making any modification in the rule or the house agrees that the rule should not be made, the rule shall thereafter have effect only in such modified 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 done under that rule.

#### **41. Removal of difficulties.**

(1)If any difficulty arises in giving effect to any provisions of the Act, the Executive Committee may by an order published in the Tripura Gazette, as the occasion may require, do any thing which appear to it be necessary to remove difficulty.(2)Every order made under sub-section (1) shall be laid before the Council in the following Session.(3)[ No such order shall be made after expiry of two years from the date of completion of first election.] [Substituted by the 3rd Amendment Act, 2005.]

### **Schedule**

Form of oath of affirmation to be made by a member of a village Committee.(See Section 39)I, A, B, C, .....having declared member of Village Committee do swear in the name of God, / Solemnly affirm that I will swear 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.B. K. GoswamiPrincipal Officer (Law)T.T.A.A.D.C.