

TRIPURA PANCHAYAT RAJ RULES, 1961

CONTENTS

CHAPTER 1 :- CHAPTER

1. Short title
2. Definitions

CHAPTER 1A :-Sabhas, Nyaya Panchayats, Gaon Panchayats and constituencies

3. Establishment of Sabhas
- 3A. Changes in the jurisdiction of Sabhas
- 3AA.
- 3B. Establishment of Nyaya Panchayats
- 3C. Alteration in the circles for Nyaya Panchayats
- 3D. Number of members of Gaon Panchayats
- 3E. Number of persons to be elected for Nyaya Panchayat
- 3F. Constituencies of a Sabha
- 3G. Amendment and alteration in list of constituencies
- 3H. Period for public inspection
- 3I. Copies and extracts

CHAPTER 1B :- Register of Members

4. Preparation of the Register
- 4A. Form of the Register
- 4B. Language
- 4C. Division of the adult-register constituency-wise
- 4D. General conditions for registration in the register
- 4E. Disqualifications for the registration in the adult-register
- 4F. Publication of the draft register
- 4G. Notice regarding publication
- 4H. Claims and objections
- 4I. Publication of claims and objections
- 4J. Disposal of claims and objections
5. Final publication of register
6. Disposal of references
7. Action on the order passed under R. 6
8. Quarterly entries in the Family Register
9. Annual revision of Register of Members
10. Special revision of the Register
- 10A. Correction in the Register by Panchayat Extension Officer
11. Inclusion of names in the Register
12. Custody and preservation of the Register

CHAPTER 1C :- Disqualification

13. Removal of disqualifications under S. 5-A

14. Reference under S. 6-A pertaining to disqualifications

15. Disqualification on account of non-payment of tax, etc

CHAPTER 1D :-Election of members of Gaon Panchayats and Nyaya Panchayats

16. Definitions

16A. Superintendence, control and direction of conduct of elections

16B. Returning Officer

16C. Assistant Returning Officer

16D. Presiding Officer

16E. Polling Officer

16F. Appointment of election agent

16G. Polling agent

17. General election

17A. Notification of election and fixing of dates

17B. Polling place

18. Presentation of nomination papers

18A. Printing and price of nomination forms

18B. Notice of nomination

18C. Scrutiny of nominations

18D. Withdrawal of candidature

18E. List of contesting candidates

18F. Uncontested elections

18G. Contested elections

18H. Death before poll

19. Arrangement for polling

19A. Admission to the polling place

19B. Right to vote

19C. Procedure before commencement of polling

19D. Procedure for voting

19E. Adjournment of poll in emergencies

19F. Fresh polling in certain cases

19G. Election Return

19H. Equality of votes

19I. Declaration of result

19J. Report of result

19K. Custody, inspection and disposal of election papers

19L. Constitution of Gaon Panchayat

19M. Bye-election

19N. Vacancies at a general election of members

19O. Penalties

CHAPTER 1E :- Election of Pradhan and Up-Pradhan

20. General elections

21. Bye-elections

22. Election of Up-pradhan

23. Vacation of office under S. 11-D of the Act

CHAPTER 1F :- Election petitions

24. Form and presentation of application

25. Hearing the petition

26. Disputes relating to election of Up-pradhan

CHAPTER 2 :-Gaon Sabha, Gaon Panchayat and committees and sub-committees

27. Meetings of Gaon Sabhas and Gaon Panchayats

28. Notice of meeting

29. Convening of meeting

29A. .

29B. Procedure for removal of Pradhan or Up-pradhan

30. Nature of business to be stated in notice

31. Quorum and procedure at the meeting of Gaon Panchayats

31A. Procedure at the meetings of Gaon Sabha

32. Proceedings to be kept in Bengali

33. Meetings to be notified

34. Period of meeting

35. Notice of question or resolution

36. Reconsideration of decision by Gaon Sabha or Gaon Panchayat

37. Resolution of proposition before Gaon Sabha or Gaon Panchayat

38. Nature of question to be asked

39. Disallowance of a question

40. Treatment of questions on receipt

41. Answering of questions

42. Temporary President of a meeting

42A. Nomination of temporary Pradhan

43. Duties of the Pradhan of Gaon Panchayat

43A. Special powers of the Pradhan

43B. Pradhans power to control and prevent epidemics

43C. Delegation of powers

44. Formation of administrative committees or functional subcommittees

45. Chairman of a committee or a sub-committee

46. Powers of the committee or the sub-committee

47. Representation on the committee or sub-committee

48. Proceedings of the committee or sub-committee

49. Disputing an appointment on a committee or a sub-committee

50. Issue of notice to opposite party

51. Inquiry into allegations

52. Decision on a petition

53. Casual vacancy in a committee or a sub-committee

54. Suspension or removal of a member or Chairman

55. Resignation by Pradhan or Up-pradhan or member or Panch

56. The office-bearers of Nyaya Panchayat restrained from sitting in the Bench during the election which any of them contests

57. Casual vacancies

- 57A. Validity of any act or proceedings
- 57B. Functioning of Gaon Sabha etc
- 57C. Assistance to Government servants
- 57D. Information of absence from duty

CHAPTER 3 :- Records and inspections

- 58. Registers and records to be maintained by Gaon Panchayat
- 59. Registers to be maintained by Nyayaing registers shall be maintained by the Ny period of their retention shall be as shown agai Panchayat
- 60. Additional registers
- 61. Place of retention
- 62. Forms of registers
- 63. Annual reports and its contents
- 64. Quarterly returns of Nyaya Panchayat
- 65. Inspection of Gaon Panchayat office
- 66. Inspection of works, institution or records of a Gaon Padchayat
- 67. Holding an enquiry
- 67A. Registration of marriages
- 68. Copies of documents and fees therefor
- 68A. .
- 69. Proceedings and records open to inspection
- 70. Inspection of pending judicial records
- 71. Inspection of deposited records
- 72. Inspection fee
- 73. Place and time for inspection
- 74. Maintenance of Inspection Book
- 75. General restrictions and directions for inspection
- 76. Inspection of administrative proceedings
- 77. Limitation for writing off fines : Jurisdiction of a Npaya Panchayat
- 77A. .

CHAPTER 4 :- Nyaya Panchayat

- 78. Election of Sarpanch and Sahayak Sarpanch
- 78A. .
- 79. Constitution of a Bench
- 80. Qualification of Panchas
- 81. Oath of office of a Panch or member
- 82. Nyaya Panchayat, time and place of its meeting
- 83. Duration of sitting of Nyaya Panchayat
- 84. Every case^shall ordinarily be finally disposed of within six weeks of its institution or its transfer to the Nyaya Panchayat
- 85. Sittings to be notified
- 86. .
- 87. No fee for enquiring date of hearing
- 88. Application under S. 75 of the Act
- 89. Examination of parties and their witnesses
- 89A. Restoration of application

- 90. Inquiry into a question of title or right
- 91. Return of documents
- 92. Examination of women on commission
- 92A. Issue of commission
- 93. Judgment, order or decree
- 94. Disposal of cases pending on death of any party
- 95. Payment of fine or compensation
- 96. Language of Nyaya Panchayat
- 97. Seal of the Nyaya Panchayat
- 98. Court fee
- 99. Application for copy of records and fee thereon
- 100. Copying fee
- 101. Payment of fee in advance
- 102. Preparation and delivery of the copy
- 103. Credit and disbursement of fees
- 104. .
- 105. Summons to produce a document
- 106. Persons exempted from attendance in court not to be summoned
- 107. Service of summons
- 108. Service fee
- 109. Person charged with process serving
- 110. Method of service within jurisdiction
- 111. Diet money
- 112. Method of service outside jurisdiction
- 113. Procedure of summons issued under R. 112
- 114. Diet money from Nyaya Panchayat account
- 115. Refusal to summon a witness
- 116. Diet money defined
- 117. Rates of daily and travelling allowances
- 118. Register of diet money and issue of receipts
- 119. Power of investigation
- 120. Execution of decrees
- 120A. .

CHAPTER 5 :- Maintenance, acquisition and transfer of property

- 121. Application for acquisition of land
- 122. Transfer of immovable property vested in the Gaon Panchayat
- 123. Scale map of land
- 124. Lease without premium
- 125. Lease by auction or tender
- 126. Approval of Collector or Chief Commissioner
- 127. Government land
- 128. Register of immovable property
- 129. Separate entries for different kinds of property
- 130. Periodical examination of the register
- 131. Transfer
- 132. Contract for work or supply or collection of any article

CHAPTER 6 :- Rules governing sanction, etc

- 133. Application of municipal bye-laws governing sanitation etc
- 134. Registration of births and deaths
- 135. Reports of births and deaths
- 136. Chowkidar to report birth and death
- 137. Removal and destruction of water hyacinth
- 137A. .
- 138. Power to exercise conservancy and other sanitary measures
- 139. Power of water supply
- 140. Penalty for disobedience
- 141. Notice for sanitary measure
- 142. Acknowledgement of notice

CHAPTER 7 :- Preparation of Projects and execution of works

- 143. Works classified
- 144. Preparation of plans and estimates
- 145. Procedure of preparation and forecast of cost
- 146. Approval of plans and estimates of petty works
- 147. Projects financed by loans and grants
- 148. Sanction of projects and provisions of funds absolutely necessary
- 149. Petty works executed by Gaon Panchayats
- 150. Tripura Territorial Council
- 151. Renewed sanction after three years for unexecuted works
- 152. .
- 153. .
- 154. Quarterly reports of progress to the Principal Engineers of the Administration or Principal Officer (Engineering) of T. T. C.
- 155. Annual Progress Report
- 156. .

CHAPTER 8 :- Appointment etc. of servants

- 157. Officers and servants, their salaries, allowances and duties
- 158. Appointment of Panchayat Secretary
- 158A. Reservation for Scheduled Caste and Scheduled Tribe candidates
- 159. Duties of Secretary
- 160. Qualifications of staff
- 161. .
- 162. .
- 163. Determination of period of office of a servant
- 164. Leave and officiating arrangement
- 165. .
- 166. .

CHAPTER 9 :- The custody and administration of the Gaon Fund

- 167. Maintenance of Gaon Fund and its transaction
- 168. Cash balance
- 169. Sanction to expenditure from Gaon Fund

- 170. Requisition for withdrawal
- 171. Instructions for maintenance of accounts
- 172. Persons debarred from collection or book-keeping
- 173. Language of accounts and care of account books
- 174. Attestation of corrections
- 175. Audit
- 176. Step for disposal of audit note
- 177. Treatment of embezzlement
- 178. Pay bills of establishment
- 179. Security from employee entrusted with custody of money or property
- 180. Service books and character rolls
- 181. .
- 182. Annual acknowledgment
- 183. Payment and adjustment of advance
- 184. Payment of bills, vouchers and claims, etc
- 185. Payment of claim and receipt therefor
- 186. Maintenance of general cash book
- 187. Maintenance of deposit register
- 188. Maintenance and verification of stock book
- 189. Office Order Book
- 190. Treatment and maintenance of vouchers
- 191. Destruction of vouchers and registers
- 192. .
- 193. Maintenance of register of public works
- 194. Bill for works
- 195. Details of completion certificate
- 196. Muster Rolls for daily labour
- 197. Lighting under contract and deed thereof

CHAPTER 10 :- Finance

- 198. Estimate
- 199. Income and expenditure of Nyaya Panchayat
- 200. Minimum cash balance of Gaon Panchayat
- 201. Gaon Panchayats expenditure under different heads
- 201A. .
- 202. .
- 203. .
- 203A. .
- 204. .
- 205. Application for licence and recovery of fees
- 206. Production, transfer and return of licence or badge
- 207. Mode of assessment of tax, fee and rate
- 208. Appeal against assessment
- 209. .
- 210. Register of Tax
- 211. .
- 212. Writing off of taxes
- 213. Liability of Government or Tripura Territorial Council property

to be taxed

214. Owners or occupiers liability to a tax

215. .

216. Intimation of change or transfer of trade

CHAPTER 11 :-Establishment of schools, libraries and dispensaries

217. Primary schools

218. Library, reading room or dispensary

219. Attachment of dispensaries to primary schools

220. Inspection and superintendence

221. .

222. Village Volunteer Force

223. .

224. Chief Officer and his duties

225. Provision for making bye-laws

226. .

227. .

228. Channel of correspondence

229. Power to borrow money

230. Power to compound an offence under the Act or rule or bye-law

231. .

232. .

233. .

234. .

235. .

236. .

SCHEDULE 1 :- Gaon Panchayat Servants Conduct Rules

1. .

2. Gifts

3. Subscriptions

4. Lending and borrowing money

5. Holding or acquiring immovable property

6. Investment other than those in immovable property

7. Private trade or employment

8. Insolvency and habitual indebtedness

9. Official information to be kept confidential

10. Connexion with press

11. Political agitations

12. Elections to a local authority, Gaon Panchayat, Nyaya Panchayat or Tripura Territorial Council

13. Direct approach to the Members of Government

14. Ventilating grievances through the press

SCHEDULE 2 :-Gaon Panchayat and Nyaya Panchayat Servants (Punishment and Appeal) Rules

1. .
2. .
3. Punishments
4. .
5. .
6. Appeals
7. .
8. .
9. .
10. .
11. .
12. .
13. .
14. .
15. .

TRIPURA PANCHAYAT RAJ RULES, 1961

TRIPURA PANCHAYAT RAJ RULES, 1961

CHAPTER 1

CHAPTER

1. Short title :-

These rules may be called "The Tripura Panchayat Raj Rules, 1961".

2. Definitions :-

In these rules, unless there is anything repugnant in the subject or context

(a) "Act" means the United Provinces Panchayat Raj Act, 1947, as extended to Union Territory of Tripura ;

(b) "annual value" means the gross annual rent for which any house (exclusive of furniture and machinery therein, if any) or land is actually let or where the house or land is not let, the gross annual rent which it may reasonably be expected to be let ;

(c) "Banker" includes Post Office Savings Bank, a Co-operative Bank and local banker ;

(d) [Deleted].

(e) "Administration" means "Tripura Administration" :

(f) [Deleted].

(g) "house" includes an enclosure used for keeping carts or cattle, hut, shop, warehouse or other roofed structure for whatsoever purpose and of whatsoever material constructed but does not

include a tent or other such movable temporary shelter ;

(h) "local authority" and "local body" include Tripura Territorial Council, Municipal Board or any such body or Notified Area Committee as may be constituted by the Administration ;

(i) "Form" means a form appended at the end of these rules ;

(j) "population", unless otherwise directed by the Chief Commissioner for special reasons in any particular case, means population as determined at the latest census under the provisions of the Indian Census Act, 1950.

(k) any expression which is not defined has the same meaning as in the Act. Vide Notification No. F. 13 (8) Panch/59, dated 18-8-1961.

CHAPTER 1A

Sabhas, Nyaya Panchayats, Gaon Panchayats and constituencies

3. Establishment of Sabhas :-

(1) As soon as may be after the publication of the notification under S. 3 of the Act, a list of Sabhas constituted and established thereunder in each Tahsil/Block shall be published at the Tahsil/Block headquarters, Sub-Divisional headquarters and at the office of the District Panchayat Officer.

(2) A copy of the notification establishing a Sabha shall also be published at the office of the Panchayat Secretary.

3A. Changes in the jurisdiction of Sabhas :-

(1) A Sabha may, after a resolution to that effect has been passed, make suggestions for changes in the jurisdiction of the Sabha. A copy of the resolution shall be sent to the Panchayat Extension Officer/Organiser who shall forward it to the District Panchayat Officer for necessary action.

(2) Any fifty or more residents of a village may at any time make suggestion for changes in the jurisdiction of the Sabha and send a representation to that effect to the Panchayat Extension Officer/Organiser who shall forward it to the District Panchayat Officer.

(3) The provisions of R. 3 shall mutatis mutandis apply to the publication of the notification issued under S. 3 or 8 of the Act regarding changes in the jurisdiction of the Sabha.

3AA. . :-

Where in the area of a Gaon Sabha established under the Act as extended to the Union Territory of Tripura, more than one Gaon Sabhas are established or a part of the area of a Gaon Sabha established under that Act is transferred to another Gaon Sabha the funds, properties and liabilities of the old Gaon Sabha shall be divided among the newly established Gaon Sabha between the Gaon Sabha from which the area has been transferred and the Gaon Sabha to which that area has been transferred, by the prescribed authority in the following manner :

(1) The funds available with the old Gaon Sabha shall be divided among the newly established Gaon Sabha or between the Gaon Sabha from which the area has been transferred and the Gaon Sabha to which that area has been transferred, on the basis of population.

(2) The immovable property shall belong to the Gaon Sabha in which the area on which it exists falls and its value shall not be taken into account in dividing cash money.

(3) The book value of movable property such as dairies, radios and furniture, etc. shall be taken into consideration at the time of division of funds, property and liabilities and it shall be added to the cash balance and divided accordingly on the basis of the population.

(4) The prescribed authority shall prepare in accordance with Cls. (1), (2) and (3) above, a list of distribution of the available funds and properties and shall cause the list to be published within the area of the Gaon Sabhas concerned by affixation at their notice-boards and in such other manner as it thinks fit,

(5) The Pradhan or any member of the Gaon Sabha concerned may file objections against the distribution list to the prescribed authority within three months from the date of publication of the list under Cl. (4) and the prescribed authority shall decide the objections after giving an opportunity to the Pradhans of the Gaon Sabhas concerned to be heard ;

(6) An appeal may be filed by the Pradhan of any of the Gaon Sabhas concerned against the decision of the prescribed authority to the Director of Panchayats within fifteen days of the date on which the order of the prescribed authority is communicated to the Pradhans of the Gaon Sabhas concerned, and the order of the Director of Panchayats made in this respect after giving an

opportunity to the Pradhans of their Gaon Sabhas to be heard, shall be final.

3B. Establishment of Nyaya Panchayats :-

(2) The Sub-Divisional Magistrate shall thereafter prepare a list of circles for Nyaya Panchayats in the form to be specified by Director of Panchayats.

(3) The list prepared under sub-R. (2) shall be published at the Tahsill/Block headquarters, Sub-Divisional headquarters, at the office of the District Panchayat Officer and at the office of the Panchayat Secretary.

3C. Alteration in the circles for Nyaya Panchayats :-

The Sub- Divisional Magistrate may, subject to such directions as may be issued by the Director of Panchayats, re-determine the circles for Nyaya Panchayats and amend the list prepared under R. 3-B accordingly. The amended list shall be published in the same manner as the list prepared under R. 3-B.

3D. Number of members of Gaon Panchayats :-

(2) The Sub-divisional Magistrate shall prepare a list showing the number of members determined under sub-R. (1) for each Gaon Panchayat.

(3) The list prepared under sub-R. (2) shall be published at the Tahsil/Block headquarters, Sub-divisional headquarters, at the office of the District Panchayat Officer, and at the office of the Panchayat Secretary.

3E. Number of persons to be elected for Nyaya Panchayat :-

(1) The number of persons to be elected by a Sabha for constitution of the Nyaya Panchayat shall be such as may be determined by the Sub- divisional Magistrate in the manner hereinafter stated.

(2) The total number of members of Nyaya Panchayat shall first be determined which shall be equal to twice the total number of Sabhas within the jurisdiction of the Nyaya Panchayat ; provided that the number so determined shall be divisible by five and where it is not so divisible, it shall be increased to the next higher multiple of five.

(4) The Sub-divisional Magistrate shall prepare a list showing the

number of members fixed for each Nyaya Panchayat and number of members to be elected by each Sabha.

(5) The list prepared under sub-R. (4) shall be published in the manner stated in sub-R. (3) of R. 3-B.

3F. Constituencies of a Sabha :-

(2) The list of constituencies so determined shall be prepared in the form to be specified by the Director of Panchayats.

(3) The list of constituencies shall be published in the manner stated in sub-R. (3) of R. 3-D.

3G. Amendment and alteration in list of constituencies :-

The-Sub-divisional Magistrate may, subject to such directions as may be issued by the Director of Panchayats re-determine the constituencies and amend the list prepared under R. 3-F accordingly. The amended list shall be published in the same manner as the list of constituencies.

3H. Period for public inspection :-

(1) Any list of documents published under this Chapter shall remain available for public inspection free of charge for a period of ten days from the date of such publication.

(2) The fact that the list of documents has been so published may be announced by beat of drum in the area concerned.

3I. Copies and extracts :-

(1) Every person shall be entitled to take, free of charge during the period of publication specified in R. 3-H, a copy of or an extract from such list or document.

(2) A person shall have the right to inspect such list or documents and to get attested copy of any entry or extract therefrom in such manner and on payment of such fees, if any, as may be specified by the Director of Panchayats.

CHAPTER 1B

Register of Members

4. Preparation of the Register :-

As soon as may be after the establishment of a Sabha, the Sub-divisional Officer shall direct the Secretary of the Sabha to prepare, in accordance with the provisions of the Act, the rules contained in

this Chapter and the directions issued by the Director of Panchayats, a Register of Members of the Sabha.

4A. Form of the Register :-

- (1) The Register of Members shall be prepared in Form A.
- (2) Part I of the register (hereinafter called the family-register) shall contain the names and particulars of the persons family-wise ordinarily residing in each village included in the Sabha and Part II (hereinafter called the adult-register) shall contain the names and particulars only of those adults who are entitled to be members of the Sabha under S. 5 of the Act.
- (3) In the family-register ordinarily one page shall be allotted to one family.
- (4) In each register there shall be a separate section respectively for families and adults belonging to the Scheduled Castes/Scheduled Tribes.

4B. Language :-

Each register shall be prepared in Bengali script.

4C. Division of the adult-register constituency-wise :-

The Director of Panchayats may, for the purpose of facilitating the preparation of the adult-register, direct its division into portions pertaining to each constituency.

4D. General conditions for registration in the register :-

- (1) Every person who has been ordinarily resident within the area of the Sabha shall be entitled to be registered in the family-register.
- (2) A person registered in the family-register who was not less than 21 years of age on the date of establishment of the Sabha shall be entitled to be registered in the adult-register.

4E. Disqualifications for the registration in the adult-register :-

- (1) A person shall be disqualified for registration in the adult register if he suffers from any of the disqualifications stated in Cl. (a) or (b) of sub- S. (1) of S. 5 of the Act on the date of establishment of the Sabha.
- (2) The name of any person who becomes so disqualified after

registration shall, in the manner specified by the Director of Panchayats, be struck off the register in which it is included.

4F. Publication of the draft register :-

(1) The register of members prepared under R. 4 shall be published at the office of the Panchayat Secretary and in such other manner as the Director of Panchayats may specify.

(2) The register so published shall remain available for public inspection for a period of ten days from the date of such publication.

4G. Notice regarding publication :-

The Secretary of the Sabha shall announce the fact of the publication of the register of members by beat of drum and fix a date not earlier than ten days from the date of such announcement on which claim or objection, if any, shall be presented to him at the office of the Panchayat Secretary.

4H. Claims and objections :-

(1) A claim or objection shall be addressed to the Panchayat Extension Officer/Organiser and shall be made in the form, if any, as may be specified by the Director of Panchayats.

(3) The Secretary of the Sabha shall, immediately after a claim or objection has been filed, deliver one copy thereof signed by him in token of its receipt, to the person filing the same and shall mention thereon the serial number of the claim or objection and the date, place and time fixed for hearing of the claim or objection.

(4) The date fixed for hearing shall not be earlier than seven days from the date of filing of claim or objection.

(5) Where the objection relates to the removal of any person's name from the Register of Members for any reasons other than death, the Secretary of the Sabha shall inform such person also of the date, time and place fixed for hearing of the said objection.

4I. Publication of claims and objections :-

The Secretary of the Sabha shall prepare a list of claims and a list of objections in such form as may be specified by the Director of Panchayats. The lists so prepared along with the claims and objections shall be published at the office of the Panchayat Secretary and shall be available for inspection for five days during

such hours as may be specified by the Director of Panchayats. Thereafter it shall be forwarded to the Panchayat Extension Officer/Organiser.

4J. Disposal of claims and objections :-

(1) The Panchayat Extension Officer/Organiser shall examine each claim and objection if it raises any question of the nature referred to in S. 6-A of the Act, he shall refer the claim or objection to the Sub-divisional Officer, who shall, for the purposes of the said section, be the prescribed authority.

(2) The Panchayat Extension Officer/Organiser shall inform the parties of the date, time and place fixed for hearing of the claim or objection before the Sub-divisional Officer.

(3) Where the claim or objection does not raise any question of the nature referred to in S. 6-A, the Panchayat Extension Officer/Organiser shall hold a summary inquiry into the claim or objection and shall record his decision.

(4) The Sub-divisional Officer may, within ten days of the order passed by the Panchayat Extension Officer/Organiser under sub-R. (3) of his own motion or on an application made to him in this behalf, call for the records of the proceedings relating to such claim or objection and may pass thereon such orders as he thinks fit.

(5) The decision of the Sub-divisional Officer under sub-R. (4) shall be final and a copy thereof shall be sent to the Panchayat Extension Officer/Organiser and to the Secretary of the Sabha.

5. Final publication of register :-

(1) On receipt of a copy of the order under sub-R. (5) of R. 4-J the Secretary of the Sabha shall, if necessary, cause the Register of Members" to be amended accordingly in the manner specified by the Director of Election.

(2) The Register of Members as amended in sub-R. (1) shall be re-published in the manner specified in R. 4-F. The Register so re-published shall be final.

6. Disposal of references :-

(1) Where a claim or objection is referred to the Sub-divisional Officer under sub-R. (1) of R. 4-J, the Sub-divisional Officer shall on the date, time and place fixed therefor, hold a summary enquiry

into the claim or objection referred to him and shall record his decision.

(2) Any person aggrieved by the order of the Sub-divisional Officer under sub-R. (1) may within 15 days of the date of such order prefer an appeal to the District Magistrate.

(3) The District Magistrate shall after notice to the parties and after hearing such of them as desired to be heard dispose of the appeal.

(4) A copy of the order passed by the Sub-divisional Officer under sub-R. (1) as modified in appeal, if any, under sub-R. (3), shall be forwarded to the Secretary of the Sabha and to the Panchayat Extension Officer/Organiser.

7. Action on the order passed under R. 6 :-

On the receipt of copy of the order under sub-R. (4) of R. 6, the Secretary of the Sabha shall, if necessary, strike off the name of the person concerned from the Register of Members and shall send an intimation thereof to the person concerned.

8. Quarterly entries in the Family Register :-

(1) At the beginning of each quarter commencing from April in each year, the Secretary of the Sabha shall make necessary changes in the previous quarter in each family.

(2) Such changes shall be laid before the next meeting of the Gaon Panchayat for information.

9. Annual revision of Register of Members :-

(1) The Register of Members shall be revised every year in accordance with the directions issued by the Director of Panchayats.

10. Special revision of the Register :-

(1) Notwithstanding anything contained in the foregoing rules, the Director of Panchayats may, at any time for reasons to be recorded in writing, direct the revision of Register of Members or a part thereof.

10A. Correction in the Register by Panchayat Extension Officer :-

The Panchayat Extension Officer/Organiser may, subject to the directions issued by the Director of Panchayats, order for the correction of any existing entry in the Register of Members and the

Secretary of the Sabha shall then correct the Register accordingly.

11. Inclusion of names in the Register :-

(1) Any person whose name is not included in the Register of Members may, in the manner and the form specified by the Director of Panchayats, apply to the Pan-chayat Extension Officer/Organiser for the inclusion of his name therein.

(2) The Panchayat Extension Officer/Organiser shall, if satisfied, after such inquiry as he thinks fit, that the applicant is entitled to be registered in the Register, direct, in the manner specified by the Director of Panchayats, that the name of the applicant be included therein and the Secretary of the Sabha shall include the name accordingly under intimation to the Sub-divisional Officer.

12. Custody and preservation of the Register :-

(1) The Secretary of the Sabha shall be responsible for the safe custody of the Register of Members.

(2) Every person shall have a right to inspect the Register and to get attested copy of any entry or extract therefrom in such manner and on payment of such fees, if any, as may be specified by the Director of Panchayats.

CHAPTER 1C

Disqualification

13. Removal of disqualifications under S. 5-A :-

(1) An application for removal of the disqualification under Cls. (d), (g), (i), (j), (k) or (1) of S. 5-A of the Act, shall be in such form as the Director of Panchayats may specify from time to time and shall show the grounds upon which the applicant claims the removal of the disqualification.

(2) The application shall be presented to the Sub-divisional Officer of the sub-division concerned.

(3) The Sub-divisional Officer may, after such enquiry as he deems fit either accept the application and remove the disqualification or reject the application.

(4) A copy of the order passed removing the disqualification shall be sent to the Secretary of the Sabha and to the Panchayat Extension Officer/Organiser.

14. Reference under S. 6-A pertaining to disqualifications :-

(1) Where any question as is referred to in S. 6-A of the Act is raised otherwise than in a claim or objection, it shall be referred to the Sub-divisional Officer by the Officer or Authority before whom such question arises for consideration.

(2) On the receipt of a reference under sub-R.(1) the Sub-divisional Officer shall fix the date, time and place for its hearing and shall give notice thereof to the parties concerned.

(3) The Sub-divisional Officer shall, after hearing the parties and after such other enquiries as he deems fit, give his decision on the question referred to him.

(4) Any person aggrieved by the order of the Sub-divisional Officer may, within fifteen days of the date of such order, prefer an appeal to the District Magistrate.

(5) The District Magistrate shall, after notice to the parties and after hearing such of them as desired to be heard, dispose of the appeal.

(6) A copy of the final order passed on the question referred to the Sub-divisional Officer as modified in appeal, if any, shall also be forwarded to the Secretary of the Sabha and to the Panchayat extension Officer/Organiser.

(7) On the receipt of a copy of the order under sub-R. (6) the Secretary of the Sabha shall, if necessary, strike off the name of the person concerned from the adult register and shall send intimation thereof to the person concerned.

15. Disqualification on account of non-payment of tax, etc :-

(1) A person shall be disqualified under Cl. (e) of S. 5-A of the Act for being chosen, nominated or appointed to, and for holding any office in the Sabha or the Gaon Panchayat or the Nyaya Panchayat, if he is in arrears of any tax, fee or rate due by him to the Sabha on the 31st day of March in the -year immediately preceding the year in which an election is held.

(2) The Secretary of the Sabha shall in the manner and form specified by the Director of Panchayats prepare a list of all such persons who, according to the records of the Sabha, are in arrears

of any tax, fee or rate as aforesaid.

(3) The list shall be published at the office of the Sabha and an announcement to this effect will be made by beat of drum in the area of the Sabha.

(4) The name of the person who had paid, whether under protest or otherwise, all the arrears shown against his name in the list shall be struck off the list. A receipt issued by the Pradhan or Secretary in payment of any such amount shall be conclusive proof of the fact that the person is not in arrears of the tax, fee or rate, as the case may be.

CHAPTER 1D

Election of members of Gaon Panchayats and Nyaya Panchayats

16. Definitions :-

In this Chapter

- (a) "Constituency" means a constituency provided under R. 3-F ;
- (b) "Director of Elections" means the officer appointed by the Chief Commissioner to perform the functions of the Director of Elections, under these rules ;
- (c) "election" means an election to fill a seat in a Gaon Panchayat including a Nayaya Panchayat ;
- (d) "elector" means a member of the Gaon Sabha entitled to vote under R. 19-B ;
- (e) "election return" means an election return in a form specified by the Director of Elections ;
- (f) "polling return" means a polling return in a form specified by the Director of Elections ;
- (g) "Returning Officer" includes an Assistant Returning Officer ;
- (h) "seat" means a seat allotted to a constituency for elections to Gaon Panchayat and Nyaya Panchayat ;
- (i) "specified" means specified by the Director of Elections.

16A. Superintendence, control and direction of conduct of elections :-

(2) Subject to the general superintendence, direction and control of Director of Elections, the Sub-divisional Magistrate shall supervise

the conduct of elections in the sub-division.

16B. Returning Officer :-

(1) For each Gaon Sabha, there shall be a Returning Officer who shall be such officer of the Administration of the Tripura Territorial Council as the Sub-divisional Magistrate may designate or nominate.

(2) The Returning Officer shall perform the functions required to be performed under this Chapter and it shall be his general duty at the election to do all such acts and things as may be necessary for effectively conducting the election in the manner provided by the Act, the rules and the directions issued by the Director of Elections.

16C. Assistant Returning Officer :-

(1) The Sub-divisional Magistrate may appoint one or more persons to assist any Returning Officer in the performance of his functions.

(2) Every Assistant Returning Officer shall be competent to perform all or any of the functions of the Returning Officer.

16D. Presiding Officer :-

(1) The Returning Officer shall appoint a Presiding Officer for each polling place in the constituency and same person may be appointed Presiding Officer for more than one polling place.

(2) The Presiding Officer shall perform the functions required to be performed by him under this Chapter and it shall be his general duty to keep order at the polling place and to see that the poll is fairly taken.

16E. Polling Officer :-

(1) The Returning Officer shall appoint for each polling place such Polling Officer or Officers as he thinks necessary to assist the Presiding Officer for the polling place in the performance of his functions and to do such other things as he is required to do under, this Chapter.

(2) If a Polling Officer is absent from the polling place, the Presiding Officer may appoint any person who is present at the polling place, other than a person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election, to be the Polling Officer during the absence of the

former officer and in case of any such appointment he shall inform the Returning Officer accordingly.

(3) If the Presiding Officer is obliged to absent himself from the polling place his functions shall be performed by such Polling Officer as has been previously authorised by the Returning Officer for the purpose.

(4) For each polling place there shall be authorised by name by the Returning Officer a Polling Officer to perform the functions of the Presiding Officer in the latter's absence.

16F. Appointment of election agent :-

A person nominated as a candidate at an election may, before the delivery of his nomination paper, appoint in writing in the specified form any person to be his election agent.

16G. Polling agent :-

(1) A candidate who has been duly nominated and has not withdrawn his candidature, may appoint any person to act as polling agent of such candidate at each polling place.

(2) The appointment shall be made by a letter in writing in a specified form and shall be lodged with the Presiding Officer before the commencement of the poll.

17. General election :-

A general election in pursuance of S. 12 read with S. 12-A or under S. 12-G shall be held in accordance with the provisions of this Chapter.

17A. Notification of election and fixing of dates :-

(1) Whenever a general election is to be held the Sub-divisional Magistrate shall, under directions from the Director of Elections, call upon all the constituencies of a Gaon Sabha to elect members of the Gaon Panchayat, or Nyaya Panchayat or for both before such date as may be fixed by the Director of Elections.

(3) The Returning Officer shall give public notice of the dates fixed under sub-Rr. (1) and (2) in such manner as may be specified by the Director of Elections.

17B. Polling place :-

The Returning Officer shall fix a polling place for the constituency and notify the same along with notice under sub-R. (3) of R. 17-A.

18. Presentation of nomination papers :-

(1) A member of a Sabha who desires to be nominated as a candidate at an election in a constituency shall deliver either in person or by his agent to the Returning Officer on the date and place and during the hours fixed under sub-R. (2) of R. 17-A, a printed nomination paper in the specified form.

(2) Where the candidate seeks election to a seat reserved for the Scheduled Castes or Scheduled Tribes there shall be accompanied with the nomination paper a declaration in the specified form subscribed by him stating that he is a member of the Scheduled Caste or Scheduled Tribe and specifying the particular caste or tribe to which he belongs.

(3) Any nomination paper which is not received before the close of the hour fixed in that behalf on the date appointed for filing nomination papers shall be rejected by the Returning Officer.

(4) Nothing in these rules shall prevent any candidate from being nominated by more than one nomination ; papers for election in the same constituency.

18A. Printing and price of nomination forms :-

The Director of Elections shall arrange for the supply of printed nomination forms to the candidates. The price of each nomination form shall be such as not exceeding rupees six as may be fixed by the Director of Elections.

18B. Notice of nomination :-

The Returning Officer shall, on receiving the nomination paper under R. 18, inform the persons delivering the same of the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him ; and shall prepare a list of the nominations received by him and announce the names of the persons so nominated.

18C. Scrutiny of nominations :-

(1) On the date and at the time and place fixed for the scrutiny of nominations the Returning Officer shall examine the nomination papers, not already rejected under sub-R. (3) of R. 18, in the presence of the candidates and their election agents, if any, who

may be present, after giving them reasonable facilities for examining the nomination papers.

(3) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(4) At the end of the scrutiny the Returning Officer shall announce the names of candidates whose nominations he has accepted and shall cause to be fixed at the office of the Panchayat Extension Officer/ Organiser a list showing the names in Bengali in alphabetical order with particulars as given in the nomination papers of the candidates whose nomination papers he has accepted.

18D. Withdrawal of candidature :-

Any candidate may withdraw his candidature by a notice in writing in the specified form which shall be signed by him and delivered by him personally or through his election agent to the Returning Officer on the date and the hours fixed for preliminary withdrawals under R. 17-A. Notice once given cannot be withdrawn and shall be final.

18E. List of contesting candidates :-

(1) The Returning Officer shall immediately after the expiry of the date for preliminary withdrawal fixed under R. 17-A prepare a list of contesting candidates in the specified form.

(2) The list of contesting candidates shall be prepared in Bengali and shall contain the names in alphabetical order of the contesting candidates as given in their nomination papers. The alphabetical order shall be determined with reference to the name's paper of candidates.

18F. Uncontested elections :-

(1) Where on preparing the list under R. 18-E the Returning Officer finds that the number of contesting candidates therein does not exceed the number of seats and there are no seats reserved for the Scheduled Castes or Scheduled Tribes he shall forthwith declare all such candidates as duly elected.

(3) The Returning Officer shall report to the Sub-divisional Magistrate the names of candidates declared elected under this rule

and the nature of seats (whether reserved or unreserved) to which they were elected and he will also report the number of seats of either nature remaining unfilled.

(4) In the case mentioned in Cl. (a) of sub-R. (2) the Returning Officer shall order that the poll shall be taken for the unreserved seats alone and in the other case under this rule no poll shall be taken.

18G. Contested elections :-

Where on preparing a list under R. 18-E the Returning Officer finds that the number of contesting candidates exceeds the number of seats to be filled, he shall forthwith publish the list in such manner as may be specified by the Director of Elections and shall also declare that a poll shall be taken on the date and during the hour fixed in that behalf.

18H. Death before poll :-

If a candidate whose nomination has been accepted and who has not withdrawn his candidature dies before a poll is held and the Returning Officer finds that the number of contesting candidates remaining on the list prepared under R. 18-E does not exceed the total number of contesting candidates or the number of contesting candidates who are members of the Scheduled Castes/Tribes does not exceed the number of reserved seats, he shall forthwith proceed in accordance with the provisions of R. 18-F and declare the results.

19. Arrangement for polling :-

The Returning Officer shall provide at each polling place a copy of the adult register in respect of the polling area or areas the electors of which are entitled to vote at such polling place as well as other forms and materials as may be required for taking the poll at such polling place.

19A. Admission to the polling place :-

The Presiding Officer shall regulate admission of electors at the polling place and shall exclude therefrom all other persons except

- (a) the Polling Officers ;
- (b) each candidate and his polling agent ;
- (c) the police officers and other public servants on duty ;
- (d) a child in arms accompanying an elector ;

(e) the companions of blind or infirm electors who cannot move without help ; and

(f) such other persons as the Presiding Officer may from time to time admit for the purpose of assisting him in taking the poll.

19B. Right to vote :-

(1) No person who is not, and except as expressly provided by the Act, every person whose name is, for the time being entered in the Adult Register pertaining to the constituency shall be entitled to vote in the constituency.

(2) No person shall vote at an election in any constituency if he is subject to any of the disqualifications referred to in S. 5 of the Act.

(3) No person shall vote at a general election in more than one constituency of a Sabha and if a person votes in more than one such constituency his votes in all such constituencies shall be void.

(4) Every elector shall have as many votes as there are contesting candidates, but no elector shall give more than one vote to any one candidate.

(5) No person shall vote at any election if he is confined in a prison whether under sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police.

19C. Procedure before commencement of polling :-

(1) Immediately after the commencement of the hour fixed for the meeting, the Presiding Officer shall declare at the meeting and shall record their number in the polling return.

(2) Where it is brought to the notice of the Presiding Officer that any person present at the meeting is not an elector, the Presiding Officer shall hold a summary enquiry into the matter. If after the enquiry, the Presiding Officer is of the opinion that the person concerned is not an elector, he shall require such person to leave the place of the meeting and shall keep a note of the same in the record of the meeting to be prepared under sub-R. (5) of R. 19-D.

(3) The Presiding Officer shall thereafter enquire if any of the candidates whose names appear in the list of contesting candidates prepared under R. 18-E, wishes to withdraw his candidature.

(4) If any candidate wishes to withdraw his candidature he shall

deliver to the Presiding Officer a notice of withdrawal in the specified form duly signed by him.

(5) Where after the withdrawal, the Presiding Officer finds that the number of contesting candidates remaining on the list referred to in sub-R. (3) does not exceed the total number of seats to be filled or the number of contesting candidates who are members of the Scheduled Castes/Tribes does not exceed the number of reserved seats, he shall forthwith proceed in accordance with the provisions of R. 18-F and shall declare that the poll shall be taken for the unreserved seats alone or that no poll shall be taken, as the case may be.

(6) Where a poll is necessary the Presiding Officer shall announce the names of contesting candidates and the nature and number of seats to be filled.

19D. Procedure for voting :-

(1) Votes shall be given by show of hands.

(2) The Presiding Officer shall call out, one by one the names of contesting candidates announced under sub-R. (6) of R. 19-C and shall before the next candidate is called, require the electors present and who may be desirous of giving their votes to the candidate to raise their hands. No elector may raise more than one hands.

(3) The Presiding Officer shall count the number of hands raised and record the same in the polling returns and also announce it. He shall also give an opportunity to the polling agents to count the number of hands so raised.

(4) The polling shall be continued till votes have been taken for all contesting candidates.

(5) The Presiding Officer shall, as soon as may be, after votes have been taken for all the candidates, in the presence of the candidates or their polling agents who may be present, prepare a record of the voting and of the meeting in the polling return.

(6) The candidate or his polling agent shall be allowed an opportunity to sign the polling return. Where the candidate or his polling agent disputes the correctness of the number of votes recorded for any candidate in the polling return or any other statement pertaining to the record of the meeting, he may make

his observations separately in an application to be made to the Presiding Officer.

(7) The Presiding Officer shall deliver the polling return to the Returning Officer as soon as may be practicable.

19E. Adjournment of poll in emergencies :-

(1) If at an election the proceedings at any polling place are interrupted by any riot or violence or are likely to be so interrupted or obstructed or if it is not possible to take the poll on account of any natural calamity, or any other sufficient cause, the Presiding Officer for such polling place shall announce an adjournment of the poll to the date to be notified later and votes already taken for any candidate shall be void and where the poll is so adjourned by a Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-R. (1) the Registering Officer shall immediately report the circumstances to the Sub-divisional Magistrate and the Returning Officer shall, with his previous approval, appoint the day on which a fresh poll shall be held, and fix the polling place at which and the hours during which the poll shall be taken.

(3) Where a poll is adjourned under sub-R. (1) and a fresh poll takes place under sub-R. (2) votes shall be taken afresh for all the contesting candidates and the provisions of this Chapter shall apply to every such fresh poll as they apply to the original poll.

19F. Fresh polling in certain cases :-

(1) If at any election any polling return is taken out of the custody of the Returning Officer or of any Presiding Officer, or is in any way tampered with or is either accidentally or intentionally destroyed or lost, the election to which such return relates shall be void.

(2) Whenever the polling at any polling place shall become void under sub-R. (1), the Returning Officer shall, as soon as may be after the act or event causing such violence has come to his knowledge, report the matter to the -Sub-divisional Magistrate and shall, with his previous approval appoint a day for the taking of a fresh poll at such polling place and fix the hours during which the poll will be taken.

(3) In every such case as aforesaid the Returning Officer shall take

a fresh poll at such polling place as aforesaid on the day so appointed by him, and shall notify the date so appointed and the hours of polling so fixed by him in such manner as may be specified by him and the provisions of this Chapter shall apply to every such fresh poll as they apply to the original poll.

19G. Election Return :-

The Returning Officer shall verify the polling returns received from the Presiding Officers and shall prepare an election return in a specified form setting forth the results of election.

19H. Equality of votes :-

If an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

19I. Declaration of result :-

(1) When the verification under R. 19-G has been completed, the Returning Officer shall, where no seats are to be filled by members of the Scheduled Castes/Tribes declare as many candidates securing the highest number of votes as there are seats to be filled to be duly elected.

(2) Where one or more seats are reserved for members of the Scheduled Castes/Tribes the Returning Officer shall first declare those candidates who, being members of the Scheduled Castes/Tribes secure the largest number of votes to be duly elected to fill the reserved seats and then declare such of the remaining candidates as have secured the largest number of votes to be duly elected to fill the remaining seats. Illustration. At an election in a ward to fill four seats of which two are reserved there are six candidates A, B, C, D, E and F and they secure votes in descending order, A securing the largest number, B, C and D are qualified to be chosen to fill the reserved seats, while A, E and F are not qualified. The Returning Officer will first declare B and C duly elected to fill the two reserved seats, and then declare A and D (not A and E) to fill the remaining two seats.

19J. Report of result :-

As soon as may be after the result of an election has been decided, the Returning Officer shall report the result to be the Sub-divisional Magistrate and shall also inform the Secretary of the Sabha.

19K. Custody, inspection and disposal of election papers :-

(1) The Returning Officer shall, after reporting the result of the election under R. 19-G forward all papers pertaining to elections to the Director of Elections for safe custody.

(3) The election return referred to in R. 19-G shall be retained till the termination of the next general elections for the Sabha to which it relates and shall thereafter be destroyed subject to any directions to the contrary given by the Director of Elections or by a competent Court or Tribunal.

(4) All other papers relating to elections shall be retained for a period of one year and shall be thereafter destroyed subject to any directions to the contrary given by the Director of Elections or by a competent Court or by a Tribunal.

19L. Constitution of Gaon Panchayat :-

(1) As soon as may be after the election of persons under S. 12-A is completed at a general election and the prescribed authority has appointed under S. 43 the requisite number of persons out of those elected as aforesaid to be members of Nyaya Panchayat, the Sub-divisional Magistrate shall cause to be published the names of the remaining persons as constituting the Gaon Panchayat.

(2) The publication under sub-R. (1) shall be made by affixing at the office of the Panchayat Extension Officer/Organiser and at such other conspicuous places, if any, as the Sub-divisional Magistrate may think fit, a notice giving the names of the persons who will constitute the Gaon Panchayat or the Sabha in question.

19M. Bye-election :-

Where any vacancy arises by reason of the death, resignation, removal or the avoidance of election of any member of the Gaon Panchayat or where it becomes necessary to nominate a person under the provisions of S. 43 to fill a seat on the Nyaya Panchayat the Sub-divisional Magistrate shall appoint the date, time and place for various stages of bye-election in accordance with the provisions of R. 17-A and the provisions of rules in this Chapter shall apply, as far as may be, in relation to the election of a person to fill such vacancy :

Provided that where the Sabha has been divided into constituencies, the election shall be held in the constituency from

which the person due to whose death, resignation, removal or avoidance of election the vacancy has arisen has been elected.

19N. Vacancies at a general election of members :-

(1) Upon receipt of report under sub-R. (5) of R. 18-F any seat remaining unfilled, the Sub-divisional Magistrate shall, as soon as may be, appoint a fresh date, time and place for each item mentioned in sub-R. (3) of R. 17-A and provisions of this Chapter shall mutatis mutandis apply.

(2) If again the Sabha fails to elect the full number of members to be elected at the election held under sub-R. (1) the Sub-divisional Magistrate shall report to the Director of Elections the number of seats remaining unfilled for necessary action under sub-S. (8) of S. 12.

19O. Penalties :-

Any person who

(1) alters or tampers with the Register of Members or its copy or other document in contravention of the rules ;

(2) obstructs, or in any way interferes with any officer or servant appointed or employed for the purposes of these rules in the performance of his duties ;

(3) defaces, injures, disturbs or removes any copy, notice or other document fixed up or otherwise published under these rules in any public office or otherwise ; shall be punishable with fine which may extend to rupees ten.

CHAPTER 1E

Election of Pradhan and Up-Pradhan

20. General elections :-

(1) Whenever an election to the office of Pradhan of a Sabha is to be held it shall be held simultaneously and along with the election of members of the Gaon Panchayat under Chapter I-D.

21. Bye-elections :-

If a vacancy arises in the office of Pradhan by reason of the death, resignation, removal or the avoidance of election of a Pradhan the Sub-divisional Magistrate shall, as soon as may be on the receipt of the report of the vacancy, appoint the date, time and place for various stages of election in accordance with R. 17-A and the

provisions of the Act and the rules contained in this Chapter shall apply, as far as may be, in relation to the election of a Pradhan to fill such vacancy.

22. Election of Up-pradhan :-

(2) The election of Up-pradhan shall be held by show of hands and by the simple majority system.

(3) Any member of the Gaon Panchayat may propose in the printed specified form any name from amongst the members of the Gaon Panchayat.

(4) The Director of Elections shall arrange for the supply of printed forms at a price not exceeding rupees four per form.

(5) The Pradhan or any other member presiding at the meeting shall take down the names proposed, arrange them in the Bengali alphabetical order, call out the name at the top and count and note down the number of hands raised in support of the candidature of the person whose name was called out. He will similarly proceed with the second and subsequent names and after all the names have been exhausted, declare the candidate securing the largest number of votes to be duly elected as Up-pradhan.

(6) If an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Pradhan or the member presiding at the meeting shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

(7) The term of an Up-pradhan elected under sub-R. (5) shall begin from the date of his election.

(8) Whenever the term of an Up-pradhan is about to expire or a vacancy in the office of Up-pradhan arises due to the death, resignation or avoidance of election of an Up-pradhan the Gaon Panchayat shall elect an Up-pradhan in accordance with the provisions of this rule in succession to the outgoing Up-pradhan and the term of any Up-pradhan so elected shall begin from the date next following the date of expiry of the term of the outgoing Up-pradhan or the date of election, whichever is later.

23. Vacation of office under S. 11-D of the Act :-

(2) In the event of failure of the person to resign in accordance with the provisions of sub-R. (1) all the offices or seats, as the case may be, to which he has been elected shall become vacant.

(3) The office or offices and seat or seats becoming vacant under the above sub-rule shall be filled as if there were a casual vacancy.

CHAPTER 1F

Election petitions

24. Form and presentation of application :-

(2) The application may be presented by any candidate in whose favour votes have been recorded or whose nomination paper was rejected by any one or more electors of the Sabha.

(3) The person whose election is questioned and, where the petitioner claims that the petitioner or any other candidate should be declared elected in place of such person, every unsuccessful candidate shall be made a respondent (to the application).

(4) Every respondent may give evidence to prove that any person in respect of whom a claim is made that such person be declared elected, should not be declared so elected on the same ground or grounds on which his election could have been questioned if he had been elected.

25. Hearing the petition :-

(2) If the Sub-divisional Officer after hearing finds in respect of any person whose election is called in question by the petitioner, that his election was valid, he shall dismiss the petition as against such person and may award costs at his discretion and in case he finds the application to be altogether frivolous he may also order that the security deposit shall in part or in whole be forfeited to the Sabha concerned.

(4) The security deposit or portion thereof, as the case may be, not forfeited under sub-R. (2) and not required for payment of any cost awarded to any opposite party, shall be refunded by the District Panchayat Officer to the person depositing the same or in case of his death, to his legal representative.

26. Disputes relating to election of Up-pradhan :-

(2) Sub-divisional Officer shall hear the application himself.

(3) An application disputing the election of an Up-pradhan shall be heard in accordance with the provisions of Rr. 24 and 25 in so far as the same may be applicable.

CHAPTER 2

Gaon Sabha, Gaon Panchayat and committees and sub-committees

27. Meetings of Gaon Sabhas and Gaon Panchayats :-

(1) The meetings of a Gaon Sabha and of its Gaon Panchayat shall ordinarily be held in the village where the office of the Gaon Sabha is located.

(2) Except as otherwise provided in the Act or these rules, the Pradhan and in his absence the Up-pradhan, shall fix the time, date and exact place of the meeting.

28. Notice of meeting :-

The notice of a meeting of a Gaon Sabha shall be given at least 15 days before the date of the meeting and in the case of a meeting of a Gaon Panchayat a written notice of at least seven days shall be given.

29. Convening of meeting :-

The Pradhan, or in his absence, the Up-pradhan, at any time may, and on a written requisition signed by not less than one-third of the members shall, within fifteen days from the receipt of such requisition, convene a meeting of the Gaon Panchayat.

29A. . :-

The period within which the prescribed authority may call a meeting of the Gaon Sabha under the second proviso to sub-S. (1) of S. 11 of the Act shall be 60 days from the receipt of requisition by the Pradhan under the first proviso to that sub-section.

29B. Procedure for removal of Pradhan or Up-pradhan :-

(1) A written notice of the intention to move a motion for removal of the Pradhan or Up-pradhan under S. 14 of the Act shall be necessary. It shall be signed by not less than one-half of the total number of members of the Gaon Sabha and shall state the reason for moving the motion and it shall be delivered in person by at least five members signing the notice to the prescribed authority.

(2) The prescribed authority shall; as soon as may be after the receipt of the notice, convene a meeting of the Gaon Sabha under

S. 14 of the Act. The meeting so convened shall be presided over by the prescribed authority or the person authorised by him in writing in this behalf.

(3) The Presiding Officer shall read to the Gaon Sabha the notice received by him. He shall then allow the motion to be moved and discussed. Such discussion shall terminate on the expiry of two hours appointed for the commencement of the meeting unless it is concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of two hours, as the case may be, the motion shall be put to vote.

(4) The Presiding Officer shall not speak on the merits of the motion nor shall he be entitled to vote thereon.

(5) The Presiding Officer shall declare the results of the voting. The motion shall be deemed to have been carried only when it has been passed by a majority of two-third of the members present and voting.

(6) The proceedings of the meeting shall be recorded by the Secretary who shall send a copy of the proceedings together with a copy of the motion and the result of voting to the prescribed authority.

(7) Where the motion has been carried as provided in sub-R. (5), the Pradhan or Up-pradhan, as the case may be, shall stand removed from his office with effect from a date to be specified by the prescribed authority in a notice which shall be affixed at the office of the Gaon Sabha. A copy of the notice may be sent to the Pradhan or Up-pradhan, as the case may be.

(8) The Pradhan or Up-pradhan removed from office under sub-R. (7), shall make over charge of his office to the person named in the notice under sub-R. (7) and in case he fails to do so, transfer of charge shall be effected through the police.

30. Nature of business to be stated in notice :-

A notice of a meeting of a Gaon Sabha or a Gaon Panchayat shall state the nature of the business to be transacted at the meeting.

31. Quorum and procedure at the meeting of Gaon Panchayats :-

(1) One-third of the total number of members of the Gaon Panchayats including the Pradhan and Up-pradhan, shall form the

quorum for a meeting of the Gaon Panchayat.

(2) If a meeting is adjourned for want of quorum no quorum shall be necessary for the adjourned meeting but a fresh notice in writing of the meeting shall be given.

31A. Procedure at the meetings of Gaon Sabha :-

Subject to the provisions of S. 11 of the Act, the following procedure shall be followed at the meetings of a Gaon Sabha :

(a) the proceedings of the last meeting shall be read and confirmed and then signed by the Pradhan ;

(b) the accounts of the period elapsed since the last meeting shall be presented for information and consideration ;

(c) other items, if any, shall then be taken and considered.

32. Proceedings to be kept in Bengali :-

A Gaon Sabha and a Gaon Panchayat shall each keep in Bengali a brief record of its meetings and proceedings in a book in Form No. 8. A copy of the proceedings shall be sent to the prescribed authority within seven days of the meeting.

33. Meetings to be notified :-

(1) A notice to attend a meeting of the Gaon Sabha shall state the date, time and place of the meeting and shall be published by affixing it at conspicuous places in the area of the Gaon Sabha. The announcement of the date, time and place of the meeting shall be made by beat of drum.

(2) A notice of a meeting of a Gaon Panchayat may be sent to each member through a chowkidar or a peon at least seven days before the meeting and shall also be published by affixing copies of the notice at conspicuous places within the jurisdiction of the Gaon Panchayat.

34. Period of meeting :-

A meeting of the Gaon Panchayat shall be held at least once a month.

35. Notice of question or resolution :-

Any member of a Gaon Pan-chayat who desires to bring forward any resolution or wishes to ask any question at any meeting of the Gaon Panchayat shall give notice of his intention to do so at the previous meeting or shall, at least ten days before the meeting,

inform the Pradhan, or in his absence the Up-pradhan or the Secretary, in writing of his intention :

Provided that the Pradhan at the meeting may, in his discretion, permit the discussion of a resolution or transaction of any business for which no previous notice has been given, but which is, in his opinion, of an emergent nature calling for immediate discussion.

36. Reconsideration of decision by Gaon Sabha or Gaon Panchayat :-

No subject, once finally disposed of by a Gaon Sabha or a Gaon Panchayat, shall be reconsidered within three months next after the passing of the resolution concerned, unless not less than two-third of the members of the Gaon Sabha or Gaon Panchayat, as the case may be, consent by signing a requisition to that effect :

Provided that the rates of a tax, fee or rate once imposed or the annual estimate of income and expenditure already passed shall in no case be revised without the approval of the prescribed authority.

37. Resolution of proposition before Gaon Sabha or Gaon Panchayat :-

(1) The Pradhan may disallow the moving or discussion of any resolution or proposition before the Gaon Sabha or the Gaon Panchayat which he considers to be beyond the scope of function of the Gaon Sabha or the Gaon-Panchayat, as the case may be, and in doing so, he shall record his reasons in writing.

(2) The resolutions or propositions not disallowed under sub-R. (1) shall be discussed and passed or rejected by a majority of votes. In case of equality of votes, the Pradhan shall have a casting vote.

38. Nature of question to be asked :-

Questions to be asked by a member of a Gaon Panchayat shall be in connection with the administration of the Gaon Panchayat under the Act, but they must not be argumentative or hypothetical or defamatory of any person, or section of a community, nor they relate to any criminal or civil case pending, before a Nyaya Panchayat or the judicial conduct of any Nyaya Panchayat or Panch thereof.

39. Disallowance of a question :-

The Pradhan of a Gaon Panchayat may disallow any question which does not conform to the provisions of R. 38, and in any such case

the question shall not be entered in the minutes.

40. Treatment of questions on receipt :-

On receipt of the questions, the Pradhan or Up-pradhan or the Secretary or any other member authorised, shall serially number them in the order of their date of receipt and shall place them before the Pradhan who may give necessary directions to any officer or servant of the Gaon Panchayat to prepare answers to the questions.

41. Answering of questions :-

(1) At the next meeting of the Gaon Panchayat, the Pradhan or with his permission the Up-pradhan or the Secretary of the Gaon Panchayat, shall read answers to the questions duly received before the meeting, but no supplementary questions shall be allowed.

(2) Execution and withdrawal of a question. A member putting a question may withdraw the same at any time before the answer is read at the meeting, but in any such case the question shall be expunged from the minutes.

(3) Question by proxy. If the member who has given due notice of any question has not withdrawn it before the meeting is held, and is not present at the meeting the Pradhan may allow the question to be put by any other member present and the answers to the same to be read.

42. Temporary President of a meeting :-

The Pradhan, and in his absence the Up-pradhan, shall preside at the meetings of the Gaon Sabha and Gaon Panchayat and in case of the absence of both from any such meeting, the member nominated under R. 42-A shall preside at the meeting, or in case the Pradhan has not made such a nomination, the prescribed authority may nominate any member.

42A. Nomination of temporary Pradhan :-

For the purpose of discharging the functions of a Pradhan in the absence of both the Pradhan and Up-pradhan of a Gaon Sabha, the Pradhan may nominate in writing a member of the Gaon Panchayat and the member so nominated shall, during such absence, exercise all the powers and perform all the duties of the Pradhan conferred or assigned by or under this Act.

43. Duties of the Pradhan of Gaon Panchayat :-

Unless prevented by reasonable cause, it shall be the duty of the Pradhan

(b) to watch over the finance and superintend the executive administration of the Gaon Panchayat and bring to its notice any defect therein ;

(c) to superintend and control the establishment maintained by the Gaon Panchayat ;

(d) to carry out the resolutions of the Gaon Panchayat ;

(e) to arrange for the maintenance of the various registers provided under the rules and to carry on all correspondence on behalf of the Gaon Panchayat and the Gaon Sabha ;

(f) to arrange for the execution of various works for the custody of the property of the Gaon Panchayat and for the assessment and collection of taxes, rates and fees imposed by the Gaon Panchayat;

(g) to file civil case and launch prosecution on behalf of the Gaon Panchayat and the Gaon Sabha ; and

(h) to perform such other duties as are required of or imposed on him by or under this Act or any other law.

43A. Special powers of the Pradhan :-

In the case of any grave emergency and under intimation to the prescribed authority, a Pradhan may do any work which the Gaon Panchayat has power to do, without obtaining the prior sanction of the Gaon Panchayat, but the matter shall be placed before the Gaon Panchayat at its next meeting.

43B. Pradhans power to control and prevent epidemics :-

For the purposes of controlling and preventing an outbreak of any epidemic or infectious disease in any village, the Pradhan shall, subject to the directions or orders of the Principal Officer (Health), Tripura Territorial Council or any officer authorised by him in this behalf, have all the powers necessary to stop infected persons or goods from entering or leaving the village, arrange for the compulsory inoculation or vaccination of all persons residing in the village, take charge of polluted food, arrange for the destruction of rats and the evacuation of houses, and do such other acts as may, in the opinion of the Pradhan, be necessary for the control and prevention of disease.

43C. Delegation of powers :-

The Pradhan may delegate any of his powers to the Up-pradhan or the Secretary subject to such conditions as he may think fit to impose.

44. Formation of administrative committees or functional subcommittees :-

(1) For the discharge of its administrative functions, a Gaon Panchayat may, and if so required by the Chief Commissioner, shall constitute one or more committees or sub-committees.

(3) For a meeting of the committee or the sub-committee a quorum of three members shall be necessary, but if a meeting is adjourned for want of quorum, no quorum shall be necessary for the adjourned meeting.

(4) A person may be a member of more than one committee or subcommittee.

45. Chairman of a committee or a sub-committee :-

(1) One of the members elected under R. 44 to constitute a committee or sub-committee shall be named by the Gaon Panchayat to be the Chairman of the committee or sub-committee.

(2) Chairman shall preside at all meetings of the committee or the sub-committee but in his absence from a meeting of the committee or the sub-committee, the members present shall elect one of themselves to be the Chairman of that meeting.

(3) At the meetings of any committee or sub-committee constituted under R. 44 decisions shall be taken by majority of votes, and in the case of equality of votes, the Chairman shall have a casting vote.

46. Powers of the committee or the sub-committee :-

The committee or the sub-committee shall exercise such powers as may be delegated to it by the Gaon Panchayat and shall be subject to the general control of the Gaon Panchayat.

47. Representation on the committee or sub-committee :-

If the jurisdiction of a Gaon Panchayat extends to more than one village, so far as possible, at least one member from each village shall be taken on each committee/sub-committee.

48. Proceedings of the committee or sub-committee :-

Each committee shall keep a record of its proceedings in Bengali in Form No. 8. The proceedings of each committee shall be read before a meeting of the Gaon Panchayat which may, for sufficient reasons to be recorded, revise any decision of a committee or sub-committee.

49. Disputing an appointment on a committee or a sub-committee :-

Any person affected by any appointment to a joint committee, subcommittee or any other committee and desirous of disputing the said appointment may put in a petition before the prescribed authority stating the ground or grounds on which the said person disputes the appointment.

50. Issue of notice to opposite party :-

The prescribed authority shall issue a notice to the party whose appointment is disputed to show cause, within a period specified in the notice, why the petition should not be granted. The said party shall put in his written statement in reply to the petition before the prescribed authority.

51. Inquiry into allegations :-

The prescribed authority may either make a local enquiry or take such evidence as it may think fit in order to find out the truth or otherwise of the allegations made in the petition or the written statement referred to in R. 50.

52. Decision on a petition :-

(a) If on enquiry or taking evidence, the prescribed authority is satisfied that there is no valid ground for disputing the appointment in question it shall dismiss the petition.

(b) If however, it is satisfied that the appointment disputed was the result of coercion, fraud, intentional misrepresentation or offer or acceptance of any valuable consideration, it shall cancel the appointment and either declare a casual vacancy or declare another candidate to have been duly appointed in that place whichever course appears in the particular circumstances of the case the more appropriate.

(c) In cases falling under (a) and (b) the prescribed authority may award costs at its discretion which shall not exceed five rupees in any case.

53. Casual vacancy in a committee or a sub-committee :-

In the event of the declaration of casual vacancy the prescribed authority shall direct fresh appointment to the committee concerned.

54. Suspension or removal of a member or Chairman :-

A Gaon Pan-chayat may suspend or remove a member or Chairman of any committee by a resolution supported by at least two-third of the total number of members of the Gaon Panchayat.

55. Resignation by Pradhan or Up-pradhan or member or Panch :-

(1) The Pradhan or Up-pradhan or member of a Gaon Panchayat or a committee or a sub-committee or a Panch, Sahayak Sarpanch or Sarpanch, wishing to resign his office, may do so by either presenting to the prescribed authority in person or sending to his address by registered post his written resignation signed by himself and attested by the Panchayat Secretary, and upon so presenting or sending the written resignation the person concerned shall be deemed to have vacated his office.

(3) In case, any of the persons enumerated in sub-R. (1) above wilfully neglects or makes default in making over charge as provided in sub-R. (2), it shall be taken over in the manner laid down in the provisos to sub-R. (2) through police help.

56. The office-bearers of Nyaya Panchayat restrained from sitting in the Bench during the election which any of them contests :-

(2) No Sarpanch, Sahayak Sarpanch or Panch of a Nyaya Panchayat shall in his official capacity, become a member of any organisation, association or institution not recognised by the Government/ Administration without previous approval of the prescribed authority.

57. Casual vacancies :-

(1) In the event of death, resignation or removal of member of a committee or sub-committee or his ceasing to be a member under sub-R. (2) of R. 44, the Gaon Panchayat shall fill the vacancy by electing another of its members and the person so elected shall hold office for the remaining term of the committee or subcommittee.

(2) If the member in whose place an election is held under sub-R. (1) was the Chairman of the committee or sub-committee the Gaon Panchayat shall also appoint another Chairman and the term of such Chairman shall be the remainder of the term of the committee or subcommittee.

57A. Validity of any act or proceedings :-

No vacancy, casual or otherwise, in a Gaon Sabha or in a Gaon Panchayat or any committee of a Gaon Panchayat shall vitiate any act or proceeding of a Gaon Sabha or a Gaon Panchayat or of such committee or sub-committee.

57B. Functioning of Gaon Sabha etc :-

A Gaon Sabha, a Gaon Panchayat and a Nyaya Panchayat shall, after their establishment, start functioning on and from a date which the Chief Commissioner may, by a general or special order, fix in this behalf.

57C. Assistance to Government servants :-

The Chief Commissioner may, under S. 21 of the Act, by a special or general order, direct a Gaon Panchayat to assist any Government servant in the performance of his duty in the manner specified in the order.

57D. Information of absence from duty :-

A Pradhan or Up-pradhan of a Gaon Sabha or a Panch, Sahayak Sarpanch or Sarpanch of a Nyaya Panchayat intending to absent himself from his duty for any reason for a period exceeding 15 days, shall inform the prescribed authority in writing of such intention together with the date from which he wishes to be absent and the date on which he is likely to return to take up his duty. The prescribed authority shall, if necessary, make such arrangement for the disposal of his work as it thinks fit.

CHAPTER 3

Records and inspections

58. Registers and records to be maintained by Gaon Panchayat :-

A Gaon Panchayat shall maintain the following registers, books and papers and the period of their retention shall be as shown against each :

59. Registers to be maintained by Nyayaing registers shall be maintained by the Ny period of their retention shall be

as shown agai Panchayat :-

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60. Additional registers :-

In addition to the registers prescribed in the rules, the Chief Commissioner may, whenever he thinks fit, order the maintenance of any other register or book by a Gaon Panchayat or Nyaya Panchayat.

61. Place of retention :-

(1) All registers, books and connected records of a Nyaya Panchayat shall be deposited with the Secretary of the Gaon Panchayat six months after they have been closed.

(2) For the purpose of maintenance and destruction of records of civil cases and criminal cases of Nyaya Panchayat, the procedure laid down by the Hon'ble Judicial Commissioner's Court, Tripura, for such records of the civil and criminal courts shall be strictly followed.

(3) [Deleted].

62. Forms of registers :-

The registers, books, returns and forms prescribed herein shall be in the form appended to these rules, but the Chief Commissioner may, by a. general or special order, make any alterations in or additions to them.

63. Annual reports and its contents :-

(2) The Gaon Panchayat shall attach to the report a statement giving an account of its receipts and expenditure during the year supported by a certificate signed by the banker and in case of Post Office Account, a certificate signed by the Pradhan.

64. Quarterly returns of Nyaya Panchayat :-

The Nyaya Panchayat shall, in the first week of January, April, July and October, submit in the prescribed form, returns regarding

(i) Criminal cases to the Sub-divisional Magistrate or any officer authorised by him in this behalf ;

(ii) [Deleted].

(iii) Civil cases to Munsiff, within whose jurisdiction the Nyaya Panchayat concerned lies.

65. Inspection of Gaon Panchayat office :-

Any officer or person appointed or authorised by the Chief Commissioner in this behalf may inspect the office of a Gaon Panchayat. The Pradhan of the Gram Panchayat shall produce before such officer or person all documents, registers, etc., which the latter may require for inspection. The result, of the inspection shall be reported to the prescribed authority.

66. Inspection of works, institution or records of a Gaon Padchayat :-

Any member or officer of a Gaon Panchayat or any person authorised by the Chief Commissioner or the District Magistrate in this behalf and with the previous sanction of the Pradhan or Up-pradhan, or any member of the Gaon Sabha concerned, may inspect any work or institution constructed or maintained in whole or in part at the expenses of the Gaon Panchayat, or any register, book or accounts or other documents belonging to or in the possession of the Gaon Panchayat or of any committee or sub-committee thereof.

67. Holding an enquiry :-

The Pradhan or any member of a Gaon Panchayat authorised by the Pradhan or any officer authorised by the Chief Commissioner may hold any enquiry in connection with the administration of the Gaon Panchayat and for the purpose summon witnesses through the Nyaya Panchayat having jurisdiction and compel production of any document.

67A. Registration of marriages :-

(1) Any husband and wife wishing to have their marriage registered in the Register of Marriages maintained by a Gaon Panchayat may do so by informing personally the officer charged with the maintenance of the register, the fact of their marriage and giving the particulars required to be filled in the register.

(2) A fee of Re. 1 shall be paid before the marriage is registered.

68. Copies of documents and fees therefor :-

Until the records of a Gaon Panchayat have been consigned, applications for copies of the records of Gaon Panchayat shall be made to the Pradhan of the Gaon Panchayat. For purposes of the rates of copying fees and the manner of granting such copies, the procedure laid down in Rr. 99 to 103 shall be followed.

68A. . :-

(1) Before entertaining any application and calling for the records of the Gaon Panchayat in a case in any court at the instance of a party, the authority concerned shall direct the applicant to deposit a fee of Rupee one for each record summoned, to be credited to the Gaon Fund together with the diet money for the person bringing the records and shall send the amount along with requisition for the required record to the Pradhan of the Gaon Panchayat and shall inform the date on which the record is to be presented in the court.

(2) The Pradhan of the Gaon Panchayat shall, on receipt of the above requisition and notice together with the fee and diet money, either arrange to send the record through someone or personally present the same on due date before the authority calling for the records.

69. Proceedings and records open to inspection :-

Subject to the rules hereinafter contained, all judicial records of Nyaya Panchayats and administrative proceedings of the Gaon Panchayats shall be open to inspection.

70. Inspection of pending judicial records :-

The records of a criminal, or civil case which is pending or which has been decided but the record of which has not been deposited in the office of the Gaon Panchayat may be inspected by a party thereto free of charge. Any person other than the parties concerned desiring to inspect such records shall obtain the permission of the Chairman of the Bench before whom the criminal or civil case is pending, or of the Sarpanch of the Nyaya Panchayat if it has been decided, by presenting an application stating therein the nature of the interest for the protection of which inspection is sought. On permission being granted, inspection shall be allowed on payment of the inspection fee laid down in R. 72. The records of a pending criminal or civil case include the records of a decided criminal or civil case called for in connection with a pending case.

71. Inspection of deposited records :-

The inspection of records deposited in the office of the Gaon Panchayat shall be allowed with the permission of the Secretary on payment of an inspection fee.

72. Inspection fee :-

The inspection fee shall be twenty five naye Paise for the first hour

and twelve naye Paise for any subsequent hour or fraction thereof for every record inspected. The fee chargeable under this rule shall be paid in cash with the application for inspection to the Pradhan or Sarpanch, as the case may be, who shall credit it to the Gaon Fund and shall forthwith give a receipt under his signature in the prescribed form.

73. Place and time for inspection :-

The inspection under R. 70 shall be made in the office of the Nyaya Panchayat and that under R. 71, at the place where the records are for the time being in deposit.

74. Maintenance of Inspection Book :-

A book called the Inspection Book in Form No. 11 shall be kept by each Gaon Panchayat and Nyaya Panchayat. Every person desiring inspection shall fill in the particulars in columns one to four of the Inspection Book.

75. General restrictions and directions for inspection :-

The use of pen and ink during inspection is strictly prohibited. Pencil and paper may be used for making any notes or copies from the record or paper inspected. The inspection of the record shall be noted only in the presence of an officer of the Gaon Panchayat or Nyaya Panchayat, as the case may be.

76. Inspection of administrative proceedings :-

All administrative proceedings of the Gaon Panchayat will be open to inspection at the discretion of the Pradhan. The procedure laid down for the inspection of judicial records shall be followed if the inspection is allowed.

77. Limitation for writing off fines : Jurisdiction of a Nyaya Panchayat :-

If any amount of the fine imposed by a Gaon Panchayat in an administrative case or by a Nyaya Panchayat in a judicial case is irrecoverable, it may be written off by the Gaon Panchayat or Nyaya Panchayat concerned ; provided that if the amount of such fine in any case exceeds Rupees five it shall not be written off without the previous sanction of the prescribed authority in case of a Gaon Panchayat or of the superior court in case of a Nyaya Panchayat.

77A. . :-

All arrears of sums becoming due to the Gaon Sabha under S. 99 of

the Act may be recovered as arrears of land revenue.

CHAPTER 4

Nyaya Panchayat

78. Election of Sarpanch and Sahayak Sarpanch :-

(1) The period within which, the Panchas of a Nyaya Panchayat shall elect from amongst themselves two persons as the Sarpanch and the Sahayak Sarpanch, shall be one month unless specifically extended by the Chief Commissioner from the date on which the appointment of Panchas of the Nyaya Panchayat under S. 43 of the Act is completed.

(2) The Sub-divisional Magistrate shall appoint a date, time and place for the meeting of Panchas to elect Sarpanch and Sahayak Sarpanch and shall give notice of the meeting to each Panch.

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(3) An officer not below the rank of the Circle Officer to be nominated by the Sub-divisional Magistrate, shall preside at the meeting but shall have no right of vote thereat.

(4) Half the number of members of a Nyaya Panchayat fixed under R. 3-E shall form the quorum for the meeting.

(5) Vote shall be given by writing the name of the candidate for whom the elector wishes to vote on the ballot paper or chit duly stamped or signed by the Presiding Officer and supplied to the elector which, after writing the name of the candidate, shall be handed over to the Presiding Officer and the same must not be signed by the elector.

(6) If only one candidate is proposed and seconded for the office of Sarpanch or Sahayak Sarpanch, he shall be deemed to be elected, but if more than one candidates are proposed and seconded for any such office, vote shall be taken by the Presiding Officer and the candidate obtaining the largest number of votes shall be deemed to be elected.

(7) If upon the counting of the votes, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of the candidates to be declared elected under sub-R. (6) the Presiding Officer of the meeting shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

78A. . :-

Any dispute relating to the election of a person as Sarpanch or Sahayak Sarpanch shall be decided in the manner provided in R. 26, for decision of disputes relating to election of Up-pradhan.

79. Constitution of a Bench :-

(2) Subject to provisions of S. 49 (3) of the Act, the distribution of cases between the Benches shall be made by allotting cases to Benches in serial order, i. e., the first case shall be allotted to Bench No. 1 and the second case to Bench No. 2 and so on.

(3) Where the Sarpanch or the Sahayak Sarpanch is a member of any Bench constituted under this rule, he shall be the Chairman of the Bench and in other cases the Panchas constituting the Bench shall, by majority opinion, nominate one of themselves to be the Chairman of the Bench.

(4) Where by reason of disagreement among the Panchas constituting a Bench it becomes impossible for them to give a decision by the opinion of the majority, the prescribed authority shall, on a reference being made by the Sarpanch in this behalf, transfer the case to the next Bench which will re-hear the case and decide the same. Note. For the purpose of S. 49 (3) of the Act, the word 'relation' means father, grandfather father-in-law, maternal or paternal uncle, son, grandson, son-in-law, brother, nephew, first cousin, paternal or maternal, wife's brother, sister's husband, husband's brother, husband's sister, wife's sister, daughter, daughter-in-law, sister-in-law, being the wife of a brother or first cousin, mother, mother-in-law and aunt, maternal or paternal.

80. Qualification of Panchas :-

A person shall not be qualified to be appointed a Panch of a Nyaya Panchayat unless he

(a) is able to read and write Bengali ; and

(b) is Thirty years or over in age.

81. Oath of office of a Panch or member :-

Every Panch appointed under S. 43 of the Act and every member and Pradhan of a Gaon Pan- chayat shall, at the first meeting of the Gaon or Nyaya Panchayat, as the case may be, which he attends, take oath of office or solemnly affirm in the following manner :
Oath I.....(name).....do swear that I will bear true

faith and allegiance to the Constitution of India as by law established and that I will do right to all manner of people and faithfully discharge my duties as Panch of a Nyaya Panchayat/member of the Gaon Panchayat without fear or favour, affection or ill-will. So help me God. Affirmation I..... (name).....do solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and-that I will do right to all manner of people and faithfull y discharge my duties as Panch of a Nyaya Panchayat/member of the Gaon Panchayat without fear or favour, affection or ill-will.

82. Nyaya Panchayat, time and place of its meeting :-

A Nyaya Panchayat shall hold its sitting at such time and place and in such central village as may be fixed by the prescribed authority.

83. Duration of sitting of Nyaya Panchayat :-

A Nyaya Panchayat shall sit for as many days in a month as may be compatible for the speedy disposal of work or as may be determined by the prescribed authority.

84. Every case^shall ordinarily be finally disposed of within six weeks of its institution or its transfer to the Nyaya Panchayat :-

If it is not decided within this period, the Nyaya Panchayat shall record reasons for delay in the quarterly return submitted to the prescribed authority.

85. Sittings to be notified :-

The date on which the Nyaya Panchayat shall ordinarily sit in a month shall be notified in the third week of the preceding month by affixing a list of such dates at the office of the Nyaya Panchayat.

86. . :-

A weekly list of cases to be notified with names of parties and the dates on which they are to be heard shall be prominently displayed outside the office of the Nyaya Panchayat for general information.

87. No fee for enquiring date of hearing :-

No fee shall be charged from a party or witness for inquiring orally or by application, the date fixed for the hearing of his case.

88. Application under S. 75 of the Act :-

The Sarpanch, Sahayak Sarpanch or the Panch receiving the application under S. 75 of the Act shall, in regard to civil case, record its description and valuation, and in the case of a criminal

case, the nature of the offence and, if possible, particulars of the matters mentioned in S. 59 of the Act.

89. Examination of parties and their witnesses :-

(ii) Each party shall be allowed to cross-examine the other party except an accused and the witness produced just after their examination-in-chief, but the Nyaya Panchayat may, either of its own motion or on the request of any party, examine any person at any stage of the proceedings before passing final orders, and in such a case each party shall be entitled to put question to the person so examined.

(iii) Before examining any person except an accused a Nyaya Panchayat shall administer him the following oath or if the person is willing to make an oath in any other form to which peculiar sanctity is attached in the locality, then in such other form : "I shall state the truth, and nothing but the truth. So help me God".

89A. Restoration of application :-

If an application under S. 85 of the Act is dismissed for default, the court may, on an application made within one month of the date of the dismissal order or knowledge thereof for sufficient reasons to be recorded in writing, restore the same.

90. Inquiry into a question of title or right :-

In matters involving a question of title or right under the personal law of the party, the Nyaya Panchayat shall make only a summary enquiry and shall not enter into intricate questions of title based on civil and personal law. In case of any doubt or difficulty, it may make reference to the Sub-divisional Officer, having jurisdiction and shall act, thereafter according to his directions.

91. Return of documents :-

If any document is produced before a Nyaya Panchayat, it shall be noted and endorsed by the Nyaya Panchayat. Documents other than those on which a case is based shall be returnable after the final disposal of the case to the parties filing them.

92. Examination of women on commission :-

(1) If a woman as a party or witness wants herself to be examined by the Nyaya Panchayat on commission, her representative acting under S. 81 of the Act, or the party desiring to examine her as witness shall make an application to the Nyaya Panchayat in that

behalf, and if so ordered by the Bench, the representative of the party concerned shall deposit conveyance charges or arrange for a conveyance for the Sarpanch, Sahayak Sarpanch or a Panch of a Bench of the Nyaya Panchayat. Thereupon the date and the time shall be fixed by the Chairman of the Bench, the information of which shall be given by him to the parties and the woman concerned in advance. The Panch of the Bench whom the Chairman of the Bench may have directed in that behalf shall examine the woman at her residence in the same manner as if she were appearing before the Nyaya Panchayat and take record of the statement made by her.

(2) The statement of the woman so recorded shall be signed or thumb-marked by the woman and attested by at least one identifying witness and shall form the part of the case.

92A. Issue of commission :-

(i) The Sarpanch of a Nyaya Panchayat may issue commission to any Sub-divisional Magistrate or Sarpanch of a Nyaya Panchayat having jurisdiction over the area for the examination of any witness if he considers that the examination of the witness is necessary in the ends of justice and that the attendance of such witness cannot be procured without an amount of delay, expense or convenience which under the circumstances of the case would be unreasonable.

(ii) The Sub-divisional Magistrate or the Sarpanch receiving the commission may nominate any official subordinate to him not below the rank of a Circle Officer or a Bench of Nyaya Panchayat, and such official or Bench shall proceed to the place where the witness is or shall summon the witness before him and shall take down his evidence in the same manner as a witness and may for this purpose exercise the power of a Nyaya Panchayat.

(iii) The parties to the case in which a commission is issued may respectively submit any interrogatories in writing which the Sarpanch directing the commission may think relevant to the issue, and he shall forward such interrogatories along with the commission ; and the Sub-divisional Magistrate or the Sarpanch to whom the commission is directed or whom the duty of executing such commission has been delegated shall examine the witness upon such interrogatories.

(iv) Any such party may appear before such Sub-divisional Magistrate or Bench either personally or through any friend or

relation who has been duly authorised in this behalf and may examine, cross-examine and re-examine, as the case may be, the said witness.

(v) After a commission has been duly executed, it shall be returned together with the deposition of the witness examined thereunder to the Sarpanch who issued it ; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party and shall form part of the record.

(vi) In every case in which a commission is issued the proceedings may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

(vii) An order for the issue of a commission for the examination of a witness may be made by the Nyaya Panchayat either of its own motion or on the application supported by affidavit, or any party to the case or of the witness to be examined.

(viii) Before issuing a commission, the Nyaya Panchayat may order such sum, if any, as it thinks reasonable for the expenses of the commission, to be paid to it by the party at whose instance or for whose benefit the commission is issued within such time as may be fixed.

93. Judgment, order or decree :-

After ascertaining the facts of the case by examining the parties, their witnesses and the documents produced, if any, and by any other lawful means in its power, the Nyaya Panchayat shall record a brief judgment and the final order over the signatures of the Panchas. The judgment shall be read in the open court and signatures or thumb-impressions of the parties present will be taken on it as far as possible which shall form part of the record. The judgment, and if the case is a civil case, a decree in the prescribed form (Form No. 21) shall be drawn up in terms of the judgment.

94. Disposal of cases pending on death of any party :-

If during the pendency of a criminal case, other than a police case, either the complainant or the accused dies, the case shall abate, but if during the pendency of a civil case any party dies the legal representative of the said party shall be made a party to the case

subject to the provisions of S. 67 of the Act.

95. Payment of fine or compensation :-

The fine imposed or the compensation granted by a Nyaya Panchayat shall be paid to the Sarpanch, the Secretary or a Panch duly authorised by Sarpanch in this behalf and he shall give a receipt for the amount in the prescribed form.

96. Language of Nyaya Panchayat :-

The language of the Nyaya Panchayat and of all its records and registers shall be Bengali in Bengali script.

97. Seal of the Nyaya Panchayat :-

Every Nyaya Panchayat shall have a seal inscribed with its name, and shall use the same on all processes, orders and copies issued by it.

98. Court fee :-

The following fees in cash shall be charged by the Nyaya Panchayat before entertaining any case :

Provided firstly, that the Nyaya Panchayat may, for reasons to be recorded in the Register for criminal cases, waive off the payment of a fee in a criminal case ;

Provided secondly, that where a Nyaya Panchayat decides that it has no jurisdiction it shall return the fee paid by the applicant, together with the application if in writing ;

Provided thirdly, that fees in civil cases under S. 82 of the Act shall be charged at a flat rate of 50 naye Paise for every ten rupees or part thereof;

Provided fourthly, that in no case, Nyaya Panchayat shall charge fees exceeding Rs. 100 ;

Provided fifthly, that no fee shall be charged on a complaint or a process issued on the complaint or application of an officer or servant of a local authority when acting in that capacity.

99. Application for copy of records and fee thereon :-

An application for obtaining a copy of the records of a Nyaya Panchayat before the consignment of such records under these rules shall be made to the Sarpanch of the Nyaya Panchayat and shall be accompanied with a fee of 25 naye Paise.

100. Copying fee :-

(1) Copying fee shall be charged at the rate of 25 naye Paise or 50 naye Paise for every 200 words and fraction thereof according as the copy applied for is ordinary or urgent but the Nyaya Panchayat may, for special reasons, grant to an accused upon his conviction a copy of its order free of costs.

(2) Half the copying fee charged for supplying a copy shall be paid to the person preparing the copy in case he is not an employee of the Gaon Sabha or the Nyaya Panchayat concerned.

(3) Urgent copies shall ordinarily be delivered to the applicant within 24 hours of the receipt of the application.

101. Payment of fee in advance :-

While making an application for a copy, the applicant shall pay a sum likely to cover the copying fee but if at any time it is found that the sum so paid falls short of the copying fee under R. 100, the applicant shall be required to pay the deficiency before the delivery of the copy to him.

102. Preparation and delivery of the copy :-

The Sarpanch shall get the copy applied for, prepared on plain paper, certify it a true copy under signature and seal, and deliver it to the applicant or his duly authorised agent and also refund to him the balance, if any, left out of the sum paid under R. 101 after meeting the copying fee.

103. Credit and disbursement of fees :-

(a) All the fees chargeable under Rr. 98, 99 and 100 shall be paid in cash to the Sarpanch who shall forthwith give a receipt under his signature in the prescribed form for each fee received.

(b) A Nyaya Panchayat shall maintain a Nyaya Panchayat Account in Form No. 6-A in respect of all income received in the form of fees, fines, contributions from Gaon Sabhas, etc., and all expenses incurred by it.

(c) All sums realised by way of court fees or fine in a case triable under the Act shall be deposited by the Sarpanch in the personal ledger account of the Nyaya Panchayat as soon as the total of such fees and fines exceeds at any time Rs. 25.

(d) The District Panchayat Officer or the Sub-divisional Officer or the Block Development Officer or the Project Executive Officer concerned shall transfer the credit of the Administration on the

15th day of October and of April in each financial year the whole amount then in deposit in the personal ledger account of the Nyaya Panchayat under sub-R. (c) and out of the sums so credited transfer to the Gaon Sabhas concerned in equal shares such sums as the Chief Commissioner may determine under sub-S. (2) of S. 39 of the Act.

104. . :-

Every summons or notice issued by a Nyaya Panchayat shall be in duplicate and in the prescribed form (Form No. 4). It shall specify the time, date and place at which the person is required to attend and also whether his attendance is required as an accused, a defendant, a judgment debtor or other party or a witness, and whether for the purpose of giving evidence or to produce a document or for other purposes. If any particular document is to be produced, it shall be described in the summons or notice with reasonable accuracy. The price of the summons shall be 5 naye Paise each and it shall be realised from the party on whose behalf the summons is issued.

105. Summons to produce a document :-

Any person may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce it.

106. Persons exempted from attendance in court not to be summoned :-

No Nyaya Panchayat shall summon to appear before it, for the purpose of giving evidence, persons who, according to the custom of the country or under the provisions of the Code of Civil Procedure, 1908, are exempted from personal attendance in court.

107. Service of summons :-

If the person on whom the summons or notice is to be served resides within the jurisdiction of the Nyaya Panchayat, the procedure outlined in Rr. 109 and 110 shall be followed.

108. Service fee :-

If the summons or notice is to be served at the instance of a party the Nyaya Panchayat shall except in a criminal case initiated by a police officer recover a fee of 50 naye Paise per summons or notice from that party. The fee shall be credited to the Nyaya Panchayat

account and paid to the process-server at the rate of 25 naye Paise per summons or notice.

109. Person charged with process serving :-

The summons or notice shall ordinarily be served by a chowkidar or process-server, but the Sarpanch or Panch who directs its issue may, in his discretion, cause it to be served by any other person.

110. Method of service within jurisdiction :-

The summons or notice shall be served by delivery to the person concerned whose signature or thumb-impression shall be taken on the duplicate. If the person concerned cannot be found or if it appears that he is evading service, the Sarpanch, Shayak Sarpanch or a Panch may order that the summons or notice may be served on an adult male member of the family residing with him, or affixed in presence of two witnesses to some conspicuous part of the house in which the person ordinarily resides. The summons and notice shall thereupon be deemed to have been served on the person concerned. In case the summons or "notice cannot be served in the manner contemplated as above, or as provided under R. 112, the Nyaya Panchayat may cause it to be published in the Tripura Gazette. On publication, the summons or notice shall be deemed to have been served on the person concerned.

111. Diet money :-

No diet money shall be paid to any person who resides within the jurisdiction of the Nyaya Panchayat.

112. Method of service outside jurisdiction :-

If the person to be summoned by a Nyaya Panchayat in a case resides outside the jurisdiction, the Nyaya Panchayat shall send the summons, by post or otherwise to the Nyaya Panchayat or the Court within whose jurisdiction the person on whom it is to be served resides and such Nyaya Panchayat shall cause it to be served as if it were its own summons and shall return the duplicate to the Nyaya Panchayat concerned. If the person summoned is a witness, the Nyaya Panchayat shall require the person at whose instance the summons is to be issued, to deposit diet money payable to the witness under these rules before the summons is issued. The amount of the diet money shall be paid to the witness on his appearance.

113. Procedure of summons issued under R. 112 :-

A summons issued by a Nyaya Panchayat of its own motion under

R . 112 shall be sent to the Nyaya Panchayat or the court concerned, by post or otherwise, and shall contain a note that it has been issued by the Nyaya Panchayat of its own motion and that diet money shall be paid by the Nyaya Panchayat to the witness on his appearance.

114. Diet money from Nyaya Panchayat account :-

When a Nyaya Panchayat summons a witness of its own motion and such witness resides beyond its jurisdiction, it shall pay diet money to the witness out of the Nyaya Panchayat account.

115. Refusal to summon a witness :-

A Nyaya Panchayat may refuse to summon a witness if, in its opinion, his attendance cannot be procured without any amount of delay, expense or inconvenience, which, in the circumstances, would be unreasonable.

116. Diet money defined :-

"Diet money" consists of

(a) daily allowance ; and

(b) travelling expenses, and is intended to reimburse witnesses for the reasonable expenses incidental to their attendance before the Nyaya Panchayat.

117. Rates of daily and travelling allowances :-

Daily allowance and travelling allowance shall be paid at the following rates by the Sarpanch considering the status of the witness :

(i) Daily allowance Re. 1 to Rs. 2

(ii) Travelling allowance for a journey by road Actual expenses incurred up to a maximum of 37 naye Paise a mile.

(iii) If a servant or officer of the Administration or a local body is summoned as a witness, his daily and travelling allowances shall be governed by the rules of the Government or the local body, as the case may be. If there are no rules for any local body in this connection, the daily and travelling allowances shall be determined by the Nyaya Panchayat.

118. Register of diet money and issue of receipts :-

Whenever diet money is deposited, the Nyaya Panchayat shall give a receipt to the person depositing it and shall forthwith enter in the

register of diet money (Form No. 9) the name of the depositor and the amount deposited. On payment of the diet money to a witness or its repayment to the depositor, the Sarpanch or Panch in whose presence the amount is paid shall sign the register of diet money.

119. Power of investigation :-

The Nyaya Panchayat or any Panch thereof duly authorised in this behalf may, for ascertaining facts conducive to the proper disposal of a case of reference, enter upon any land or building at any time between sunrise and sunset after giving twenty four hours' notice to the occupier or when there is no occupier, to the owner of such land or in his absence his representative. If the land or building is in the occupation of persons who according to the custom of the country, do not appear in the public, due notice may be given to them to withdraw.

120. Execution of decrees :-

(1) The holder of a decree or order may put in an application for its execution on payment of one-fourth share of fee payable for the institution of the original suit before the Nyaya Panchayat which passed the decree. The fee so paid shall be included in the costs.

(2) If the property of the defendant or opposite-party against whom the execution application has been presented is not situated outside the jurisdiction of the Nyaya Panchayat, it shall issue a notice to the defendant or opposite party requiring him to comply with the decree or order within 30 days of the receipt of the notice. If the decree is not complied with within the said time or such further time not exceeding three months as the Nyaya Panchayat may deem fit to allow, it shall forward the decree or order for execution in accordance with provisions of sub-S. (2) of S. 93 of the Act.

(3) If the property of the defendant or opposite party against whom the execution application has been presented is situated outside the jurisdiction of the Nyaya Panchayat, it may either itself proceed in the manner laid down in sub-R. (2) above or transfer the decree or order for execution as provided in sub-S. (1) of S. 93 of the Act by sending a copy of the execution application together with a copy of the decree or order after endorsing the words "transferred execution" to designation of transferee. The Nyaya Panchayat or the Munsiff or the Sub-divisional Officer, as the case may be, to whom the decree or order is transferred for execution,

shall issue a notice to the defendant or opposite party in the manner provided in sub-R. (2) above. If the decree or order is not complied with within the period specified in the notice or within such further time not exceeding three months as may be allowed further, if the notice was issued by a Nyaya Panchayat, it shall act under sub- S. (2) of S. 93 of the Act, and if it was issued by a Munsiff or a Sub- divisional Officer then the Munsiff or Sub-divisional Officer shall execute the same as if it were a decree or order passed by him.

120A. . :-

(1) Before entertaining an application under S. 85 or 89 of the Act and calling for the record of a case from a Nyaya Panchayat at the instance of any party the authority concerned shall direct the applicant to deposit a fee of Rupee one and 50 nP. together with money order charges for this purpose and shall send the amount along with a requisition for the required record to the Sarpanch of the Nyaya Panchayat concerned.

CHAPTER 5

Maintenance, acquisition and transfer of property

121. Application for acquisition of land :-

When any land is required by a Gaon Sabha to carry out any purpose of the Act, and it is desired to be required for the Gaon Sabha, then if the acquisition is sought to be made through the Collector, the application for acquisition shall be made by the Gaon Panchayat in Form No. 35.

122. Transfer of immovable property vested in the Gaon Panchayat :-

The Gaon Panchayat shall not transfer otherwise than by way of lease without a premium any immovable property vested in it, except with the previous approval of the Chief Commissioner on such conditions as he may approve, in case its value exceeds two thousand rupees, and in other cases, with the sanction of the Collector, on such conditions as he may impose.

123. Scale map of land :-

In cases where the sanction of the Chief Commissioner or the Collector is required for the transfer of property vested in the Gaon Panchayat, the Gaon Panchayat shall report the proposal in Form No. 20 to which a scale map in duplicate of the land and surrounding shall be attached.

124. Lease without premium :-

In case of a lease without premium transferring immovable property vested in the Gaon Panchayat, a reasonable annual rent shall be reserved and made payable during the whole term of the lease, and the lease or any agreement to grant the lease shall not be made without the previous sanction of the Gaon Panchayat by a resolution :

Provided that when the term of the lease exceeds ten years, but not thirty years, the previous sanction of the Collector, and when the term exceeds thirty years, the previous sanction of the Chief Commissioner shall also be obtained.

125. Lease by auction or tender :-

The Gaon Panchayat shall not ordinarily transfer property vested in it by lease except by auction or after inviting tenders. In cases, where public tenders have not been invited, the Gaon Panchayat shall record its reason for entertaining a private offer and the method adopted by it in fixing a fair rent.

126. Approval of Collector or Chief Commissioner :-

When the rules require the previous approval of the Collector or the Chief Commissioner to a transfer of property vested in the Gaon Panchayat any instrument whereby the transfer is effected should record the fact of the approval of the Collector or the Chief Commissioner, as the case may be, having been obtained.

127. Government land :-

The maintenance and management of Government land shall be governed by rules framed by the Chief Commissioner for the purpose.

128. Register of immovable property :-

A Gaon Panchayat shall maintain a register in Form No. 13, of all immovable property other than the Government land (including trees) which is vested in or placed under the management of or is held by the Gaon Panchayat on lease.

129. Separate entries for different kinds of property :-

The property vested in or placed under the management of, and held by the Gaon Panchayat on lease shall, respectively, be entered in separate parts of the register.

130. Periodical examination of the register :-

The Gaon Panchayat shall -periodically, but not less than once a year, cause the register to be examined and verified by the prescribed authority and the examining officer shall be required to certify that the record is correct.

131. Transfer :-

No immovable property, vested in or belonging to a Gaon Panchayat shall be transferred by sale, gift, mortgage or exchange, except on the resolution of a Gaon Panchayat and with the sanction of the prescribed authority.

132. Contract for work or supply or collection of any article :-

All contracts, whether for execution of any work or for supply of any article, shall be sanctioned by the Gaon Panchayat, and if the value of the contract exceeds Rs. 50, the contract shall be sanctioned only after calling for tenders and shall be in writing and signed by the Pradhan and one other member of the Gaon Panchayat.

CHAPTER 6

Rules governing sanction, etc

133. Application of municipal bye-laws governing sanitation etc :-

The prescribed authority with the previous consent of the Gaon Panchayat concerned, may, and if required by the Chief Commissioner, shall, apply with necessary modifications the provisions of the Municipal Act for the time being in force in Tripura and rules, regulations and bye-laws framed thereunder within the jurisdiction of the Gaon Panchayat for purposes mentioned in Cl. (xvi) of sub-S. (2) of S. 110 of the Act.

134. Registration of births and deaths :-

(a) A Panchayat shall undertake registration of births and deaths and the reporting of epidemic diseases and for that purpose shall comply with all order of the Public Health Department of the Tripura Territorial Council and the Chief Commissioner.

(b) A Gaon Panchayat shall maintain register of births and deaths in Form C for every village situated in its jurisdiction and the Pradhan and the Secretary of the Gaon Sabha shall be responsible for its correct maintenance.

135. Reports of births and deaths :-

The head of the family or in his absence any other member thereof shall report birth or death occurring in his family within three days of the occurrence at latest to the Secretary or Pradhan or Up-pradhan of the Gaon Sabha concerned and the officer receiving the report shall give a receipt of the same to the reporter. Any person who fails without sufficient cause to make a report under this rule shall be punishable by a Nyaya Panchayat with a fine which may extend to rupees five only.

136. Chowkidar to report birth and death :-

It shall be the duty of a chowkidar to report to the Pradhan or in his absence the Up-pradhan or the Secretary of the Gaon Sabha every birth or death occurring in the area assigned to him by the Gaon Panchayat within three days of the said occurrence.

137. Removal and destruction of water hyacinth :-

A Gaon Panchayat may, and when required by the residents of the area concerned, undertake removal and destruction of water hyacinth, grass weed or other wild growth on any land, premises or water as well as construction of fence and barriers to check its movement, and may recover its cost from the residents of the locality concerned unless the local residents arrange for free labour for the purpose.

137A. . :-

(1) A Gaon Panchayat may undertake the burial of dead animals where the owner thereof fails to do so within six hours of their death.

(3) If the owner pays the expenses of burial within the period specified, or within such extended period as the Gaon Panchayat may allow, the sale proceeds of the skin shall be paid to him.

138. Power to exercise conservancy and other sanitary measures :-

(2) If any notice under sub-R. (1) requires any act to be done, it shall fix a reasonable time for doing the same.

139. Power of water supply :-

Whenever a Gaon Panchayat undertake the control and administration of, and to be responsible for, the water supply of its area, it may exercise any of the following powers : The Gaon

Panchayat may

(a) acquire by purchase, gift or otherwise any spring, tank, well, stream or watercourse and provide facilities for obtaining water therefrom ;

(b) construct, repair and maintain public springs, tanks and wells and provide for the cleaning thereof and of streams and water-courses at suitable intervals ;

(c) prohibit during epidemic the use of any water-course for drinking, for washing domestic utensils, for washing clothes, or for watering cattle ;

(d) notify the setting apart of any watercourse for drinking, for washing domestic utensils, for washing clothes and for performing funeral obsequies if and where necessary or for watering cattle and prohibit all acts likely to pollute the course so set apart :

(e) prohibit throwing of corpse into streams or watercourse ; and

(f) disinfect, during the prevalence of epidemics, sources of drinking water supply.

140. Penalty for disobedience :-

Any person who disobeys a general direction or special order issued by the Gaon Panchayat under R. 138 or R. 139 shall, on conviction by the Nyaya Panchayat, be punishable with a fine which may extend to Rs. 10, for the first offence or for each subsequent offence.

141. Notice for sanitary measure :-

(1) The Gaon Panchayat may decide at a meeting to give notice to a person with regard to all or any of the matters specified in S. 18 of the Act. After this decision is passed, the notice shall be issued in writing and signed by the Pradhan or any member of the Gaon Panchayat. It shall be in duplicate and it shall be served on the person concerned through the village chowkidar or by any other person deputed by the Gaon Panchayat. The person to whom the notice is tendered shall acknowledge receipt thereof in writing and either sign it or put his thumb impression on it. In case he refuses to accept the notice or evades service thereof, the facts shall be noted by the serving officer, and the notice returned to the Gaon Panchayat.

(2) Payment to the village chowkidar for service. Where the Gaon Panchayat employs a village chowkidar to serve notice under this rule, it shall, along with the notice, tender to the chowkidar a fee of twelve naye Paise per notice, and such fee shall be charged to the Gaon Fund.

142. Acknowledgement of notice :-

Every person refusing to accept the notice or to give an acknowledgement in token of a receipt of a notice issued under the Act or these rules or evading service thereof shall be punishable by the Nyaya Panchayat with a fine which may extend to ten rupees.

CHAPTER 7

Preparation of Projects and execution of works

143. Works classified :-

For the purpose of these rules, works shall be classified as below :

(a) A petty work is a work, the cost of which does not exceed Rs. 2,000.

(b) A minor work is a work, the cost of which exceeds Rs. 2,000 but does not exceed Rs. 7,500.

(c) A major work means a work above Rs. 7,500 in value.

(d) All the above classes of works will be termed as "Ordinary" or "Health" works according to the category under which they come. The term "Health work" shall include town planning schemes, slaughter houses, markets, model lodging houses, hostels, hospitals, dispensaries, sarais, bathing ghats, latrines and the like and others shall be deemed to be "Ordinary". A work which is partly "Ordinary" and partly "Health" may be placed entirely in one or the other class as may seem desirable, but the decision of Principal Officer (Health), Tripura Territorial Council, as to the proper classification of the work shall be final.

144. Preparation of plans and estimates :-

The plans and estimates for a work may be prepared

(b) in the case of major works by the Public Works Department of the Administration or the Principal Officer (Engineering), Tripura Territorial Council, or a Consulting Engineer of proper standing approved by the Administration.

145. Procedure of preparation and forecast of cost :-

(a) The Gaon Panchayat may get the plans and estimates of a petty and minor work prepared by any of the agencies under R. 144 (a).

(b) In the case of major works the prescribed authority shall forward a forecast of costs obtained from the Tripura Territorial Council or a private agency, and if such is not available then from the Public Works Department of the Administration to the Gaon Panchayat for consideration. If the Gaon Panchayat accept it, the prescribed authority shall call for a final project from any of the agencies mentioned above.

146. Approval of plans and estimates of petty works :-

(a) The plans and estimates of a petty work, the cost of which does not exceed Rs. 500 may be finally approved and sanctioned by the Gaon Panchayat itself, such approval or sanction being formally recorded in the proceedings of the Gaon Panchayat.

(b) The plans and estimate of works, the cost of which exceeds Rs. 500 shall, in the first instance, be approved by the Gaon Panchayat by a formal resolution and thereafter submitted to the prescribed authority for sanction.

147. Projects financed by loans and grants :-

(a) The plans and estimates of a petty or a minor Health Work, after being approved by the Gaon Panchayat by a formal resolution, shall be forwarded to the prescribed authority for approval.

(b) In the case of major works it is necessary to have a forecast of cost prepared in the first instance and submitted to the Administration through the prescribed authority with Gaon Panchayat's proposals for a grant of loan, in order to ascertain if the required assistance would be forthcoming. After the approval of the Administration has been obtained to the forecast of cost, the final or detailed project shall be submitted to the Administration through proper channel for administrative sanctioned and allotment of funds.

148. Sanction of projects and provisions of funds absolutely necessary :-

The work shall not commence until

(1) the project and the plans and estimates have been sanctioned in accordance with these rules ; and

(2) provision of funds has been made in the budget and passed by the Gaon Sabha.

149. Petty works executed by Gaon Panchayats :-

(a) All works costing not more than Rs. 500 may be executed by the Gaon Panchayat itself or by any of the agencies mentioned in R. 144 (a), either by daily labour or contract.

(b) By approved agencies. All works above Rs. 500 shall be executed and measured subject to the provisions of R. 144 by the agency approved by the prescribed authority which shall pass the measurement for payment.

(c) By Public Works Department of the Administration or T. T. C. If the major work is entrusted to the Public Works Department of the Administration or the Principal Officer (Engineering) of the Tripura Territorial Council, the work shall be executed, measured and paid for by the Department concerned.

150. Tripura Territorial Council :-

(a) All petty, minor and major works executed by the Gaon Panchayat as laid down in R. 149 (a), (b) and (c) shall be open to inspection by such officers as the Administration may authorise.

(b) In the case of works which are wholly or partly assisted by the Administration or the Tripura Territorial Council, it shall be open to the Principal Engineer of the Administration or the Principal Officer (Engineering) of the Tripura Territorial Council, as the case may be, or their staff to inspect such works.

151. Renewed sanction after three years for unexecuted works :-

Each administrative sanction shall hold good for only three years from its date. If the Gaon Panchayat desires to execute the work after the sanction has expired, it shall apply for renewed sanction.

152. . :-

Deleted].

153. . :-

Deleted].

154. Quarterly reports of progress to the Principal Engineers of the Administration or Principal Officer (Engineering) of T. T. C. :-

A Gaon Panchayat which has received from the Administration, direct or through the Tripura Territorial Council", a grant or loan for a water works or other health works estimated to cost Rs. 3,000 or more, shall submit to the Principal Engineer of the Administration or the Principal Officer (Engineering) of the Tripura Territorial Council, as the case may be, through the Panchayat Extension Officer/Organiser, a report of the progress of the work for each quarter of the financial year until the work is completed. The Gaon Panchayat shall submit the report within the 10th day of the month following the end of the quarter.

155. Annual Progress Report :-

In the case of water works or health works estimated to cost less than Rs. 3,000 for which a grant or loan has been received, the Gaon Panchayat shall submit a report to the Panchayat Extension Officer annually until the completion of the work. The report shall be submitted not later than April 15 in each year, and before May 1, in each year to the Panchayat Extension Officer concerned who shall submit to the Principal Engineer of the Administration, a statement showing the amount of grant sanctioned, the amount spent during the year, the unspent balance, if any, of the grant at the end of the year, the reason of delay if the work has not been taken in hand or completed and a certificate to the effect that the amount has been properly utilised.

156. . :-

On the completion of water works or health works for which a grant or loan of Rs. 3,000 or over has been received, the Gaon Panchayat shall, within three months, report the completion of the work to the Principal Engineer of the Administration, or the Principal Officer (Engineering) of the T. T. C., as the case may be, and shall further, within six months, submit a completion certificate in the form appended to these rules. In the case of works costing less than Rs. 3,000 these reports and certificates should be submitted to the District Panchayat Officer.

CHAPTER 8

Appointment etc. of servants

157. Officers and servants, their salaries, allowances and duties :-

(1) Every Gaon Panchayat shall maintain a list of officers and other servants except the Secretary on its establishment, together with

the salaries and allowances payable to their holders, as also the names of persons holding these posts and salaries and allowances which are being drawn by them.

(2) Subject to the provision in the budget, the Gaon Panchayat may, from time to time, by resolution, create new post(s) or abolish any existing post(s) and determine the salary and allowances to be paid to holders of newly created post(s).

(3) The Gaon Panchayat may, from time to time, determine the duties to be assigned to the various posts on its establishment.

158. Appointment of Panchayat Secretary :-

(1) The Chief Commissioner may, by a general or special order, direct that only one Secretary may be appointed for one or more Gaon Panchayats on a scale of pay and other conditions to be fixed by the Administration.

(2) The prescribed authority shall have power to transfer, suspend, remove, dismiss or to take other disciplinary action against the Secretary who shall be subject to the provisions contained in Schedule II in respect of punishment and appeals

158A. Reservation for Scheduled Caste and Scheduled Tribe candidates :-

(1) The interest of backward classes shall, in general, be kept in view while making appointment.

159. Duties of Secretary :-

It shall be the duty of the Secretary

(1) to comply with and see that all provisions of the Act and rules and bye-laws made thereunder and all orders issued or authorised by the Chief Commissioner or the prescribed authority are complied with by the Gaon Panchayat and Nyaya Panchayat and shall bring to their notice any irregularity or omission on their part;

(2) to carry out orders of the Gaon Panchayat and the Pradhan or Up-Pradhan passed by or under the Act, and to perform any other duties and to exercise any other powers assigned to or conferred on him by or under the Act or any other law ; and

(3) to exercise the supervision and control of servants of Gaon Panchayat.

160. Qualifications of staff :-

The Panchayat Secretary and other staff required for the Gaon Panchayat or the Nyaya Panchayat shall possess such educational qualification and fulfil such conditions as may be prescribed by the Administration :

Provided that preference shall be given to experienced hands.

161. . :-

he punishment and the right of appeal of servants of Gaon Panchayat including Secretary shall be regulated by the provisions in Schedule II of these rules.

162. . :-

he order of the Secretary passed in exercise of the powers delegated to him under S. 25 (3) of the Act shall be appealable to the Gaon Panchayat within 15 days when the order concerned is communicated to the servant.

163. Determination of period of office of a servant :-

The period of office of a Gaon Panchayat and the Nyaya Panchayat shall not be determined until

- (a) his resignation has been accepted in writing by the authority competent to appoint his successor ; or
- (b) he has given such authority at least one month's notice ; or
- (c) he has paid or assigned to the Gaon Panchayat, a sum equal to one month's pay ; or
- (d) he has been given by the authority competent to appoint his successor not less than one month's pay in lieu of notice.

164. Leave and officiating arrangement :-

The grant of leave to servants of the Gaon Panchayat and Nyaya Panchayat and the amount of remuneration to be paid to the persons, if any, appointed to act for them whilst on leave shall be regulated by the rules governing non-Gazetted Government servants :

Provided that the casual leave to servants other than the Secretary shall be granted by the Secretary if authorised by the competent authority in this behalf, and leave to the Secretary shall be granted by the prescribed authority, while privilege and other leave to all servants of the Gaon Panchayat or Nyaya Panchayat shall be

granted by the prescribed authority.

165. . :-

Deleted].

166. . :-

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CHAPTER 9

The custody and administration of the Gaon Fund

167. Maintenance of Gaon Fund and its transaction :-

(1) The administration of the Gaon Fund shall be in the hands of the Gaon Panchayat subject to the general control of the prescribed authority.

(2) All money transactions to which any member of the Gaon Panchayat or Nyaya Panchayat or any officer or servant of the Gaon Panchayat in his official capacity is a party shall, without any reservation, be brought to account and shall be credited in full to the Gaon Fund with the exception of authorised advances.

(3) Money due to the Gaon Panchayat shall be collected either by payment at the Panchayat Office or by outdoor collections or by both methods, as the prescribed authority may direct. Receipts for all moneys received shall be issued by the persons authorised to receive the money.

(4) Accounts of all income and expenditure of the Gaon Fund shall be maintained by the Pradhan in Form No. 6 and by the Sarpanch in Form No. 6-A. The account shall be closed and balanced at the end of every month and shall be examined and passed by the Gaon Panchayat at a meeting in the next following month.

168. Cash balance :-

(1) Except as provided in R. 181 the cash balance of the Gaon Fund shall be kept in the State Treasury or after the approval of the prescribed authority, in Savings Bank account of the nearest Post Office or a neighbouring Co-operative Bank.

(2) The money shall be deposited into and withdrawn from the personal ledger accounts in the manner specified by the Chief Commissioner by a general or special order.

169. Sanction to expenditure from Gaon Fund :-

The Gaon Panchayat may sanction expenditure out of the provision made in the Annual Estimate of Income and Expenditure up to the amount actually in hand for any legitimate purpose.

170. Requisition for withdrawal :-

Money shall not be paid from the Gaon Fund, except on a requisition for withdrawal signed by the Pradhan or such other officer as may be appointed by the Gaon Pan-chayat in this behalf.

171. Instructions for maintenance of accounts :-

In matters of details connected with the accounts, Gaon Panchayats and Nyaya Panchayats shall be guided generally by the instructions of the Director or Panchayats, the Chief Audit Officer of the Administration for the Co-operative Societies and Panchayats, Tripura, and the Deputy Chief Audit Officer (Panchayats), Panchayat Organisation, Tripura.

172. Persons debarred from collection or book-keeping :-

No person employed in the business of bank or banker with whom the Gaon Fund is deposited shall be requested or permitted to assist in any way in collecting the revenue of a Gaon Fund or posting the books of a Gaon Fund.

173. Language of accounts and care of account books :-

The figures in accounts and registers shall be written in Bengali. The account books and register should be strongly bound and pages should be numbered before being brought into use.

174. Attestation of corrections :-

Corrections and alterations in the accounts shall be neatly made in red ink and attested by the person making the correction or alteration. Alterations and corrections in a voucher shall be authenticated by the payee and in the cash-book by the Pradhan or such other officer as may be appointed by the prescribed authority in this behalf. Erasures and over-writing shall on no account be permitted in registers, statements, cheques, vouchers or accounts of any description.

175. Audit :-

The audit of the accounts of every Gaon Panchayat and every Nyaya Panchayat shall be arranged for by the prescribed authority under orders of the Chief Audit Officer of the Administration for the Co-operative Societies and Panchayats, Tripura at such intervals and in such manner as the Chief Commissioner may direct.

176. Step for disposal of audit note :-

After each audit of the accounts by the Chief Audit Officer of the Administration for the Cooperative Societies and Panchayats, Tripura, the Pradhan shall deal promptly with the objection statement, which is appended to the audit note. The Pradhan shall also within a month after the receipt of the note, convene a special meeting of the Gaon Panchayat to consider the objections made by the auditor and to decide upon the action to be taken in regard thereto. The action so taken shall be indicated on an interleaved copy or on the margin of the audit note. An annotated copy shall be sent to the prescribed authority, as promptly as possible and in any case within three months of the date of receipt of the notice. Another annotated copy shall be kept and produced for the information of the inspecting officers at the next visit.

177. Treatment of embezzlement :-

(1) Whenever an embezzlement of money belonging to the Gaon Fund is discovered by the Pradhan or any other official, the fact of embezzlement shall be immediately reported by him to the prescribed authority who will then inform the District Magistrate, the Director of Panchayats and the Chief Audit Officer of the Administration for the Co-operative Societies and Panchayats, Tripura.

(2) The prescribed authority on receiving the report under sub-R. (1) shall forthwith institute an inquiry into the embezzlement.

178. Pay bills of establishment :-

(1) A pay bill of the establishment shall be prepared from the establishment list of permanent staff referred to in Form No. 16, with full details of names and shall show separately in column 3, the salary and leave allowance claimed for each person for the month, whether actually drawn or not, and in column 4, any amount not drawn but held over for subsequent payment. Column 5 shall be used to show the amount actually drawn for each incumbent. When salary is drawn for a portion of the month only the rate at which it is drawn and the number of days for which it is claimed shall be stated against the names of the employees in body of the bill. The pay of temporary establishment shall be billed for separately and the sanction quoted. Arrear pay shall not be drawn in the ordinary monthly bill, but in separate bill with quotation of the bill from which the charge was omitted or withheld. Travelling

allowance shall be drawn in establishment T. A. bill form.

(2) The bill or a copy of it shall also be used as an acquittance roll, and the receipt of each person shall be taken thereon when the pay is distributed to the staff.

179. Security from employee entrusted with custody of money or property :-

(a) Every employee entrusted with the expenditure or custody of money or the property of the Gaon Fund shall be required to furnish security for an amount to be fixed by the Gaon Panchayat in each instance with due regard to the responsibility of the office.

(b) The amount of security shall generally be equal to the maximum amount which the employee may have in his hands at any time, and the Secretary shall see that the amount of cash left in the hands of the employee never exceeds the amount of security taken from him.

(c) In the case of every employee affected by this rule a security bond shall be executed in a form as prescribed by the Administration. These bonds and the security deposited by the employee shall be kept in such custody as the District Magistrate may determine and shall be retained until one year has elapsed after the employee has vacated the office.

(d) The securities shall be examined and verified by the 1st April in each year by the Pradhan or in his absence such member of the Gaon Panchayat as is appointed in this behalf by a resolution of the Gaon Panchayat and a certificate to the effect that this has been done shall be given by the verifying officer against each item.

180. Service books and character rolls :-

(1) Service books and character rolls in the prescribed form shall be kept for the permanent employee of a Gaon Panchayat other than water carriers, lamp lighters, sweepers and conservancy cart-drivers.

181. . :-

The Pradhan and in his absence the Up-pradhan or such member of the Gaon Panchayat as is appointed in this behalf by a resolution of the Gaon Panchayat may hold a sum not exceeding Rs. 25 or a larger sum as the prescribed authority may fix to meet petty and emergent expenses.

182. Annual acknowledgment :-

The Pradhan, Up-pradhan or member of the Gaon Panchayat holding any amount of Gaon Fund shall, on the 1st of April in each year, sign an acknowledgment that the amount is due from and to be accounted for by him.

183. Payment and adjustment of advance :-

In emergent cases, when the amount in hand of the Pradhan is not sufficient for the payment of works carried out by daily labour, purchase of materials and the like, an amount not exceeding Rs. 100 may be drawn under the sanction of the Gaon Panchayat in the name of the Pradhan. It shall be adjusted before the close of the year in which it is made and no fresh withdrawal shall be made unless the previous one has been adjusted.

184. Payment of bills, vouchers and claims, etc :-

The bills or other vouchers presented as a claim for money shall be received and submitted to the Pradhan or in his absence to such member of the Gaon Panchayat as is appointed in this behalf by a resolution of the Gaon Panchayat and if the claim be valid, the authority good, the signature true and in order, he shall make an order for payment at the foot of the voucher and sign it. Payment orders on the salary bills of the establishment shall be passed by the Pradhan.

185. Payment of claim and receipt therefor :-

After the order to pay has been entered in the voucher and passed, the amount shall be withdrawn by the Pradhan from Gaon Fund and paid to the employees. Each payment shall be supported by the actual payee's receipt.

186. Maintenance of general cash book :-

On each day in which a transaction takes place, the general cash-book (Form No. 6) shall be closed, balanced and signed by the Pradhan, Up-pradhan or a member appointed by the Gaon Panchayat in this behalf. At the end of each month, it shall be compared and made totally with the pass-book and any difference shall be explained and accounted for in a footnote in the general cash book. The book shall be laid before the prescribed authority for its inspection at least once in three months, at a place and date fixed by it.

187. Maintenance of deposit register :-

All deposits made with a Gaon Panchayat whether in the form of

cash, Government paper or other stock or of security bonds, shall be recorded in a deposit register in Form No. 17. A separate page shall be allotted for bonds deposited. In the case of bonds, if property is hypothecated, a brief description of the property shall be given in the remarks column and the heading of column 10 shall be changed to "Name of depositor". On the 1st of April, all deposits which have not lapsed or been returned shall be carried forward in details of names into the next year's register.

188. Maintenance and verification of stock book :-

A stock book shall be maintained in Form 22 for all stores, e. g., postage stamps, materials for public works, all forms used by the Gaon Panchayat, tools and plants, lamps, lamp-posts, ladders, oil, wicks, chimneys etc. If any article is disposed of by sale or otherwise the details of the disposal shall also be entered. All entries and their disposal shall be initialled by the Pradhan or in his absence such member of the Gaon Panchayat as is appointed in this behalf by a resolution of the Gaon Panchayat. The stock shall be verified half-yearly by such person as the Pradhan may direct and the fact of verification be recorded.

189. Office Order Book :-

An office order book shall be kept by the Gaon Panchayat in which all appointments, promotions, leaves, suspensions, fines, office arrangements and orders generally shall be noted. The Pradhan will be responsible that the order book is kept in a correct and complete manner.

190. Treatment and maintenance of vouchers :-

Vouchers shall be numbered serially for each year and filed in the office of the Gaon Panchayat in a guard file.

191. Destruction of vouchers and registers :-

The vouchers, registers and other forms prescribed by these rules shall be retained or weeded and destroyed as noted below, after 'all audit objections relating to the period concerned have been settled :

192. . :-

The Sub-divisional Magistrate shall supply the forms for use by the Gaon Panchayat and the Nyaya Panchayat :

Provided that a Gaon Panchayat or a Nyaya Panchayat may get a form drawn up on a blank paper in its own office if a printed copy thereof is not available except the forms that may be specified by

the prescribed authority.

193. Maintenance of register of public works :-

The estimate for each work undertaken by the -Gaon Panchayat, as soon as it has been sanctioned by the competent sanctioning authority, be entered in a register of public works to be kept in Form No. 18. A separate page in this register shall be given for each work.

194. Bill for works :-

The details of the purposes of works shall be entered in the register of public works (Form No. 18) from time to time and when a bill for the works is presented by the contractor it shall first be submitted to the officer-in-charge of the work for countersignature. This officer shall check the bill and either pay it from his permanent advance or send it to the office of the Gaon Panchayat where it shall be paid direct to the contractor in the usual way.

195. Details of completion certificate :-

Before final payment for a work is made, a completion certificate shall be submitted by the Pradhan or in his absence such member as is appointed in this behalf by a resolution of the Gaon Panchayat to the effect that he has examined the work and is satisfied that it has been properly carried out in accordance with the sanctioned plans and estimates. If it has not been carried out in accordance with these plans and estimates an explanation of the difference shall be given.

196. Muster Rolls for daily labour :-

In the case of works carried out by daily labour and not by contract, the officer-in-charge of the work shall maintain a Muster Roll in Form No. 19.

197. Lighting under contract and deed thereof :-

When the lighting of the Gaon Panchayat is done by contract, the contract deed shall, in addition to any other provisions required by law specify

- (1) the description and quality of the articles which the contractor is to supply ;
- (2) the rates at which they are to be supplied, unless the contract is given for a lump sum ; and
- (3) the hours during which the lamps are to be kept alight.

CHAPTER 10

Finance

198. Estimate :-

Every Gaon Panchayat shall prepare an annual estimate of its income and expenditure in Form B for the year commencing from 1st April next following and shall lay it before the half-yearly meeting of the Gaon Sabha.

199. Income and expenditure of Nyaya Panchayat :-

A Nyaya Panchayat shall, two months before the half-yearly meeting of a Gaon Sabha, send to every Gaon Panchayat in its circle an estimate of its income and expenditure for the next financial year through the Panchayat Secretary who may make such changes in it as may be necessary.

200. Minimum cash balance of Gaon Panchayat :-

The Gaon Panchayat shall keep in actual cash balance a sum of not less than one-tenth of its normal annual income. The prescribed authority may, however, by a general or special order, exempt any Gaon Panchayat, where exceptional circumstances exist, from the operation of this rule.

201. Gaon Panchayats expenditure under different heads :-

The Gaon Panchayat shall earmark funds out of its annual income for expenditure on education and public health and other heads prescribed by the prescribed authority.

201A. . :-

The Pradhan, after annual estimate of income and expenditure has been laid before the meeting of Gaon Sabha, shall allow such time as is necessary for general discussion, and soon after its close proceed to put to vote various heads of expenditure separately. Voting shall be by show of hands. The expenditure under every head shall be deemed to have been approved if passed by majority of votes of those present and voting.

202. . :-

(1) In case the Gaon Sabha refers back to the Gaon Panchayat the annual estimate submitted to it for reconsideration under sub-S. (2) of S. 41 of the Act, the Sabha shall communicate its directions or resolution to the Gaon Panchayat through the Pradhan.

(2) After the annual estimate of income and expenditure has been

laid before the meeting of the Gaon Sabha under sub-S. (1) or sub-(3) of S. 41, as the case may be, the Pradhan shall allow such time as is necessary for general discussion. After the discussion has concluded the Pradhan shall put to vote various heads of expenditure separately. Voting shall be by show of hands and the expenditure under every head shall be deemed to have been approved if passed by majority of those present and voting.

(3) If a Gaon Panchayat does not lay the annual estimate of income and expenditure before the Gaon Sabha by 30th November, or the Gaon Sabha does not pass the same by 31st December, the prescribed authority shall prepare an annual estimate of income and expenditure under sub-S. (4) of S. 41 *ibid*, In case the Gaon Sabha fails to pass annual estimate of expenditure so prepared by the prescribed authority in the manner laid down in sub-R. (2), it shall be deemed to have been passed on 1st February, within the meaning of sub-S. (4) of S. 41, *ibid*.

(4) The Gaon Sabha may, at any time after the annual estimate takes effect, make any modifications or changes therein at a special meeting by a resolution in this behalf. The Pradhan shall forward a copy of the resolution to the prescribed authority and shall make the modifications and changes in the annual estimate.

203. . :-

(2) The prescribed authority may return the proposal for further consideration or approve it with or without modification. The notice of the proposal as finalised by the prescribed authority and of the date fixed under sub-R. (3) shall be given in the manner, as may be specified in sub-R. (1).

(3) The proposal as approved by the prescribed authority imposing or enhancing tax, rate or fee shall come into force from such date as shall be fixed by the prescribed authority.

203A. . :-

The Gaon Panchayat shall realise its taxes, rates or fees either through one of its members or through a tax collector, appointed either on monthly salary or on commission basis as the prescribed authority may decide. Such member or tax collector shall be required to furnish such security for the performance of the duties as may be fixed by the prescribed authority.

204. . :-

(1) Fees under Cls. (e) and (f) of sub-S. (1) of S. 37 of the Act, shall be levied at such rates as may be fixed by the prescribed authority.

(2) Where a Gaon Sabha levies a tax under Cl. (d) or a fee under Cl. (e) of sub-S. (1) of S. 37 of the Act, the Gaon Panchayat may issue licences or badges or both to owners of animals and vehicles, as the case may be, and to persons exposing goods for sale in market, hats or melas belonging to or under the control of the Gaon Sabha. The cost of the badge issued shall be paid by such owners or persons.

205. Application for licence and recovery of fees :-

(1) Every owner liable to payment of tax under Cl. (d) and every person liable to payment of fee under Cl. (e) of sub-S. (1) of S. 37 of the Act shall, within fifteen days of his so becoming liable or in case of expiry of the period of licence already taken, from the date of such expiry, apply for a licence or renewal of the licence, as the case may be, stating the period for which the licence or renewed licence is required. The tax or fee payable shall be paid along with the application but failing that the Secretary shall cause a bill to be prepared and presented to the applicant and get the amount collected in accordance with this Act and the rules.

(2) The period in respect of which a licence may be issued under sub-R. (1) shall be one year commencing from the first of April or a half year commencing from the said day or the first day of October and the tax or fee payable shall be charged for the whole year or half-year, as the case may be.

206. Production, transfer and return of licence or badge :-

(2) Any breach of the provisions of Rr. 204, 205 and 206 shall be punishable by a Nyaya Panchayat with a fine which may be extend to Rs. 10 and if the breach is a continuing one with a further fine of Re. 1 for every day after the date of the first conviction.

207. Mode of assessment of tax, fee and rate :-

(1) Where a tax, rate or fee has been imposed under sub-S. (1) of S. 37 of the Act, except Cls. (d), (e), (f) and (g) thereof, the Gaon Panchayat shall, as soon as may be after commencement of each calendar year, prepare a list of the assessee in Form No. 14 showing the amount of tax payable by each assessee. The list shall

be published in the area of the Gaon Sabha by announcing by beat of drum that the list is ready and by affixing a copy at the office of the Gaon Panchayat. The list shall be open to inspection free of charge to any person affected or likely to be affected by it who desires to see it.

(2) For the purpose of assessing the tax, rate or fee, the land revenue or rent of land, income or profits in the preceding agricultural or calendar year whichever may appear more suitable, shall be the basis.

(3) The Gaon Panchayat shall consider any objection against the tax assessed or rate or fee levied that may be lodged within 15 days from the date of publication of the list under sub-R. (1).

(4) The Gaon Panchayat shall after making such amendment, if any, in the assessment list as may be necessary having regard to its decisions on the objections place the list at a meeting of -Gaon Sabha, which may discuss and consider the objections and the decision of the Gaon Panchayat in respect thereof and may make such amendments' in the list as it may deem proper.

(5) The Pradhan shall send the assessment list as approved by the Gaon Sabha to the prescribed authority which may approve it without modification or with such modifications as it may think fit.

(6) The assessment list approved by the prescribed authority under sub-R. (5) shall be re-published in the manner laid down in sub-S. (1) and shall come into operation on and from the first day of July of the year in question.,

208. Appeal against assessment :-

Any person dissatisfied with the levy of a tax, rate or fee by the Gaon Sabha may appeal to the prescribed authority within thirty days from the date of the publication of the assessment list under R. 207 (6). The list shall, if necessary, be amended in accordance with the decision on appeal and any tax, rate or fee already recovered in contravention of the decision on the appeal shall be refunded to the appellant.

209. . :-

The Gaon Sabha may at anytime add in the assessment list published under sub-R. (5) of R. 207 the name of any person who was left out from assessment or who subsequently becomes liable to assessment and the provisions of Rr. 207 and 208 shall, as far as

may be, apply to such assessment.

210. Register of Tax :-

The Gaon Panchayat shall maintain a demand and collection register in Form No. 15.

211. . :-

(1) Where a Gaon Panchayat passes a resolution or the prescribed authority makes an authorisation under S. 37-B of the Act, the Gaon Panchayat shall forward a list of defaulters to the Sub-divisional Officer of the sub-division in which the area of the Gaon Sabha lies with a view to realisation of the unpaid taxes, rates and fees as arrears of land revenue.

(2) The Gaon Panchayat shall thereafter send a half yearly list of defaulters after taking into account the payments and recoveries made during the preceding half year.

212. Writing off of taxes :-

The Gaon Panchayat may write off irrecoverable sums not exceeding five rupees with the approval of the prescribed authority.

213. Liability of Government or Tripura Territorial Council property to be taxed :-

No assessment shall be imposed on any house, building or land belonging to the Government or the Tripura Territorial Council which is not used for residential purposes, but the Government or the Tripura Territorial Council, if the District Magistrate so directs in any case, be liable to pay to the Gaon Panchayat, in lieu of the assessment, such sum as he may, from time to time, determine to be fair and reasonable.

214. Owners or occupiers liability to a tax :-

Where an assessment is imposed on a house, building or land belonging to Government or the Tripura Territorial Council which is used for residential purposes, it shall be payable by the owner or occupier as the Government or the Tripura Territorial Council may decide.

215. . :-

Every person ceasing to carry on any trade, calling or profession within the area of the Gaon Sabha, shall, within thirty days of the ceasing, give an intimation of the fact in writing to the Pradhan or Secretary of the Gaon Panchayat.

216. Intimation of change or transfer of trade :-

Every person liable to pay the tax, rate or fee who has changed either the designation of his firm or the nature of his trade or calling or his place of business or has transferred his business shall, within thirty days of the change or transfer, give written intimation of the fact.

CHAPTER 11

Establishment of schools, libraries and dispensaries

217. Primary schools :-

Establishment, maintenance and management of primary schools shall be governed mutatis mutandis by the rules framed by the Administration or the Tripura Territorial Council in this behalf:

Provided that the entire cost of existing Tripura Territorial Council aided primary schools shall, as hitherto, be borne by the Tripura Territorial Council.

218. Library, reading room or dispensary :-

(a) A Gaon Panchayat may, so far as its funds permit, establish and maintain a library, reading room or a dispensary in its area and raise funds for the same by donations from the public and may also make contributions from its own funds.

(b) The library and reading room may be attached to a primary school and may be placed in the direct charge of the Headmaster of the school who may be paid a suitable monthly allowance for performing the duties in that connexion beyond school hours.

219. Attachment of dispensaries to primary schools :-

Subject to funds being available, small dispensaries may be attached to primary schools and may be provided with medical chests on such conditions as may be laid down by the prescribed authority.

220. Inspection and superintendence :-

The members of the Gaon Panchayat and its officers shall inspect and superintend the schools, dispensaries, libraries and other similar institutions established or maintained by a Gaon Panchayat and it shall be their duty to encourage people to give necessary help to those institutions.

221. . :-

A group of two or more neighbouring Gaon Sabhas may own their

own or if so ordered by the Chief Commissioner shall combine to establish and maintain a school, dispensary, a hospital or a bazar or any other institution of joint interest and may appoint a joint committee consisting of three members to be elected from among the members of the Gaon Panchayats concerned, which shall manage and control such institutions and the entire cost whether recurring or non-recurring shall be borne by each Gaon Sabha concerned in such proportion as may be specified by the prescribed authority.

222. Village Volunteer Force :-

(1) A Gaon Panchayat shall, subject to the previous sanction of the prescribed authority, and after consulting the Gaon Sabha, maintain a village volunteer force on such terms and conditions as may be fixed by the prescribed authority.

(2) Cost of force. The cost of the force shall be met from the Gaon Fund, contributions from Administration and Tripura Territorial Council, if any, and donation from the public.

(3) Eligibility. All adults not above the age of 45 shall be eligible to be enrolled as volunteers.

223. . :-

The functions of the volunteer force shall be

- (a) to perform .the duties of watch and ward in the village ;
- (b) to serve notices and summons and execute other orders of the Gaon Panchayat and Nyaya Panchayat which may be entrusted to them ;
- (c) to assist the Gaon Panchayat in other matters, e. g., relating to public health, collection of statistics such as cattle census, population census ;
- (d) to assist the Gaon Panchayat in promoting good will and social harmony between different communities ;
- (e) to assist the Gaon Panchayat in the matter of relief against famine or other calamity ;
- (f) to assist the Gaon Panchayat in organising and regulating melas, markets and hats ;
- (g) to perform any other duty or discharge any other function

which may be entrusted or assigned to it by the prescribed authority or the Administration.

224. Chief Officer and his duties :-

The Gaon Panchayat shall appoint a chief officer in the immediate charge of the volunteer force. In case of emergency and when the Chief Commissioner so directs, the force will be placed at the disposal of the Superintendent of Police of the District with such restrictions as Chief Commissioner may impose to

(a) remove or order any member of the force to remove any persons who by their presence interfere with due operation of the force ;

(b) break into or through or pull down any premises, doing as little damage as possible by himself or with the assistance of the force ;

(c) call on the neighbouring village volunteer force to render such assistance as may be necessary, and

(d) generally take such measures as may be necessary for the protection of life and property.

225. Provision for making bye-laws :-

To frame bye-laws the Panch shall at first publish a draft of the bye-laws by affixing outside its office and also at such conspicuous places in the area of the Gaon Sabha as it may deem fit for objections within a period to be specified.

226. . :-

(1) After considering objections, if any, and taking decisions thereon the Gaon Panchayat shall forward them to the prescribed authority who may modify or sanction or pass any other suitable order on them.

(2) [Deleted].

(3) The bye-laws as sanctioned by the prescribed authority under sub-R. (1) shall be published in the manner laid down in R. 225 and shall come into force on such publication.

227. . :-

The provisions of Rr. 225 and 226 shall, as far as may be, apply to the framing of bye-laws under S. III of the Act.

228. Channel of correspondence :-

Except when specially provided in any rule, all correspondence of the Gaon Panchayat or Nyaya Panchayat with the Administration or any other office subordinate thereto or with the Tripura Territorial Council or offices thereunder shall ordinarily pass through the prescribed authority.

229. Power to borrow money :-

A Gaon Sabha shall be entitled to borrow money from the Government or any other Gaon Sabha on such conditions as may be laid down by the Administration.

230. Power to compound an offence under the Act or rule or bye-law :-

An offence under the Act or any rule or bye-laws made thereunder, may, on an application made by the party concerned, be compounded by the Pradhan of the Gaon Panchayat on payment of a sum to be determined by him, not exceeding ten rupees and the said amount shall be credited to the Gaon Fund.

231. . :-

If any person fails to carry out any direction of the Gaon Panchayat for which written notice has been served on him the direction shall be got executed by the Gaon Panchayat and the expenditure incurred thereon shall be recovered from the person concerned as arrears of land revenue.

232. . :-

A Gaon Panchayat may participate or may make reasonable provision for assisting any Co-operative Society or joint stock company established for development of industry, agriculture including irrigation, commerce and trade within its jurisdiction on terms approved by the prescribed authority.

233. . :-

In case of accidental loss of the property belonging to a Gaon Panchayat or Nyaya Panchayat or any sum becoming irrecoverable, the prescribed authority (on the request of the Gaon Panchayat or Nyaya Panchayat) may, after such inquiry as it deems fit, write off a sum not exceeding Rs. 500. In case the value of the property exceeds Rs. 500, prior approval of the Administration shall be necessary.

234. . :-

(1) Where a Gaon Panchayat provides for the fire protection of

houses and crops gathered at the threshing floor, the cost of such protection shall be levied and recovered by the Gaon Panchayat as a fee assessed on every owner or occupier of houses and cultivable land in the village in the manner provided in sub-Rr. (2) and (3) at the rate specified in sub-R. (4).

(2) The fee shall be leviable for the year beginning with 1st April and ending on 31st March. If the levy of the fee comes into force on any day other than 1st April, it shall be leviable for the quarter beginning with 1st July, 1st October and 1st January next following and thereafter for the year.

(4) The fee shall be leviable at the maximum rate of fifty naye Paise per house or per cultivator per quarter.

235. . :-

(1) Where a Gaon Panchayat provides for the watch and ward of the village or the crops therein the costs of such watch and ward shall be levied and recovered by the Gaon Panchayat as a fee assessed on every owner or occupier of houses or cultivator of land in the village in the manner provided in sub-R. (3) and at the rates specified in sub-R. (4).

(2) The fee shall be leviable for the year beginning with 1st April and ending on 31st March. If the levy of fee comes into force on any day other than 1st April it shall be leviable for the quarter beginning with 1st July, 1st October and 1st January next following and thereafter for the year.

(4) The fee shall be leviable in relation to the house at such rate not exceeding 10 per cent of the annual letting value subject to a maximum of Rs. 24 per annum.

236. . :-

The proceeds from the fee levied under R. 234 or R. 235 shall not form part of the general revenues of the Gaon Sabha and shall be spent over the condition of the service in consideration of which the fee is levied. The rate at which the fee is levied shall be such as to yield upon realisation of the fees an amount approximating to the expenditure proposed to be incurred in rendering the service.

SCHEDULE 1

Gaon Panchayat Servants Conduct Rules

1. . :-

In these rules a "Gaon Panchayat servant" means a person employed by one or more Gaon Panchayats singly or jointly under S. 25 of the United Provinces Panchayat Raj Act, 1947 (Act XXVI of 1947) as extended to the Union Territory of Tripura but does not include a menial servant.

2. Gifts :-

A Gaon Panchayat servant shall not, except with the previous sanction of the prescribed authority directly or indirectly on his own behalf or on behalf of any other person, accept or permit any member of his family to accept any gratuity or reward.

3. Subscriptions :-

A Gaon Panchayat servant shall, except with the previous sanction of the prescribed authority, ask for, or accept, or in any way participate in the raising of any subscription or other pecuniary assistance in pursuance of any object whatsoever.

4. Lending and borrowing money :-

A Gaon Panchayat servant shall not, without the previous sanction of the prescribed authority in writing, lend or borrow money to or from any member or servant of the Gaon Panchayat or Nyaya Panchayat or any person residing within the limits of the Nyaya Panchayat to which the Gaon Panchayat under which he serves is attached.

5. Holding or acquiring immovable property :-

(1) A Gaon Panchayat servant may continue to hold any immovable property actually held by him at the time of his entry into the Gaon Panchayat service and may, thereafter, acquire any immovable property by succession, inheritance or bequest.

(2) Except as provided in Cl. (1) of this rule a Gaon Panchayat servant shall not, save in good faith for the purpose of residence, acquire any immovable property within the limits of the Panchayat Court, to which a Gaon Panchayat under which he serves is attached, without the previous sanction of the prescribed authority in writing.

(3) Every servant of a Gaon Panchayat, or a candidate for employment under a Gaon Panchayat shall make to the prescribed authority a declaration of all immovable property which may from time to time be held or acquired by him or by his wife or by any member of his family living with, or in any way dependent upon

him.

6. Investment other than those in immovable property :-

A Gaon Panchayat servant shall not make any investment other than an investment in immovable property permitted by the preceding rule or in banks recognised securities of societies, which give him such private interest in matters with which public duties are connected as would embarrass or influence him in the discharge of his duties nor shall he speculate in stocks, shares or other securities.

7. Private trade or employment :-

A Gaon Panchayat servant shall not, without the previous sanction of the prescribed authority, engage in any trade or undertake any employment other than his public duties. This does not include undertaking occasional work of a literary or artistic character or accepting honorary secretaryship of a club or other duly constituted bodies : provided that his public duties do not suffer thereby, but in each case a report should be submitted for the information of the prescribed authority, which may, at his discretion at any time, forbid him to undertake or require him to abandon an employment which in his opinion is undesirable.

8. Insolvency and habitual indebtedness :-

(1) A Gaon Panchayat servant shall avoid habitual indebtedness. When a Gaon Panchayat servant presents an insolvency petition, or when an insolvency petition is presented against him or when he is adjudged insolvent, or when an order of attachment in respect of a portion of his salary has been received from court, he shall forthwith report the fact to the prescribed authority.

(2) When a Gaon Panchayat servant is heavily indebted, he shall be liable to be dismissed. If a Gaon Panchayat servant is adjudged insolvent or when one moiety of his salary is frequently being attached for debt or has been continuously so attached for a period exceeding two years or attached for a sum which, in ordinary circumstances, cannot be repaid within a period of two years, he shall, unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control and has not proceeded from extravagant, or dissipated habits, he will be deemed to be heavily indebted.

9. Official information to be kept confidential :-

Save where required by any law, a Gaon Panchayat servant shall not, without the previous sanction of the prescribed authority, communicate directly or indirectly to any non-official person or to the press any document or information which has come into his possession in the course of his duties or has been proposed or collected by him in the course of those duties, whether from official sources or otherwise.

10. Connexion with press :-

A Gaon Panchayat servant may not, without the previous sanction of the prescribed authority, own in whole or in part or conduct or participate in the editing or management of any newspaper or other periodical publications. Such sanction will be given only in the case of newspaper or publication mainly devoted to matters not of a political character and may, at any time in the discretion of the prescribed authority, be withdrawn.

11. Political agitations :-

A Gaon Panchayat servant shall not take part in-subscribe-in-aid of or assist in any way, any political movement in India or relating to Indian affairs.

12. Elections to a local authority, Gaon Panchayat, Nyaya Panchayat or Tripura Territorial Council :-

A Gaon Panchayat servant shall not, by canvassing or otherwise, interfere or in any way use his influence in connexion with, or stand as a candidate, in any election to a local authority or a Gaon Panchayat or a Nyaya Panchayat or the Tripura Territorial Council or continue to be an elected member or office bearer thereof, but may vote in such election, if qualified to do so, in which case he shall avoid giving any indication of the manner in which he proposes to vote or has voted.

13. Direct approach to the Members of Government :-

A Gaon Panchayat servant shall not approach officers of the Administration, Members of the Parliament, members of the Tripura Territorial Council, or Secretariat Officers on any question, personal or general, relating to service matters except through the Pradhan of the Gaon Panchayat concerned, nor seek interview with Officers of Administration or Members of Parliament, or members of Tripura Territorial Council or Secretariat Officers except by previous appointment and through proper channel.

14. Ventilating grievances through the press :-

A Gaon Panchayat servant shall not ventilate through the press any personal or general grievance relating to service of Panchayat matters.

SCHEDULE 2

Gaon Panchayat and Nyaya Panchayat Servants (Punishment and Appeal) Rules

1. . :-

These rules shall be called the Gaon Panchayat Servants' (Punishment and Appeal) Rules.

2. . :-

These rules shall come into force at once and shall apply to the Panchayat Secretary and other servants of Gaon Sabha and Nyaya Panchayats drawing a pay of Rs. 30 per mensem or above.

3. Punishments :-

The following penalties may, for reasons to be recorded in writing, be imposed by the Gaon Panchayat or by an officer to whom such power has been delegated by the Gaon Panchayat on any servant of the Gaon Sabha, and by the prescribed authority (as referred to in Ss. 25 and 25-A of the Act) on any servant of the Nyaya Panchayat or on Panchayat Secretary :

(a) formal censure ;

(b) fine of an amount not exceeding one month's pay ;

(c) withholding of increments, including stoppage at an efficiency bar ;

(d) recovery from pay of the whole or part of any pecuniary loss caused to Gaon Panchayat or Administration -by negligence or breach of an order ;

(e) reduction to a lower post of time-scale, or to a lower stage in a time scale ;

(f) suspension ;

(g) removal from service ;

(2) The discharge of a person appointed to hold temporary appointment before the expiration of the period of his appointment not being within the scope of Cl. (b) of the Explanation to R. 3 above amounts to removal or dismissal within the meaning of that

rule.

4. . :-

(1) No order (other than an order based on facts which had led to his conviction in a criminal court or by a court martial) of dismissal removal or reduction in rank (which includes reduction to lower post of time-scale, or to a lower stage in a time-scale but excludes the reversion to a lower post of a person who is officiating in a higher post) shall be passed on an employee of the Gaon Sabha, Nyaya Panchayat or a Panchayat Secretary, unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges which shall be communicated to the person charged and which shall be so clear and precise as to give sufficient indication to the charged person of the facts and circumstances against him. He shall be required within a reasonable time to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so directs, an oral inquiry shall be held in respect of such of the allegations as are not admitted. At the inquiry oral evidence shall be heard and the person charged shall be entitled to cross-examine witnesses called, as he may wish ; provided that the officer or person conducting the inquiry may, for special and sufficient reasons to be recorded, refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof. After the inquiry has been completed the punishing authority shall pass final orders without delay.

(3) This rule shall not apply where the person concerned has absconded or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the rule may, for sufficient reasons to be recorded in writing, be waived where there is difficulty in observing exactly the requirements of the rule and those requirements can in the opinion of the inquiring officer, be waived without injustice to the person charged.

5. . :-

(a) A servant of the Gaon Sabha or the Nyaya Panchayat or a Panchayat Secretary against whose conduct an inquiry is contemplated or is proceeding, may be placed under suspension

pending the conclusion of the inquiry in the discretion of the punishing authority. Note. As a rule, suspension should not be resorted to unless the allegations -against the employee concerned are so serious that .in the event of their being established, they may ordinarily be expected to warrant his dismissal, removal or reduction. Suspension, where deemed necessary, should as far as possible, immediately precede the framing of charges and their communication to the servant charged.

(b) Where in the case of a servant of the Gaon Sabha or the Nyaya Panchayat or a Panchayat Secretary placed under suspension, as provided hereinbefore, the inquiry into his conduct results in his dismissal or removal from the service, the order of dismissal or removal shall take effect from the date on which the suspension had come into effect. In other cases in which the inquiry does not result in the removal or dismissal of the servant concerned, his suspension will be deemed to have been covered under Cl. (f) of R. 3.

6. Appeals :-

(iii) The appellate authority may set aside, reduce, enhance or Vary the punishment.

7. . :-

An appeal or revision application must be submitted within three months of the order appealed against :

Provided that the time taken in obtaining copy of the order appealed against shall be excluded in computing the period of limitation aforesaid.

8. . :-

In the case of an appeal against an order imposing any of the penalties specified under R. 3, the appellate authority shall consider

(a) whether the facts on which the order was based have been established ;

(b) whether the facts established afford sufficient ground for taking action ;

(c) whether the penalty is excessive, adequate or inadequate ; and after such consideration shall pass such order as it thinks proper.

9. . :-

Every person preferring an appeal or revision application shall do so separately and in his own name.

10. . :-

Every appeal or revision application preferred under these rules shall contain all material statements and arguments relied on by the applicant and shall contain no disrespectful or -improper language and shall be complete in itself. Every such appeal or revision application shall be submitted through the head of the office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

11. . :-

Every appeal or revision application shall be forwarded to the appellate prescribed authority by the authority from whose order the appeal or revision is preferred with an expression of opinion.

12. . :-

An authority from whose order an appeal or revision is preferred under these rules shall give effect to any order made by the appellate authority.

13. . :-

The pay and allowances of an employee of a Gaon Sabha or Nyaya Panchayat or of a Panchayat Secretary who is removed or dismissed from service cease from the date of such removal or dismissal.

14. . :-

An employee of the Gaon Sabha or Nyaya Panchayat or a Panchayat Secretary under suspension is entitled to a subsistence allowance of such amount not exceeding one-fourth of the pay, as the suspending authority may direct.

Explanation. "Additional expenditure" means the excess of subsistence allowance of the employee under suspension plus the pay of the substitute over the pay of the post.

15. . :-

When the suspension of an employee is held to have been unjustifiable or not wholly justifiable, or when an employee who has been dismissed, removed or suspended is re-instated, the revising or appellate authority may grant to him for the period of his absence from duty

(a) if he is honourably acquitted, the full pay to which he would

have been entitled if he had not been dismissed, removed, or suspended and by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal, removal or suspension, or

(b) if otherwise, such proportion of pay and allowance as the appellate authority may prescribe. In a case falling under Cl. (a), the period of absence from duty will be treated as a period spent on duty. In a case falling under Cl. (b), it will not be treated as a period spent on duty unless the revising or appellate authority so directs.