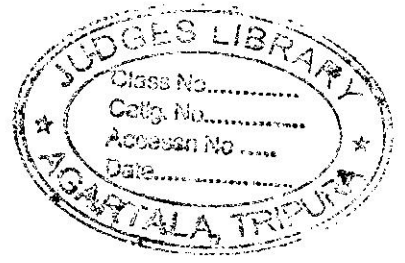


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Tripura Tribal Areas Autonomous District Council



The Tripura Tribal Areas Autonomous District Council Act, 1979

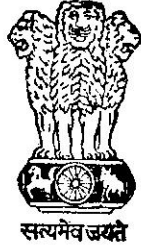


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PART-III—Acts of the Tripura Legislature.

GOVERNMENT OF TRIPURA
LAW DEPARTMENT

NO. F. 2(3)-Law/Leg/79

AGARTALA, the 7th August, 1979.

The following Act of the Tripura Legislative Assembly received assent of the President on the 20th July, 1979 and is hereby published for general information.

Tripura Act No. 12 of 1979.

THE TRIPURA TRIBAL AREAS AUTONOMOUS
DISTRICT COUNCIL ACT, 1979

An
Act

to provide for establishment of an Autonomous District Council for tribal areas in the State of Tripura for the purpose of self-government by the Tribals in such areas.

Be it enacted by the Legislative Assembly of Tripura in the Thirtieth Year of the Republic of India as follows :—

CHAPTER I
PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Tripura Tribal Areas Autonomous District Council Act, 1979.

(2) It extends to the whole of the State of Tripura.

(3) This Act shall come into force on such date as may be specified by the State Government by notification published in the Official Gazette.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Autonomous District" means the territory comprising the tribal areas specified in the First Schedule appended to this Act and shall not mean a separate district or a revenue district;

(b) "Constituency" means a District Council Constituency provided for by order made under section 6 of this Act for the purpose of election to the District Council;

(c) "Council" means the District Council;

(d) "District Council" means the District Council established for the autonomous district under section 4 of this Act;

(e) "Official Gazette" means gazette published by the Government of Tripura;

(f) "Government" means the State Government of Tripura;

(g) "Scheduled Tribes" means such tribes as are specified by order made by the President under Article 342(1) of the Constitution as modified by law made by the Parliament from time to time, in so far as the specification pertains to the State of Tripura;

(h) "Tribal Areas" means the areas comprised in the First Schedule appended to this Act;

- (i) "prescribed" means prescribed by the rules framed under this Act ;
- (j) "District Fund" means the district fund constituted under section 30 of this Act ;
- (k) "Executive Committee" means the Executive Committee of the District Council constituted under this Act ;
- (l) "Election" includes general election and election to fill a seat or seats in the District Council ;
- (m) "Elector" in relation to a constituency means a person whose name is entered in the electoral roll of that constituency for the time being in force according to this Act ;
- (n) "Member" means a member of the District Council.

CHAPTER—II

CONSTITUTION OF THE AUTONOMOUS DISTRICT COUNCIL

Constitution
of autonomous
District.

3. (1) As soon as may be after the commencement of this Act the State Government shall, by notification in the Official Gazette, appoint in this behalf, a date on and from which there shall be an autonomous district comprising the tribal areas specified in the First Schedule appended to this Act.

(2) The State Government may, by order notified in the Official Gazette—

- (a) include any other area into the said district ;
- (b) exclude any area from the said district ;
- (c) re-define the boundary of the said district :

Provided that no order under sub-section (2) shall be made except after consultation with the District Council for the autonomous district :

Provided further that any order made under sub-section (2) may contain such incidental and consequential provisions as appear to the State Government to be necessary for giving effect to the provisions of the order.

Incorporation
of District
Council.

4. (1) There shall be a District Council for the Autonomous District which shall exercise powers and functions as specified in Chapter III of this Act.

(2) The District Council shall be a body corporate by name of "the District Council (name of the

District)" and shall have perpetual succession and a common seal with power to acquire, hold and dispose of property and may by the said name sue and be sued.

Constitution and composition of District Council.

5. The District Council shall consist of 28 members who shall be elected on the basis of adult suffrage from territorial constituencies all of which shall be single member constituency :

Provided that not less than three-fourths of the membership of territorial constituencies shall be reserved for Scheduled Tribes.

Delimitation of constituencies.

6. (1) The Constituencies for election to the district council for Autonomous District shall be territorial.

(2) The State Government shall, by order notified in the official gazette, determine the territorial limits of constituencies into which the autonomous district shall be delimited for the purpose of election of members to the District Council and in such notification shall specify the constituencies to be reserved for Scheduled Tribes.

Power to alter or amend delimitation order.

7. The State Government may, from time to time, by order published in the Official Gazette, alter or amend any order made under section 6.

Qualification for membership of District Council.

8. A person shall not be qualified to be chosen as a member of a District Council of an autonomous district unless he is an elector from any constituency within the autonomous district.

Disqualification of membership.

9. (1) A person shall be disqualified for being chosen as or for being a member of the District Council if he is for the time being disqualified or becomes disqualified for being chosen as a member of either House of Parliament or holds any office of profit under the Central or State Government or the District Council.

(2) For the purpose of this section a person shall not be deemed to hold an office of profit under the District Council by reason only of his being a member, Chairman or Vice-Chairman thereof.

Election and electoral rolls.

10. (1) So much of the electoral roll of any Assembly constituency for the time being in force as relates to the area comprised within the autonomous district shall, subject to the provisions of this Act and the rules made thereunder, be the electoral roll for the election of members of the District Council.

(2) So much of the electoral roll for any Assembly constituency for the time being in force as relates to the area comprised within a constituency formed under section 6 of this Act shall, subject to the provisions of this Act and the rules made thereunder, be electoral roll for the election of members of the District Council from that constituency.

(3) The State Government shall at the time and in the manner prescribed, cause to be published and republished the electoral roll in respect of a constituency of the autonomous district.

(4) Save as otherwise provided in this Act, every person whose name is, for the time being, entered in the electoral roll of a constituency shall be entitled to vote at the election of a member of the District Council from that constituency.

Right to vote.

11. Every person shall have the right to cast one vote and no more to any one candidate at an election.

Election of members.

12. Election of members of the District Council shall be held in accordance with the rules made under section 18 by notification in the Official Gazette.

General Election to the District Council.

13. (1) General election of members of the District Council shall ordinarily take place before the expiration of the term of office of the members of the Council as specified in section 17 or in case of earlier dissolution soon after such dissolution, on such day or days as the State Government may fix.

(2) The first general election of members of the District Council shall be held under the provisions of this Act and Rules framed thereunder at such time as the State Government may decide.

(3) The State Government may issue such orders as it may consider necessary or expedient to give effect to the provisions of this Act in regard to the holding of the first general election referred to in sub-section (1) and in regard to any matter incidental and ancillary thereto.

(4) Elections and appointments in respect of casual vacancies shall be held and made at such other times as may be prescribed in accordance with the provisions of this Act.

(5) (a) If, for any reason, the general election of the members of the District Council cannot be held within the period referred to in this section ; or

(b) If a general election is set aside by a Court otherwise than under the provisions of this Act ;

then the State Government shall fix date for holding a general election or a fresh general election, as the case may be.

Validation.

14. (1) Where the members elected at a general election are restrained from functioning if the election as a whole is set aside by order of a Court, anything done or any action taken by the said members before they are so restrained or before the election is so set aside, as the case may be, shall be deemed to have been validly done or taken.

(2) Where the members have continued in office after the expiry of the term referred to in section 17 on account of—

- (a) a general election not having taken place within the time referred to in that section; or
- (b) a general election having been set aside before the assumption of office by the newly elected members; or
- (c) the members elected at a general election not having been able to assume office for any reason,

then notwithstanding anything contained in this Act or in any judgement, decree or order of any Court—

- (i) the members so continuing shall be deemed to be and to have been validly continuing in office; and
- (ii) anything done or any action taken by such member shall be deemed to be and to have been validly done or taken.

(3) The members continuing in office under the provisions of sub-section (2) shall continue to hold office until the first meeting of the members, elected at a general election, at which a quorum is present.

Publication of results of elections.

15. The names of all persons elected to be members of the District Council shall be published by the State Government in the Official Gazette and upon such publication being made the Council shall be deemed to be duly constituted.

Vacation of seats.

16. If a person is chosen a member of the Parliament or the State Legislature and District Council, then, at the expiration of 14 days from the date of publication in the Gazette of India or in the official Gazette of the declaration that he has been so chosen or if such publications have been made on different dates, then within 10 days from the later of such date, that person's seat in the District Council shall become vacant unless he has previously resigned his seat in the Parliament or the State Legislature as the case may be.

Term of office of members.

17. The elected members of the District Council shall hold office for a term of 5 years from the date appointed for the first meeting of the Council after the election to the Council, unless the District Council is sooner dissolved under section 50 of this Act :

Provided that the said period of 5 years may, if the circumstances exist which, in the opinion of the State Government render the holding of election impracticable, be extended by the Government for a period not exceeding one year at a time :

Provided further that a member elected to fill a casual vacancy shall hold office only for the remainder of term of the member whom he replaces.

Power to make rules regulating the election of members.

18. The State Government may make rules to regular all or any of the following matters for the purpose of the holding of the elections of members under this Act, namely :—

- (a) the manner of the splitting up of electoral rolls for assembly constituencies into parts for the purpose of constituting one or more of such parts into electoral roll for a constituency ; and the officer or authority by whom such splitting up is to be carried out ;
- (b) the drawing up of the programme of election ;
- (c) the appointment of Returning Officers, Presiding and Polling Officers for election ;
- (d) the nomination of candidates and the scrutiny of such nomination ;
- (e) the deposits to be made by candidates and time and manner of making such deposits ;
- (f) the withdrawal of candidatures ;
- (g) the appointment of agents of candidates ;
- (h) for filling up of casual vacancy ;

- (i) the general procedure at the elections including the time, place and hours of poll and the method by which votes shall be cast ;
- (j) the fee to be paid on an election petition ;
- (k) any other matter relating to election or election disputes in respect of which the State Government deems it necessary to make rules under this section or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the State Government necessary.

Oath or affirmation by members.

19. Every member of the District Council shall, before taking his seat, make and subscribe before such person as may be appointed by the Government in this behalf, an oath or affirmation, according to the form prescribed for the purpose.

Chairman and Vice-Chairman.

20. The District Council shall, as soon as may be, choose in the manner prescribed two members to be respectively the Chairman and Vice-Chairman thereof and, so often as the office of Chairman or Vice-Chairman becomes vacant the Council shall choose another member to be Chairman or Vice-Chairman as the case may be.

Vacation and resignation of, and removal from the office, of Chairman and Vice Chairman.

21. A member holding office as Chairman or Vice-Chairman of the Council—

- (1) shall vacate his office if he ceases to be a member of the Council ;
- (2) may at any time by writing under his hand addressed, if such member is the Chairman to the Vice-Chairman and if such member is the Vice-Chairman to the Chairman resign his office ; and
- (3) may be removed from his office by a resolution of the Council passed by not less than two-thirds of the members of the Council :

Provided that no such resolution for the purpose of sub-section (3) shall be moved unless fourteen days notice has been given of the intention to move the resolution.

Salaries and allowances of the Chairman & Vice-Chairman.

22. The Chairman and the Vice-Chairman shall be wholetime functionaries and shall be entitled to such salaries and allowances as may be fixed by the State Government.

Allowances of Members.

23. Subject to the provisions of section 22 every member shall be entitled to receive such allowances as may be fixed by the District Council in consultation with the State Government.

Superintendence, direction and Control of elections to the District Council to be vested in the Chief Electoral Officer of the State.

24. (1) Subject to the provisions of this Act and Rules made thereunder the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of election to the District Council shall vest in the Chief Electoral Officer appointed under the Representation of People Act, 1950.

(2) Subject to the provisions of sub-section (1) the Chief Electoral Officer may make such orders as may be necessary for the purposes mentioned in sub-section (1).

Disputes as to elections.

25. (1) No election to the District Council shall be called in question except by an election petition presented in such manner as may be prescribed and before such authority as may be appointed by the State Government from time to time by notification in the Official Gazette :

Provided that no person below the rank of "District Judge" within the meaning of Article 236 of the Constitution of India shall be appointed for the purpose.

(2) The members of the Executive Committee may be paid such salaries and allowances as may be determined by the District Council in consultation with the State Government.

(3) No election to the District Council can be called in question excepting on any one or more of the following grounds, namely—

- (a) that on the date of his election the returned candidate was not qualified, or was disqualified, to be chosen to fill the seat in the Council ;
- (b) that any corrupt practice as may be committed by any returned candidate or election agent or by another person with the consent of the returned candidate or his election agent ;
- (c) that any nomination has been improperly rejected ; or
- (d) that the result of the election in so far as it concerned the returned candidate has been materially affected--

- (i) by the improper acceptance of any nomination, or
- (ii) by any corrupt practice committed in the interest of the returned candidate by an agent other than his election agent, or
- (iii) by the improper reception, refusal or rejection of any vote, or
- (iv) the reception of any vote which is void, or
- (v) by any non-compliance with the provisions of this Act or of any rules or orders made under this Act.

(4) At the conclusion of the trial of election petition the authority appointed under sub-section (1) shall make an order—

- (a) dismissing the election petition ; or
- (b) declaring the election to all or any of the returned candidates to be void ; or
- (c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.

(5) If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate claims a declaration that he himself or any other candidate has been duly elected and the authority appointed under sub-section(1) is of opinion—

- (a) that in fact the petitioner or such other candidate receiving the valid vote ; or
- (b) that but for the votes obtained by the returned candidate by corrupt practice the petitioner or such other candidate would have obtained the majority of the valid votes ;

the authority appointed under sub-section(1) shall after declaring the election of the returned candidate to be void declare the petitioner, or such other candidate, as may be, to have been duly elected

Formation of Executive Committee of District Council, Chief Executive member.

26. There shall be an Executive Committee of the District Council consisting of seven Executive members. The Chairman of the District Council by virtue of his office shall be the Chief Executive member at the head of the Executive Committee. The Chief Executive member of the Executive Committee shall from and amongst the members of the District Council shall select six persons who shall be the Executive members of the Executive Committee. The Executive Committee shall exercise the functions hereinafter specified in sections 27, 28 and 29.

Conduct of Executive functions.

27. (1) The executive functions of the District Council shall be vested in the Executive Committee.

(2) All orders or instruments made or executed by the Executive Committee shall be expressed to be made by or by order of the District Council. Every such order or instrument shall be signed by the Chief Executive member or any other member of the Executive Committee authorised in writing by the Chief Executive member in this behalf and such signature shall be deemed to be the proper authentication of such order or instrument.

Powers of the Executive Committee

28. (1) The Executive Committee shall dispose of all matters falling within its purview, except certain matters hereinafter specified, which shall be referred to the District Council for final approval.

(2) The matters excepted under sub-section (1) are—

- (a) cases involving any important change in the administrative system of the District or any important departure from accepted policy or practices;
- (b) proposals for making regulations, rules or bye-laws as authorised under the provisions of this Act;
- (c) cases which seriously affect, or are likely to affect seriously, the peace or good Government or the Autonomous District or likely to affect relations with any such area;
- (d) cases affecting the relations of Government with the District Council;
- (e) all correspondence of importance with the Government;
- (f) all important appointments.

Members of the
Executive
Committee.

29. (1) Each member of the Executive Committee shall be entrusted with specific subjects, the allocation of the subjects being made by the Chief Executive member. The Executive Committee shall be collectively responsible for all executive orders issued in the name of the District Council in accordance with the provisions of this Act, whether such orders are authorised by an individual member of the Executive Committee on a matter relating to his subject or as a result of discussion at a meeting of the Executive Committee, or howsoever otherwise.

(2) One of the members of the Executive Committee will be in charge of the District Fund, who shall be referred to as the member in charge of the financial affairs of the District Council. The functions of the member-in-charge of the financial affairs of the District Council shall be as follows :—

- (a) he shall generally advise on all matters touching receipts and expenditure of the District Council ;
- (b) he shall be responsible for all matters relating to financial procedure and the application of the principles of sound finance ;
- (c) he shall prepare the Budget of the District Council and deal with all matters relating to Budget procedure and the forms and contents of the financial statement ;
- (d) he shall be responsible for the "Ways and Means" position of the District Fund.

Chief Executive
Officer

30. (1) There shall be a Chief Executive Officer in the District Council.

(2) A Chief Executive Officer referred to in sub-section (1) shall be appointed by the State Government and shall be paid out of the District Fund such salaries and allowances as may from time to time be fixed by the State Government.

(3) The Chief Executive Officer shall be the principal Executive Officer of the District Council and all other officers and servants of the District Council shall be subordinate to him. He shall have the same right of being present at a meeting of the members of the District Council or of Executive Committee of the District Council or of any Committee established by the District Council, and of taking part in the discussions thereat as if he were a member of the District

Council or a member of Executive Committee or a member of any Committee and with the consent of the Chairman or the President of the meeting, as the case may be, he may at any time make a statement or explanation of facts, but he shall not, be entitled to vote or make any proposition at such meeting.

(4) The Chief Executive Officer shall act in respect of all other matters under the direction of the Chairman through whom he shall be responsible to the members of the District Council.

(5) Except as in provided in the rules framed by the State Government the Chief Executive Officer shall not be removed from office by the members of the District Council except on resolution carried at a special meeting called for the purpose and supported by the votes of the majority of the total number of the members holding office for the time being.

(6) The State Government may at any time suspend, remove, dismiss or otherwise punish the Chief Executive Officer appointed under this section.

CHAPTER III POWERS AND FUNCTIONS OF THE DISTRICT COUNCIL.

Matters which are to be under the exclusive control and administration of the District Council.

31. Subject to the provisions of the Constitution of India or any laws made in that behalf the following matters within the area of the autonomous district shall be under the exclusive control and administration of the District Council, namely :—

- (a) the allotment, occupation or use or the set-apart of land, other than any land which is a reserved forest, or used for the purpose of agriculture or grazing, or for residential or other non-agricultural purposes, or for any other purpose likely to promote the interest of the inhabitants of any village, locality or town;
- (b) the management of any forest not being a reserved forest :

Explanation.—The expression 'reserved forest' shall mean reserved forest within the meaning of the Indian Forest Act, 1927 ;

- (c) the use of any canal or water course for the purpose of agriculture ;

- (d) the regulation of the practice of Jhum or **other** forms of shifting cultivation;
- (e) the village or town committees or council;
- (f) any other matter relating to village or town administration including village or town police and public health and sanitation.

Power to make
bye-laws.

32. (1) This District Council shall have power, subject to the provisions of the Constitution of India or any laws made in that behalf, to frame bye-laws to be applicable in the territorial district with respect to—

- (a) inheritance to property of persons belonging to Scheduled Tribes;
- (b) marriage and divorce where any of the parties to the marriage belongs to Scheduled Tribes;
- (c) social customs of people belonging to Scheduled Tribes; and
- (d) all or any of the matters enumerated in section 31.

(2) All bye-laws made under this section shall come into effect upon their publication in the Official Gazette.

Powers of the
District Council
to establish
primary schools,
etc.

33. The District Council for the autonomous district may establish, construct or manage primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, roads, road transport (other than nationalised routes) and waterways in the district and may with the previous approval of the Government make regulations for the regulation and control thereof and, in particular, may prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district.

Functions with
which the Dis-
trict Council
may be entrus-
ted by the Govt.

34. The Government may, with the consent of any District Council, entrust either conditionally or unconditionally to that Council or to its officers, functions in relation to agriculture, animal husbandry, community projects, co-operative societies, social welfare, village planning, fisheries and plantation or any other matter to which the executive power of the State extends.

Power of District Council to make regulation for the control of money lending and trading by non-tribals.

35. (1) The District Council may make regulations for the regulation and control of money-lending or trading within the District.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may—

- (a) prescribe that no one except the holder of a licence issued in that behalf shall carry on the business of money-lending ;
- (b) prescribe the maximum rate of interest which may be charged or be recovered by a money-lender ;
- (c) provide for the maintenance of accounts by money-lenders and for inspection of such accounts by officers appointed in that behalf by the District Council ;
- (d) prescribe that no person who is not a member of Scheduled Tribe resident in the district shall carry on wholesale or retail business in any commodity except under a licence issued in that behalf by the District Council :

Provided that no regulations may be made under this section unless they are passed by a majority of the total membership of the District Council :

Provided further that it shall not be competent under any such regulation to refuse the grant of a licence to a money-lender or a trader who has been carrying on business within the district since before the time of the making of such regulations.

(3) All regulations made as aforesaid shall come into effect upon their publication in the official Gazette.

Power to levy and collect taxes and fees.

36. (1) Notwithstanding anything contained in any other law for the time being in force, the District Council shall have power to levy and collect within the Autonomous District all or any of the taxes payable under any of the Acts mentioned in the Second Schedule appended to this Act.

(2) The District Council shall have power to levy and collect within the autonomous district all or any of the following fees, that is to say—

- (a) fees for the maintenance and development of schools, dispensaries or roads ;

- (b) fees on the entry of goods into a market for sale therein and tolls on passengers and goods carried in ferries for maintenance and development thereof;
- (c) fees on vehicles (other than those mechanically propelled) and boats for regulating and managing traffic;
- (d) fees on animals at rates and in the manner as may be prescribed.

CHAPTER IV ADMINISTRATION OF JUSTICE

Constitution of village councils by the Government in autonomous district for trials of suits cases and offences.

37. (1) Subject to the provisions contained in the Constitution of India, the Government may constitute village councils within the autonomous district to the exclusion of any court within such area, and may appoint, in consultation with the Chairman and failing him the Vice-Chairman of the District Council, suitable persons to be members or presiding officers of such village councils and may also appoint such officers as may be necessary for the administration of the bye-laws and regulations made by the District Council under the provisions of this Act.

(2) The village councils shall have power to try civil suits of the following description if their values do not exceed one thousand rupees—

- (a) civil suits for money due on contract;
- (b) civil suits for recovery of property or for the value thereof;
- (c) civil suits for compensation for wrongfully taking or injuring any property;
- (d) civil suits for damages caused by cattle trespass.

(3) The village council shall have power to try cases or offences of the following description and to impose fine not exceeding three hundred rupees that is to say—

- (a) cases arising out of any bye-laws regulations or rules in force in the autonomous district;
- (b) cases arising out of any bye-laws, regulations offence or abetment thereof which are not punishable with death, imprisonment for life or imprisonment for a term not exceeding six

months and offences under sections 379 and 380 of the Indian Penal Code where the value of the stolen property does not exceed five hundred rupees.

Appeal to the District Judge against the decision of the village council.

38. An appeal shall lie to the District Judge against final decision rendered under sub-section (2) of section 37 and to the Sessions Judge against final decision rendered under sub-section (3) of section 37.

Realisation of fine,

39. If any fine or portion thereof remains unpaid, the same shall be deemed to be dues to the Government and can be realised as arrears of land revenue under the provisions of the Tripura Land Revenue and Land Reforms Act, 1960.

Rules regulating Composition, procedure etc.

40. The Government may make rules regulating—

- (a) compositions of village councils and the number of village councils that may be set up defining their territorial limits within the autonomous district;
- (b) the procedure regarding cognizance by village councils;
- (c) the procedure to be followed by the village councils in the trial of suits, cases or offences;
- (d) all other ancillary matters for carrying out the provisions of sections 37 and 38.

CHAPTER V FINANCE OF DISTRICT COUNCIL AND VESTING OF PROPERTY.

District Council Fund.

41. (1) There shall be constituted for the autonomous district, a District Fund to which shall be credited all moneys received by the District Council for the autonomous district in course of administration of such district.

(2) The Government may make rules for the management of the District Fund and for the procedure to be followed in respect of payment of money into the said Fund, withdrawal of moneys therefrom, the custody of moneys therein and any other matter connected with and ancillary to the matters aforesaid.

(3) The accounts of the District Council shall be kept in such form as may be prescribed by the Government in consultation with the Accountant General.

(4) The State Government shall cause the accounts of the District Council to be audited by the Accountant General in such manner as he may think fit and the report of the Accountant General shall be submitted to the Government, after such report has been placed before the District Council and discussed, and the Government shall, in turn, lay such report before the State Legislature.

Licences or
eases for the
purpose of pros-
pecting for or
extraction of
minerals.

42. (1) Such share of the royalties accruing each year from forest, licence or lease for the purposes of prospecting for, or the extraction of minerals granted by the Government in respect of any area within the autonomous district as may be agreed upon between the Government and the District Council of such district shall be made over to that District Council.

(2) If any dispute arises as to the share of such royalties to be made over to the District Council, it shall be referred to an arbitrator appointed by the Government for determination and the amount determined by the arbitrator shall be deemed to be the amount payable under sub-section (1) to the District Council and the decision of the arbitrator shall be final :

Provided that no person below the rank of a District Judge within the meaning of Article 236 of the Constitution of India shall be appointed as arbitrator.

(3) All regulations made under this section shall come into force on publication in the Official Gazette.

Property
vested in the
District
Council.

43. Subject to such restrictions or conditions as the State Government may think fit and proper, all properties of the nature specified below and situated in the autonomous district shall vest in and belong to the District Council with all other properties which may become vested in the Council and shall be under the direction, management and control of the District Council and shall be held and applied for the purpose of this Act—

- (a) all public buildings, constructed and maintained out of the fund of the District Council :
- (b) all public roads which have been constructed or maintained out of the fund of the District Council and the stones and other materials thereof and also trees, erections, materials,

implements and things provided for such roads ;

- (c) all land or other properties movable or immovable, transferred to the District Council by the Government.

Estimated receipts and expenditure pertaining to autonomous District.

44. Estimated receipts and expenditure pertaining to an autonomous district ending on the 31st March of every year shall be first placed before the District Council for discussion and then after such discussion shall be transmitted to the Government by the 31st January of the year immediately preceding.

CHAPTER—VI

PROCEDURE AND STAFF OF DISTRICT COUNCIL.

Conduct of business.

45. The District Council shall meet for the conduct of business at least once in every six months and shall conduct its business in such manner and in accordance with such procedure as may be prescribed by the Government by rules framed under this Act.

Committees.

46. A District Council may, from time to time, appoint out of its own body such and so many committees for the efficient discharge of its duties as may be necessary.

Officer and staff.

47. The District Council may appoint such officers and staff as may be necessary for the administration of the bye-laws or rules or regulations made by it and also for proper and efficient execution of its duties and make rules regulating their conditions of service :

Provided that the terms and conditions of service of a Government servant transferred to the District Council shall not be varied to his disadvantage without the previous approval of the State Government :

Provided further that where any disciplinary or other action is required to be taken against any such government servant, the District Council shall make a reference to the State Government who shall take further action in accordance with the service rule applicable in each case.

CHAPTER—VII
MISCELLANEOUS

Appointment of Commission to inquire into and report on the administration of autonomous District.

48. (1) The Government may, at any time, appoint a Commission to examine and report on any matter specified by it relating to the administration of the autonomous district including matters specified in sections 31, 32, 33, 35 and 36 of this Act and in particular on—

- (a) the provision of educational and medical facilities and communication in autonomous district ;
- (b) the need for any new or special legislation in respect of the autonomous district ;
- (c) the administration of the bye-laws, rules and regulations made by the District Council ; and define the procedure to be followed by such Commission.

(2) The report of every such Commission with recommendation of the Government with respect thereto shall be laid before the legislature of the State by the Government together with an explanatory Memorandum regarding the action proposed to be taken by the Government thereon.

Annulment or suspension of acts and resolution of District Council.

49. If at any time the Government is satisfied that a bye-law or resolution or regulation or rule of the District Council is likely to endanger the safety or security of the State or is likely to be prejudicial to public order, the State Government may annul or suspend such bye-law, resolution or regulation, as the case may be, and take such steps as it may consider necessary to prevent the Commission or continuance of such bye-law or the giving effect of such resolution or regulation.

Dissolution of the District Council.

50. The Government may, at any time, on the recommendation of the Commission appointed under section 48 by notification published in the Official Gazette order the dissolution of the District Council and—

- (a) direct that a fresh general election shall be held immediately for the reconstitution of the Council, or
- (b) place the administration of the autonomous district under the Commission appointed under section 48 or any other body considered suitable, for a period not exceeding 12 months.

Application of
Acts of the
Legislature of
the State.

51. If any provision of a bye-law or any regulation made by the District Council is repugnant to any provision of a law made by the Legislature of the State of Tripura with respect to that matter, then, the law or regulation made by the District Council, whether made before or after the law made by the Legislature of the State of Tripura, shall, to the extent of the repugnancy, be void and the law made by the Legislature of the State of Tripura shall prevail.

Power of the
State Govt. to
make rules.

52. (1) The Government may make rules providing for any matters which under any of the provisions of this Act is to be or may be prescribed or which may be considered necessary or expedient in order to give effect to the purposes of this Act.

(2) Every rule made by the Government under this section shall be laid as soon as may be after it is made before the Legislative Assembly of Tripura while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any modification or annulment shall be without prejudice to the validity of anything done under that rule.

Penalty and
cognizance of
offence.

53. (1) Any person who contravenes any provisions of the Act or any rule, bye-law or regulation made under this Act shall be guilty of an offence against this Act and shall on conviction be punishable with the imprisonment for a term not exceeding 6 months or a fine not exceeding Rs. 2,500/- or with both.

(2) No court shall take cognizance of any offence against this Act except upon a complaint in writing made by the Chairman or the Vice-Chairman of the Council or such other person as the Chairman or the Vice-Chairman may authorise in this behalf.

Interpretation.

54. If any question arises as to the interpretation of any of the provisions of this Act or Rules framed thereunder the same shall be referred to the Government whose decision thereon shall be final.

Removal of difficulties.

55. (1) If any difficulty arises in giving effect to the provisions of this Act or Rules made thereunder, the Government may, by order, do anything not inconsistent with the provisions of this Act or the provisions of the Constitution of India as may appear necessary or expedient to the Government for the purpose of removing such difficulty.

(2) Every order made under this section shall be laid before the State Legislature.

Saving Clause.

56. Nothing in this Act shall affect the application of any law made or to be made by the Government, unless specifically excluded by the Government :

Explanation.—'Law' in this section includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of 'Law' in the State of Tripura.

SCHEDULE—I

[Sections 2(h) a 3(1)]

1. In the District of North Tripura—

A. Within Dharmanagar Sub-Division :

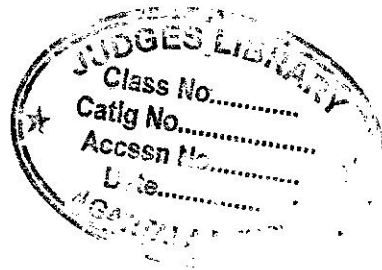
- (a) Name of Tehsils
1. Anandabazar
 2. Dasda
 3. Kanchanpur
 4. Ujan Machmara
 5. Machmara
 6. Pecharthal
 7. Vangmun
 8. Khedachhara

- (b) Name of villages
1. Juri R.F.
 2. Bansul
 3. Piplachara
 4. Rahumchhara
 5. Damchhara
 6. Narendranagar
 7. Kacharichhara
 8. Damchhara RF
 9. Balidhum

B. Within Kailashahar Sub-Division :

- (a) Name of Tehsils
1. Manu
 2. Chailengta
 3. Chamanu
 4. Manikpur
 5. Gobindabari

- (b) Name of villages
- | | |
|------------------------|---------------------------|
| 1. Kanchanchhara | 11. Natingchhara |
| 2. Nalkata | 12. Dakshin Unakuti R. F. |
| 3. Paschim Karamchhara | 13. Rajkandi |
| 4. Purba Karamchhara | 14. Golakpur |
| 5. Purba Masli | 15. Samruhala R. F. |
| 6. Ultachhara | 16. Debastal |
| 7. Paschim Masli | 17. Dhatuchhara |
| 8. Deo R. F. | 18. Deorachhara |
| 9. Dengdung | 19. Uttar Unakuti R. F. |
| 10. Saidachhara | 20. Hirachhara. |



C. Within Kamajpur Sub-Division :

(a) Name of Tehsils

1. Ganganagar

(b) Name of villages

- | | |
|-------------------|------------------------|
| 1. Kathalbari | 13. Jagannathpur |
| 2. Auliraipara | 14. Kulai R. F. |
| 3. Sikaribari | 15. Paschim Nalichhara |
| 4. Harimangalpara | 16. Katalutma |
| 5. Gurudhanpara | 17. Mendi |
| 6. Simbuchhak | 18. Chhatrai |
| 7. Kachuchhara | 19. Longthorai R. F. |
| 8. Latichhara | 20. Jamthungbari |
| 9. Balaram | 21. Aparaskar |
| 10. Lalachhari | 22. Panbua |
| 11. Bagmara | 23. Srirampur |
| 12. Raipasa | 24. Kamalachhara |

2. In the District of West Tripura

A. Within Khowai Sub-Division :

(a) Name of Tehsils

1. Asharambari
2. Champahour

(b) Name of villages

- | | |
|---------------------------|------------------------|
| 1. Paschim Bachaibari | 17. Uttar Gakulnagar |
| 2. Dakshin Ramchandraghat | 18. Dakshin Gakulnagar |
| 3. Gayamanibari | 19. Nunachhara R. F. |
| 4. Akharabari | 20. Atharamura R. F. |
| 5. Tuihachingbari | 21. Dakshin Maharani |
| 6. Paglabari | 22. Sriramkhara |
| 7. Ramdayalbari | 23. Ramkrishnapur |
| 8. Paschim Rajnagar | 24. Dakshin Pulinpur |
| 9. Paschim Kalyanpur | 25. Sardukarkari |
| 10. Uttar Ghilatali | 26. Uttar Pulinpur |
| 11. Tuichingrambari | 27. Purba Belchhara |
| 12. Uttar Pramodenagar | 28. Dakshin Padmabil |
| 13. Badlabari | 29. Uttar Padmabil |
| 14. Mainakbari | 30. Ratanpur |
| 15. Janakabrabari | 31. Paschim Belchhara |
| 16. Karaibari | 32. Bagabil |
| | 33. Khengrabari. |

(B) Within Sadar Sub-Division.

(a) Name of Tehsils

- | | |
|-------------------|----------------------|
| 1. Paschim Simna | 9. Paschim Takarjala |
| 2. Chandpur | 10. Purba Takarjala |
| 3. Budhjangnagar | 11. Sankumabari |
| 4. Rangmala | 12. Laxmipur |
| 5. Amtali | 13. Patnipara |
| 6. Amarendranagar | 14. Mandainagar |
| 7. Pathaliaghat | 15. Champaknagar |
| 8. Pekarjala | 16. Belbari |
| | 17. Shibnagar |

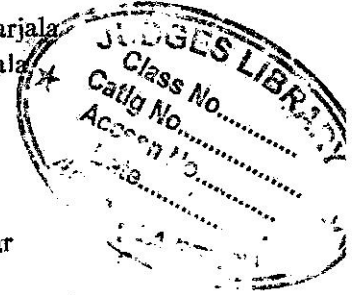
(b) Name of villages

- | | |
|----------------------|--------------------------------|
| 1. Purba Simna | 9. Surendranagar |
| 2. Uttar Dasgharia | 10. Uttar Debendrachandranagar |
| 3. Sankhala | 11. Sutarmura |
| 4. Baluaban | 12. Latiachhara |
| 5. Dakshin Dasgharia | 13. Prabhapur |
| 6. Subalsingh | 14. Radhamohanpur |
| 7. Baikunthapur | 15. Paschim Barjulai |
| 8. Kamukchhara | 16. Jirania |
| | 17. Radhapur |

(C) Within Sonamura Sub-Division

(a) Name of villages.

1. Chandul
2. Uttar Taibandul
3. Dakshin Taibandul
4. Khedarbari
5. Gamaichhara
6. Jagatrampur
7. Birendranagar
8. Manaipather
9. Bijoynagar
10. Dhanirampur



3. In the District of South Tripura.

(A) Within Udaipur Sub-Division

(a) Name of Tehsils

1. Killa

(b) Name of villages

- | | |
|-------------------------|-------------------------------------|
| 1. Garji R. F. | 8. Dakshin Baramura Deotamura R. F. |
| 2. Baisabari | 9. Dakshin Maharani |
| 3. Tuiharchun | 10. Dhuptali |
| 4. Chapiapara | 11. Samukchhara |
| 5. Purba Mogpuskarani | 12. Khupilong |
| 6. Purba Brajendranagar | 13. Kachigang R. F. |
| 7. Raiabari | 14. Gandhari |
| | 15. Bagma |

(B) Within Amarpur Sub-Division

(a) Name of Tehsils

- | | |
|---------------|-----------------|
| 1. Ampinagar | 5. Chelagang |
| 2. Taidubari | 6. Gandachhara |
| 3. Malbasa | 7. Raima Valley |
| 4. Nutanbazar | 8. Sonachhara |

(b) Name of villages

- | | |
|-----------------------------|----------------------------|
| 1. Rajkang | 4. Purba Sarbong |
| 2. Baramura Deotamura R. F. | 5. Paschim Kalajhari R. F. |
| 3. Paschim Sarbong | 6. Kamlaipara |

(C) Within Belonia Sub-Division

(a) Name of Tehsils

1. Birchandranagar
2. Kalashi

(b) Name of villages

- | | |
|------------------------|-----------------------|
| 1. Tekka R. F. | 10. Kalalaogang |
| 2. Dakshin Hichachhara | 11. Purba Pilak |
| 3. Abhangchhara | 12. Birendranagar |
| 4. Kashari R. F. | 13. Tairumchhara |
| 5. Rajapur | 14. Ratanpur |
| 6. Paschim Patichhari | 15. Shibpur |
| 7. Purba Kathalia | 16. Tekka Tulsi R. F. |
| 8. Baikhora | 17. Manirampur |
| 9. Laxmichhara | 18. Tuigamari |

(D) Within Sabroom Sub-Division

(a) Name of Tehsils

1. Manubankul
2. Baishnabpur
3. Silachari

(b) Name of villages.

- | | |
|-------------------|-----------------------|
| 1. Chatakchhari | 7. Gardhang |
| 2. Sindukpathar | 8. Dakshin Tuisama |
| 3. Fulchhari | 9. Gaganchandrapara |
| 4. Betaga R.F. | 10. Tekka Tulsi R. F. |
| 5. Taikumbachhara | 11. Harbatali |
| 6. Sakbari | 12. Chalitachari |

SCHEDULE—2.
[Section 36 (1)]

1. The Tripura Professions, Trades, Callings and Employment Taxations Act, 1976.
2. The Tripura Land Revenue and Land Reforms Act, 1960.
3. The Bengal Agricultural Income Tax Act, 1944 as extended to the State of Tripura.

D. Chakraborty
Secretary to the
Government of Tripura.