

No. 13/XXXVI(3)/2020/76(1)/2019
Dated Dehradun, January 15, 2020

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of '**The Uttarakhand Former Chief Minister Facility (Residential and Other Facilities) Act, 2019**' (Act No. 05 of 2020).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 13 January, 2020.

**The Uttarakhand Former Chief Minister facility (Residential and Other Facilities)
Act, 2019**

(Uttarakhand Act No. 05 of 2020)

AN

ACT

WHEREAS, keeping in view the facilities provided to former constitutional functionaries, after formation of the State in the year 2000, former Chief-Ministers were provided residential accommodation for life time in accordance with certain rules/Govt. Orders/Office Memorandum/Notification.

NOW, THEREFORE, to validate the residential accommodation and other facilities already provided to former Chief Ministers for a fixed period, as one time measure and provide residential and other facilities.

**Be it enacted by the Uttarakhand State Legislative Assembly in the
Seventieth year of the Republic of India as follows:**

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| Short Title and
 Commencement | 1. (1) This Act may be called the Uttarakhand Former Chief Minister Facility (Residential and Other Facilities) Act, 2019.
(2) It shall be deemed to have come into force from 9 th November 2000. |
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Definitions

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

- (a) "State Government" means the Uttarakhand Government;
- (b) "Former Chief Minister" means the Chief Minister who has worked in the Council of Ministers in the Uttarakhand Government;
- (c) "Fees" and "Standard rent" means the fees and standard rent determined by the Uttarakhand Government for residence, electricity, water and other facilities;
- (d) "Government Residence" means the Government residence available within the municipal corporation and Cantonment area limits of Dehradun.

Application

3. This Act shall apply to those former Chief Ministers who have been allotted government residences by the State Government. The allotment of residential accommodation made under rules/Govt. order/office memorandum/ notification shall be deemed to have been made under this Act till 31.03.2019.

Provided that with effect from 31.03.2019 those former Chief Ministers who have been allotted government residences shall not be entitled to the facilities and benefits provided under Section 4 and Section 5 of this Act;

Provided further that with effect from 31.03.2019 no former Chief Minister shall be entitled to allotment of government residence and the facilities and benefits provided under Section 4 and Section 5 of this Act only on this basis of his status being a former Chief Minister.

Facilities

4. (a) The appropriate rent of government residence allotted to the former Chief Minister of Uttarakhand State shall be recovered from the allottee from the date of allotment .

EXPLANATION- Appropriate rent for the purposes of this sub section shall be 25 % increases of the standard rent, in addition to standard rent as determined by the Government from time to time.

(b) The payment of electricity, water and sewerage fee etc. of the government residence allotted to the former Chief Ministers shall be paid to the concerned department from the date of allotment, by the allottee himself.

(c) The facilities provided to the former Chief Ministers by the State Government (vehicle along with driver, P.O.L for the vehicles, maintenance of vehicles, Personal Assistant / Officer on Special Duty/ Public Relation Officer, Fourth

Class employee, watchman, gardener, telephone attendant, security guard etc.) as determined by the Government, shall be free of cost.

(d) All the facilities provided to the former Chief Ministers shall be permissible (except Security Guard) till his occupancy in the government residence.

(e) The Former Chief Ministers shall be entitled the security and protocol Services as State Government may, determine from time to time.

Maintenance of Government residence

5. The cost incurred from time to time on repair/maintenance related works in the government residence allotted to former Chief Ministers shall be borne by the State Government.

Validation of orders

6. The Rules/ Government Order / Office Memorandum/ Notification and all other orders issued by the State Government for allotment of government residence and other facilities provided to former Chief Ministers shall be deemed to have been issued under this Act.

Overriding effect

7. Notwithstanding anything contrary contained in any other Act or judgement/ decree/ order or directions of any court, the provisions of this Act, shall be valid and effective.

Facilities provided by other Acts

8. Notwithstanding anything contained in this Act, the former Chief Ministers shall also be entitled to avail facilities of any pension/ allowance/ facilities permissible under any other Act or any order.

Power to make rules

9. The State Government may, by notification, in official Gazette, make rules for carrying out the purposes of this Act.

Repeal and Saving

- 10 (1) The Uttarakhand Former Chief Minister Facility (Residential and Other Facilities) Ordinance, 2019 is hereby repealed.
- (2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order,

PREM SINGH KHIMAL,
Secretary.

Statement of Objective and Reasons

keeping in view the facilities provided to former constitutional functionaries, the former Chief Ministers of the State of Uttarakhand were provided residential accommodation and other facilities for life, without any legislative sanction.

2- In context of the above The Uttarakhand Former Chief Minister Facility (Residential and Other facilities) Ordinance, 2019 has been promulgated.

3- The proposed bill is the replacing bill of the Uttarakhand Former Chief Minister Facility (Residential and Other facilities) Ordinance, 2019 and fulfills the above said objectives.

Trivendra Singh Rawat
Chief Minister.

विधेयक का खण्डवार विवरणों का ज्ञापन

प्रस्तावित विधेयक "उत्तराखण्ड भूतपूर्व मुख्यमंत्री सुविधा (आवासीय एवं अन्य सुविधाएं) विधेयक, 2019" प्रख्यापित किया जाना प्रस्तावित है।

1. प्रस्तावित विधेयक के खण्ड-1 में संक्षिप्त नाम और प्रारम्भ की व्यवस्था उपबन्धित किया जाना प्रस्तावित है।
2. विधेयक के खण्ड-2 में परिभाषाएं को उपबन्धित किया जाना प्रस्तावित है।
3. विधेयक के खण्ड-3 में भूतपूर्व मुख्यमंत्रियों के सम्बंध में इस अधिनियम के लागू होने की व्यवस्था उपबन्धित किया जाना प्रस्तावित है।
4. विधेयक के खण्ड-4 में भूतपूर्व मुख्यमंत्रियों की सुविधाओं के सम्बंध में शर्तों की व्यवस्था उपबन्धित किया जाना प्रस्तावित है।
5. विधेयक के खण्ड-5 में भूतपूर्व मुख्यमंत्रियों के आवासों के अनुरक्षण की व्यवस्था उपबन्धित किया जाना प्रस्तावित है।
6. विधेयक के खण्ड-6 में भूतपूर्व मुख्यमंत्रियों के आवास के सम्बंध में आदेशों के विधिमान्यकरण की व्यवस्था उपबन्धित किया जाना प्रस्तावित है।
7. विधेयक के खण्ड-7 में इस अधिनियम के अध्यारोही प्रभाव की व्यवस्था उपबन्धित किया जाना प्रस्तावित है।
8. विधेयक के खण्ड-8 में भूतपूर्व मुख्यमंत्रियों को अन्य अधिनियम द्वारा प्रदत्त सुविधाएं व्यवस्था उपबन्धित किया जाना प्रस्तावित है।
9. विधेयक के खण्ड-9 में राज्य सरकार को नियम बनाने की शक्ति हेतु व्यवस्था उपबन्धित किया जाना प्रस्तावित है।
10. विधेयक के खण्ड-10 में निरसन एवं व्यावृत्ति की व्यवस्था उपबन्धित किया जाना प्रस्तावित है।

त्रिवेन्द्र सिंह रावत
मुख्यमंत्री, उत्तराखण्ड।