

No. 192/XXXVI(3)/2019/37(1)/2019

Dated Dehradun, July 25, 2019

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 Panchayati Raj (Amendment) Act, 2019' (Act No. 10 of 2019).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 24 July, 2019.

THE UTTARAKHAND PANCHAYATI RAJ (AMENDMENT) ACT, 2019

(Uttarakhand Act No. 10 of 2019)

AN

ACT

further to amend the Uttarakhand Panchayati Raj Act, 2016,

IT IS HEREBY Enacted by the Uttarakhand Legislative Assembly in the *Seventieth* year of the Republic of India as follows:-

Short Title and Commencement

1. (1) This Act may be called the Uttarakhand Panchayati Raj (Amendment) Act, 2019.

(2) It shall come into force at once.

Amendment of Section 2

2. In the Section 2 of Uttarakhand Panchayati Raj Act, 2016 (hereinafter referred to as the Principal Act),-

(a) clause (27) shall be substituted as follows, namely-

“(27) State Election Commissioner” means an officer of the State Government designated as such by the Governor;”

(b) after clause (48), the following clauses shall be inserted, namely -

(49) “Nagar pramukh” means chairman in case of nagar panchayat in nagar panchayat area, chairman of municipality in municipality area and mayor of municipal corporation in municipal corporation area.

(50) "up-nagar pramukh" means vice-chairman in case of nagar panchayat in nagar panchayat area, vice-chairman of municipality in municipality area and deputy-mayor of municipal corporation in municipal corporation area.

Amendment of
Section 4

3. In the Hindi version of third proviso of sub section 1-(1) of section 4 of the Principal Act, for the word "परिहार्य", the word "अपरिहार्य" shall be substituted.

Amendment of
Section 8

4. In section 8 of the Principal Act-
(a) After Clause (p) of Sub-section (1), the Clauses (q),(r),(s),(t) and (u) shall be inserted as follows, namely-

(q) He has not passed High School or equivalent examination from any recognized institution/ Board:

Provided that in the matter of candidate of General Category women and Scheduled Caste/Scheduled Tribes candidate has not passed minimum Middle/Eight examination;

(r) He has more than two living children.

(s) He has unauthorised possession on any Governmental / Panchayatiraj Department land.

(t) He has embezzled Government money or recovery of government money is against him or is owed of government money.

(u) He comes under the provisions of Section 8, Section 8A, Section 9, Section 9A and Section 10 of the Representation of the People Act, 1951.

(b) Clause (a) of Sub-section (4) shall be substituted as follows, namely-

"(4)(a)- A member of Gram Panchayat shall cease to be such member/pradhan/up-pradhan if the entry relating to the member is removed from the electoral roll of the territorial constituency of Gram Panchayat or the whole ward of its territorial constituency has been included in any municipal body even though the entry of related member is recorded in any other electoral roll.

(c) In the Hindi version of clause (b) of sub section (4), for the words, brackets and figures "उप धारा (3) के खण्ड (क) के अधीन", the words, brackets and figures "खण्ड (क) के अधीन" shall be substituted.

(d) In the English version of sub-section (4), for the clause (1) and (2), the clause (a) and (b) shall be substituted.

- (e) Sub section (8) after sub section (7) shall be inserted as follows, namely-

“(8) Further bar on holding two offices simultaneously-

- (1) A person shall be disqualified for holding the office of Pradhan, Up-pradhan or member of the Gram Panchayat, If he is-

- (a) Member of the Parliament or State Legislature; or
- (b) The Pramukh, senior Up-pramukh, junior Up-Pramukh or member of any Kshettra Panchayat; or
- (c) The Chairman, Vice-Chairman or Member of any Zila Panchayat; or
- (d) The Chairman, Vice-chairman or member of any co-operative society; or
- (e) The Nagar Pramukh, Up-Nagar Pramukh, member, Chairman, Vice-Chairman or member of Urban Local Bodies; or
- (f) The Chairman, Vice-Chairman or member of cantonment board.

- (2) A person, shall cease to hold the office of Pradhan, Up-Pradhan or member of the Gram Panchayat, as the case may be if subsequently he is elected to any of the offices mentioned in clauses (a) to (f) of sub-section (1) with effect from the date of such subsequent election and thereafter the post of Pradhan, Up-Pradhan or member, as the case may be, shall be deemed casual vacancy.”

Amendment of section 9

Electoral roll for each territorial constituency

5. In the Principal Act Section 9 shall be substituted as follows, namely-

- (1) For each territorial constituency of Gram Panchayat, an electoral roll shall be prepared, in accordance with the provisions of this Act and the rules made thereunder/under the superintendence, direction and control of the State Election Commission.

- (a) Subject to the superintendence, direction and control of the State Election Commission, the District Election Officer (Panchayat) shall supervise and perform all functions relating to the preparation, revision and correction of the electoral rolls in the district in accordance with this Act and the rules made thereunder.

- (b) The preparation, revision and correction of the electoral rolls shall be done by such persons, and in such manner, as may be prescribed;

(2) The electoral roll referred to in sub-section (1) clause (b) shall be published in the prescribed manner and upon its publication it shall, subject to any alteration, addition or modification made in accordance with this Act and the rules made thereunder be the electoral roll for that territorial constituency.

(3) Subject to the provisions of sub-section (4), (5), (6) and (7) every person who has attained the age of 18 years on the first day of January of the year in which the electoral roll is prepared or revised and who is ordinary resident in the territorial constituency of a Gram Panchayat shall be entitled to be registered in the electoral roll for that territorial constituency.

Explanation –

(i) A person shall not be deemed to be ordinarily resident in the territorial constituency on the ground only that he owns, or is in possession of, a dwelling house in that territorial constituency.

(ii) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof shall be deemed to cease to be ordinarily resident therein,

(iii) A member of Parliament or of the Legislature of the State shall not, during the term of his office, cease to be ordinarily resident in the territorial constituency merely be reason of his absence from that area in connection with his duties as such member.

(iv) For determining that which persons may not be deemed to the ordinarily residents of any particular area at any relevant time, any other facts which may be prescribed, shall be considered.

(v) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case.

(4) A person shall be disqualified for registration in an electoral roll, if he –

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is for the time being disqualified from voting under provisions of any law relating to corrupt practices and other offences in connection with elections.

(5) The name of any person who becomes disqualified under sub-section (4) after registration shall forthwith be struck off the electoral roll in which it is included;

Provided that the name of any person which is struck off from the electoral roll by reason of any such disqualification shall forthwith be reinstated in that roll, if such disqualification is,

during the period such roll is in force, removed under any law authorizing such removal.

(6) No person shall be entitled to be registered in the electoral roll for more than one territorial constituency or more than once in the electoral roll for the same territorial constituency.

(7) No person shall be entitled to be registered in the electoral roll for any territorial constituency if his name is entered in any electoral roll pertaining to any, municipal corporation, municipality, Nagar Panchayat or cantonment unless he shows that his name has been struck off from such electoral roll.

(8) Where the State Election Commission is satisfied after making such inquiry as it may deem fit, whether on an application made to it or suo moto, that any entry in the electoral roll should be corrected or deleted or that the name of any person entitled to be registered should be added in the electoral roll, it shall subject to the provisions of this Act and rules and orders made thereunder, correct, delete or add the entry, as the case may be :

Provided that no such correction, deletion or addition shall be made after the last date for making nominations for any election in the Gram Panchayat and before the completion of that election;

Provided further that no deletion or correction of any entry in respect of any person affecting his interest adversely shall be made without giving him reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

(9) The State Election Commission may, if it thinks necessary so to do for the purposes of a general or by election, direct a special revision of the electoral roll for any territorial constituency of a Gram Panchayat in such manner as it may think fit:

Provided that subject to the other provisions of this Act, the electoral roll for territorial constituency, as in force at the time of issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

(10) As so far as provision not made by this Act or the rules, the State Election Commission may, by order, may make provisions in respect of the following matters concerning the electoral roll, namely,-

- (a) the date on which the electoral roll prepared under this Act shall come into force and its period of operation;
- (b) the correction of any existing entry in the electoral roll on the application the elector concerned;
- (c) the correction of clerical or printing errors in electoral

roll;

(d) the inclusion of the name of such person in the electoral roll –

(i) whose name is included in the Assembly electoral roll for the area related to the territorial constituency but not included in the electoral roll for territorial constituency or whose name has been wrongly included in the electoral roll of other territorial constituency, or

(ii) whose name is not so included in the Assembly electoral roll but who is otherwise eligible to be registered in the electoral roll for the territorial constituency;

(e) the custody and preservation of the electoral roll;

(f) fees payable on application for inclusion or exclusion of names;

(g) all matters generally relating to the preparation and publication of the electoral roll.

(11) Notwithstanding anything contained in the foregoing subsection the State Election Commission may, for the purposes of preparation of the electoral roll for a territorial constituency adopt the electoral roll for the Assembly constituency prepared under Representation of the People Act, 1950 for the time being in force so far as it relates to the area of that territorial constituency;

Provided that, no amendment, alteration or correction in the electoral roll for such territorial constituency shall be included after the last date of nomination in such constituency and before the completion of that election.

(12) No Civil Court shall have jurisdiction –

(a) to entertain or adjudicate upon the question whether any person is or is not entitled to be registered in an electoral roll for a territorial constituency; or

(b) to question the legality of any action taken by or under the authority of the State Election Commission or of any decision given by any Authority or Officer appointed in this behalf in respect of preparation and publication of electoral rolls.

(13) **Right to vote etc.** – Save as otherwise provided by or under this Act, every person whose name is for the time being included in the electoral roll for a territorial constituency of a Gram Panchayat shall be entitled to vote at any election and be eligible for election, nomination or appointment to any office in that

Gram Panchayat:

Provided that a person who has not completed the age of twenty-one years shall not be eligible to be elected as a member or office-bearer of the Gram Panchayat."

Insertion of
Section 10-A,
10-B and 10-C

6. After Section 10 of the Principal Act, a following section 10-A, 10-B and 10-C shall be inserted, namely-

Reservation for
the post of
Pradhan

10-A. "(1) The State Government may, by order, reserve the seat of Pradhan for Scheduled Castes, Scheduled Tribes and Backward Classes. The number of seats of Pradhan so reserved for the Scheduled Castes, the Scheduled Tribes or the Backward Classes shall as nearly as may be, bear the same proportion to the total number of such seats as the population of the Scheduled Castes or the Scheduled Tribes or the Backward Classes of the State bears to the total population of the State:

Provided that reservation for the Backward Classes shall not exceed 14 percent of total number of the seat of Pradhan.

(2) Not less than one half of the total number of reserved seats of Pradhan under sub section (1) shall be reserved for the women belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes, as the case may be.

(3) Not less than one half seat of total number of seats of Pradhan, under sub-section (2) shall be reserved for women.

(4) The seats reserved for Pradhan under this Section shall be allotted in different Gram Panchayat by rotation in such order, as may be prescribed.

(5) The reservation for seats of the Pradhan for Scheduled Castes and Scheduled Tribes under this Section shall not be effective at the end of the period specified in Article 334 of the Constitution of India.

Election of
Pradhan

10-B. "(1) The Pradhan of the Gram Panchayat shall be elected by the persons registered in the electoral rolls for the territorial constituencies of the Panchayat area from amongst themselves.

(2) If at any general election of a Gram Panchyat, the Pradhan is not elected, and less than two-thirds of the total number of members of Gram Panchayat are elected, the State Government or an officer authorized by it in this behalf may, by order, either appoint -

- (i) an Administrative Committee consisting of such

number of persons qualified to be elected as members of the Gram Panchayat, as it may consider proper; or

(ii) an Administrator.

(3) The members of the Administrative Committee or the Administrator shall hold office for such period not exceeding six months as the State Government may specify in the order referred to in sub-section (2).

(4) On the appointment of an Administrative Committee or and Administrator under sub-section (2), the person, if any, chosen as Pradhan or member of the Gram Panchayat before such appointment shall cease to be such Pradhan or member, as the case may be, and all powers, functions and duties of the Gram Panchayat, its Pradhan and Committees shall vest in and be exercised, performed and discharged by such Administrative Committee or the Administrator, as the case may be.

(5) The Administrative Committee or the Administrator shall be deemed to be duly constituted Gram Panchayat for the purposes of this Act :

Provided that if at any time after the appointment of the Administrative Committee or the Administrator under sub-section (2) the State Government is satisfied that there is no difficulty in duly constituting the Gram Panchayat, the State Government may, notwithstanding that the period for which the Administrative Committee or the Administrator had been appointed has not expired, direct the State Election Commission for holding the elections for constituting the Gram Panchayat.

(6) Save as otherwise provide in this Act, the term of office of Pradhan shall expire with the term of the Gram Panchayat.

Election of Up-
Pradhan and
his term

10-C. "The Up-Pradhan, shall be elected by the members of the Gram panchayat from amongst themselves in such manner as may be prescribed:

Provided that if a Gram panchayat fails to so elect the Up-Pradhan within the time fixed by or under the rules in that behalf, the Prescribed Authority may nominate as Up-Pradhan any member; of the Gram Panchayat, and the person so nominated shall be deemed to have been duly elected.

(2) The term of office of the Up-Pradhan shall commence from the date of his election or nomination, as the case may be, and unless otherwise determined under the provisions of the Act, shall expire with the term of the Gram

Panchayat.

(3) The Provision of Section 18 shall Mutatis Mutandis apply to the removal of Up-Pradhan as they apply to the removal of Pradhan.

Amendment of
Section 13

7. In the Principal Act, section 13 shall be substituted as follows, namely-

"13. The election for the post of Pradhan, *Up-Pradhan* and Member of any Gram Panchayat shall be made by Ballot Paper or EVM through the secret ballot procedure;

Provided that there shall be no bar on the Panchayat to elect unopposed the office holders mentioned in this Section."

Amendment of
Section 23

8. In the Principal Act clause (xxvii) of Section 23 shall be substituted as follows, namely-

"(xxvii) Social welfare including welfare of the handicapped and mentally retarded:

(a) Assisting in old-age and widow pension schemes;

(b) Participation in the social welfare programmes including welfare of the handicapped and the mentally retarded."

Insertion of
Section 32-A

9. After section 32 of the Principal Act, following Section shall be inserted, namely-

"Duties of Up-
Pradhan

"32-A (1) The Up-Pradhan shall discharge all functions duties and responsibilities in absence of the Pradhan.

(2) The Up-Pradhan shall preside the standing committees, of which he is Ex Officio Chairman and shall submit the details to the Gram Panchayat by hearing the functions of the concerned committee.

(3) The Up-Pradhan shall discharge the delegated powers and duties under section 31 of the Act.

(4) The Up-Pradhan shall assist the Pradhan in the discharge of functions and liabilities of the Gram Panchayat."

Amendment of
Section 53

10. In Section 53 of Principal Act -

(a) After Clause (p) of Sub-section (1), the Clauses (q),(r),(s),(t) and (u) shall be inserted as follows, namely-

(q) He has not passed High School or equivalent examination from any recognized institution/ Board:

Provided that in the matter of candidate of General Category women and Scheduled Caste/Scheduled Tribes candidate has not passed minimum Middle/Eight examination;

(r) He has more than two living children.

(s) He has unauthorised possession on any Governmental / Panchayatiraj Department land.

(t) He has embezzled Government money or recovery of government money is against him or is owed of government money.

(u) He comes under the provisions of Section 8, Section 8A, Section 9, Section 9A and Section 10 of the Representation of the People Act, 1951.

(b) Clause (i) of Sub-section (4) shall be substituted as follows, namely-

“(4)(i)- A member of Kshettra Panchayat shall cease to be such member if the entry relating to the member is removed from the electoral roll of the territorial constituency of Kshettra Panchayat or the whole ward of its territorial constituency has been included in any municipal body even though the entry of related member is recorded in any other electoral roll.

(c) After sub-section (6) of section 53, a new sub-section (7) shall be inserted as follows, namely.

“(7) Further bar on holding two office simultaneously-

(1) A person shall be disqualified for holding the office of The Pramukh, senior Up-pramukh, junior Up-Pramukh or member of the Kshettra Panchayat, if he is-

(a) Member of the Parliament or State Legislature; or

(b) Pradhan, Up-Pradhan or Member, of any Gram Panchayat, or

(c) The Chairman, Vice chairman or Member of any Zila Panchayat, or

(d) The Chairman, Vice-chairman or member of any co-operative society, or

(e) The Nagar Pramukh, Up-nagar Pramukh, member, Chairman, Vice-Chairman or member of Urban Local Bodies, or

(f) The Chairman, Vice-Chairman or member of cantonment board.

(2) A person, shall cease to hold the office of Pramukh, senior up-pramukh, junior up-pramukh or member of the Kshettra Panchayat, as the case of may be if subsequently he is elected to any of the offices mentioned in clauses (a) to (f) of sub-section (1) with effect from the date of such subsequent election and thereafter, may be the post of Pramukh, Up-pramukh or member, as the case may be, shall be deemed casual vacancy."

**Amendment of
section 54**

11. In the Principal Act Section 54 shall be substituted as follows, namely-

**Electoral rolls
for each
territorial
constituency of
Kshettra
Panchayat**

54. "(1) There shall be an electoral roll for each territorial constituency of a Kshettra Panchayat.

(2) The electoral roll for the territorial constituency of a Kshettra Panchayat shall consist of the electoral rolls prepared under Section 9 of the Uttarakhand Panchayati Raj Act, 2016 for all territorial constituencies of a Gram Panchayat or Gram Panchayats comprised within the territorial constituency of the Kshettra Panchayat and it shall not be necessary to prepare or revise separately the electoral roll for any such territorial constituency of a Kshettra Panchayat;

Provided that any correction, deletion or addition made in the electoral roll after the last date for making nominations for any election to the Kshettra Panchayat and before the completion of that election shall not be taken into consideration for the purposes of that election.

(3) Save as otherwise provided by or under the various sections of this Act, every person whose name is, for the time being, included in the electoral roll for the territorial constituency of a Kshettra Panchayat shall be entitled to vote at any election thereto and be eligible for election to the membership or of any office in the Kshettra Panchayat;

Provided that a person who has not completed the age of

**Insertion of
Section 55-A**

*Reservation for
the post of
Pramukh of the
Kshettra
Panchayat*

twenty-one years shall not be qualified to be elected as member or office bearer of the Kshettra Panchayat."

12. After section 55 of the Principal Act following Section shall be inserted, namely-

"55-A- (1) In Kshettra Panchayats, seats of Pramukh may be reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes;

Provided that the total number of seats of Pramukh so reserved for the Scheduled Castes, the Scheduled Tribes or the Backward Classes shall as nearly as may be, bear the same proportion to the total number of such seat as the population of the Scheduled Castes or Scheduled Tribes or Backward Classes of the State bears to the total population of the State and such reserved seats may be allotted by rotation to different Kshettra Panchayats in such order as may be prescribed :

Provided further that reservation for Backward Classes shall not exceed 14 percent of total number of the seat of Pramukh.

(2) Not less than one half of the total number of reserved seats under sub section (1) shall be reserved for the women belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes, as the case may be.

(3) Not less than one half seat of total number of seats of Pramukh, under sub-section (2) shall be reserved for women and such seats may be allotted in different Kshettra Panchayats by rotation in such order as may be prescribed.

(4) Reservation for seats of the Pramukh under this Section for Scheduled Castes and Scheduled Tribes shall not be effective at the end of the period specified in article 334 of the Constitution of India."

**Amendment of
Section 58**

13. In the Principal Act, Section 58 shall be substituted as follows, namely-

"58. The election for the post of Member of Kshettra Panchayat shall be made by Ballot Paper or EVM through the secret ballot procedure:

Provided that there shall be no bar on Panchayat to elect unopposed the office holders mentioned in this Section."

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| Amendment of
Section 62 | 14. | In the Hindi version of Section 62 of the Principal Act, for the word "प्रधान", the word "प्रमुख" shall be substituted. |
| Amendment of
Section 66 | 15. | In sub-section (5) of Section 66 of the Principal Act, for the words "Elected members", the word "Members" shall be substituted. |
| Amendment of
Section 90 | 16. | <p>In Section 90 of Principal Act -</p> <p>(a) After Clause (p) of sub-section (1), the clauses (q),(r),(s),(t) and (u) shall be inserted as follows, namely-</p> <p style="padding-left: 40px;">(q) He has not passed High School or equivalent examination from any recognized institution/ Board:</p> <p style="padding-left: 40px;">Provided that in the matter of candidate of General Category women and Scheduled Caste/Scheduled Tribes candidate has not passed minimum Middle/Eight examination;</p> <p style="padding-left: 40px;">(r) He has more than two living children.</p> <p style="padding-left: 40px;">(s) He has unauthorised possession on any Governmental / Panchayatiraj Department land.</p> <p style="padding-left: 40px;">(t) He has embezzled Government money or recovery of government money is against him or is owed of government money.</p> <p style="padding-left: 40px;">(u) He comes under the provisions of Section 8, Section 8A, Section 9, Section 9A and Section 10 of the Representation of the People Act, 1951.</p> <p>(b) Clause (a) of sub-section (4) shall be substituted as follows, namely-</p> <p style="padding-left: 40px;">“(4)(a)- A member of Zila Panchayat shall cease to be such member if the entry relating to the member is removed from the electoral roll of the territorial constituency of Zila Panchayat or the whole ward of its territorial constituency has been included in any municipal body even though the entry of related member is recorded in any other electoral roll.</p> |

(c) In the English version of sub-section (4), for the clause (1) and (2), the clause (a) and (b) shall be substituted.

(d) In the English version of sub-section (4), for the sub-clause "(i)" of clause (b), the sub-clause (a) shall be substituted.

(e) After sub-section(6), a new sub-section (7) shall be inserted as follows, namely-

"7. Further bar on holding two office simultaneously-

(1) A person shall be disqualified for holding the office of Chairman, Vice-Chairman or member of the Zila Panchayat, if he is-

(a) Member of the Parliament or State Legislature; or

(b) Pradhan, Up-pradhan or Member of Gram Panchayat, or

(c) The Chairman, Vice-Chairman or Member of any Kshettra Panchayat, or

(d) The Chairman, Vice-chairman or member of any co-operative society.

(e) The Nagar Pramukh, Up-nagar Pramukh, member, Chairman, Vice-Chairman or member of Urban Local Bodies, or

(f) The Chairman, Vice-Chairman or member of cantonment board.

(2) A person, if shall cease to hold the office of Chairman, Vice-Chairman, or member of the Zila Panchayat, as the case of may be if subsequently he is elected to any of the offices mentioned in clauses (a) to (f) of sub-section (1) with effect from the date of such subsequent election and thereafter, may be the post of such Chairman, Vice-Chairman or member, as the case may be, shall be deemed casual vacancy."

**Amendment of
Section 91**

***Electoral roll
for each
territorial
constituency of
Zila Panchayat***

17. In the Principal Act Section 91 shall be substituted as follows, namely-

"(1) There shall be an electoral roll for each territorial constituency of Zila Panchayat.

(2) The electoral roll for the territorial constituency of a Zila Panchayat shall consist of the electoral rolls for all such territorial constituencies

of a Kshettra Panchayat or Kshettra Panchayats as are comprised within the territorial constituencies of Zila Panchayat and it shall not be necessary to prepare or revise separately the electoral roll for any such territorial constituency of Zila Panchayat.

Provided that any correction, addition or deletion made in the electoral roll after the last date for making nominations for elections to the Zila Panchayat and before the completion of that election shall not be taken into consideration for the purpose of that election.

(3) Save as otherwise provided by or under this Act, every person whose name is for the time being, included in the electoral roll for the territorial constituency of a Zila Panchayat shall be entitled to vote at any election thereto and be eligible for election to the membership or to any office in the Zila Panchayat:

Provided that a person who has not completed the age of twenty one year shall not be qualified to be elected as a member or office bearer of the Zila Panchayat

Insertion of
section 92-A

*Reservation for
the post of
Chairman of the
Zila Panchayat*

18. After Section 92 of the Principal Act, following Section shall be inserted, namely-

92-A- "(1) In Zila Panchayats, seats of chairman may be reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes:

Provided that the number of seats of Chairman so reserved for the Scheduled Castes, the Scheduled Tribes or the Backward Classes shall, as nearly as may be, bear the same proportion to the total number of seats as the population of the Scheduled Castes or Scheduled Tribes or Backward Classes of the State bears to the total population of the State and such reserved seats may be allotted by rotation to different Zila Panchayats in such order as may be prescribed :

Provided further that the reservation for the Backward Classes shall not exceed fourteen per cent of the total number of seats of Chairman.

(2) Not less than one half of the total number of reserved seats under the sub section (1) shall be reserved for the women belongs to Scheduled Castes, Scheduled Tribes and Other Backward Classes as the case may be.

(3) Not less than one half seat of total number of seats of Chairman, under sub-section (2), shall be reserved for women and such seats may be allotted in different Zila Panchayats by rotation

in such order, as may be prescribed.

(4) Reservation for seats of the Chairman for Scheduled Castes and Scheduled Tribes under this section shall not be effective at the end of the period specified in article 334 of the Constitution of India."

**Amendment of
section 95**

19. In the Principal Act, Section 95 shall be substituted as follows, namely-

" 95. The election for the post of member of Zila Panchayat shall be made by Ballot Paper or EVM through the secret ballot procedure:

Provided that there shall be no bar on the Panchayats elect unopposed the office holders mentioned in this Section unopposed."

**Amendment of
section 130**

20. In the Hindi version of sub-section (5) of Section 130 of the Principal Act, for the word "विघटित" the word "संगठित" shall be substituted.

**Amendment of
section 131**

21. In Section 131 of the Principal Act-

(a) In sub-section (4)(b)(1) for the words "District Magistrate State Election Commission", the words "District Magistrate or State Election Commission" shall be substituted.

(b) In clause (ii) of sub section (4)(b) for the words "ballot boxes to" the words "Material of election to the polling place" shall be substituted.

(c) In sub section (4) (k) (1) after the word and number "section 125," the word and number "125-A," shall be inserted.

**Amendment of
Section 138**

22. In Section 138 of the Principal Act-

(A) In sub-section (1), for the word "member" the words "office bearers" shall be substituted.

(B) After clause (c) of sub-section (1), new clauses (d) and (e) shall be inserted, namely-

"(d) The Pradhan, Up-Pradhan or member of a Gram Panchayat or any members of Joint Committee or Land Management Committee, or a Pramukh, Up pramukh or any member of Kshettra Panchayat or Chairman, Vice chairman or any member of Zila Panchayat may also be removed from his office in the following conditions-

(i) If he makes himself absent without sufficient cause

for more than three consecutive meetings or sittings or refuses to act; or

(ii) If he has taken the benefit of reservation under sub-section (1) of Section 10-A or sub-section (1) of Section 11, sub-section (1) of Section 55-A or Section 56 or sub-section (1) of Section 92-A or Section 93, as the case may be, on the basis of a false declaration subscribed by him stating that he is a member of the Scheduled Castes, the Scheduled Tribes or the Backward Classes, as the case may be; or

(iii) If he suffers from any of the disqualifications mentioned in clauses (a) to (u) of sub-section (1) of Section 8, clauses (a) to (u) of sub-section (1) of Section 53 and in clauses (a) to (u) of sub-section (1) of Section 90.

(e) No objection shall be made in any court on the order made by the State Government under this Section”

(C) In sub section (2), for the word and numbers “Section 29” the word and numbers “section 138” shall be substituted.

By Order,

PREM SINGH KHIMAL,
Secretary.

STATEMENT OF OBJECTS AND REASONS

“The Uttarakhand Panchayati Raj Act, 2016 (Act No. 11 of 2016) is enacted by the Uttarakhand State Government. It is inevitable to amend the Principal Act in this perspective to make provision for reservation on the post of Pradhan of Gram Panchayat, Pramukh of Kshettra Panchayat and Chairman of Zila Panchayat, to prohibit holding of two office simultaneously and to determine the educational qualification for election and to make ineligible the contestant, having more than two living children from Panchayat election for the purpose of promoting family planning and to make clear the procedure of election as well as to rectify certain errors of the principal Act.

2- Therefore amendments in the in the Principal Act is proposed to make the provisions of Gram Panchayat, Kshettra Panchayat and Zila Panchayat more firm amending/ substituting the Sections 2, 4, 8, 9, 10-A, 10-B, 10-C, 13, 23, 32-A, 53, 54, 55-A, 58, 62, 66, 90, 91, 92-A, 95, 130, 131 and 138 of the Principal Act.

3- The proposed Bill fulfills above objective.

(Arvind Pandey)
Minister.