

No. 383/XXXVI(3)/2020/65(1)/2020

Dated Dehradun, October 21, 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 Panchayati Raj (Second Amendment) Act, 2020**' (Act No. 27 of 2020).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 16 October, 2020.

The Uttarakhand Panchayati Raj (Second Amendment) Act, 2020
(Uttarakhand Act no. 27 of 2020)

AN

ACT

further to amend the Uttarakhand Panchayati Raj Act, 2016,

Be it enacted by the Uttarakhand State Legislative Assembly in the Seventy-first year of the Republic of India as follows:-

Short title and 1.
commencement

(1) This Act may be called the Uttarakhand Panchayati Raj (Second Amendment) Act, 2020.

(2) It shall come into force at once.

Amendment of 2.
section 2

In section 2 of the Uttarakhand Panchayati Raj Act, 2016 (herein after referred to as the principal Act) after clause (50) following clause shall be inserted, namely:-

“(51)”Appropriate Government” means three tiers Panchayat for the purpose of section 8, section 53 and section 90.”

Amendment of 3.
section 30

In section 30 of principal Act:-

(a) for the words, figures and brackets" Indian penal code 1860 (Act no. 45 of 1860)" words and figures "section 21 of Indian penal code 1860" shall be substituted.

(b) following proviso shall be inserted, namely:-

"Provided that Public Servant shall be deemed to be a Public Servant in it's Gram Panchayat jurisdiction Area"

Amendment of 4.
section 69

In section 69 of principal Act:-

(a) for the words and figures"Indian penal code.1860 words and figures "section 21 of the Indian penal code 1860"shall be substituted.

(b) following proviso shall be inserted, namely:-

"Provided that Public Servant shall be deemed to be a Public Servant in it's Kshettra Panchayat jurisdiction Area"

Amendment of 5.
section 107

In section 107 of principal Act:-

(a) for the words and figures" Indian penal code 1860" words and figures "section 21 of the Indian penal code 1860 shall be substituted.

(b) following proviso shall be inserted, namely:-

"Provided that Public Servant shall be deemed to be a Public Servant in it's Zila Panchayat jurisdiction Area"

Amendment of 6.
section 130

In section 130 of the principal Act the sub-section (6) shall be substituted as follows, namely--

" (6) Notwithstanding anything contained in any other provisions of this Act, where due to inevitable circumstances, or in public interest, it is not feasible to conduct election for constitution of any Gram Panchayat, Kshettra Panchayat or Zila Panchayat before the expiration of its term, the State Government or any officer authorised by it in this behalf may by order appoint administrator and such administrator shall hold the post for such period not exceeding six months as specified in the said order and shall discharge all powers and functions, of Pradhan in case of

Gram Panchayat, Pramukh in case of Kshettra Panchayat, Chairman in case of Zila Panchayat with powers and functions of the committees of three level Panchayats:

Provided that where no eligible candidate is available, for Pradhan and where in the opinion of the State Election Commission it is not feasible to conduct election due to existence of such emergency circumstances, the State Government or any officer authorised by it in this behalf may, by order, appoint administrator for such period as specified in said order:

Provided further that where two third members, have not been elected, for the constitution of Gram Panchayat and in the opinion of the State Election Commission it is not feasible to conduct election due to the existence of emergency circumstances, any elite person of concerned Gram Panchayat may be nominated, by the State Government or any officer authorised by it in this behalf, by order on the post of member Gram Panchayat, for such period as specified in said order, till election."

Repealing
Saving

and

7.

- (1) The Uttarakhand (Second Amendment) Ordinance, 2020 (Ordinance no.05 of 2020) 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 Objects and Reasons]

State Government is satisfied that in view of present necessity till the availability of eligible candidate for Gram Panchayat or Pradhan and till emergency circumstances exists, on non convenience to conduct election for appointment of Administrator and nomination of elite person of Gram Panchayat on the vacant post of Member Gram Panchayat, it is necessary to introduce amendment made in Uttarakhand Panchayati Raj (Second Amendment) Ordinance, 2020 in form of Bill. In addition to said Ordinance, amendment in section 2, section 30, section 69 and section 107 are also proposed

- 2- Proposed Bill including said amendment is replacing Bill of aforesaid Ordinance.
- 3- The proposed Bill fulfills the aforesaid objectives.

(Arvind Pandey)
Minister.