

No. 138/XXXVI(3)/2021/25(1)/2021

Dated Dehradun, May 20, 2021

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, 2021' (Act No. 12 of 2021).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 18 May, 2021.

The Uttarakhand Panchayati Raj (Amendment) Act, 2021

(Uttarakhand Act No. 12 of 2021)

An

Act

further to amend the Uttarakhand Panchayati Raj Act, 2016,

Be it enacted by the Uttarakhand Legislative Assembly in the Seventy-second 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 Panchayati Raj (Amendment) Act, 2021.
(2) It shall come into force at once. |
| Amendment of section 4 | 2. In the Uttarakhand Panchayati Raj Act, 2016 (hereinafter referred to as the principal Act), the sub-section (3) of section 4 shall be omitted. |
| Amendment of section 8 | 3. In section 8 of the principal Act-
(A) in sub-section (1)-
(i) in clause (e) after the words "Gram Panchayat" the words "or Kshettra Panchayat or Zila Panchayat" shall be inserted. |

(ii) clause (f) shall be substituted as follows, namely-

“(f) he is Chairman, Vice-chairman, Councilor, Ward Member or Member of any Municipal body.”

(iii) Clause (j) shall be substituted as follows, namely-

“(j) has been sentenced to imprisonment for a term exceeding six months for contravention of any order made under the Essential Supplies (Temporary Powers) Act, 1947 or U.P. Control of Supplies (Temporary Powers) Act, 1947.”

(iv) clause (s), shall be substituted as follows, namely-

“(s) If he or his family member or his legal heir is in unauthorized possession of Government/ Panchayati raj land or get benefit from such unauthorized possession.”

(B) The sub-section (4) shall be substituted as follows and shall be deemed to have been substituted from 4th April 2016, namely-

“(4) if the entry related to any member is removed from the territorial electoral roll or territorial constituency is partly completely included in any municipal body, the member/ office bearer shall remain on his office/ post till the cessation of tenure of the concerned Panchayat.”

Amendment of section 10-A

4. In section 10-A of the principal Act-

(i) in sub-section (1), after the proviso, the following proviso shall be inserted, namely-

“Provided further that if the figures of population of Backward Classes are not available, their population may be determined by carrying out a survey in the prescribed manner.”

(ii) in sub-section (5), the following explanation shall be inserted, namely-

“Explanation: Nothing in this section shall prevent the persons belonging to the Scheduled Castes, Scheduled Tribes and the Backward Classes and the women from contesting election to unreserved places/ constituency.”

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| Amendment of section 21 | 5. In section 21 of the principal Act, after the words "Nagar Palika" wherever they occur, the words "Parishad" shall be inserted. |
| Amendment of section 22 | 6. In section 22 of the principal Act, in proviso of clause (2) c explanation, for the words "Patwari" the words "Revenue Sul inspector(Patwari)/ Lekhpal" shall be substituted. |
| Insertion of new | 7. After section 35 of the principal Act, the following section shall t inserted, namely- |
| <i>Appointment of women member as Chairman in Education Committee and Health and Welfare Committee</i> | "35-A. The woman member shall be appointed as Chairman in the Education Committee and Health and Welfare Committee of Gram Panchayat, as may be prescribed in the rules." |
| Amendment of section 38 | 8. In section 38 of the principal Act, after the words "Nagar Panchayat" the words "Nagar Palika Parishad, Nagar Nigam, Cantonment Board, Notified Area or Town Area" shall be inserted. |
| Amendment of section 42 | 9. In section 42 of the principal Act, after clause (h) of the sub-section (1), the following clause shall be inserted, namely-

"(i) to assist in the land holding process." |
| omission of section 48 | 10. In the principal Act, section 48 shall be omitted. |
| Amendment of section 50 | 11. In section 50 of the principal Act-

(i) The sub-section (2) shall be substituted as follows, namely-

"(2). When any area is excluded from one Khand and included in another under sub-section (1), such area shall cease to subject to the jurisdiction of the Kshettra Panchayat of the Khand from which it has been excluded and become subject to the jurisdiction of the Kshettra Panchayat of the khand in which it has been included and to the rules, notifications, orders, directions and notices applicable thereto and the State Government may place at the disposal of such Kshettra |

Panchayat such portion of asset of the Kshettra Panchayat from whose jurisdiction the area has been excluded as it may deem proper and may make such temporary orders and direction as it may consider necessary to effectuate the change:

Provided that where the area excluded from the one Khand is included in a new Khand having no Kshettra Panchayat constituted thereof, then until a Kshettra Panchayat is constituted for the new Khand, the Kshettra Panchayat of the Khand from which that area has been excluded, shall continue to exercise Jurisdiction in that area, and anything done or any action taken including any appointment or delegation made, notification, order or direction issued, rule, regulation, form bye-laws or scheme, order or direction, permit or licence granted or registration effected under the provisions of this Act in respect of such area by such Kshettra Panchayat, shall with respect to the new Khand, be deemed to have been done by the new Kshettra Panchayat under the provisions of this Act and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

(ii) Clause (a) of sub-section (3) shall be substituted as follows, namely-

“(a) The elected members, who shall be elected by the direct election from the territorial constituencies of the Panchayat area and for this purpose the Panchayat area shall be divided into territorial constituencies in the following manner-

(1) There shall be 20 territorial constituencies in the development blocks of hill area having the population upto 25000 and in the blocks having the population more than 25000 there shall be gradual proportional increase in the number of the territorial constituencies but shall not exceed 40.

(2) There shall be 20 territorial constituencies in the development

blocks of plane area having the population upto 50000 and in the development blocks having the population more than 50000 there shall be gradual proportional increase in the number of the territorial constituencies but shall not exceed 40:

Provided that the proportional population of the territorial constituencies in the blocks will be the same as far as practicable:

Provided further that a part of the territorial constituency of the Gram Panchayat shall not be included in the territorial constituency of any Kshettra Panchayat.

(iii) Sub-section (5) shall be omitted.

Amendment of
section 53

12 In section 53 of the principal Act-

(A) in sub-section (1),

(i) in clause (e) after the words "Kshettra Panchayat" the words "Gram Panchayat or Zila Panchayat" shall be inserted.

(ii) Clause (f) shall be substituted as follows, namely-

"(f) he is Chairman, Vice-chairman, councilor, ward member or member of any Municipal body."

(iii) clause (s) shall be substituted as follows, namely-

"(s) If he or his family member or his legal heir is in unauthorized possession of Government/ Panchayati raj land or get benefit from such unauthorized possession."

(B) Sub-section (4) shall be substituted as follows, namely-

"(4) if the entry related to any member is removed from the territorial electoral roll or its territorial constituency is partly/ completely included in any municipal body, the member office bearer shall remain on his office/ post till the cessation of tenure of the concerned Panchayat.

Amendment of
section 55

13. In section 55 of the principal Act, in marginal head the words "and member" shall be omitted.

Amendment of
section 55-A

14. In section 55-A of the principal Act-

(i) in sub-section (1), after the second proviso, the following proviso shall be inserted, namely-

“Provided also that if the figures of population of Backward Classes are not available, their population may be determined by carrying out a survey in the prescribed manner.”

(ii) in sub-section (4), the following explanation shall be inserted, namely-

“**Explanation:** Nothing in this section shall prevent the persons belonging to the Scheduled Castes, Scheduled Tribes and the Backward Classes and the women from contesting election to unreserved places/ constituency.”

Amendment of
section 63

15. In sub section (12) of section 63 of the principal Act, the word “if the motion is passed with the support of two-third of the total number of members of the Kshettra Panchayat for time being” the word “if the motion is passed with the support of two-third of the total number of the elected members of the Kshettra Panchayat for time being” shall be substituted.

Amendment of
section 68

16. In section 68 of the principal Act, the sub-section (4) shall be omitted.

Amendment of
section 77

17. In section 77 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely-

“(4) The transfer and recording of periodic entries in the character book of the officers and other servants employed in the Kshettra Panchayat and grant of casual leave to them shall be governed by the rules made herewith by the State Government.

Amendment of
section 78

18. In section 78 of the principal Act, for the words “Nagar Palika, Nagar Nigam”, the words “Nagar Palika Parishad, Nagar Nigam, Cantonment Board, notified area or town area” shall be substituted.

**Amendment of
section 90**

19. In section 90 of the principal Act-

(A) in sub-section (1)-

(i) in clause (e) after the words "**Zila Panchayat**" the words "**Gram Panchayat or Kshettra Panchayat**" shall be inserted.

(ii) Clause (f) shall be substituted as follows, namely-

"(f) he is Chairman, Vice-chairman, councilor, ward member or member of any Municipal body."

(iii) clause (s) shall be substituted as follows, namely-

"(s) If he or his family member or his legal heir is in unauthorized possession of Government/ Panchayati raj land or get benefit from such unauthorized possession."

(B) Sub-section (4) shall be substituted as follows, namely-

"(4) if the entry related to any member is removed from the territorial electoral roll or its territorial constituency is partly /completely included in any municipal body, the member/ office bearer of Zila Panchayat shall remain on his office/ post till the cessation of tenure of the concerned Panchayat."

**Amendment of
section 92**

20. In section 92 of the principal Act, in marginal head the words "**member**" shall be omitted.

**Amendment of
section 92-A**

21. In section 92-A of the principal Act-

(i) in sub-section (1), after the second proviso, the following proviso shall be inserted, namely-

"Provided also that if the figures of population of Backward Classes are not available, their population may be determined by carrying out a survey in the prescribed manner."

(ii) in sub-section (4), the following explanation shall be inserted, namely-

“Explanation: Nothing in this section shall prevent the persons belonging to the Scheduled Castes, Scheduled Tribes and the Backward Classes and the women from contesting election to unreserved places/ constituency.”

Amendment of
section 105

22. In section 105 of the principal Act, sub-section (2) and (3) shall be substituted as follows, namely-

“(2) The plan referred in sub-section (1) shall be prepared by the planning and development committee of the Zila Panchayat and the Chief Executive officer shall put that plan before the remaining five committees mentioned in section 112 of the Act, which may make such recommendation regarding it, as it may deem proper.

(3) The Chairman shall put the plan before the Zila Panchayat with the recommendation if any of the five committees mentioned in sub-section (2) who may approve it in such a manner as it may deem proper and shall produce it to District Planning Committee mentioned in article 243 Z D of the Constitution of India upto such date as may be prescribed.”

Amendment of
section 106

23. In section 106 of the principal Act in sub section (1) for the words “Zila Panchayat” the words “Kshettra Panchayat” shall be substituted.

Amendment of
section 106(e)

24. In section 106(e) of the principal Act in sub-section (1)-
- (i) for the words and number “47(d)” the words and number “106(d)” shall be substituted.
- (ii) in clause (b) for the words and number “section 191”, the words and number “section 106 (a k)” shall be substituted.

Amendment of
section 106(g)

25. In section 106(g) of the principal Act, for the words and number “47(d)”, the word and number “106(d)” shall be substituted.

Amendment of
section 106(n)

26. In section 106(n), for the words “Zila Panchayat” wherever they occur, the words “Kshettra Panchayat” shall be substituted.

Amendment of
section 106(a t)

27. In section 106(a t) of the principal Act, as follows shall be substituted, namely-

"106 (a t). **Inspection of places for sale of food, drink, drugs etc.**- The Chairman, the Chief Executive Officer, the Health Officer and any member officer or servant of Zila Panchayat authorized herewith by resolution and similarly the Pramukh, Block Development Officer or any other officer of the kshettra Panchayat authorized herewith by the Block Development Officer may, without notice at any time of day or night enter into and inspect any such market, shop, stall or place used for the sale of food or drink or as slaughter house or for the sale of drugs and examine an article of food or drink or animal or drugs which may be therein."

**Amendment of
section 121**

28. In section 121 of the principal Act-

(i) in sub-section (8), for the words "**executive committee**" the words "**planning and development committee**" shall be substituted.

(ii) in sub-section (11), for the words and figures "**section 83**" the words and figures "**sub-section (8),(9) and (10)**" shall be substituted.

**Amendment of
section 127**

29. In section 127 of the principal Act, in clause (f) of sub section (1), the following clause shall be substituted as follows, namely-

"(f) The absentee or other allowances of the servants employed by the Zila Panchayat including the servants placed at the disposal of the Kshettra Panchayat."

**Amendment of
section 143**

30. In section 143 of the principal Act, the clause (b) shall be substituted as follows, namely-

"(b) Contribute in such work or institution, which benefits block or district, in spite of the work done outside the block or district, whether institution is reserved outside the block or district or it is within the area of any Nagar Nigam, Nagar Palika Parishad, Nagar Panchayat, Cantonment Board, notified area, town area."

**Amendment of
section 149**

31. In clause (a) of Section 149 of the principal Act, after the words "**Gram Panchayat**" the words "**Kshettra Panchayat or Zila Panchayat**" shall be inserted.

Amendment of
section 154

32. In section 154 of the principal Act, in clause (c)-

(i) in sub-clause (1), for the figures "67", the figures "152" shall be substituted.

(ii) in sub-clause (2), in second proviso, for the figure "67", the figure "152" shall be substituted.

omission of
section 159

33. In the principal Act, section 159 shall be omitted.

Amendment of
section 163

34. In section 163 of the principal Act, the sub-clause (3) of clause (B) shall be substituted as follows, namely-

"(3) The manner of consultation by Zila Panchayat Planning and Development Committee with the remaining five committees mentioned in section 112 and by Kshetra Panchayat Planning and development committee with the remaining five committees mentioned in section 74 of the Act."

Amendment of
section 164

35. In section 164 of the principal Act-

(i) in sub-section (1), for the words " have been made under this Act and may be cancelled, altered or modified in accordance of the provisions of this Act" the words "have been made, given or done under this Act and may be cancelled, altered or modified in accordance of the provisions of this Act" shall be substituted.

(ii) in sub-section (2) for the words " already in force" the words " not in force" shall be substituted.

(iii) in sub-section (3) for the words and figures "section 179" the words and figures "section 180 to 184" shall be substituted.

Amendment of
section 179

36. In section 179 of the principal Act, the sub section (2) shall be substituted as follows, namely-

"(2) Such fee may either be levied along with the fee charged for the sanctioned license or permission taken under the clause (a) of sub section (2) of section 179 or may be recovered in the manner prescribed in section 180 to 184."

Amendment of
section 180

37. In section 180 of the principal Act,

(A) in clause (C)-

(i) The following title shall be added-

"Things to be specified in the bill"

(ii) in sub clause (3), for the words and figures "section 98", the words and figures " section 173" shall be substituted.

(B) In clause (D), the following title shall be inserted, namely-

"Demand Notice"

(C) in clause (E), the following title shall be inserted, namely-

"Issuance of warrant"

(D) in clause (F), the following title shall be inserted, namely-

" Forceful entry for execution of the warrant"

(E) in clause (G), the following title shall be inserted, namely-

"Manner of execution of the warrant"

(F) In sub-clause (2) of clause (G), after para (b), the para (c) and (d) shall be inserted as follows, namely-

"(c) Tools of artisans"

(d) Books of Account"

(G) in clause (H)-

(i) the following title shall be inserted, namely-

" Sale of goods under warrant and application of proceeds"

(ii) sub-clause (3) shall be substituted as follows, namely-

"(3) The surplus if any, shall forthwith be remitted by money order, less postal commission, to the person from whose possession the property was taken. If the amount so remitted is returned to the Zila Panchayat by the post office, it shall be credited to Zila Nidhi, notice of such credit being given at the same time to the said person,

and if the same be claimed by written application to the Zila Panchayat within one year from the date of service of the notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be vested in Zila Panchayat."

**Amendment of
section 181**

38. In section 181 of the principal Act-

(A) in clause (a), the title shall be inserted as follows, namely-

"Issuing of warrant in respect of acquisition of movable property of the defaulter"

(B) in clause (b)-

(i) title shall be inserted as follows, namely-

"Fee and expenditure"

(ii) for the words and figures "section 150(d)", the words and figures "section 180(d)" shall be substituted.

(iii) for the words and figures "section 105(g)", the words and figures "section 180(g)" shall be substituted.

(iv) for the words and figures "section 106(a)", the words and figures "section 181(a)" shall be substituted.

(v) for the words and figures "section 105(e)", the words and figures "section 180(e)" shall be substituted.

(C) In clause (c), the title shall be inserted as follows, namely-

"Saving"

**Amendment of
section 182**

39. In the section 182 of the principal Act, the sub section (2) shall be substituted as follows, namely-

"(2) In the case of an arrear of tax on circumstances and property, the Zila Panchayat may in addition to take proceeding under the provisions of clause (b) of section 180 or sub section (1) of this section, but subject to and in accordance with the rules made in this behalf may recover as arrears of land revenue."

**Amendment of
section 187**

40. In the principal Act, section 187 shall be substituted as follows, namely-

“A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of Gram Panchayat, Kshettra Panchayat and Zila Panchayat shall, if duly certified by the legl keeper thereof or other person authorised in this behalf, be admitted as prima facie evidence of the entry or existence of such document and the matter and transactions therein recorded in every case wherein to the same extent as, the original entry or document would, if produced have been admissible to prove such matters.”

**Amendment of
section 190**

41. In the principal Act, section 190 shall be substituted as follows, namely-

“All sums due to any Gram Panchayat, Kshettra Panchayat or Zila Panchayat, whether on account of any tax or any other account shall be recovered by the Gram Panchayat, Kshettra Panchayat or Zila Panchayat, as the case may be, and for the purpose of such recovery Gram Panchayat, Kshettra Panchayat or Zila Panchayat, as the case may be shall be competent to take any measure or institute any proceeding which if would have been open to the Gram Panchayat, Kshettra Panchayat or Zila Panchayat to take or institute, if the Uttar Pradesh Panchayat Law (Amendment) Act, 1994 had not come in to force.”

**Amendment of
section 193**

42. In section 193 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely-

“Provided that such liability shall cease after the expiry of ten years of such loss, waste or misappropriation or after the expiry of five years from the date when the debtor ceases to his post, whichever is later.”

By Order,

HIRA SINGH BONAL,
Principal Secretary.

Statement of Objects and Reasons

The Uttarakhand Panchayati Raj Act, 2016 (Act No. 11 of 2016) was enacted by the State Government. It is inevitable to amend the section 4, 8, 10-A, 21, 22, 35-A, 38, 42, 50, 53, 55, 55-A, 63, 68, 77, 78, 90, 92, 92-A, 105, 106, 106(e), 106(h), 106(a t), 121, 127, 143, 149, 154, 159, 163, 164, 179, 180, 181, 182, 187, 190 and 193.

- 2- The proposed Bill fulfills the aforesaid objectives.

Arvind Pandey
Minister.