

No. 152/XXXVI(3)/2020/14(1)/2020

Dated Dehradun, June 10, 2020NOTIFICATIONMiscellaneous

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, 2020**' (Act No. 18 of 2020).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 09 June, 2020.

THE UTTARAKHAND PANCHAYATI RAJ (AMENDMENT) ACT, 2020

(Uttarakhand Bill No. 18 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 commencement | 1. | (1) This Act may be called the Uttarakhand Panchayati Raj (Amendment) Act, 2020. |
| | | (2) It shall come into force at once. |
| Amendment of section 2 | 2. | In section 2 of the Uttarakhand Panchayati Raj Act, 2016 (hereinafter referred to as the Principal Act), the clause (16) shall be substituted as follows, namely: -

“(16) “Panchayat“ means Gram Panchayat, Kshetra Panchayat and Zila Panchayat respectively in relation to Part II, Part III and Part IV under this Act. |

- Amendment of section 6** 3. In the Principal Act section 6 with title shall be substituted as follows, namely-
- Effect of change in population or inclusion of the area of Gram Panchayat in Nagar Palika, etc.*
- “ If the whole of the area of a Gram Panchayat is included in a Nagar Nigam, Nagar Palika, Nagar Panchayat, cantonment, notified area or town area, the Gram Panchayat shall cease, and its assets and liabilities shall be disposed of in the manner prescribed. If a part of such area is so included, its jurisdiction shall be reduced by that part and shall automatically not be in the jurisdiction of Kshettra Panchayat or Zila Panchayat.”
- Amendment of section 46** 4. In section 46, of the Principal Act, -
- (i) in sub-section (5) for the word “ **The Panchayat may recover fee by making byelaws on under its jurisdiction by following**” the words “**The Gram Panchayat may recover fee by making byelaws on the following under its jurisdiction**” shall be substituted.
- (ii) in sub-section (12) shall be substituted as follows, namely-
- “(12) In the rural areas, the animal slaughter house, meat and fish vendor shall have to obtain a no objection certificate from Gram Panchayat before issuance a license from the Food Safety and accordingly the Gram Panchayat shall make provision for levying such fee, etc on it, as may be prescribed.”
- (iii) in sub-section (15) for the words “**of Panchayats**” words “**under its jurisdiction**” shall be substituted.
- Amendment in title of section 73** 5. In section 73 of the Principal Act, in title for the word “Panchayats” the words “Kshettra Panchayat” shall be substituted.
- Amendment of section 83** 6. In section 83 of Principal Act—
- (i) In Hindi version words and bracket “(क)” used in first line shall be omitted.
- (ii) in sub-section (2) for the words “**Panchayat shall remove errors and irregularity found in the audit**” words “**Kshettra Panchayat shall remove errors and irregularity found in the audit**” shall be substituted.
- Amendment of section 118** 7. In Hindi version sub-section (1) of section 118 of Principal Act for the words “जिला पंचायत पंचायत” words “जिला पंचायत” shall be substituted.
- Amendment of section 122** 8. In sub-section (2) of section 122 of the Principal Act, for the words “**Panchayat shall remove errors and irregularity found in the audit**” words “**Zila Panchayat shall remove errors and irregularity found in the audit**” shall be substituted.

**Amendment of
section 124**

9. In section 124 of the Principal Act —

(i) Sub-section(2) shall be substituted as subsection (2) and (3) as follows, namely--

“(2) The state government after considering the said objections, if any, may either refuse to sanction the proposals or return them to the Zila Panchayat for further consideration, or sanction them without modification or with such modification, not involving any increase of the amount to be imposed, as it deems fit.

(3) When the State Government has sanctioned the proposals of the Zila Panchayat under sub-section(2), it shall, after taking into consideration the draft rules submitted by the Zila Panchayat, proceed forthwith in to make such rules in respect of the tax under section 126 as for the time being it considers necessary.”

(ii) After sub-section (3) the following sub-subsection (4) shall be inserted as follows, namely-

“(4) When the rules are framed, a copy of them shall be sent to the Zila Panchayat.”

**Amendment of
section 125**

10. In title of section 125 of the Principal Act—

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

“Resolution of Zila Panchayat directing imposition of tax, taxation, procedure for altering taxes, altered or modified procedure in respect of certain taxes, exemption:

(ii) Sub-section (3) shall be substituted as follows, namely--

“(3) Upon receipt of the copy of the resolution, the State Government shall notify in the Gazette the imposition of tax from the date specified under sub section (1) and the imposition of a tax shall in all cases be subject to the condition that it has been so notified.”

(iii) After sub section (3), the following sub sections shall be inserted, namely—

“(4) A notification of the imposition of a tax under sub section (3) shall be conclusive proof that the tax has been imposed in accordance with the provisions of this Act.

(5) The procedure for abolishing or suspending a tax, or for altering a tax in respect of the subjects referred in clauses (b) and (c) of sub section (1) of section 167 shall, be the same as prescribed for the taxation.

(6) Notwithstanding anything contained in the foregoing provisions, the State Government may, by rule, prescribe such other or modified procedure for the imposition and alteration of any tax mentioned in clause (a) of sub section (1) of section 123, as it may deem fit.

(7) (i) A Zila Panchayat may exempt, for a period not exceeding one year, from the payment of a tax or any part of it, imposed under this Act, any person who is, in its opinion, by reason of poverty, unable to pay the tax and may renew the same exemption as often as it deems necessary.

(ii) A Zila Panchayat may, by a special resolution confirmed by the prescribed authority, exempt from the payment tax or any part of it, imposed under this Act, any person or class of person or any property or its part.

(iii) The State Government may, by order, exempt from the payment of tax, or any part of it, imposed under this Act, any person or class of person or any property or its part.

(8) The right to approve and sanction a proposal, by the Gram Panchayat of district to impose any tax or charges or user charges mentioned in section 46 of the Act and right to sanction the bye-laws under section 29 and 106 of the Act for any Gram panchayat then the district shall vest in the Zila panchayat of the district from fix date.

**Amendment of
section 126**

11. In section 126 of the Principal Act-

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

“Power of State Government to make rules in respect of Kshettra Panchayat and Zila Panchayat:

(ii) sub section (3) shall be substituted as follows, namely—

“(3) All rules made under this act shall, thereafter as soon as it is made shall be laid before State Legislative Assembly, while it is in session for a total period of thirty days extending in one session or more than one successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Gazette, subject to such modifications or annulments as the State Legislative Assembly, may during the said period agree to make so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.”

Amendment of section 128

12.

In Principal Act section 128 with title shall be substituted as follows, namely-

Power of state government to make rules for Gram Panchayat

“(1) The State Government may by notification in the Gazette make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for-

(i) any matter for which powers to make provision is conferred expressly or by implication on the State Government by this Act;

(ii) the establishment of Gram Sabha or the constitution of Gram Panchayat;

(a) qualifications for the Pradhan, Up-Pradhan and Members;

(b) presentation and disposal of election petitions and applications for revision under section 131H;

(c) taking of oath by Pradhan, Up-Pradhan, members of Gram Panchayats ;

(d) filing of resignation by Pradhan, Up-Pradhan, members of Gram Panchayats;

(e) holding of general elections and bye-elections;

(f) the nomination of persons as a Pradhan and member of Gram Panchayat;

(g) Duties and powers of Up-Pradhan;

(h) the carrying out of duties of the Pradhan and the Up- Pradhan in their absence for any cause ;

(3) the time and place of the meetings of Gram Sabha, and Gram Panchayat, the manner of convening meetings and giving notice thereof;

(4) the conduct of proceedings including the asking of question by members at meetings and the adjournment of meetings and also minute book of meetings;

(5) the establishment of committees and the determination of all matters relating to the constitution and procedure of such committees;

(6) the suspension and removal of office bearers;

(7) the records and the registers that shall be maintained by the Gram Panchayat and the form in which they are to be;

(8) The action to be taken on the occurrence of vacancy in the executive committee, joint committee or any other committee;

- (9) the authority by which disputes in relation to appointments to executive committee, joint committee, or any other committee may be decided and the procedure to be followed therein;
- (10) the amount and the nature of security to be furnished by a servant of the Gram Panchayat from which it is deemed expedient to require security;
- (11) appointment, qualifications, supervision, dismissal, discharge, removal or other punishment and other matters relating to the conditions of service, leave, transfer, pay and privileges of the servants of the Gram Panchayat and their rights to appeal;
- (12) management and regulation of provident fund for the servants of Gram Panchayats if the system of provident fund is adopted by any Gram Panchayat;
- (13) the establishment, maintenance and management of primary schools and the construction and repair of buildings thereof;
- (14) the establishment, administration and control of libraries, reading rooms, dispensaries entrusted to a joint committee, the construction and repairs of buildings connected therewith and the supply of medicine and medical assistance to the poor inhabitant of the Panchayat area;
- (15) the discovery, removal and destruction of water hyacinth, grass, weed or other wild growth on any land, premises or water, the construction of fences and barriers for checking its movements and the cost incurred in carrying out such work;
- (16) (a) action in regard to the sanitation, conservancy, drainage, buildings, public streets and water supply and the prohibition of public nuisance;
(b) the carrying out of function and duties Gram Panchayat mentioned in section 22, 23, 24 and 28;
- (17) the Framing of annual estimate of income a expenditure and earmarking of funds for specific purpose ;
- (18) the returns to be submitted by Gram Panchayat, the form in which they are to be, the authorities to which and the time when they shall be submitted when required;
- (19) the levy of taxes and licence fees, the authority, by which and the manner in which the taxes may be assessed and the authority to which an appeal from an assessment order may be made;
(a) collection of State and other dues by Gram Panchayats and remuneration to be paid therefor ;

- (20) the method and time of payment of taxes and other dues, the procedure of recovery and the authority whose assistance may be taken by Gram Panchayats in the recovery of taxes and dues;
- (21) the method of account keeping of Gram Panchayats ;
- (22) the maintenance of public buildings and nazul land;
- (23) the formalities to be observed when transferring any property and the manner in which a deed of contract may be executed by a Gram Panchayat;
- (24) powers of auditors, inspection and superintending authorities to hold inquiry, summoning and examining of witnesses compelling the production of documents and all other matters connected with audit, inspection and superintendence;
- (25) the powers that may be exercised by Zila Panchayat or by any prescribed authority in the discharge of their obligations under this Act and the manner in which such powers may be exercised;
- (26) the procedure to be observed in the making of by-laws by prescribed authority for Gram Panchayat or by Gram Panchayats;
- (27) the prescribing and printing of forms and registers generally relating to any matter under this Act or rules made thereunder;
- (28) the submission for approval of plans, designs, specifications and estimates;
- (29) the duties, powers and functions of village volunteer force;
- (30) the submission of annual reports by Gram Panchayats and their review;
- (31) persons, other than members of Gram Panchayats, who may be present in an advisory capacity in meetings of Gram Panchayats;
- (32) channel of correspondence between Gram Panchayat, Gram Sabha and other authorities ;
- (33) disposal of assets and liabilities of a Gram Sabha and a Gram Panchayat on its abolition;
- (34) the action to be taken on the inclusion of the whole or part of the local area of any Gram Panchayat in any city, municipality, notified area, town area, or cantonment, and the manner in which the assets and liabilities of the Gram Panchayat may be disposed of in such circumstances;
- (35) the conditions subject to which sums due to a Gram Panchayat may be written off as irrecoverable, and the conditions subject to which the whole or any part of a fee may remitted; and generally

for the guidance of Gram Panchayats, joint committees, other committees, servants of the Government and other authorities in any matter connected with the carrying out of the provision of this Act;

- (36) the regulation of the election of the members of the Gram Panchayat in order to secure the adequate representation of the Scheduled Castes;
- (37) assistance to be given by the Gram Panchayat to Government servants on any matter affecting the general administration;
- (38) borrowing and lending of money by Gram Panchayats;
- (39) the matters which are to be and may be prescribed; and
- (40) any matter in respect of in sub-section (8) of section 125 which power is conferred to prescribed authority to frame a bye-law for a Gram Panchayat."

**Amendment of
section 129**

13. In section 129 of the Principal Act,-

- (i) in sub-section (2) for the words "shall" the words "may" shall be substituted.
- (ii) in sub section (3) for words, "shall" the words "may" shall be substituted.
- (iii) in sub section (4) for words, "shall" the words "may" shall be substituted.

**Amendment of
section 131**

14. In the Principal Act, Section 131 shall be substituted as follows, namely-

"(1) Subject to the supervision and control of the State Election Commission, the District Magistrate shall supervise the conduct of all elections of Chairman and Vice-chairman and Members of Panchayat in the district and shall perform all related functions to it.

(2) Every local authority and the management of every educational institution receiving grant-in-aid from the State Government in the district shall, when so required by the District Magistrate, make available to him or to any other officer appointed by the District Magistrate as Election Officer, Assistant Election Officer in accordance with the direction issued by the State Election Commission, such staff as may be necessary for the performance of any duties in connection with such election.

(3) The State Election Commission may likewise require all or any of the local authorities and the managements of all or any of such institutions as aforesaid in the state to make available to any officer referred to in sub-section (2) such staff as may be necessary for the performance of any duties in connection with such elections and they shall comply with every such requisition.

(4) Where any employee of any local authority or institution referred to in sub-section (2) or sub section (3) is appointed to perform any duty in connection with such elections, he shall be bound to perform such duty."

Insertion of section
15.
131A,131B,131C,
131D,131E,131F,
131G,131H,131I
and 131J

In the Principal Act, after section 131 following sections shall be inserted, namely-

Penalty of breach of his official duty

"131A. (1) If any person to whom this section applies is without reasonable cause, guilty of any act in breach of his official duty, he shall be punishable with fine which may extend to rupees 250 or as prescribed.

(2) An offence punishable under sub-section (1) shall be cognizable.

(3) No suit or other legal proceeding shall lie against any such person for damage in respect of any such act as aforesaid.

(4) The person to whom this section applies are the Election Officer, Assistant Election Officer, Presiding Officer, Polling Officer and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidature, or the recording or counting of votes at an election and the suppression official duty shall for the purpose of this section be constructed accordingly, but shall not include duties imposed otherwise than by or under this Act.

Requisition of property

131B. (1) If it appears to the District Magistrate or State Election Commission that in connection with an election under this act within the district or state.

(i) any premises are needed or likely to be needed for the purpose of being used as a polling place or for the storage of ballot boxes after the poll has been taken, or

- (ii) any vehicle, vessel or animal is needed or likely to be needed for the purpose of transportation of ballot boxes to or from any polling place or transportation of members of the police force for maintaining order during the conduct of such election or transportation of any officer or other person for performance of any duties in connection with such election, he may, by order in writing, requisition such premises or such vehicle, vessels or animals, as the case may be and make such further orders may appear to it to be necessary or requisitioning:

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub section until the completion of the polling at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the District Magistrate and State election commission to be the owner or person in possession of the property and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (b), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section--

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purpose or road transport, whether propelled by mechanical powers or otherwise.

**Determination
of
compensation
in case of
requisition**

131C. Whenever in pursuance of section 131B the District Magistrate and State election commission requisition any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following; namely—

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the District Magistrate, the state election commission for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the District Magistrate may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of that amount of compensation, it shall be referred to an arbitrator appointed in this behalf for determination and shall be determined in accordance with the decision of such arbitrator.

(iii) Whenever in pursuance of section 131B the District Magistrate, and State election commission requisitions any premises, there shall be paid to the person interested compensation the amount of which shall be determined by taking into consideration by the arbitrator appointed under this section as the case may be;

Provided that the expression "person interested" means the person who was in actual possession of the premises or vehicle requisitioned under section 131B immediately before the requisition, or where no person was in such actual possession, the owner of such premises or vehicle.

**Furnish
information to
specified
authority**

131D. The District Magistrate and state election commission may with a view to requisitioning any property under section 131B or determining the compensation payable under section 131C order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified."

**Inspection by
authorised
person**

131E. Any person authorized in this behalf by the District Magistrate and State election commission may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether and if so in what manner, an order under section 131B should be made in relation to such premises vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

**summarily
eviction**

131F. Any person remaining in possession of any requisitioned premises or vehicle in contravention of any order made under section 131B may be summarily evicted from the premises by any officer empowered by the District Magistrate in this behalf. Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

**Delivery of
possession of
Vehicle or
requisitioned
premises**

131G. (1) When any premises or vehicle requisitioned under section 131B are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person to the person deemed by the District Magistrate from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises or vehicle which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises or vehicle is so delivered.

(2) Where the person to whom possession of any premises or vehicle requisitioned under section 131B is to be given under sub-section (1) cannot be found or is not readily

ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the District Magistrate shall cause a notice declaring that such premises or vehicle are released from requisition to be affixed on some conspicuous part of such premises or vehicle and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises or vehicle specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof and the District Magistrate shall not be liable for any compensation or other claim in respect of such premises or vehicle for any period after the said date.

**application
regarding
election and
their revision**

131H. (1) The election of a person as Pradhan or Up-Pradhan or as member of a Gram Panchayat shall not be called in question except by an application presented to such authority within such time and in such manner as may be prescribed, on the ground:-

- (a) that this election has not been free election by reason that the corrupt practice of bribery or undue influence has extensively prevailed at the election; or
- (b) that the result of the election has been materially affected-
 - (i) by the acceptance or rejection of any nomination in improper manner; or
 - (ii) by gross failure to comply with the provisions of this Act or the rules framed there under.

(2) The following shall be deemed to be corrupt practice of bribery or undue influence for the purpose of this Act-

- (a) bribery, namely:-
 - (i) a person to stand or not to stand or to withdraw from being a candidate at an election; or
 - (ii) with objective of inducing any elector to vote or refrain voting of an election direct or indirect or to any person for the thing that:-

(1) a person for having so stood or not stood, for having withdrawn his candidature;

(2) an elector for having voted as refrained from voting for this purposes:

to propose or promise of any seat or reward on the port of a candidate is any other person what so ever with the connivance as served.

(b) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or of any other person with the connivance of the candidate with the free exercise of any electoral right :

Provided that without prejudice to the generality of the provisions of this clause any such person as is referred to therein who-

(i) threatens any candidate, or any elector, or any person in whom a candidate or an elector is interested with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community ; or

(ii) induces or attempts to induce a candidate or an elector to believe that he or any person in whom he is interested will become or will, be rendered an object of divine displeasure or spiritual censure shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause,

(3) The application under sub-section (1) may be presented by any candidate at the election or any elector and shall contain such particulars as may be prescribed;

Explanation:- Any person, who filed a nomination paper at the election whether such nomination paper was accepted or rejected, shall be deemed to be a candidate at the election.

(4) The authority to whom the application under sub-section (1) is made shall, in the matter of-

(i) hearing of the application and the procedure to be followed at such hearing,

(ii) setting aside the election or declaring the election to

be void or declaring the applicant to be duly elected or any other relief that may be granted to the petitioner have such powers and authority as may be prescribed.

(5) Without prejudice to the generality of the powers to be prescribed under sub-section (4) the rules may be provided for summarily hearing and disposal of an application under sub-section (1).

(6) Any party aggrieved by an order of the prescribed authority who shall be Assistant Collector (first class)/ Pargana Magistrate of concerned Tehsil/ Pargana upon an application under sub-section (1) may, within thirty days from the date of the order, apply to the District Judge for revision of such order or any one or more on the following grounds; namely : -

(a) that the prescribed authority has exercised such jurisdiction not vested in it by law;

(b) that the prescribed authority has failed to exercise a such jurisdiction so vested;

(c) that the prescribed authority has acted in the exercise of its jurisdiction illegally or with material irregularity.

(7) The District Judge may dispose of the application for revision himself or may assign it for disposal to any Additional District Judge, Civil Judge or Additional Civil Judge under his administrative control and may recall it from any such officer or transfer it to any other such officer.

(8) The revising authority mentioned in sub-section (7) shall follow such procedure as may be prescribed, and may confirm, vary or rescind the order of the prescribed authority or remand the case to the prescribed authority for re-hearing and pending its decision pass such interim orders as may appear to it to be just and convenient.

(9) The decision of the prescribed authority, subject to any order passed by the revising authority under this section, and every decision of the revising authority passed under this section, shall be final.

(10) If any question arises that any person is legally elected as a Pramukh, Up-Pramukh or member of Kshettra Panchayat or Chairman, Vice-Chairman or Member of Zila Panchayat or not or he is eligible to be such Pramukh, Up-Pramukh or Member of Kshettra Panchayat or Chairman, Vice-Chairman or Member of Zila Panchayat or not then that question shall be referred to Judge which means District Judge and its includes any other subordinate Civil Judge nominated on ad hoc by District Judge under it, in prescribed manner, whose decision shall be binding and final.

If Judge decides that any person is not legally elected as a Pramukh, Up-Pramukh or Member of Kshettra Panchayat or Chairman, Vice-Chairman or Member of Zila Panchayat or he is not eligible to be such Pramukh, Up-Pramukh or Member of Kshettra Panchayat or Chairman, Vice-Chairman or Member of Zila Panchayat then he shall not remain as a Pramukh, Up-Pramukh or Member of Kshettra Panchayat or Chairman, Vice-Chairman or Member of Zila Panchayat from the date of such decision.

Explanation: Duration fixed for submitting the objection regarding the election of any person in the three tier Panchayat General election, 2019 shall commence from the date of commencement of this Act.

Supplementary provisions

131I. (1) section 10A, 11A and section 123 of Chapter 1 and sections 125(a), 126,127, 127A,128,129, 130,131,132, 133, 134, 134A, 135, 135A, 135C, and 136 of Chapter 3 of Part VII of Representation of People Act, 1951 shall be applicable as they were-

- (a) In relation to any election use direction under this Act the made by direction of election;
- (b) The words 'the election of Pradhan, Up-Pradhan and Members of Gram Panchayat shall be placed in place of 'election area'.
- (c) The words 'State Election Commission' shall be placed in place of 'Chief Election Officer' in sub-clause (1) of Clause (b) of sub-section (2) of section 127(A) of the Representation of People Act, 1951.

(d) The word "by or under Uttarakhand Panchayat Raj Act, 2016 shall be substituted in place of "By or under this Act" in section 134 and 136 of the Representation of People Act, 1951.

(2) The words "election of member, Pramukh, Up-Pramukh of Kshettra Panchayat and Member, Chairman and Vice-Chairman" shall be substituted by words "election area" of Zila Panchayat.

(3) Regarding election made under this Act and regulation where there is no provisions in relation to election there shall be used as necessity of the provision of Representation of people Act 1951 of the State of Uttarakhand.

Oath
affirmation

or 131J. (1) Every person elected on any post in Gram Panchayat, Khettra panchayat and Zila Panchayat shall, be entering upon any office referred to in the sections make and subscribe before such authority as may be prescribed on oath or affirmation and put his signature in the form to be prescribed.

(2) Any member who declines or otherwise refuses to make and subscribe an oath or affirmation and refuses to signature as aforesaid shall be deemed to have vacated the office forthwith."

Amendment of 16.
section 134

In Principal Act, in title of section 134 for the words "Panchayat" words "Zila Panchayat" shall be substituted.

Amendment of 17.
section 137

In Principal Act, in title of section 137 for the words "Panchayat" words "Zila Panchayat" shall be substituted.

Amendment of 18.
section 138

In section 138 of the Principal Act—

(i) in sub-section (1) for the words "The State Government may remove a office bearers of the Panchayats on any of the following grounds" word "The State Government may remove a Pradhan, Up-Pradhan of Gram Panchayat or any of its member or any member of Joint Committee or Land Management Committee or Pramukh or Up-Pramukh of Kshettra Panchayat or any its member or Chairman, Vice Chairman of Zila Panchayat or any of its member, on any of the following grounds" shall be substituted.

(ii) sub clause (iv) in clause (d) of sub section (1) shall be inserted as follows, namely-

“(iv) No order shall be passed adversely affecting a person to remove under this section by State Government/ prescribed authority shall not be given till the concerned is given a reasonable opportunity to present the reason for the thing.”

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

“Notwithstanding anything in any other enactment, if any member, Pradhan, Up Pradhan, Pramukh, Up Pramukh, Chairman and Vice-Chairman is removed from membership under this section he shall with effect from the date of publication of notification of removal, cease to hold the office of member, Pradhan, Up- Pradhan, Pramukh Up- Pramukh, Chairman and Vice- Chairman respectively and a vacancy shall be deemed to have been created in that office.”

(iv) in sub section (3) words “**clause (a) or clause (c)** of” shall be omitted.

(v) by omitting first proviso of clause (b) of sub section (4) second proviso shall be substituted namely-

“Provided that the preliminary inquiry shall be completed within one month and the final inquiry shall be completed within six months, as expeditiously as possible.”

**Amendment of 19.
section 139**

In section 139 of the Principal Act shall be substituted as follows, namely-

“If at any time, upon representation made, or otherwise, it appears to the State Government that a Panchayat makes default in the performance of any duty imposed on it by or under this or any other enactment, or exceeds or abuses its powers, the State Government may, after calling for an explanation from the Panchayats and considering any objection made by it to action being taken under this section, and upon being satisfied that resort to such action is desirable by an order, with the reasons for making it published in the Gazette, dissolve the Panchayats.”

**Amendment of 20.
section 168**

The sub-section (2) of section 168 in Principal Act, for the words “Panchayat” words “Zila Panchayat” shall be substituted.

**Amendment of 21.
section 184**

In Hindi version of Principal Act, in first line of section 184 for the word "पंचायत", words "जिला पंचायत" shall be substituted.

By Order,

PREM SINGH KHIMAL,
Secretary.

Statement of Objects and Reasons

In the Uttarakhand Panchayati Raj Act, 2016 (Act No. 11 of 2016), to clarify the certain provisions and to make provisions for last date submitting the objections on the election of any person in three-tier Panchayat general election and to rectify the certain typing errors, it is inevitable to amend the aforesaid Act.

- 2- The proposed Bill fulfills aforesaid objectives.

(Arvind Pandey)
Minister.