

Jharkhand Panchayat Raj (Amendment) Act, 2010

33 of 2010

[04 September 2010]

CONTENTS

1. Short title, extent and commencement
2. Amendment of sections 17, 36 and 51
3. Amendment of section 21
4. Amendment of section 22
5. Amendment of section 40
6. Amendment of section 55
7. Amendment of section 66
8. Amendment of section 67
9. Insertion of new section 68Aq
10. Repeal and saving

Jharkhand Panchayat Raj (Amendment) Act, 2010

33 of 2010

[04 September 2010]

PREAMBLE

An Act further to amend the Jharkhand Panchayat Raj Act, 2001.

Be it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:--

1. Short title, extent and commencement :-

(1) This Act may be called the Jharkhand Panchayat Raj (Amendment) Act, 2010.

(2) It extends to the whole of the State of Jharkhand.

(3) It shall be deemed to have come into force on the 15th day of April, 2010.

2. Amendment of sections 17, 36 and 51 :-

In the Jharkhand Panchayat Raj Act, 2001 (Jharkhand Act 6 of 2001) (hereinafter referred to as the principal Act),-

(a) in section 17,--

(i) in Part (A), in sub-sections (3) and (4), for the words, figures and letters "at least 1/3rd", the words "not less than fifty per cent." shall be substituted;

(ii) in Part (B),--

(A) in sub-section (3), for the word, figures and letters "the 1/3rd", the words "not less than fifty per cent." shall be substituted;

(B) in sub-section (4), for the figures and letters "1/3rd", the words "not less than fifty per cent." shall be substituted;

(b) in section 36,--

(i) in Part (A), in sub-sections (3) and (4), for the word "one-third", the words "fifty per cent." shall be substituted;

(ii) in Part (B), in sub-sections (3) and (4), for the word "one-third", the words "not less than fifty per cent." shall be substituted;

(c) in section 51,--

(i) in Part (A), in sub-sections (3) and (4), for the word "one-third", the words "fifty per cent." shall be substituted;

(ii) in Part (B), in sub-sections (3) and (4), for the word "one-third", the words "not less than fifty per cent." shall be substituted.

3. Amendment of section 21 :-

In section 21 of the principal Act,--

(a) in Part (A),--

(i) in the heading, the words "and Up-Mukhia" shall be omitted;

(ii) for sub-section (1), the following sub-section shall be substituted, namely:--

(1) The following procedure shall be followed in respect of reservation for the candidates belonging to the Scheduled Castes and the Scheduled Tribes, namely:--

"(i) In General Areas (Non-Scheduled Areas), the posts of Mukhia shall be reserved for the candidates belonging to the Scheduled Castes and the Scheduled Tribes in proportion of their population and such posts shall be allotted by rotation in the prescribed manner to different constituencies by the State Election Commission.

(ii) In case of less than fifty per cent. reservation of posts for the Scheduled Castes and the Scheduled Tribes candidates, rest of the posts shall be reserved for the Other Backward Classes in proportion of their population but in any case the total number of posts reserved for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes shall not exceed more than fifty per cent. of the total posts.

(iii) Out of the total posts reserved under clauses (i) and (ii) of this sub-section, not less than fifty per cent. of the posts shall be

reserved for the women belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes.

(iv) Not less than fifty per cent. of the total posts of Mukhia (including the posts reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes) shall be reserved for women candidates and such posts shall be duly allotted by rotation by the State Election Commission in different Gram Panchayats of the Panchayat Samiti." ;

(b) in Part (B),--

(i) in the heading, the words "and Up-Mukhia" shall be omitted;

(ii) in sub-section (ii), for the word "one-third", the words "fifty per cent." shall be substituted.

4. Amendment of section 22 :-

In section 22 of the principal Act, for clause (d), the following clause shall be substituted, namely:--

"(d) the posts of Up-Mukhia in General Areas as well as in the Scheduled Areas shall be kept unreserved or shall be dealt with in accordance with the provisions made by the State Government.".

5. Amendment of section 40 :-

In section 40 of the principal Act,--

(a) in Part (A), for sub-section (1), the following sub-section shall be substituted, namely:--

(1) Reservation for the candidates belonging to the Scheduled

Castes and the Scheduled Tribes for the posts of Pramukh shall be in the following manner:--

"(i) In General Areas (Non-Scheduled Areas), the total number of posts of Pramukh of the district shall be reserved for the Scheduled Castes and the Scheduled Tribes candidates in proportion of their population and such posts shall be allotted by rotation to different constituencies by the State Election Commission.

(ii) In case of less than fifty per cent. reservation of posts for the Scheduled Castes and the Scheduled Tribes candidates, the rest of the posts shall be reserved for the Other Backward Classes in proportion of their population in the area, but in any case, the posts of Pramukh reserved for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes candidates shall not exceed fifty per cent. of the total posts.

(iii) Out of the total posts reserved under clauses (i) and (ii), not less than fifty per cent. shall be reserved for women candidates belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes.

(iv) Not less than fifty per cent. of the total posts of Pramukh in the district (including posts reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes) shall be reserved for women candidates and such posts shall be allotted by rotation by the State Election Commission in the prescribed manner in the light of total posts of Pramukh of the district.

(v) The posts of Up-Pramukh shall be kept unreserved or shall be dealt with in accordance with the provisions made by the State Government.";

(b) in Part (B), for the word "one-third", the words "fifty per cent." shall be substituted.

6. Amendment of section 55 :-

In section 55 of the principal Act,--

(a) in Part (A), for sub-section (1), the following sub-section shall be substituted, namely:--

(1) The following procedure shall be followed in respect of reservation for the candidates belonging to the Scheduled Castes and the Scheduled Tribes, namely:--

"(i) In General Areas (Non-Scheduled Areas), the total number of posts of Adhyaksha of Zila Parishad shall be reserved for the Scheduled Castes and the Scheduled Tribes candidates in proportion of their population in the State and such posts shall be allotted by rotation by the State Election Commission in the prescribed manner in different constituencies:

Provided that if the total number of Adhyaksha belonging to the Scheduled Tribes in the Scheduled Areas is beyond the proportion of their population in the State, further reservation shall not be provided.

(ii) In case of less than fifty per cent. reservation of posts of Adhyaksha of Zila Parishad for the Scheduled Castes and the Scheduled Tribes candidates, rest of the vacant posts shall be reserved for the Other Backward Classes in proportion of their population in the State, but in any case the posts of Adhyaksha of Zila Parishad reserved for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes candidates shall not exceed fifty per cent. of total posts of Adhyaksha of Zila Parishad.

(iii) Out of the total posts reserved under clauses (i) and (ii) of this sub-section, not less than fifty per cent. shall be reserved for women candidates belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes.

(iv) Not less than fifty per cent. of the total posts of Adhyaksha of Zila Parishad (including posts reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes) shall be reserved for women candidates and such posts shall be allotted by rotation by the State Election Commission in the prescribed manner in the light of the total number of posts of Adhyaksha of Zila Parishad in the State.

(v) Posts of Upadhyaksha of Zila Parishad shall be kept unreserved or shall be dealt with in accordance with the provisions made by the State Government.";

(b) in Part (B), for the word "one-third", the words "fifty per cent." shall be substituted.

7. Amendment of section 66 :-

In section 66 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:--

"(5) The State Election Commission shall have discretion to initiate suitable action on examination of report submitted by Observer or on receipt of allegations of irregularities in Panchayat elections and such action may include countermanding of election, stay on election and stay on counting of votes.".

8. Amendment of section 67 :-

In section 67 of the principal Act, in sub-section (3), after clause (ii), the following clause shall be inserted, namely:--

"(iia) For free and fair conduct of Panchayat elections, the State Election Commission, in consultation with the State Government, shall appoint General and Expenditure Observer, who shall

supervise the entire election process and shall submit their report to the State Election Commission."

9. Insertion of new section 68Aq :-

After section 68 of the principal Act, the following section shall be inserted, namely:--

"68A. Special provision relating to interpretations.--In case any doubt arises or inadequacy is felt in giving effect to any provision of this Act in respect of preparation of electoral rolls or conduct of elections, the provisions of the Representation of the People Act, 1950(43 of 1950) or the Representation of the People Act, 1951(43 of 1951) and the rules made thereunder, as the case may be, shall mutatis mutandis apply."

10. Repeal and saving :-

(1) The Jharkhand Panchayat Raj (Amendment) Ordinance, 2010, is hereby repealed.

(2) Notwithstanding the repeal of the Jharkhand Panchayat Raj (Amendment) Ordinance, 2010(Jharkhand Ord.1 of 2010), anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.