

## **Jharkhand Panchyat Raj (Amendment) Act, 2001**

### **7 of 2002**

#### CONTENTS

1. Short Title, Extent and commencement
2. Amendment of section 3 of Jharkhand Act of 2001
3. Amendment of Section 6 of Jharkhand Act 06 of 2001
4. Amendment of Section 8 of Jharkhand Act 06 of 2001
5. Amendment of section 10 of Jharkhand Act 06 of 2001
6. Amendment of Section 16 of Jharkhand Act o6 of 2001
7. Amendment of Section 17 of Jharkhand Act 06 of 2001
8. Amendment of Section 18 of Jharkhand Act 06 of 2001
9. Amendment of section 21 of Jharkhand Act o6 of 2001
10. Amendment of section 22 of Jharkhand Act 06 of 2001
11. Amendment of Section 26 of Jharkhand Act 06 of 2001
12. Amendment of section 36 of Jharkhand Act 06 of 2001
13. Amendment of Section 37 of Jharkhand Act 06 of 2001
14. Amendment of section 40 of Jharkhand Act 06 of 2001
15. Amendment of section 43 of Jharkhand Act 06 of 2001
16. Amendment of section 49 of Jharkhand Act 06 of 2001
17. Amendment of section 51 of Jharkhand Act 06 of 2001
18. Amendment of Section 52 of Jharkhand Act 06 of 2001
19. Amendment of Section 55 of Jharkhand Act 06 of 2001
20. Amendment of section 58 of Jharkhand Act 06 of 2001
21. Amendment of section 61 of Jharkhand Act 06 of 2001
22. Amendment of section 78 of Jharkhand Act 06 of 2001
23. Amendment of chapter 17 of Jharkhand Act 06 of 2001

## **Jharkhand Panchyat Raj (Amendment) Act, 2001**

### **7 of 2002**

#### PREAMBLE

An Act to amend the Jharkhand Panchayat Raj Act, 2001 (Jharkhand Act 06 of 2001).

Be it enacted by the Legislature of the state of Jharkhand in the fifty - second year of the Republic of India as follows :-

#### **1. Short Title, Extent and commencement :-**

(a) This Act may be called the Jharkhand Panchayat Raj (Amendment) Act, 2001.

(b) It shall come into force immediately.

**2. Amendment of section 3 of Jharkhand Act of 2001 :-**

In the second line of sub-section (i) of section 3 of the Jharkhand Panchayat Raj Act, 2001 [(Jharkhand Act 06 of 2001) (here in after referred to as the said Act)], the words "a group of villages Gram" shall be substituted by the words "a group of villages Gram Sabha".

**3. Amendment of Section 6 of Jharkhand Act 06 of 2001 :-**

In subsection (ii) of section 6 of the said Act, after the first sentence, the word "Mukhia" shall be inserted after the word "If" and before the word "this".

**4. Amendment of Section 8 of Jharkhand Act 06 of 2001 :-**

In the fourth line of subsection (iii) of section 8 of the said Act, the word is shall be inserted in between the words "respected person" and "who is Gram Pradhan".

**5. Amendment of section 10 of Jharkhand Act 06 of 2001 :-**

In clause (i) of subsection 5 of the said Act the word "Johar-Sthan" shall be substituted by the word "Jaher- Than".

**6. Amendment of Section 16 of Jharkhand Act 06 of 2001 :-**

The provision laid down in section 16 of the said Act shall be numbered as sub- section"(i)". After that a new subsection shall be added as follows, namely "(ii) One member shall be elected from every territorial constituency of the Gram Panchayat by direct election in the prescribed manner".

**7. Amendment of Section 17 of Jharkhand Act 06 of 2001 :-**

Towards the end of clause 5 of sub-section (A) of section 17 of the said Act, the words "defeated from allotment" shall be substituted by the words "excluded from allotment in the prescribed manner".

**8. Amendment of Section 18 of Jharkhand Act 06 of 2001 :-**

In sub-section (ii) of section 18 of the said Act, the words "shall be eligible to be elected as an office - bearer of a Panchayat" shall be substituted by the words "shall be eligible to be elected as an office - bearer of the Panchayat or its territorial constituency in the electoral roll of which his name is entered".

**9. Amendment of section 21 of Jharkhand Act 06 of 2001 :-**

The provision laid out in sub- section (B) of section (21) of the said Act shall be numbered as "(i)" and thereafter a new subsection shall be added as follows, namely-

"(ii) Not less than one- third of the total posts Mukhia and up - Mukhia of the Gram Panchayat in every Panchayat Samiti in the scheduled areas shall be reserved for the women belonging to the Scheduled tribes and such seats shall be allotted by the state election Commission by rotation in the manner as prescribed."

**10. Amendment of section 22 of Jharkhand Act 06 of 2001 :-**

Subsection (d) of section 22 of the said Act shall be substituted by the following, namely-

"(d) Steps shall be taken in accordance with the provisions of section 21 (A) in election of an up Mukhia in general areas and in accordance with the provisions of Section 21 (B) in election of an up- Mukhia in the scheduled areas. "

**11. Amendment of Section 26 of Jharkhand Act 06 of 2001 :-**

In clause (d) of sub-section (3) of section 26 of the said Act, the words "District Magistrate/Deputy Commissioner" shall be substituted by the words "State Election Commission constituted by the state government".

**12. Amendment of section 36 of Jharkhand Act 06 of 2001**

:-

In sub - section (A) of section 36 of the said Act :-

(i) In clause (4), the words "every Gram Panchayat Samiti" shall be substituted by the words "every Panchayat Samiti".

(ii) In clause (5), the words "shall be excluded for allotment" shall be substituted by the words "shall in the prescribed manner be excluded for allotment".

(iii) At the end of the second Proviso of clause (6), the full -stop" "shall be substituted by semi - colon";".

### **13. Amendment of Section 37 of Jharkhand Act 06 of 2001**

:-

In sub-section (2) of section 37 of the said Act, the words "shall be qualified to be elected as Office-bearer of a Panchayat Samiti" shall be substituted by the words "shall be qualified to be elected as office - bearer of the Panchayat Samiti or its territorial constituency in the voters list of which his name is entered".

### **14. Amendment of section 40 of Jharkhand Act 06 of 2001**

:-

In sub-section (B) of section 40 of the said Act, one following "proviso" shall be added, namely -

"Provided that not less than one - third of the total member of the office of Pramukhs and up- Pramukhs of every district in the scheduled area shall be reserved for women belonging to the scheduled tribes and such seats shall be allotted by the state election commission in different Panchayat Samitis of the district by rotation in the manner as prescribed".

### **15. Amendment of section 43 of Jharkhand Act 06 of 2001**

:-

In clause (d) of sub- section (3) of section 43 of the said Act, the word "Commissioner" shall be substituted by the words "State Election Commission constituted by the state Government".

**16. Amendment of section 49 of Jharkhand Act 06 of 2001**

:-

In Section 49 of the said Act:-

(i) Sub-section (2) shall be renumbered as sub-section (3);

(ii) In between sub-section (1) and sub-section (3), a new subsection shall be inserted, namely-

"(2) All members of a Zila Parishad shall have the right to vote in meetings of the Zila Parishad".

**17. Amendment of section 51 of Jharkhand Act 06 of 2001**

:-

In clause (5) of sub-section (A) of section 51 of the said Act, the words "shall be excluded for allotment" shall be substituted by the words "shall in the prescribed manner be excluded for allotment".

**18. Amendment of Section 52 of Jharkhand Act 06 of 2001**

:-

In sub- section (2) of section 52 of the said Act, "shall be eligible to be elected as Office-bearer of a Zila Parishad" shall be substituted by words "shall be eligible to be elected as Office-bearer of the Zila Parishad or its territorial constituency, in the electoral roll of which his name is entered".

**19. Amendment of Section 55 of Jharkhand Act 06 of 2001**

:-

The sub-section (B) of section 55 of the said Act shall be

substituted by the following, namely -

"(B) Reservation of posts of adhyaksha and upashyaksha of Zila Parishad (in scheduled area) :- the posts of adhyaksha and upadhyaksha of Zila Parishad in scheduled areas shall be reserved for the members of the scheduled tribes;

Provided that not less than one- third of the total number of posts of adhyakshas and upadhyakshas of scheduled areas at the state level shall be reserved for women belonging to the scheduled tribe and such seats shall be allotted by the state Election Commission by rotation in such various Zila Parishads in the manner as prescribed."

**20. Amendment of section 58 of Jharkhand Act 06 of 2001**

:-

In clause (d) of sub-section (3) of section 58 of the said Act, the words "The State Government" shall be substituted by the words "The State Election Commissioner constituted by the State Government."

**21. Amendment of section 61 of Jharkhand Act 06 of 2001**

:-

In section 16 (sic) of the said Act :-

(i) In sub- section (a), the word "Every Panchayat Samiti" shall be substituted by the word "Every Zila Parishad";

(ii) In sub-section (b), the word "Panchayat Samiti" shall be substituted by the word "Zila Parishad".

(iii) After sub-section (b), a new sub-section shall be inserted, namely- "(c) Election for constituting a Zila Parishad shall be got completed before the expiry of the term of office of a Zila Parishad specified in sub-section (a), and in case of its dissolution, before

the expiry of a period of six months from the date of dissolution of the Zila Parishad;

Provided that if the remaining period of the dissolved Zila Parishad, during which it would have been functional, is less than six months, then no election whatsoever shall be necessary under this section;

Provided also that a Zila Parishad constituted on dissolution of a Zila Parishad before the expiry of the period of the term of the eatter Zila Parishad shall be functional only for that remaining portion of the period during which the dissolved Zila Parishad, had it not been dissolved so, would have been functional under sub-section (a)."

**22. Amendment of section 78 of Jharkhand Act 06 of 2001**  
:-

In sub- section (1) of Section 78 of the said Act, the figure "10" and, the brackets as well as the figure "6" within brackets shall be substituted by the figures, letter and word "10 (i) (a) and 10 (5)".

**23. Amendment of chapter 17 of Jharkhand Act 06 of 2001**  
:-

In paragraphs 3 and 4 of Chapter XVII of this Act, the used word "Sansthit" shall be substituted by the word "Shasti (Penalty)".