

**Bill No. 93 of 2010**

**THE JHARKHAND PANCHAYAT RAJ (AMENDMENT) BILL, 2010**

A

**BILL**

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

Short title,  
extent and  
commencement.

(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.

Jharkhand Act  
6 of 2001.

**2.** In the Jharkhand Panchayat Raj Act, 2001 (hereinafter referred to as the principal Act),—

Amendment of  
sections 17, 36  
and 51.

(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.

Amendment  
of section 21.

3. 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 (2), for the word "one-third", the words "fifty per cent." shall be substituted.

Amendment of  
section 22.

4. 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. In section 40 of the principal Act,—

Amendment of  
section 40.

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

‘(I) 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. In section 55 of the principal Act,—

Amendment of  
section 55.

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

‘(I) 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 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.

Amendment of section 66.

**7.** 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.”.

Amendment of section 67.

**8.** 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.”.

Insertion of new section 68A.

**9.** After section 68 of the principal Act, the following section shall be inserted, namely:—

“68A. 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 or the Representation of the People Act, 1951 and the rules made thereunder, as the case may be, shall *mutatis mutandis* apply.”.

43 of 1950.

43 of 1951.

Special provision relating to interpretations.

Repeal and saving.

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 (1)** The Jharkhand Panchayat Raj (Amendment) Ordinance, 2010, is hereby repealed.

Jharkhand Ord. 1 of 2010.

(2) Notwithstanding the repeal of the Jharkhand Panchayat Raj (Amendment) Ordinance, 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.

Jharkhand Ord. 1 of 2010.

## STATEMENT OF OBJECTS AND REASONS

By the Constitution (Seventy-third Amendment) Act, 1992, the provisions relating to the Panchayats, namely, Part IX comprising of articles 243 to 243-O and the Eleventh Schedule were inserted in the Constitution of India. Article 243B provides that every State shall constitute Panchayats at village, intermediate and district levels in accordance with the provisions of Part IX. Pursuant to the Bihar Reorganisation Act, 2000, the State of Jharkhand was formed on 15th November, 2000 and in order to give effect to Part IX of the Constitution and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the Legislative Assembly of Jharkhand passed the Jharkhand Panchayat Raj Act, 2001 (Jharkhand Act No. 6 of 2001).

2. In the State of Jharkhand, elections to Panchayats could not be held so far for various reasons including pendency of certain litigation. The Hon'ble High Court of Jharkhand, in writ petition CWJC No. 3591 of 1997 (R) and others filed before it, declared certain provisions of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and those of the Jharkhand Panchayat Raj Act, 2001 relating to reservation policy as unconstitutional. The order of the High Court in relation to the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and certain provisions of Jharkhand Panchayat Raj Act, 2001, which were challenged by the Union of India in Civil Appeal Nos. 484—491 of 2006, were held as constitutionally valid by the Hon'ble Supreme Court. However, the orders of the High Court in relation to the reservation of offices of Chairpersons at all levels of Panchayats in non-scheduled areas, which were not challenged in the Civil Appeals and were accepted by the Union of India required certain amendments in the Jharkhand Panchayat Raj Act, 2001, so as to bring it in conformity with article 243D of the Constitution.

3. For the purpose of aligning the provisions of the Jharkhand Panchayat Raj Act, 2001 with the constitutional provisions and also for providing not less than fifty per cent. reservation of seats and offices of Chairpersons in the Panchayats in favour of women, it has become necessary to amend the Jharkhand Panchayat Raj Act, 2001. As the Legislative Assembly of the State of Jharkhand was not in session and immediate action was required to be taken, the Governor of Jharkhand promulgated the Jharkhand Panchayat Raj (Amendment) Ordinance, 2010 (Jharkhand Ordinance No. 1 of 2010) on the 15th April, 2010, amending the Jharkhand Panchayat Raj Act, 2001.

4. On the 1st June, 2010, the President issued a Proclamation under article 356 of the Constitution in relation to the State of Jharkhand. Hence, the State of Jharkhand is under President's Rule and as per the said Proclamation, the powers of the Legislature of the State of Jharkhand shall be exercisable by or under the authority of Parliament. The Jharkhand Panchayat Raj (Amendment) Ordinance, 2010 is, therefore, required to be replaced by an Act of Parliament.

5. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

C.P. JOSHI

*The 2nd August, 2010.*

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to amend section 21 of the Jharkhand Panchayat Raj Act, 2001 relating to reservation of posts of Mukhia and Up-Mukhia. Part (A) of the said section deals with such reservation in general area. Sub-clause (a) of clause (3) of the Bill, *inter alia*, seeks to substitute sub-section (1) of section 21 of the Act. In the proposed new sub-section (1) of the said section, it is provided that the posts of Mukhia in general area 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.

Clause 4 of the Bill seeks to substitute clause (d) of section 22 of the Act in relation to election of Up-Mukhia. The said clause (d) empowers the State Government to make provisions relating to reservation of posts of Up-Mukhia.

Clause 5 of the Bill seeks to substitute sub-section (1) of part (A) of section 40 of the Act relating to reservation of posts of Pramukh and Up-Pramukh in general areas. The proposed new sub-section (1), *inter alia*, empowers the State Government to prescribe the manner in which the State Election Commission may rotate the posts in the light of total posts of Pramukh in the District. This clause also empowers the State Government to make provisions to deal with the posts of Up-Pramukh.

Clause (6) of the Bill seeks to amend section 55 of the Act relating to reservation of posts of Adhyaksha and Upadhyaksha of Zila Parishad. The proposed new sub-section (1) relating to Part (A) of section 55 empowers the State Government to prescribe the manner of rotation of posts of Adhyaksha of Zila Parishad in different constituencies. This clause also empowers the State Government to make provisions to deal with the posts of Upadhyaksha.

The matters in respect of which rules may be made by the Government of Jharkhand under the aforesaid provisions are matters of detail or of procedure in nature and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

*Memorandum explaining the modifications contained in the Bill to replace the Jharkhand Panchayat Raj (Amendment) Ordinance, 2010 (Jharkhand Ord. 1 of 2010)*

The Jharkhand Panchayat Raj (Amendment) Bill, 2010 which seeks to repeal and replace the Jharkhand Panchayat Raj (Amendment) Ordinance, 2010 proposes to make the following modifications of consequential or drafting nature in the provisions contained in the said Ordinance to make it in conformity with the text of the Jharkhand Panchayat Raj Act, 2001, namely:—

(1) The provisions of the Ordinance have been re-arranged in the order of the provisions of the Jharkhand Panchayat Raj Act, 2001 and accordingly clause 2 of the Bill corresponds to clause 9 of the Ordinance regarding amendment of sections 17, 36 and 51 of the said Act.

(2) Clause 3 of the Bill corresponds to clause 2 of the Ordinance regarding amendment of section 21 of the Act.

(3) Clause 4 of the Bill corresponds to clause 3 of the Ordinance regarding amendment of section 22 of the Act.

(4) (i) Sub-clause (a) of clause 5 of the Bill corresponds to sub-clause (1) of clause 4 of the Ordinance regarding amendment of Part (A) of section 40 of the Act.

(ii) Sub-clause (b) of clause 5 of the Bill corresponds to sub-clause (2) of clause 4 of the Ordinance regarding amendment of Part (B) of section 40 of the Act wherein the words "one third of total no. of post of Pramukh of every district" were substituted by the figures and words "50 per cent. of total no. of posts of Pramukh in every district" and the same has been modified as "one-third" to "fifty per cent." in the Bill.

(5) (i) Sub-clause (a) of clause 6 of the Bill corresponds to sub-clause (1) of clause 5 of the Ordinance regarding amendment of Part (A) of section 55 of the Act.

(ii) Sub-clause (b) of clause 6 of the Bill corresponds to sub-clause (2) of clause 5 of the Ordinance regarding amendment of Part (B) of section 55 of the Act wherein the words "one-third of total posts of Chairperson of Zila Parishad of the State" were substituted by the figures and words "50 per cent. of posts of Chairperson of Zila Parishad in the State" and the same has been modified as "one-third" to "fifty per cent." in the Bill.

(6) Clause 7 of the Bill corresponds to clause 6 of the Ordinance regarding amendment of section 66 of the Act.

(7) Clause 8 of the Bill corresponds to clause 7 of the Ordinance regarding amendment of section 67 of the Act.

(8) Clause 9 of the Bill corresponds to clause 8 of the Ordinance. *Vide* clause 8 of the Ordinance, section 68 of the Act relating to power to make election rules was amended to clarify that if on any point the Act and its subsequent amendments do not throw clear light, the provisions of the People Representative Act 1950 and 51 shall apply. As the proposed provision of interpretation does not relate to the rule making power as provided *vide* section 68, a new section 68A with changes of a drafting nature is proposed to be inserted in the Act *vide* clause 9 of the Bill.

(9) Clause 10 of the Bill deals with repeal and saving in respect of the Ordinance.

ANNEXURE

EXTRACTS FROM THE JHARKHAND PANCHAYAT RAJ, 2001

( JHARKHAND ACT 6 OF 2001)

\* \* \* \* \*

Reservation of  
seats in the  
Gram  
Panchayat.

17. (A) For members of the Gram Panchayat (in general area)—

(1) in each Gram Panchayat, for—

(a) Scheduled castes, and

(b) Scheduled tribes, seats shall be reserved, and the number of seats. So reserved shall as far as practicable bear the same proportion to the number of seats to be filled by direct election in the said Gram Panchayat as the population of scheduled castes and scheduled tribes in the said Gram Panchayat area bears to the proportion of the total population of the area, and such seats shall be allotted by rotation to different territorial constituencies (wards) in the Panchayat by the State Election Commission.

(2) In case of the overall reservation for scheduled castes and scheduled tribe being less than fifty per cent. of the total number of members in the Gram Panchayat, the reservation falling short of fifty per cent. shall be made for other backward classes in proportion to their population, provided that overall reservation for scheduled castes, scheduled tribes and other backward classes shall not exceed fifty per cent. of the total number of posts.

(3) In every Gram Panchayat, out of the seats reserved for scheduled castes, scheduled tribes and other backward classes, at least one third seats shall be reserved for women belonging to, as the case may be, scheduled castes, scheduled tribes and other backward classes.

(4) In every Gram Panchayat, out of the total number of seats to be filled by direct election, at least one-third seats (including the number of seats reserved for women belonging to scheduled castes, scheduled tribes and other backward classes) shall be kept reserved for women and such seats shall be duly allotted by rotation by the State Election Commission.

(5) The territorial constituencies (wards) which have not any population of scheduled castes, scheduled tribes or other backward classes, shall, as the case may be, be defeated (sic) from allotment of seats reserved for scheduled castes, scheduled tribes and other backward classes.

(B) For members of the Gram Panchayat (in Scheduled area)—

(1) In each Gram Panchayat in the Scheduled area, reservation of seats for scheduled castes and scheduled tribes shall be made according to their respective population in the Panchayat:

Provided that reservation for scheduled tribes shall not be less than one-half of the total number of seats.

(2) In a scheduled areas Gram Panchayat, seats for persons belonging to other backward classes shall, in proportion to their population, be reserved in such number that the same together with the number of seats reserved for scheduled castes and scheduled tribes, if any, does not exceed eighty per cent. of the overall seats of the said Gram Panchayat.

(3) Out of the seats reserved by virtue of sub-section (1) and (2) the one-third seats shall be reserved for women belonging to scheduled castes, scheduled tribes and other backward classes, as the case may be.



(4) Out of the total seats of the Gram Panchayat concerned, one-third (including the seats reserved for women belonging to scheduled castes, scheduled tribes and other backward classes) shall be reserved for women.

(5) Reservation of posts under the aforesaid sub-sections shall be allotted by rotation by the State Election Commission, in the prescribed manner.

(6) As to a Gram Panchayat within the scheduled area, in which there is no scheduled tribes population, the same shall be excluded from allotment of seats reserved for members of the scheduled tribes, in the prescribed manner.

(7) As to the territorial constituencies (wards) of a Gram Panchayat, in which there is not any population of scheduled castes, scheduled tribes or other backward classes, the same shall duly be excluded from seats reserved for scheduled castes, scheduled tribes or other backward classes, as the case may be.

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**36A.** (1) In every Panchayat Samiti there shall be reserved seats for—

- (a) Scheduled castes, and
- (b) Scheduled tribes, and

Reservation of seats of the Panchayat Samiti (in general area).

The number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat Samiti as the population of the scheduled castes in that Panchayat Samiti area or of the scheduled tribes in that Panchayat Samiti area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Panchayat Samiti by the State Election Commission in the prescribed manner:

Provided that for the purposes of calculation of number of seats to be reserved for the scheduled tribes in a Panchayat Samiti in an area, other than the scheduled areas, becoming a part of the said Panchayat Samiti the total population of the scheduled areas falling within the said Panchayat Samiti as well as the population of the scheduled tribes therein shall be excluded.

(2) In case of the reserved seats for the scheduled castes and scheduled tribes taken together in a Panchayat Samiti being less than fifty per cent. of the total number of members, reservation of the posts falling short of fifty per cent. shall be reserved for the other backward classes in proportion to the population of the other backward classes of the Panchayat Samiti area, which may be allotted by the State Election Commission by rotation in the prescribed manner:

Provided that the overall reservation for the scheduled castes, the scheduled tribes and the other backward classes shall not be more than fifty per cent. of the total number of posts.

(3) Not less than one-third of the total number of seats reserved under sub-sections (1) and (2) shall be reserved for women belonging to the scheduled castes, the scheduled tribes or the other backward classes, as the case may be.

(4) Not less than one-third (including the number of seats reserved for women belonging to the scheduled castes, scheduled tribes and other backward classes) of the total number of seats to be filled up by direct election in every Gram Panchayat Samiti shall be reserved for women and such seats may be allotted by the State Election Commission by rotation in the prescribed manner.

(5) Such territorial constituencies wherein there is no population of the scheduled castes, scheduled tribes or other backward classes, shall be excluded from allotment of reserved seats for the scheduled castes, scheduled tribes and other backward classes, as the case may be.

(6) The State Government may, by notification, nominate an outstanding person of the Panchayat area concerned as member at the Panchayat Samiti level:

Provided that the term of office of such member shall be ascertained by the State Government:

Provided that the State Government shall also be competent to cancel the nomination of such nominated member:

Provided that such nominated member cannot be an Officer-bearer of the Panchayat Samiti.

Reservation of  
Seats in  
Panchayat  
Samiti (in  
scheduled  
area).

**B. (1)** In every Panchayat Samiti of the scheduled area, reservation of seats for the scheduled castes and scheduled tribes in the said Panchayat Samiti shall be made according to their respective population:

Provided that the reservation for scheduled tribes shall not be less than one-half of the total number of seats.

(2) In a scheduled area's Panchayat Samiti, seats for persons belonging to other backward classes shall, in proportion to their population, be reserved in such number that the same together with the number of seats reserved for the scheduled castes and scheduled tribes does not exceed eighty per cent. of the total number of seats in the said Panchayat Samiti.

(3) Out of the seats reserved under sub-section (1) and (2), one-third seats shall be reserved for women belonging to scheduled castes, scheduled tribes and other backward classes, as the case may be.

(4) Out of the total seats of the Panchayat Samiti concerned, one-third seats (including the seats reserved for the women belonging to scheduled castes, scheduled tribes and other backward classes) shall be reserved for women.

(5) Reserved posts under the aforesaid sub-section shall be allotted by rotation by the State Election Commission in the prescribed manner.

(6) Such constituency of the Panchayat Samiti, which has not any population belonging to scheduled castes, scheduled tribes or backward classes, shall, as the case may be, be excluded from allotment of reserved seats for persons belonging to scheduled castes, scheduled tribes and other backward classes in the prescribed manner.

(7) The State Government may nominate such scheduled tribes which have no representation, in Panchayat Samiti of the scheduled areas:

Provided that such nomination shall not be more than one-tenth of the total number of members to be elected to the said Panchayat Samiti.

(8) The State Government may nominate a distinguished person of the Panchayat area concerned as member at the Panchayat Samiti level, by notification:

Provided that the term of office of such member shall be ascertained by the State Government:

Provided that the State Government shall also be competent to cancel the nomination of such nominated member:

Provided that such nominated member cannot be an Officer-bearer of the Panchayat Samiti.

Reservation of  
seats in Zila  
Parishad (in  
general area).

**51. (1) A.** In every Zila Parishad there shall be reserved seats for—

- (a) Scheduled castes, and
- (b) Scheduled tribes,

and the number of seats so reserved shall, bear as nearly as possible the same proportion to the total number of seats to be filled up by direct election in that Zila Parishad as the population of the scheduled castes in that Zila Parishad area or of

the Scheduled tribes in that Zila Parishad area bear to the total population of that area, and such seats shall be allotted by rotation to different constituencies in a Zila Parishad by the State Election Commission in the prescribed manner.

(2) In case of reserved seats for the scheduled castes and the scheduled tribes taken together in a Zila Parishad being less than fifty per cent. of the total number of members, reservation of posts falling short of fifty per cent. shall be reserved for the other backward classes in proportion to the population that bears to the population of the other backward classes of the Zila Parishad area, which shall be allotted by the State Election Commission by rotation in the prescribed manner:

Provided that overall reservation for the scheduled castes, scheduled tribes and the other backward classes shall not be more than fifty per cent. of the total number of the posts:

Provided that for the purposes of calculation of number of seats to be reserved for the scheduled tribes in a Zila Parishad in an area, other than the scheduled areas, becoming a portion of the said district, the entire population of the scheduled tribes therein shall be excluded.

(3) Not less than one-third of the total number of seats reserved under sub-section (1) and (2) shall be reserved for women belonging to the scheduled castes, the scheduled tribes or the other backward classes, as the case may be.

(4) Not less than one third, including the seat reserved for women belonging to the scheduled castes, the scheduled tribes and other backward classes, of the total number of seats to be filled up by direct election in every Zila Parishad shall be reserved for and such seats may be allotted by rotation by the State Election Commission in the prescribed manner.

(5) Territorial constituencies of such Zila Parishad, wherein there is no population of scheduled castes, scheduled tribes or other backward classes, shall be excluded from allotment of reserved seats for scheduled castes, scheduled tribes and other backward classes, as the case may be.

(6) The State Government may, by notification, nominate a distinguished person of the Panchyat area concerned as member at the Zila Parishad land:

Provided that the term of office of such member shall be ascertained by the State Government:

Provided that the State Government shall also be competent to cancel the nomination of such nominated member:

Provided that such nominated member cannot be an Officer-bearer of the Zila Parishad.

**B.** (1) In every Zila Parishad of the scheduled areas, reservation of seats for the scheduled castes and the scheduled tribes in the said Zila Parishad shall be made on the basis of their respective population:

Reservation of seats in Zila Parishad (in scheduled area).

Provided that reservation for the scheduled tribes shall not be less than one half of the total number of seats:

2. In a Zila Parishad of the scheduled area, seats for persons belonging to other backward classes shall, in proportion to their population, be reserved in such number that the same together with the number of seats reserved for the scheduled castes and scheduled tribes does not exceed eighty percent of the total number of seats in the said Zila Parishad.

3. Out of the seats reserved under sub-sections (1) and (2) seats shall be reserved for women belonging to scheduled castes, scheduled tribes or other backward classes, as the case may be.

4. of the total seats of the Zila Parishad (including the seats reserved for the women belonging to scheduled castes, scheduled tribes, other backward classes) shall be reserved for women.

5. Reservation of the posts under the foregoing sub-section shall be allotted by rotation by the State Election Commission in the prescribed manner.

6. Territorial constituencies of such Zila Parishad wherein no population of scheduled castes, scheduled tribes or other backward class shall be excluded from allotment of reserved seats for scheduled castes, scheduled tribes and other backward classes, as the case may be.

7. The State Government may nominate members of the such scheduled tribes which have no representation in the Zila Parishad in the scheduled area.

Provided that the maximum number of members to be nominated in the said Zila Parishad shall not exceed one-tenth of the total number of members to be elected therein.

8. The State Government may nominate a distinguished person of the Panchayat area as member at Zila parishad level by notification.

Provided that the term of office of such member shall be determined by the State Government;

Provided that the State Government shall also be competent to cancel the nomination of the said nominated member:

Provided that the said nominated member cannot be an Officer-bearer of the Zila Parishad.

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Reservatin of Post of Pramukha and Up-Pramukhe (in general area).

**21. (I) (A)** \* \* \* \* \*

(i) Post Mukhia and Post of Up-Mukhia being single post, shall remain unreserved or shall be dealt with in accordance with the provisions made therefore by the State Government.

(ii) The State Government shall be competent to make lawful provisions as to reservation.

\* \* \* \* \*

(B) Reservation of Posts of Mukhia and Up-Mukhia in Gram Panchayat (In scheduled area)—

Post of Mukhia of Gram panchayat in the Scheduled areas shall be reserved for the Scheduled Tribes;

Provided also that the Gram Panchayats lying within the Scheduled areas where there is no pulation of the Scheduled tribes shall be excluded from allotment of posts of Mukhia reserved for the Scheduled tribes in the prescribed manner.

(ii) Not less than the total posts of Mukhia of the Gram Panchayats in every Panchayat Samiti of the Scheduled Areas shall be reseyat for the women belonging to the Scheduled tribes and such seats shall be allotted b ythe state election Commission by rotation in the manner as prescribed.

\* \* \* \* \*

Election of Up-Mukhia.

**22. (I)** \* \* \* \* \*

(d) Post of Up-Mukhia being a single post, it shall be kept unreserved or shall be dealt with in accordance with the provisions made by the State Government.

\* \* \* \* \*

**40. (1) A.** Post of Pramukh and post of Up-Pramukh being single post, shall remain unreserved or shall be dealt with in accordance with the provisions made therefore by the State Government.

Reservation of Post of Pramukh and Up-Pramukh (in general area).

(2) The State Government shall be competent to make lawful provisions relating to reservation.

**B.** Reservation of Post of Pramukh and Up-Pramukh in Panchayat Samiti (In the scheduled area):—

Posts of Pramukh in Panchayat Samities in the Scheduled areas shall be reserved for the members belonging to the Scheduled tribes:

Provided that not less than of the total number of the office of 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 Samities of the district by rotation in the manner as prescribed.

\* \* \* \* \*

**55. (1) A.** Post of Adhyaksha and Upadhyaksha, being single post, shall be unreserved or shall be dealt with as per provisions prescribed by the State Government.

Reservation of Posts of Adhyaksha and Upadhyaksha of Zila Parishad (in general area).

\* \* \* \* \*

**B.** Posts of Adhyaksha of Zila Parishad in Scheduled areas shall be reserved for members of Scheduled tribes:

Reservation of Posts of adhyaksha of Zila Parishad (in scheduled area).

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

\* \* \* \* \*

**67. (1) \*** \* \* \* \* \*

Power to recruit officers and to assign their duties and functions.

(3) (ii) For conduct of election of Panchayats the State Election Commission may, for every district, designate or nominate the Deputy Commissioners/District Magistrate as District election Officer (Panchayat), and to help the District Election Officer (Panchayat) or more who will be either a District Panchayat Raj Officer or an Officer not lower in rank than that of a Deputy Collector:

Provided that subject to the direction, control and supervision of the State Election Commission, the District Election Officer (Panchayat) shall coordinate and supervise all the work concerning conduct of election within his jurisdiction.

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LOK SABHA

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**BILL**

further to amend the Jharkhand Panchayat Raj Act, 2001.

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*(Shri C.P. Joshi, Minister of Rural Development and Panchayati Raj)*