

THE ORISSA GRAMA PANCHAYATS (AMENDMENT) ACT, 1997**TABLE OF CONTENTS****PREAMBLE:****SECTIONS:**

1. Short title
2. Amendment of section 1
3. Amendment of section 2
4. Amendment of section 3
5. Amendment of section 5
6. Amendment of section 10
7. Amendment of section 44
8. Amendment of section 59
9. Amendment of section 98
10. Omission of section 99

ORISSA ACT 15 OF 1997

***THE ORISSA GRAMA PANCHAYATS (AMENDMENT) ACT, 1997**

[Received the assent of the Governor on the 21st December 1997, first published in an extraordinary issue of the Orissa Gazette, dated the 22nd December 1997]

AN ACT FURTHER TO AMEND THE ORISSA GRAMA PANCHAYATS ACT, 1964.

BE it enacted by the Legislature of the State of Orissa in the Forty-eighth year of the Republic of India as follows:—

- Short title.** 1. This Act may be called the Orissa Grama Panchayats (Amendment) Act, 1997.
- Amendment of section 1.** 2. In the Orissa Grama Panchayats Act, 1964 (hereinafter referred to as the principal Act), in section 1, sub-section (4) shall be omitted. Orissa Act 1 of 1963.
- Amendment of section 2.** 3. In section 2 of the principal Act, after clause (t), the following clause shall be inserted, namely:—
 “(t-1) “Scheduled Areas” means the Scheduled Areas as referred to in clause (1) of Article 244 of the Constitution;”
- Amendment of section 3.** 4. In section 3 of the principal Act, after the Explanation to sub-section (1), the following proviso shall be inserted, namely:—
 “Provided that in the Scheduled Areas, a Grama shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community or communities and managing its affairs in accordance with traditions and customs.”
- Amendment of section 5.** 5. In section 5 of the principal Act,—
 (i) for sub-section (3), the following sub-section shall be substituted, namely:—
 “(3) The Grama Sasan shall have the power to—
 (a) approve the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Grama Panchayat;
 (b) identify or select persons as beneficiaries under the poverty alleviation or similar other programmes;
 Provided that every Grama Panchayat shall be required to obtain from the Grama Sasan a certification of utilisation of funds by that Panchayat for the plans, programmes and projects referred to in clauses (a) and (b);
 (c) consider and approve the annual budget of the Grama Panchayat including the supplementary or revised budget;
 (d) consider levy of all taxes, rents and fees and enhancement of rates thereof;
 (e) organise community service and drawing up and implementation of agricultural production plans;
 (f) consider all such matters as may be referred to it by the Grama Panchayat for its decision ;
 (g) call for such information and data from the Grama Panchayat as it may consider necessary; and
 (h) consider such other matters as may be prescribed.”; and
 (ii) after sub-section (5), the following sub-section shall be inserted, namely:—
 “(6) In the Scheduled Areas, the Grama Sasan shall be competent to safeguard and preserve the tradition and customs of the People, their cultural identity, community resources and customary mode of dispute resolution consistent with the relevant laws in force and in harmony with basic tenets of the Constitution and human rights.”.

*For the Bill see *Orissa Gazette* Extraordinary, dated the 8th December 1997 (No. 1509)

Amendment
of section 10.

6. In section 10 of the principal Act,—

(i) in sub-section (3), after the proviso to clause (a), the following proviso shall be inserted, namely:—

Provided further that in the Scheduled Areas, not less than one-half of the total number of seats to be filled by direct election shall be reserved for the Scheduled Tribes; and

(ii) in sub-section (5), after clause (b), the following proviso shall be inserted, namely:—

“Provided that in the Scheduled Areas, all the offices of Sarpanches in Grama Panchayats shall be reserved for the Scheduled Tribes.”

Amendment
of section 44.

7. Section 44 of the principal Act, shall be renumbered as sub-section (1) thereof and, after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in any other law, in the Scheduled Areas, subject to the control and supervision of the Grama Sasan, the Grama Panchayat shall exercise within its local limits, such powers and perform such functions in such manner and to such extent as may be prescribed in respect of the following matters, namely:—

(a) enforcement of prohibition or regulation or restriction of the sale and consumption of any intoxicant;

(b) the ownership of minor forest produce;

(c) prevention of alienation of land and restoration of any unlawfully alienated land of a Scheduled Tribes; and

(d) control over money-lending to the Scheduled Tribes.”

Amendment
of section 59.

8. To section 59 of the principal Act, the following proviso shall be added, namely:—

“Provided that in the Scheduled Areas, the Grama Panchayats, subject to the control and supervision of the Grama Sasan shall have power to manage village markets by whatever name called.”

Amendment
of section 98.

9. In section 98 of the principal Act,—

(i) in sub-section (1), for the words, letters, brackets and figures “recommendations under clause (a) of sub-section (3) of section 5”, the word “approval” shall be substituted;

(ii) in sub-section (2), for the words, letter, brackets and figures “recommendations under clause (d) of sub-section (3) of section 5”, the word “approval” shall be substituted;

(iii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) On approval of the Grama Sasan to the annual budget or, as the case may be, the supplementary budget or revised budget, the Grama Panchayat shall forward the same to the Subdivisional Panchayat Officer appointed by the Director, who shall be competent to examine the budget and shall furnish his comments to the Grama Panchayat which shall be placed before the Grama Sasan for consideration and finalisation with or without any modification as may be necessary.”; and

(iv) after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) A copy of the budget so finalised under sub-section (3) shall be forwarded by the Grama Panchayat to the Panchayat Samiti as well as the Zilla Parishad for compilation at their level.”

Omission of
section 99.

10. Section 99 of principal Act, shall be omitted.