

ORISSA ORDINANCE No. 2 OF 1993

**THE ORISSA PANCHAYAT SAMITI (AMENDMENT)  
ORDINANCE, 1993**

[ Promulgated by the Governor on the 16th January 1993, first published in an  
extraordinary issue of the *Orissa Gazette*, dated the 23rd January 1993 ]

AN

**ORDINANCE**

**FURTHER TO AMEND THE ORISSA PANCHAYAT  
SAMITI ACT, 1959**

WHEREAS the Legislature of the State of Orissa is not in session ;

AND WHEREAS the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Panchayat Samiti Act, 1959 in the manner hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Forty-third Year of the Republic of India: —

- Short title** 1. This Ordinance may be called the Orissa Panchayat Samiti (Amendment) Ordinance, 1993.
- Amendment of section 3.** 2. In the Orissa Panchayat Samiti Act, 1959 (hereinafter referred to as the Orissa Act 7 of 1960), after clause (a) of section 3, the following clause shall be inserted of 1960.  
namely:—
- “(a—1) ‘Director of Panchayat Samitis’ (hereinafter referred to in this Act as Director) means the Director of Grama Panchayats appointed under the Orissa Grama Panchayats Act, 1964” Orissa Act 1 of 1965.
- Amendment of section 16.** 3. In the Principal Act, in section 16, for sub-section (3), the following sub-section shall be substituted, namely :—
- (3) The members of the Samiti elected under clause (h) of sub-section (1) shall elect in the prescribed manner, from among themselves—
- (a) the Chairman of the Samiti at their first meeting ; and
- (b) the Vice-Chairman of the Samiti at a meeting convened for that purpose within thirty days from the date of election of the Chairman under clause (a):
- Provided that in the case of every Samiti of which the Chairman elected in accordance with this sub-section or nominated under section 45-C is not a woman, the Office of the Vice-Chairman in respect of that Samiti shall be deemed to have been reserved for women.”
- Insertion of new sections 16-A and 16-B.** 4. In the principal Act, after section 16, the following sections shall be inserted, namely :—
- “16-A. Notwithstanding anything contained in the Orissa Panchayat Samiti Act 1959 or in the Orissa Grama Panchayats Act, 1964, a person elected as a member of a Samiti and as the Sarpanch or a member of a Grama Panchayat shall, unless he submits to the Collector his resignation from one of the offices to which he has been so elected within one month from the date of publication of the notification under sub-section (6) of section 16, be deemed to have ceased to hold both such offices.” Orissa Act 7 of 1960. Orissa Act 1 of 1965.
- “16-B. The management, control and superintendence of elections conducted under this Act shall vest in the Director.”
- No person to hold more than one elected office.**
- Management, control and superintendence of elections.**

Amendment  
of section  
40-A.

5. In the principal Act, in Section 40-A,—

(a) In sub-section (1),—

- (i) for the words “or Vice-Chairman” appearing for the first time, the comma, words, figures and brackets “the Vice-Chairman or any member elected under clause (b) of sub-section (1) of Section 16 or nominated under Section 45-C” shall be substituted;
- (ii) for the words “or Vice-Chairman” appearing for the second time the commas and words, “Vice-Chairman or member, as the case may be,” shall be substituted; and
- (iii) in sub-section (2), for the words “or Vice-Chairman”, the comma and words “Vice-Chairman or an elected member” shall be substituted.

Amendment  
of section  
40-B.

6. In the principal Act, for Section 40-B, the following Section shall be substituted namely:—

“40-B. (1) Where any proceeding which was initiated under section 40-A against any person holding office as the Chairman, the Vice-Chairman or an elected member of a Samiti could not be finalised due to the vacation of the office by the Chairman, Vice-Chairman or the elected member, as the case may be, by resignation or otherwise and the said person is found to be holding office as the Chairman, the Vice-Chairman or an elected member of that Samiti during the term in which he so vacated or during the succeeding term, the State Government may direct revival of the said proceedings, whereupon the said proceedings shall be proceeded with from the stage it had reached by the date of vacation of the office by the Chairman, the Vice-Chairman or the elected member, as the the case may be and disposed of in accordance with the provisions of the said section:

Provided that the Chairman, the Vice-Chairman or the elected member against whom a proceeding is revived shall not be liable to be suspended from his office as such.

(2) No person removed from the office of the Chairman, the Vice-Chairman or an elected member as a result of the proceedings so revived shall, for a period of four years from the date of the removal, be eligible to hold any of the said offices.”

Amendment  
of section  
44-L.

7. In the principal Act, in sub-section (1) of section 44-L,—

- (i) in clause (c), the word “or” appearing at the end shall be omitted;
- (ii) in clause (d), for the word and full stop “rejected,” the words and semicolon “rejected; or” shall be substituted; and
- (iii) after clause (d), the following clause shall be inserted, namely :—  
“(e) that there has been any non-compliance with, or breach of any of the provisions of this Act or the rules made thereunder.”

Amendment  
of section  
46-A.

8. In the principal Act, for section 46-A including its marginal heading the following section shall be substituted, namely :—

Nomination  
of a person  
to represent  
a Grama  
Panchayat  
under  
dissolution  
or super-  
session.

“46-A. In the case of dissolution or supersession of a Grama Panchayat, the Collector shall nominate a person, who is otherwise eligible to be elected as a member of such Grama Panchayat, to represent the Grama Panchayat in the Samiti during the period of such dissolution or supersession, as the case may be and the person so nominated shall, for all purposes, be deemed to be a member of the samiti.”

YAGYA DATT SHARMA

GOVERNOR OF ORISSA

Dated the 16th January, 1993