

ORISSA ACT 13 of 1977

THE ORISSA PANCHAYAT SAMITI (AMENDMENT) ACT, 1977

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* THE ORISSA PANCHAYAT SAMITI (AMENDMENT) ACT, 1977

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AN ACT TO AMEND THE ORISSA PANCHAYAT SAMITI ACT, 1959

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

Short title
and
commence-
ment.

1. (1) This Act may be called the Orissa Panchayat Samiti (Amendment) Act, 1977.

(2) It shall come into force at once.

Amendment
of section 16.

2. In section 16 of the Orissa Panchayat Samiti Act, 1959 (hereinafter referred to as the principal Act), in sub-section (4), for the words "three years" the words "five years" shall be substituted. Orissa Act
7 of 1960.

Amendment
of section 18.

3. In section 18 of the principal Act, after sub-section (2), the following proviso, shall be inserted, namely :—

"Provided that when the member of the State Legislature becomes a Minister, Minister of State, Deputy Minister, Speaker, Deputy Speaker, Government Chief Whip, Deputy Government Chief Whip or Leader of Opposition, such member may nominate any person to represent him in the aforesaid proceedings."

Amendment
of section 38.

4. In section 38 of the principal Act, after sub-section (1), the following proviso shall be inserted, namely :—

"Provided that nothing in this sub-section shall apply to a resolution passed under section 46-B."

Insertion of
new section
46-B.

5. After section 40-A of the principal Act, the following section shall be inserted, namely :—

Revival of
removal
proceedings.

"40-B. (1) Where any proceeding which was initiated under section 40-A against any person holding office as Chairman or Vice-Chairman of a Panchayat Samiti could not be finalised due to the vacation of the office by the Chairman or Vice-Chairman, as the case may be, by resignation or otherwise and the said person is found to be holding office as Chairman or Vice-Chairman of that Panchayat 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 or the Vice-Chairman, as the case may be, and disposed of in accordance with the provisions of the said section:

Provided that the Chairman or Vice-Chairman, as the case may be, 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 Chairman or Vice-Chairman 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 45.

6. In section 45 of the principal Act, —

(a) in sub-section (2),—

(i) after the words "An elected member of a Samiti", the words "including the Chairman and Vice-Chairman" shall be inserted;

(ii) for clause (ii) the following clause shall be substituted, namely :—

“(ii) has been continuously absent from the Block for more than six months without prior intimation in writing,—

(a) in the case of a Chairman, to the Samiti;

(b) in the case of any other member or Vice-Chairman, to the Chairman; or”,

(b) Sub-section (6) shall be omitted.

Amendment of section 46-C. 7. In section 46-C of the principal Act, for the words “three years” wherever they occur, the words “five years” shall be substituted.

Amendment of section 54-A. 8. In section 54-A of the principal Act, in sub-section (1), after the words “in respect of any proceeding”, the brackets and the words “(including) any proceeding under section 46-B)” shall be inserted.

Amendment of section 57. 9. In section 57 of the principal Act, in sub-section ²(b), after clause (iii), the following clause shall be inserted, namely :—

“(iii-a) regulation of all elections under this Act including deposits to be made by candidates at an election to the office of the Chairman, the conditions for forfeiture of refund of such deposit and the qualifications of a proposer or seconder.”.