
Orissa Grama Panchayats (Amendment) Act, 1991**9 of 1991****[09 May 1991]****CONTENTS**

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Orissa Grama Panchayats (Amendment) Act, 1991**9 of 1991****[09 May 1991]**

AN ACT TO AMEND THE ORISSA GRAMA PANCHAYATS ACT, 1964.
Be it enacted by the Legislature of the State of Orissa in the Forty-second Year of the Republic of India as follows:- For the Bill See Orissa Gazette Extraordinary, dated the 19th March 1991 (No-302)

1. Short Title And Commencement :-

- (1) This Act may be called the Orissa Grama Panchayats (Amendment) Act, 1991.
- (2) This section shall come into force at once and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification, appoint.

2. Amendment Of Section 2 :-

In the Orissa Grama Panchayats Act, 1964 (Orissa Act 1 of 1965) (hereinafter referred to as the principal Act), in section 2,-

(i) after clause (a), the following clause shall be inserted, namely:-

"(a.1) Auditor means an auditor appointed under clause (a) of sub-section (3) of section 100;".;

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

"(b) Block means a Block notified under section 15 of the Orissa Panchayat Samiti Act, 1959(Orissa Act 7 of 1960);

(iii) for clause (f), the following clause shall be substituted, namely:-

"(f) Director of Grama Panchayats means an officer appointed as such by the State Government and shall include a Deputy Director and an Assistant Director of Grama Panchayats;";

(iv) after clause (i), the following clause shall be inserted, namely:-

"(i-1) Jawahar Rozgar Yojana means a scheme sponsored as such by the Central Government for implementation in the State in the prescribed manner;";

(v) after clause (o), the following clause shall be inserted, namely:-

"(o-1) Parishad in relation to any Grama means the Zilla Parishad constituted under the Orissa Zilla Parishad Act, 1991(Orissa Act of 1991) and having jurisdiction over the area comprised within the said Grama;";

(vi) after clause (q), the following clause shall be inserted, namely:-

"(q-1) Prescribed Authority means the authority appointed by the State Government by notification for all or any of the purpose of this Act;"; and

(vii) for clause (t), the following clause shall be substituted namely:-

"(i) Samiti in relation to any Grama means the Panchayat Samiti constituted under the Orissa Panchayat Samiti ACT, 1959(Orissa Act 7 of 1960) and having jurisdiction over the area comprised within the said Grama;".

3. Amendment Section 10 :-

In the principal Act, in section 10,-

(1) in sub-section (3),-

(i) For clause (b), the following clause shall be substituted, namely:-

"(b) (i) the number of seats to be reserved for the Scheduled

Castes and the Scheduled Tribes shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Grama as the population of the Scheduled Castes in the Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area:

Provided that where the population of the Scheduled Caste or, as the case may be, the Scheduled Tribes in a Panchayat area is not sufficient for reservation of any seat, one seat for the Scheduled Castes or, as the case may be one seat for the Scheduled Tribes shall be reserved in that Panchayat area.

(ii) where the number of seats reserved is more than one as nearly as may be, but not less than, one-third of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, Scheduled Tribes:

Provided that where only two seats are reserved for the Scheduled Castes or as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to the Scheduled Castes, or as the case may be, the Scheduled Tribes";

(ii) the existing proviso shall be omitted; and

(2) for sub-section (4), the following proviso shall be inserted, namely:-

"(4) As nearly as may be, but not less than, one-third (including the number of seats reserved under sub-clause (ii) of clause (b) of sub-section (3) for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Grama Panchayat shall be reserved for women and allotted by rotation to different wards in the said Grama Panchayat."

4. Amendment Section 12 :-

In the principal Act, in section 12,-

(i) after sub-section (1), the following proviso shall be inserted, namely:- "Provided that in the case of dissolution or super session of a Grama Panchayat, the reconstitution shall be within six months from the date of such dissolution or super session, as the case may be:Provided further that it shall not be necessary to reconstitute Grama Panchayat where the Grama Panchayat is dissolved or superseded during the last six months of its term;";

(ii) in sub-section (3), the words, brackets and figures "or the extended term under sub-section (2) of section 17, as the case may be, "shall be omitted.

5. Amendment Section 16 :-

In the principal Act, in section 16, the following proviso shall be inserted, namely:-

"Provided that if such a vacancy occurs during the last six months of the term of office of the Grama Panchayat, it shall not be necessary to hold any election to fill up such vacancy, in which case, the vacancy shall be left unfilled until the next General Election of the Grama Panchayat."

6. Amendment Section 17 :-

In the principal Act, for section 17, the following section shall be substituted, namely:-

17. (1) Any person elected as a Sarpanch or Naib-Sarpanch or any other member of a Grama Panchayat shall be deemed to have entered office as such Sarpanch or Naib-Sarpanch or such other member, as the case may be, on the date of the first meeting of the Grama Panchayat as referred to in sub-section (1) of section 14 which shall be held within a period not exceeding thirty days from the date of publication of names of all members under section 15 and the term of office of all such persons shall expire with the term of the Grama Panchayat.

(2) The term of every Grama Panchayat in office shall be five years commencing on the date on which the first meeting of the Grama Panchayat is held under section 14.

(3) The term of office of a Sarpanch or any other member elected to fill up a casual vacancy shall expire with the expiry of the term of the Grama Panchayat as specified in sub-section (2)."

7. Amendment Section 25 :-

In the principal Act, in section 25, in sub-section (1), after clause (q), the following new clauses shall be inserted, namely:-

"(r) is disqualified by or under any law for the time being in force for the purpose of an election to the Legislature of the State; or

(s) is disqualified by or under any law made by the Legislature of the State."

8. Amendment Section 44 :-

In the principal Act, in section 44, after clause (v), the following clauses shall be inserted, namely:

- "(w) Minor Forest Produce;
- (x) Small Scale Industries including Food Processing Industries;
- (y) Rural Housing;
- (z) Poverty Alleviation Programme;
- (z-1) Women and Child Welfare;
- (z-2) Social welfare including welfare of the handicapped and mentally retarded;
- (z-3) Public distribution system;
- (z-4) Maintenance of community assets:.

9. Amendment Section 58 :-

In the principal Act, in section 58, after sub-section (5), the following subsections shall be inserted, namely:-

"(6) When any Market Committee makes any requisition or requires any Grama Panchayat Under sub-section (4) of section 4 of the Orissa Agricultural Produce Markets Act 1956(Orissa Act 3 of 1957) to transfer to it any land or building in possession of the Grama Panchayat, the Grama Panchayat shall, notwithstanding anything to the contrary contained in the said Act, not transfer such land or building, unless the requisition or the letter of requirement is accompanied by a written permission of the Collector of the district for the purpose.

(7) Nothing contained in sub-section (6) shall debar the State Government to review and cancel the permission granted by the Collector, within a period of ninety days, either suo muto or otherwise, if the Government is satisfied, after such inquiry as it may deem fit, that such permission of the Collector will be prejudicial to the interest of the Grama, and in every case where such a permission is cancelled by the Government the transfer of any land or building or both if effected by virtue of such permission prior to its cancellation shall be of no effect."

10. Amendment Section 94 :-

In the principal Act, in section 94, after the first proviso to sub-section (2) the following proviso and explanation shall be inserted, namely:-

"Provided further that the Grama Panchayat may deposit the funds received under the Jawahar Rozgar Yojana, being part of the Grama Fund, in a separate savings Bank Account in the nearest Post Office, Co-operative Bank, Nationalised Bank or Scheduled Bank.

Explanation- The expressions Co-operative Bank and Scheduled Bank shall have the same meaning as respectively assigned to them in the Deposit Insurance Corporation Act, 1961(47 of 1961) and the Reserve Bank of India Act, 1934(2 of 1934) and the expression Nationalised Bank shall mean a corresponding new Bank constituted under sub-section (1) of section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980(40 of 1980).

11. Insertion Of New Section 100A :-

In the principal Act, after section 100, the following section shall be inserted, namely:-

100-A. Review of Finance.--(1) There shall be constituted by the State Government a State Finance Commission for review of the financial position of Grama Panchayats in the State.

(2) The Commission may, for the purpose of maintaining sound financial position of Grama Panchayats, make such recommendation to the State Government as it deems necessary.

(3) The constitution and other matters in relation to the Commission shall be such as may be prescribed."

12. Amendment Section 115 :-

In the principal Act, in section 115, in sub-section (1) for the words "on the report of the Sub-divisional Officer the Collector", the word "the Collector, on an inquiry or inspection made by him or on the report of the Sub-divisional officer," shall be substituted.

13. Amendment Section 116 :-

In the principal Act, in section 116,-

(i) in sub-section (1),-

(a) the words "and immediately reconstituted and the said notification shall specify the time within which the Grama Panchayat shall be reconstituted" occurring at the end of the opening portion shall be omitted; and

(b) the proviso shall be omitted;

(iii) in sub-section (4), for the words brackets and figures "directed under sub-section (1)", the words, "under this section" shall be substituted.

14. Amendment Section 117 :-

In the principal Act, in section 117,-

(i) in sub-section (1), the words "and may, in like manner by stating reasons therefore, extent such period from time to time so, however, that the total period of super session does not exceed six months" shall be added at the end;

(ii) sub-section (4) shall be omitted; and

(iii) in sub-section (6), words, brackets and figures "or (4)" shall be omitted.