

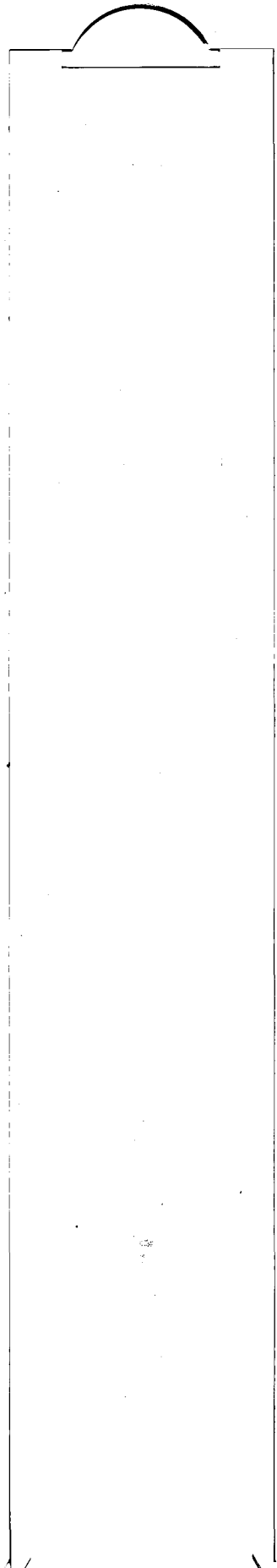
THE ORISSA PANCHAYAT SAMITI AND ZILLA PARISHAD (SECOND AMENDMENT) ACT, 1967

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ORISSA ACT 7 OF 1968

***THE ORISSA PANCHAYAT SAMITI AND ZILLA PARISHAD
(SECOND AMENDMENT) ACT, 1967**

[Received the assent of the Governor on the 4th January 1968, first published in an extraordinary issue of the Orissa Gazette, dated the 10th January 1968]

AN ACT TO AMEND THE ORISSA PANCHAYAT SAMITI AND ZILLA PARISHAD ACT, 1959

BE it enacted by the Legislature of the State of Orissa in the Eighteenth Year of the Republic of India, as follows:—

Short title and commencement.

1. (1) This Act may be called the Orissa Panchayat Samiti and Zilla Parishad (Second Amendment) Act, 1967.

†(2) This section and sections 8, 9, 43 and 45 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 in that behalf.

Amendment of title, long title and preamble, Orissa Act 7 of 1960.

2. In the Orissa Panchayat Samiti and Zilla Parishad Act, 1959 Orissa Act 7 of 1960. (hereinafter referred to as the principal Act)—

(a) in the title the words "and Zilla Parishad" shall be omitted;

(b) in the long title and the preamble the words "Zilla Parishads and" wherever they occur shall be omitted.

General amendment.

3. Save as otherwise expressly provided in this Act the words "Parishad and" and the words "Parishad or" wherever they occur in the principal Act shall be omitted.

Amendment of section 1, Orissa Act 7 of 1960.

4. In section 1 of the principal Act in sub-section (1) the words "and Zilla Parishad" shall be omitted.

Amendment of section 3, Orissa Act 7 of 1960.

5. In section 3 of the principal Act clause (h) shall be omitted.

Omission of Chapter II, Orissa Act 7 of 1960.

6. Chapter II of the principal Act shall be omitted.

Amendment of section 15, Orissa Act 7 of 1960.

7. In section 15 of the principal Act in sub-section (3) for the words "the Parishad" the words "the Collector" shall be substituted.

Amendment of section 16, Orissa Act 7 of 1960.

8. In section 16 of the principal Act the first proviso to clause (a) of sub-section (3) and the word "further" occurring in the second proviso thereto shall be omitted.

*For the Bill See Orissa Gazette, Extraordinary, dated the 11th December, 1967 (1583).

†The remaining provisions of this Act came into force, with effect from the 1st November 1968 by notification No 4533—ZPI—101/68-C. D., dated the 23rd October 1968 Vide Orissa Gazette, Extraordinary, dated the 5th October 1968 (1131)

9. In section 20 of the principal Act to sub-section (1) the following proviso shall be added, namely :—

“Provided that the powers and functions of the Samiti in relation to primary education as specified in clause (b) shall not include the powers and functions in respect of appointment, removal and transfer of and in respect of sanction of leave to the teachers and other members of the staff engaged in primary education.”

10. In section 21 of the principal Act—

- (a) in sub-section (1) for the word “Parishad” the word “Government” shall be substituted ;
- (b) in sub-sections (2) and (3) for the word “Parishad” the word “Collector” shall be substituted.

11. In section 24 of the principal Act in sub-section (2)—

- (a) for the word “Parishad” wherever it occurs the word “Collector” and for the word “it” the word “he” shall be substituted ;
- (b) the words “having jurisdiction” shall be omitted.

12. In section 25 of the principal Act in sub-section (1) the words “in consultation with the Parishad and” shall be omitted.

13. In the heading to Chapter IV of the principal Act the words “Zilla Parishad Fund and” shall be omitted.

14. Sections 26 and 27 of the principal Act shall be omitted.

15. In section 30 of the principal Act including the marginal heading thereof the words “the Parishad and” shall be omitted.

16. In section 31 of the principal Act in sub-section (1) the words “Zilla Parishad and” shall be omitted.

17. In section 32 of the principal Act in sub-section (3) for the words “respectively of any Samiti or Grama Panchayat” the words “of any Grama Panchayat” shall be substituted.

18. In section 34 of the principal Act the words “Parishads or” shall be omitted.

19. In section 36 of the principal Act for the words “the Parishad or Samiti as the case may be” the words “the Samiti” shall be substituted.

20. In section 37 of the principal Act for the words “or their Chairmen” wherever they occur the words “or its Chairman” shall be substituted.

1/11/60

Amendment
of section 38,
Orissa Act 7
of 1960.

21. In section 38 of the principal Act—

- (a) in sub-section (1) for the words "of the said bodies" the words "of such Samiti" shall be substituted ;
- (b) in sub-section (2) for the words "Parishad or Samiti, as the case may be," the word "Samiti" shall be substituted ;
- (c) for sub-section (3) the following sub-section shall be substituted, namely :—

"(3) If in the opinion of the Collector immediate action is necessary to suspend any such resolution or order on any of the aforesaid grounds, he may, by order in writing, suspend the operation of the resolution or order and refer the matter to Government whose decision thereon shall be final";

- (d) in the proviso for the words and commas "the Revenue Divisional Commissioner or the Collector, as the case may be," the words "the Collector" shall be substituted.

Amendment
of section 40,
Orissa Act 7
of 1960.

22. In section 40 the words "as the case may be" wherever they occur shall be omitted.

Amendment
of section
44-A, Orissa
Act 7 of
1960.

23. In section 44-A of the principal Act the words "or a Parishad" shall be omitted.

Amendment
of section
44-B, Orissa
Act 7 of
1960.

24. In section 44-B of the principal Act—

- (a) for sub-section (2) the following sub-section shall be substituted, namely:—

"(2) The Munsif having jurisdiction over the place at which the office of the Samiti is situated shall be the Election Commissioner.";

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

"(3) An election petition presented before a Munsif may either *suo motu* or on application, be transferred by the District Judge to any other Munsif subordinate to him."

Amendment
of section
44-K, Orissa
Act 7 of
1960.

25. In section 44-K of the principal Act in clause (a) the words "or both" shall be omitted.

Amendment
of section
44-P, Orissa
Act 7 of
1960.

26. In section 44-P of the principal Act the words "Executive Officer "or" shall be omitted.

Amendment
of section
45, Orissa
Act 7 of
1960.

27. In section 45 of the principal Act—

- (a) sub-sections (4) and (5) shall be omitted;
- (b) for sub-section (6) the following sub-section shall be substituted, namely:—

"(6) The Chairman or Vice-Chairman of a Samiti, who is convicted of an offence involving moral turpitude shall cease to hold office as such Chairman or Vice-Chairman and shall also cease to be a member of the Samiti."

(c) for clause (d) the following clause shall be substituted namely:—

“(d) the Sub-divisional Officer or when he is unable to attend, any other gazetted officer not below the rank of a Sub-Deputy Collector authorised by him, shall preside over and conduct the proceedings of the meetings;”

(d) in clause (h) for the words and commas “the Collector or the Sub-divisional Officer, as the case may be,” the words “the Sub-divisional Officer” shall be substituted.

34. In section 46-C of the principal Act sub-section (3) shall be omitted.

35. In section 46-D of the principal Act—

(a) the words “or Parishads” and “or Parishad” wherever they occur shall be omitted;

(b) in clause (d) of the proviso the words “as the case may be” shall be omitted.

36. In section 47 of the principal Act—

(a) for sub-section (1) the following sub-section shall be substituted, namely :—

“(1) If the elected member of the Samiti ceases to be a member by reason of his death, resignation or otherwise the vacancy so caused shall be filled up, so far as may be, in the manner provided under sub-section (2) of section 16 and the member so elected shall hold office for the unexpired term of the member in whose place he has been elected.”

(b) in sub-section (2) for the words, figures and brackets “under section 8 or under sub-section (3) of section 16, as the case may be” the words, figures and brackets “under sub-section (3) of section 16” shall be substituted.

37. In section 49 of the principal Act—

(a) in sub-section (1) for the words and commas “a Chairman of the Samiti or a Sarpanch, as the case may be,” the words “a Sarpanch” shall be substituted ;

(b) in sub-section (2) the words, figures and brackets “sub-section (3) of section 6 or” and the words and figure “section 7 or” shall be omitted.

38. In section 52 of the principal Act the words “the Parishad and” shall be omitted.

39. In section 54-A of the principal Act in sub-section (1) the words “or Parishad” shall be omitted.

40. In section 57 of the principal Act in clause (iii) of sub-section (2) the word and comma “Parishads,” shall be omitted.

41. In section 57-A of the principal Act for sub-section (1) the following sub-section shall be substituted, namely:—

“(1) Subject to such rules as may be made, a Samiti may, with the approval of the Collector, make bye-laws for carrying out any of the purposes for which it is constituted.”

Amendment
of section
46-C, Orissa
Act 7 of
1960.

Amendment
of section
46-D, Orissa
Act 7 of
1960.

Amendment
of section 47,
Orissa Act
7 of 1960.

Amendment
of section 49
Orissa Act 7
of 1960.

Amendment
of section 52,
Orissa Act 7
of 1960.

Amendment
of section
54-A, Orissa
Act 7 of
1960.

Amendment
of section 57,
Orissa Act 7
of 1960.

Amendment
of section
57-A, Orissa
Act 7 of
1960.

(c) for clause (d) the following clause shall be substituted namely:—

“(d) the Sub-divisional Officer or when he is unable to attend, any other gazetted officer not below the rank of a Sub-Deputy Collector authorised by him, shall preside over and conduct the proceedings of the meetings;”

(d) in clause (h) for the words and commas “the Collector or the Sub-divisional Officer, as the case may be,” the words “the Sub-divisional Officer” shall be substituted.

Amendment
of section
46-C, Orissa
Act 7 of
1960.

34. In section 46-C of the principal Act sub-section (3) shall be omitted.

Amendment
of section
46-D, Orissa
Act 7 of
1960.

35. In section 46-D of the principal Act—

(a) the words “or Parishads” and “or Parishad” wherever they occur shall be omitted;

(b) in clause (d) of the proviso the words “as the case may be” shall be omitted.

Amendment
of section 47,
Orissa Act
7 of 1960.

36. In section 47 of the principal Act—

(a) for sub-section (1) the following sub-section shall be substituted, namely :—

“(1) If the elected member of the Samiti ceases to be a member by reason of his death, resignation or otherwise the vacancy so caused shall be filled up, so far as may be, in the manner provided under sub-section (2) of section 16 and the member so elected shall hold office for the unexpired term of the member in whose place he has been elected.”

(b) in sub-section (2) for the words, figures and brackets “under section 8 or under sub-section (3) of section 16, as the case may be” the words, figures and brackets “under sub-section (3) of section 16” shall be substituted.

Amendment
of section 49
Orissa Act 7
of 1960.

37. In section 49 of the principal Act—

(a) in sub-section (1) for the words and commas “a Chairman of the Samiti or a Sarpanch, as the case may be,” the words “a Sarpanch” shall be substituted ;

(b) in sub-section (2) the words, figures and brackets “sub-section (3) of section 6 or” and the words and figure “section 7 or” shall be omitted.

Amendment
of section 52,
Orissa Act 7
of 1960.

38. In section 52 of the principal Act the words “the Parishad and” shall be omitted.

Amendment
of section
54-A, Orissa
Act 7 of
1960.

39. In section 54-A of the principal Act in sub-section (1) the words “or Parishad” shall be omitted.

Amendment
of section 57,
Orissa Act 7
of 1960.

40. In section 57 of the principal Act in clause (iii) of sub-section (2) the word and comma “Parishads,” shall be omitted.

Amendment
of section
57-A, Orissa
Act 7 of
1960.

41. In section 57-A of the principal Act for sub-section (1) the following sub-section shall be substituted, namely:—

“(1) Subject to such rules as may be made, a Samiti may, with the approval of the Collector, make bye-laws for carrying out any of the purposes for which it is constituted.”

amendment
of section 58,
Orissa Act 7
of 1960.

42. In section 58 of the principal Act in sub-section (1) the words "Parishads and" wherever they occur shall be omitted.

amendment
of Orissa Act
of 1966.

43. In the Orissa Panchayat Samiti and Zilla Parishad (Amendment) Orissa Act 1
of 1966.
Act, 1965 in section 15—

- (a) In sub-section (1) the words "and Parishads" shall be omitted ;
- (b) In sub-section (2) for the comma and words ", Samitis and Parishads" wherever they occur the words "and Samitis" shall be substituted.

transitory
provision.

44. Notwithstanding anything contained in any other law, on the coming into force of this Act—

- (a) all properties and institutions belonging to and the amount standing to the credit of the funds vested in the Parishads constituted under the principal Act shall belong to and vest in the State Government and the liabilities of such Parishads shall be taken over by the said Government ;
- (b) the management of all properties, trusts, endowments and other institutions, which were being managed by any such Parishad, shall be taken over by the State Government ;
- (c) all sums due to any such Parishad may be recovered by the State Government as though such sums were dues of the State Government and all such dues shall, without prejudice to any other mode of recovery, be recoverable as arrears of land revenue ;
- (d) the employees of the Parishads shall be appointed under the State Government according to their qualification and nature of duties assigned to them in the Parishad and thereupon they shall become employees of the State Government :

Provided that such employees shall, as far as practicable, be appointed to posts of a grade or class similar to those they were holding previously; and

- (e) the appointment under clause (d) shall be deemed to be a continuation of service of the employee and he shall be entitled to the benefits of his previous service as regards leave or provident fund which accrued to him before such appointment.

repeal and
revivings.

45. (1) The Orissa Panchayat Samiti and Zilla Parishad (Amendment) Ordinance, 1967, is hereby repealed. Orissa
Ordinance 11
of 1967.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act were in force on the day on which such thing was done or such action was taken.