

ORISSA ACT II OF 1950

**THE ORISSA GRAMA PANCHAYATS (AMENDMENT) ACT, 1950**

[Received the assent of the Governor on the 13th February 1950, first published in an extraordinary issue of the Orissa Gazette, dated the 27th February 1950.]

AN ACT TO AMEND THE ORISSA GRAMA PANCHAYATS ACT, 1948

WHEREAS it is expedient to amend the Orissa Grama Panchayats Act, 1948, in the manner hereinafter appearing ;

Orissa Act  
XV of 1948

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Orissa Grama Panchayats (Amendment) Act, 1950.

(2) It shall come into force at once.

Amendment of section 16, Orissa Act XV of 1948.

2. For sub-section (2) of section 16 of the Orissa Grama Panchayats Act, 1948 ( hereinafter referred to as the said Act ) the following sub-section shall be substituted, namely :—

“(2) The number of members of a Grama Panchayat shall be such as may be fixed by the District Magistrate subject to a minimum of eleven members and maximum of twenty-five members including the Sarpanch and the Naib Sarpanch.”

Amendment of section 19, Orissa Act XV of 1948.

3. In section 19 of the said Act—

(1) in sub-section (2) after the words “ shall be elected ” the words “ or nominated as the case may be ” shall be inserted ;

(2) after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) If in the case of nomination of the Sarpanch or the Naib Sarpanch of the first Grama Sabha under section 16, the Provincial Government are of opinion that in the interest of the said Grama Sabha such nomination shall be cancelled, they may by notification cancel such nomination and make a fresh nomination for the said Grama Sabha.”

(3) Sub-section (3) shall be renumbered as sub-section (4) and in the said sub-section as so renumbered before the word and figure 'section 6' the following words, figure and brackets shall be inserted, namely :—

' sub-section (3) and '.

Amendment of section 22, Orissa Act XV of 1948. 4. In clause (e) of section 22 of the said Act after the words "advising agriculturists in" the words "reclaiming waste land, cultivating fallow land and" shall be inserted.

Amendment of section 33, Orissa Act XV of 1948. 5. In section 33 of the said Act, for sub-section (2) the following sub-section shall be substituted, namely :—

"(2) At its first meeting the Grama Panchayat shall appoint such Secretary as may be necessary as provided in section 32."

Amendment of section 44, Orissa Act XV of 1948. 6. In sub-section (2) of section 44 of the said Act after the clause (g) the following clause shall be inserted, namely :—

"(gg) a profession tax subject to the provisions of section 2 of the Professions Tax Limitation Act, 1941, on every company, firm, association or the joint Hindu family or every person exercising a profession, trade or calling or transacting business or holding appointment public or private in the local area of the Grama Sabha for a period not less than sixty days in the aggregate.

X of 1941

Insertion of new Chapter V-A in Orissa Act XV of 1948. 7. After Chapter V of the said Act the following Chapter shall be inserted, namely :—

" Chapter V-A.

INDUSTRIES AND FACTORIES (INCLUDING DANGEROUS AND OFFENSIVE TRADES, OCCUPATION OR PROCESSES).

Purposes for which places may not be used without license.

49-A.(1) With the previous sanction of the Provincial Government and notwithstanding anything contained in any other law for the time being in force, a Grama Panchayat may notify that no place within the local area of the Grama Sabha shall be used without a licence granted by it and except in accordance with the conditions specified in such licence, for any one or more of the following purposes, namely :—

(a) washing soiled clothes and keeping soiled clothes for the purpose of washing them and washed clothes ;

- (b) boiling camphor ;
- (c) preparing chua ;
- (d) melting tallow or sulphur ;
- (e) dissolving silver and gold with nitric acid ;
- (f) storing, boiling or otherwise dealing with manure, offal, blood, bones, hides, fish, skins, horns or rags ;
- (g) tanning hides and skins, skinning or disembowelling of animals ;
- (h) washing or drying wool or hair ;
- (i) preparing fish-oil, hydrogenated oils, ghee, butter and such other fat preparation ;
- (j) making soap, dyeing, boiling or pressing oil ;
- (k) manufacturing or distilling sago or keuda water, manufacturing artificial manure, manufacturing or refining sugar, manufacturing sugar candy or jaggery, tanning or manufacture of leather or leather goods, manufacturing lac, manufacturing beedies ;
- (l) manufacturing gun powder or fire-works ;
- (m) burning bricks, tiles, pottery or lime ;
- (n) keeping a public halting place, dharmasala, sarai, choultry or other rest-house, keeping hotel, restaurant, eating-house, coffee house, tea-stall, boarding house or lodging-house (other than a students' hostel under public or recognised control) ;
- (o) keeping a shaving or hair dressing saloon ;
- (p) keeping together twenty or more sheep or goats or ten or more pigs or heads of cattle ;
- (q) preparing flour or articles made of flour for human consumption or sweetmeats ;
- (r) manufacturing ice or aerated water ;
- (s) selling timber or storing it for sale, storing or selling coal, storing hay, straw, wood, thatching grass, jute, coke, coal or charcoal or other dangerously inflammable materials ;
- (t) selling grain, groundnut, chillies or jaggery, wholesale or storing any of the said articles for wholesale trade ;

(u) storing any explosive or combustible material, storing kerosene, petroleum, naphtha or any inflammable oil or spirit ;

(v) manufacturing anything from which offensive or unwholesome smell arises or which has been declared by the Provincial Government by notification to be dangerous or offensive ;

(w) using for any industrial purpose any fuel or machinery ; and

(x) in general, doing in the course of any industrial process anything which is likely to be offensive or dangerous to human life or health or property :

Provided that no licence shall be required for the storage of timber, firewood, thatching materials, hay, grass, straw, fibre, coke, coal or charcoal or boiling paddy where such storage or boiling is for private use :

Provided further that no notification under this sub-section shall take effect till sixty days from the date of publication thereof.

(2) The owner or occupier of every such place shall within thirty days of the publication of such notification apply to the Grama Panchayat for a licence for the use of such place for such purposes.

(3) The Grama Panchayat may, by an order and under such restrictions and regulations as it thinks fit, grant such licence or refuse to grant it.

(4) Every such licence shall expire at the end of the year unless for special reasons the Grama Panchayat considers it should expire at an earlier date, when it shall expire at such earlier date as may be specified therein.

(5) Application for renewal of such licences shall be made not less than thirty days before the end of every year and applications for licence for places to be newly opened shall be made not less than thirty days before they are opened.

(6) (a) The power of the Grama Panchayat to grant a licence for the purpose of manufacturing gun-powder or fire-works or storing any explosive or combustible materials specified in clauses (l) and (u) of sub-section (1) shall be subject to the provisions of the Indian Explosives Act, 1884 and the rules IV of 1884

framed thereunder and no such licence shall be granted unless the said provisions have been complied with by the applicant for the licence.

(b) The power of the Grama Panchayat to grant a licence for the purpose of storing kerosene, petroleum, naphtha or any other inflammable oil or spirit specified in clause (u) of sub-section (1) shall be subject to the provisions of the Petroleum Act, XXX of 1934 and the rules framed thereunder and no such licence shall be granted unless the said provisions have been complied with by the applicant for the licence.

Application to be made for constructions, establishment or installation of factory, workshop or workplace in which steam or other power is to be employed.

49-B. (1) Every person intending—

(a) to construct or establish any factory, workshop or workplace in which it is proposed to employ steam power, water power or other mechanical power or electrical power, or

(b) to install in any premises any machinery or manufacturing plant driven by steam, water or other power as aforesaid, shall before beginning such construction, establishment or installation make an application in writing to the Grama Panchayat for permission to undertake the intended work.

(2) The application shall be accompanied by—

(i) a plan of the factory, workshop, workplace or premises prepared in the prescribed manner, and

(ii) such particulars as to the power, machinery, plant or premises as may be required by bye-laws made in this behalf by the District Board.

(3) The Grama Panchayat shall as soon as may be after the receipt of the application—

(a) grant the permission applied for either absolutely or subject to such conditions as it thinks fit to impose, or

(b) refuse permission, if it is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or that it is likely to be injurious to public health or to cause a nuisance.

(4) Before granting permission under sub-section (3) the Grama Panchayat—

(a) shall obtain the approval of the Inspector of Factories appointed under the Factories Act, 1948 LXIII of 1948 having jurisdiction in the local area or if there is

more than one such Inspector, of the Inspector designated by the Provincial Government in this behalf by general or special order as regards the plan of the factory, workshop, workplace or premises with reference to—

(i) the adequacy of the provision for ventilation and light ;

(ii) the sufficiency of the height and dimensions of the rooms and doors ;

(iii) the suitability of the exits to be used in case of fire ;

(iv) the proper disposal of effluents from such mills and factories ; and

(v) any other prescribed matter ; and

(b) shall consult and have due regard to the opinion of District Health Officer as regards the suitability of the site of the factory, workplace, workshop or premises for the purpose specified in the application.

Power of Grama Panchayat to issue directions for abatement of nuisance caused by steam or other power.

49-C. (1) If in any factory, workshop, workplace in which steam power, water power or other mechanical power or electrical power is used nuisance is caused by reason of the particular kind of fuel employed or by reason of the noise or vibration created or by reason of insanitary conditions in and around the factory affecting the public health, the Grama Panchayat may issue such directions as it thinks fit for the abatement of the nuisance and rectifying the sanitary defects within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the Grama Panchayat may—

(a) prohibit the use of the particular kind of fuel employed, or

(b) restrict the noise or vibration by prohibiting the working of the factory, workshop or workplace between the hours of 9-30 P.M. and 5-30 A.M.

(3) Nothing in this section shall be deemed to empower the Grama Panchayat to pass an order which will be contrary to the provisions of the Factories Act, 1948 or the rules framed thereunder.

Power of Provincial Government to pass orders or give directions to Grama Panchayat.

49-D. The Provincial Government may, either generally or in any particular case, make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under section 49-B or section 49-C.

Power of the Sarpanch to enter factory, workshop or workplace.

49-E. (1) Subject to the provision of inspection in any other laws for the time being in force the Sarpanch of a Grama Panchayat or any person authorised by him in this behalf, may enter any factory, workshop or workplace—

(a) at any time between sunrise and sunset ;  
and

(b) at any time by day or by night, if he has reason to believe that any offence is being committed against section 49-B or section 49-C.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of any force necessary for the purpose of effecting an entrance under this section.

No enclosed place or building to be used as public resort without licence.

49-F. With the previous sanction of the Provincial Government, a Grama Panchayat may notify that no enclosed place, building or tent situated therein and covering an area of five hundred square feet or upwards shall be used by any person or party for the purpose of public resort or entertainment, the admission whereto, is regulated by payment of money, without obtaining a licence from it in the prescribed manner.

Fees for licences under this Chapter.

49-G. The Grama Panchayat may, subject to such maximum as may be determined by the Provincial Government by notification in that behalf, levy a fee in respect of any licence under this Chapter and the renewal thereof and may impose such conditions and restrictions on such licence as it may think necessary.

Penalty under this Chapter.

49-H. Every person who, having the immediate control of any place or building within the local area of the Grama Sabha, permits it to be used for any of the purposes in respect of which a licence is required under this Chapter without having obtained a licence therefor or having obtained a licence under this Chapter permits such use in contravention of any of the

conditions of such licence, shall be liable on conviction to a fine which may extend to one hundred rupees for the first offence, and if the offence be a continuing one, with a further fine which may extend to five rupees for every day after the first conviction during which an offender is proved to have persisted in the commission of the offence. ”

Amendment  
of section 97,  
Orissa Act  
XV of 1948.

8. To sub-section (1) of section 97 of the said Act, the following proviso shall be added, namely :—

“ Provided that the Registrar of Co-operative Societies may by notification delegate any of his powers and functions under this Act except the powers under clause (h) of section 98, to an officer not being below the rank of the Assistant Registrar, Co-operative Societies. ”

Amendment  
of section  
114, Orissa  
Act XV of  
1948.

9. In clause (xi) of sub-section (2) of section 114 of the said Act, before the word “ dismissal ” the following words shall be inserted, namely :—

“ (xi) appointment, qualifications, conditions of service. ”