

ORISSA ACT 9 OF 2004

***THE ORISSA GRAMA PANCHAYATS (AMENDMENT) ACT, 2004**

[Received the assent of the Governor on the 4th October, 2004, first published in an Extraordinary issue of the *Orissa Gazette* dated the 12th October, 2004 (No. 1368)]

AN ACT FURTHER TO AMEND THE ORISSA GRAMA PANCHAYATS ACT, 1964.

BE it enacted by the Legislature of the State of Orissa in the Fifty-fifth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Orissa Grama Panchayats (Amendment) Act, 2004.

Amendment
of Section
115.

2. In Sections 115 of the Orissa Grama Panchayats Act, 1964 (hereinafter referred to as the principal Act),—

Orissa Act
1 of 1965.

(a) for sub-sections (1), (2), (3) and (3a), the following sub-sections shall be substituted, namely :—

“(1) If the State Government, on the basis of a report of the Collector or the Project Director, District Rural Development Agency, or *suo motu* are of the opinion that circumstances exist to show that the Sarpanch or Naib-Sarpanch of a Grama Panchayat wilfully omits or refuses to carry out or violates the provisions of this Act or the rules or orders made thereunder or abuses the powers, rights and privileges vested in him or acts in a manner prejudicial to the interest of the inhabitants of the Grama and that the further continuance of such person in office will be detrimental to the interest of Grama Panchayat or the inhabitants of the Grama, they may, after giving the person concerned a reasonable opportunity of showing cause, remove him from the office of Sarpanch or Naib-Sarpanch, as the case may be.

(2) The State Government may, pending initiation of the proceeding on the basis of their opinion under sub-section (1), by order, for reasons to be recorded in writing, suspend the Sarpanch or Naib-Sarpanch, as the case may be, from the office.

(3) The State Government may, at any time during the pendency of proceeding under sub-section (1), revoke the order of suspension of a Sarpanch or Naib-Sarpanch passed under sub-section (2)”; and

(b) In sub-section (4), for the word, brackets and figure “sub-section (2)”, the word, brackets and figure “sub-section (1)” shall be substituted.

Amendment
of Sections
122 and 123.

3. For Sections 122 and 123 of the principal Act, the following Sections shall, respectively be substituted, namely :—

Executive
Officer of
Grama Sasan.

“122. (1) There shall be an Executive Officer for every Grama Sasan who shall,—

- (a) maintain the records of the proceedings of the meetings of Grama Panchayats;
- (b) remain in custody of all such records and documents, cash and valuable securities belonging to or vested in or under the direction, management or control, of the Grama Sasan as may be prescribed ; and
- (c) exercise such other powers, discharge such other duties and perform such other functions as may be prescribed.

(2) The VLWs. and VAWs. working in a district shall, for the purposes of sub-section (1), act as Executive Officers within the local area of such Grama or Gramas as may respectively be assigned to them by the Collector.

Explanation— For the purpose of sub-section (2),—

- (a) "VLWs." shall mean the Village Level Workers appointed by the Collector for implementing different developmental schemes relating to different levels of Panchayats in the State ; and
- (b) "VAWs." shall mean the Village Agriculture Workers appointed for extension of agricultural activities in the State.

(3) Subject to the general superintendence and overall control of the Grama Panchayat, the Executive Officer shall function under the control and supervision of the Director, Collector and the District Panchayat Officer.

Secretary and other employees of Grama Sasan.

123. (1) Subject to such general or special order as may be made in this behalf by the State Government, a Grama Panchayat may appoint a Secretary and such other employees for the Grama Sasan as may be necessary for enabling the Grama Panchayat to perform its functions, who shall discharge such duties and perform such functions as may be prescribed.

(2) The expenditure on remuneration or allowances of the Secretary and other staff appointed, if any, under sub-section (1) shall be borne by the Grama Panchayat.

(3) Notwithstanding anything to the contrary in sub-section (1), any person appointed as a Secretary prior to the commencement of the Orissa Grama Panchayats (Amendment) Act, 2004 shall be deemed to have been appointed as such under the said sub-section and he shall continue to receive the remunerations and other financial benefits, if any, as were admissible to him prior to such commencement."