

THE ODISHA PANCHAYAT LAWS (AMENDMENT) ACT, 2016

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LAW DEPARTMENT

NOTIFICATION

The 25th June, 2016

No. 6036-I-Legis-20/2016—The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 22nd June, 2016 is hereby published for general information.

ODISHA ACT 6 OF 2016

THE ODISHA PANCHAYAT LAWS (AMENDMENT) ACT, 2016

AN ACT FURTHER TO AMEND THE ODISHA GRAMA PANCHAYATS ACT, 1964, THE ODISHA PANCHAYAT SAMITI ACT, 1959 AND THE ODISHA ZILLA PARISHAD ACT, 1991

BE it enacted by the Legislature of the State of Odisha in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

Short title and
commencement.

1. (1) This Act may be called the Odisha Panchayat Laws (Amendment) Act, 2016.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

CHAPTER II

AMENDMENT TO THE ODISHA GRAMA PANCHAYATS ACT, 1964.

Amendment
of section 10.

2. In section 10 of the Odisha Grama Panchayats Act, 1964 (hereinafter referred to as the Grama Panchayats Act), in clause (a) of sub-section (4), for the words "after every two terms of general election", the words "at every general election" shall be substituted.

Odisha Act 1
of 1965.

Amendment
of section 24.

3. In section 24 of the Grama Panchayats Act, in sub-section (4), for the words "two years", the words "two years and six months" shall be substituted.

Amendment
of section 25.

4. In section 25 of the Grama Panchayats Act, in sub-section (1), clause (e) shall be omitted.

Amendment
of section 44.

5. In section 44 of the Grama Panchayats Act, in sub-section (1), in clause (p), for the words "destruction of ", the words "control of " shall be substituted.

Amendment
of section 55.

6. In section 55 of the Grama Panchayats Act,—

(i) in sub-section(1),—

(a) for the words "a Grama Panchayat may", the words "a Grama Panchayat with the approval of the Grama Sabha may" shall be substituted;

(b) clauses (b), (c), (d), (e), (o) and (q) shall be omitted;
and

(c) after clause (w), the following clause shall be inserted,
namely:—

"(w-1) installation and functioning of telecommunication towers, hoardings for commercial purpose;"

(ii) in sub-section (3),—

(a) in clause (a), for the words “The Grama Panchayat may”, the words “The Grama Panchayat with the approval of the Grama Sabha may” shall be substituted; and

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

“(b) In case the Grama Panchayat decides to refuse to grant the license, it shall communicate its decision to the Collector of the district who, on receipt of the information from the Grama Panchayat and after conducting such inquiry, as he deems fit, shall take appropriate decision on the matter.”

Amendment
of section 56.

7. In section 56 of the Grama Panchayats Act, for the words “a Grama Panchayat”, the words “a Grama Panchayat with the approval of the Grama Sabha” shall be substituted.

Amendment
of section 57.

8. In section 57 of the Grama Panchayats Act, for the words “The Grama Panchayat may”, the words “The Grama Panchayat with the approval of the Grama Sabha may” and for the words “the State Government by notification”, the words “the Collector by order” shall be substituted.

Insertion of
new section
57-A.

9. In the Grama Panchayats Act, after section 57, the following section shall be inserted, namely:—

“57-A. Any person aggrieved by the decision of the Grama Panchayat under sections 55, 56 and 57 may prefer an appeal before the concerned Revenue Divisional Commissioner whose decision thereon shall be final.”.

Amendment
of section 71.

10. In section 71 of the Grama Panchayats Act, after sub-section(4), the following sub-sections shall be inserted, namely:—

“(5) The Collector of the district shall review or cause to be reviewed the properties of every Grama Sasan in the month of December every year and on such review, if he finds that any property has not been vested in the Grama Sasan, he may recommend the State Government for vesting of the said property with the Grama Sasan.

(6) The Collector of the district, while reviewing the properties under sub-section(5), shall also review or cause to be reviewed whether the name of the Grama Panchayat has been properly recorded in the Record of Rights maintained in the Tahasil Office in respect to the landed properties including tanks and orchards transferred to the Grama Panchayat concerned and during such review, if the Collector finds that the same is not properly recorded in the name of the Grama Panchayat, he shall direct the concerned authorities for its proper recording.”.

Amendment
of section 83.

11. In section 83 of the Grama Panchayats Act, in the opening portion, after the words “Subject to the provisions of this Act and rules made thereunder”, the words “and with the approval of the Grama Sabha” shall be inserted.

Amendment
of section 94.

12. In section 94 of the Grama Panchayats Act, in the second proviso to sub-section (2), for the words “the Jawahar Rozgar Yojana”, the words “different State Schemes, Central Schemes or Centrally Sponsored Schemes” shall be substituted.

Amendment of section 122.

13. In section 122 of the Grama Panchayats Act,—

- (i) in sub-section(1), in the opening portion, for the words “There shall be an Executive Officer for every Grama Sasan”, the words “For every Grama Sasan there shall be a Panchyat Executive Officer to be appointed by the Collector” shall be substituted;
- (ii) for sub-section (2) including Explanation thereto, the following sub-section shall be substituted, namely:—

“(2) The Panchayat Executive Officers appointed under sub-section (1) shall act as such within the local area of such Grama or Gramas as may be assigned to them by the Collector.”. and
- (iii) in sub-section (3), for the words “Executive Officer”, the words “Panchayat Executive Officer” shall be substituted.

CHAPTER III

AMENDMENT TO THE ODISHA PANCHAYAT SAMITI ACT, 1959.

Amendment of section 16.

14. In section 16 of the Odisha Panchayat Samiti Act, 1959 (herein after referred to as the Panchayat Samiti Act), in clause (b) of sub-section (2-A), for the words “at the end of every two terms of general election”, the words “at every general election” shall be substituted.

Odisha Act 7 of 1960.

Amendment of section 45.

15. In section 45 of the Panchayat Samiti Act, in sub-section (1), clause (e) shall be omitted.

Amendment of section 46-B.

16. In section 46-B of the Panchayat Samiti Act, in sub-section(4), for the words “two years”, the words “two years and six months” shall be substituted.

CHAPTER IV

AMENDMENT TO THE ODISHA ZILLA PARISHAD ACT, 1991.

Amendment
of section 6.

17. In section 6 of the Odisha Zilla Parishad Act, 1991 (hereinafter referred to as the Zilla Parishad Act), in clause (b) of sub-section (3-A), for the words "at the end of every two terms of general election", the words "at every general election" shall be substituted.

Odisha
Act 17 of
1991.

Amendment
of section 33.

18. In section 33 of the Zilla Parishad Act, in sub-section (1), clause (d) shall be omitted.

Amendment
of section 39.

19. In section 39 of the Zilla Parishad Act, in sub-section (4), for the words "two years", the words "two years and six months" shall be substituted.

By Order of the Governor

B. P. ROUTRAY

Principal Secretary to Government.