

## ODISHA PANCHAYAT RAJ FINANCE COMMISSION ( MISCELLANEOUS PROVISIONS ) ACT, 1993

The Odisha . Gazette EXTRAORDINARY PUBLISHED BY AUTHORITY ORISSA ACT 28 OF 1993  
 \*THE ORISSA PANCHAYATI RAJ FINANCE COMMISSION ( MISCELLANEOUS PROVISIONS ) ACT, 1993 [ Received the assent of the Governor on the 18th December 1993, first published in an extraordinary issue of the Orissa Gazette, dated the 22nd December 1993]. AN ACT TO PROVIDE FOR THE COMPOSITION OF THE FINANCE THE QUALIFICATIONS REQUISITE FOR APPOINTMENT AS MEMBERS THEREOF AND THE MANNER IN WHICH THEY SHALL BE ELECTED AND TO PRESCRIBE THEIR POWERS. Enacted by the Legislature of the State of Orissa in the Forty-fourth year of the Republic of India as CHAPTER PRELIMINARY 1. (1) This Act may be called the Orissa Panchayati Raj Finance Commission Short title (Miscellaneous Provisions) Act, 1993. and commence-  
 ment. Definitions. (2) It shall come into force on such date as the State Government may, by notification, appoint

**2. In this Act, unless the context otherwise requires.**— (a) "Commission" means the Finance Commission constituted by the Governor pursuant to clause (1) of Article 243-1 of the Constitution; (b) "Grama Panchayat" means a Grama Panchayat constituted under the Orissa Act, Orissa Grama Panchayats Act, 1964; 1 of 1995. (c) "Member" means a member of the Commission and includes the Chairman thereof; (d) "Panchayati Raj institution" means a Grama Panchayat or a Samiti or a Parishad; (e) "Parishad" means a Zilla Parishad constituted under the Orissa Zilla Parishad Act, 1991; (j) "Prescribed" means prescribed by rules; (g) "Rules" means rules made under this Act; Orissa Act of 1991. (h) "Samiti" means a Panchayat Samiti constituted under the Orissa Panchayati Raj Act Samiti Act, 1959. of 1960

CHAPTER 11 COMPOSITION AND POWERS OF COMMISSION INCLUDING REQUISITE QUALIFICATIONS AND MANNER OF SELECTION OF MEMBERS 3, The Commission shall consist of a Chairman and four other members: Constitution of the Com- Provided that the Governor may increase the number of such other members. if he is of opinion. considers it so expedient in the interest of the Panchayati Raj institutions

**4. Unless otherwise determined by the Governor as and when circumstances require for appointment may so require:**—ment of manner of selection of members. (i) the Chairman of the Commission shall be a person having in public affairs, who shall be selected, except where it is impracticable in any situation, from among the members of the Council of Ministers of the State; and \* For the Bill, See Orissa Gazette. extraordinary, dated the 3rd January. 1993 (No. 1443) 96 (ii) the other members shall be selected from among the persons who are- Secretary to the Commission. Personal interest to disqualify Of being a member. Disqualification for being a member. Term of Office etc. sub 5. 6. (a) members of the Legislative Assembly of the State ; or (b) members of any All India Service or of State Civil Service ; or (c) experts in the field of economics or social sciences. The Secretary to the Government of Orissa in the Panchayati Raj Department shall be the Secretary to the Commission and shall convene the meetings of the Commission in consultation with the Chairman thereof. Before appointing a person to be a member, the Governor— (i) shall satisfy himself that such person will have no such financial or other interest as is likely to affect prejudicially his functions as such member ; and (ii) shall also satisfy himself from time to time with respect to every member (that he does not have any interest as mentioned in clause (i), and any person who is, or whom the Governor proposes to appoint to be, a member shall, whenever required by the Governor so to do. furnish to him such information as the Governor considers necessary for the purpose of his duties as a member

**7. A person shall be disqualified for being appointed or for continuing as a member, if he**—(a) is of unsound mind; (b) is an undischarged insolvent; (c) has been convicted of an offence involving moral turpitude; or (d) has such or other interest as is likely to affect prejudicially his functions as a member. 8. (1) Every member shall hold office for a period of five years commencing on the date on which the order of the Governor constituting the Commission is published in the Gazette and shall be eligible for reappointment. (2) Notwithstanding anything in sub-section (1) a member may, by writing under his hand addressed to the Governor, resign from the office at any time. (3) The Governor shall remove a person

from the office of member. if that person— (a) refuses to act or becomes of acting; or (b) is, without obtaining leave of absence from the Chairman, absent from three consecutive meetings of the Commission; or (c) has, in the opinion of the Governor, so abused the position of Chairman or member as to render that person's continuance in office detrimental to the interests of the Panchayati Raj institutions; or (d) has ceased to have the eligibility qualification as provided in Section (e) becomes subject to any of the specified in Section 7: Provided that no person shall be removed under clause (c) until that person has been given an opportunity of being heard in the matter. Powers of the Commission. Filling up 97 9. (1) The Commission shall, in the performance of their functions, have all the powers of a Civil Court while trying a suit. in respect of the following matters, namely:— (a) requiring the production of any document\* information or data from the Panchayati Raj institutions; (b) summoning and enforcing the attendance of any authority or official connected with the affairs of the Panchayati Raj institutions and requiring them to furnish information on such points or matters as in the opinion of the Commission may be useful for, or to, any matter under consideration of the Commission or connected with the affairs of the Panchayati Raj institutions. (2) In the performance of their functions, the Commission shall also have the powers to— (a) enter into the premises of any Panchayati Raj institution to inspect its functioning; and (b) review the day-to-day income and expenditure of any such institution and to examine— (i) the pattern of assistance required from the Government for such institutions; (ii) the principles which shall govern the grant-in-aid from the Government to such institutions; the measures directed towards maintaining a sound financial position of such institutions including the power to impose taxes and fees; (iv) such other matters as they may consider appropriate for the purpose of laying a sound financial base for such institutions to enable them to discharge their powers and functions effectively. CHAPTER III MISCELLANEOUS. Any casual vacancy in the office of the Chairman or of a member due to casual vacancies, death, resignation, removal or otherwise shall be filled up by the Governor by fresh Appointment in accordance with this Act of a person thereto, Who shall hold office for the unexpired period of the term of the Chairman or the member in whose place he is appointed- 11. (1) The office of the Chairman and of every other member shall be honorary: Conditions of service and salaries and Provided that the Chairman and the other members may be paid such honorarium allowances of as the State Government may, by rules, determine from time to time. members. (2) The Chairman and the other members shall be paid travelling allowance at such rate as the State Government may, by rules, determine from time to time. Officers and 12. (1) The State Government shall provide the Commission with such officers and other employees as may be necessary for the efficient performance of the functions of the Commission. (2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and employees appointed for the purpose of the Commission shall such as may be prescribed. 98 Procedure 13. (1) The Commission shall meet as and when necessary at such time and place as the Chairman may decide. the Commission, (2) The Secretary to the Commission shall intimate the members the date time and place of every meeting of the Commission. (3) The Commission shall regulate its own procedure

**14. No act or proceeding of the Commission shall be invalid on the ground of vacancies, etc. not 10 merely of the existence of any vacancy or defect in the constitution of the Commission.** invalidate proceedings of Commission. Power 15. (1) The State Government may, by notification, make rules for carrying out the provisions of this Act. (2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely:— (a) the honorarium that may be paid under the proviso to sub-section (1) of Section 11 to the Chairman and the other members; (b) the rate at which travelling allowance shall be paid to the Chairman and other members under sub-section (2) of Section 11; (c) the salaries and allowances payable to, and other terms and conditions of service of, the officers and employees appointed for the purpose of the Commission under sub-section (2) of Section 12; (d) the manner of intimating the date, time and place of meetings of the Commission to the members under sub-section (2) of Section 13; (e) any other matter which is required to be, or may be, prescribed. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Gazette, make provision not inconsistent with the provisions of this Act as appears to it to be necessary or expedient, for removing the difficulty. (2) Every order made under this section shall, if made, be laid before the State Legislature.. as soon as may be after it 70 ORISSA Act 14 OF 1996 ORISSA PANCHAYATI RAJ

# FINANCE COMMISSION (MISCELLANEOUS PROVISIONS) AMENDMENT ACT, 1996 TABLE OF CONTENTS SECTIONS : 1. 2. 3. 4. 5. 7. 9

## 10. Short title and commencement Amendment of section 1 Amendment of section 2 Amendment of section 3, 4 and 5 Amendment of section 8 6.\*Amendment of section 13 Amendment of section 14 and savings 9 11 15 71 ORISSA ACT 14 OF 1996

\*THE ORISSA PANCHAYATI RAJ FINANCE COMMISSION (MISCELLANEOUS PROVISIONS) AMENDMENT ACT, 1996 [Received of the Governor on the 27th December 1996, first published in an extraordinary Short title and mat. Amendment of Eion 1. Amendment Of 2. Amendment issue of the Gazette, dated the 30th December 1996] AN Act TO AMEND ORISSA PANCHAYATI RAJ FINANCE COMMISSION (MISCELLANEOUS PROVISIONS) Act, 1993 B E it enacted by the Legislature of the State of Orissa in the Forty-seventh Year of the Republic of India as follows 1. (1) This Act may be called the Orissa Panchayati Raj Finance Commission (Miscellaneous Provisions) Amendment Act, 1996. (2) It shall be deemed to have come into force on the 18th day of October, 1996

2. In Section 1 of the Orissa Panchayati Raj Finance Commission ( Miscellaneous Act Provision) Act, 1993 (hereinafter referred to as the principal Act), in sub-section (1), 28 of 1993\* the words -"Panchayati Raj" shall be omitted

3. In Section 2 of the principal Act— (i) after clause (b), the following clause shall be inserted, namely '(b-1) "institution" means any Panchayati Raj Institution or a Municipality'; and (ii) after clause (c), the following clause shall be inserted, namely : '(c-1) "Municipality" means a Municipality as defined in the Orissa Municipal Act, 1950'. 23 of 1950

## 4. In the Principal Act, for Sections 3, 4 and 5, the following Sections shall be substituted, namely 4 and 5.

3. The Commission shall consist of a Chairman and four other members out of whom one shall be appointed as the Member-Secretary: Provided that Governor may increase the number of such other members if he considers it expedient in the interest of the Panchayati Raj Institutions and Municipalities. 4. (1) The Chairman of the Commission shall be,— (a) a serving or a retired Judge of the High Court ; or (b) a person of eminence with substantial experience in public affairs ; or (c) a serving or retired Government Servant with wide experience in the field of administration ; or (d) an eminent economist. (2) The members other than Member-Secretary of the Commission shall be selected from among the persons who— (a) have special knowledge in public finance and accounts ; or (b) have had wide experience in the field of public finance and administration ; or (c) have special knowledge and experience relating to local self-Government in both urban and rural areas ; or (d) have special knowledge of economics. • For the Bill, See Orissa Gazette, Extraordinary, dated the 27th November, 1996 (No. 1244) Amendment of Section 8. Amendment of Section 9, Amendment 72 5. The Member-Secretary of the Commission shall be appointed by the Governor from amongst officers belonging to the All India Service or any State Cadre, who have had at least ten years of service under the State Government and have adequate knowledge in public finance

5. In section B of the principal Act,—(i) for sub-sections (1) and (2) the following sub-sections shall be substituted, namely "(1) Every member including the Chairman of the Commission shall hold office for such period as may be specified in the notification of the Governor appointing him, but shall be eligible for re-appointment: Provided that he may, by letter addressed to the Governor, resign his office. (2) The members of the Commission shall render whole time or part-time service to the Commission as the Governor may, in each case, specify"; and (ii) in clause (c) of sub-section (3), after the words "Panchayati Raj Institutions", the words "or Municipality" shall be inserted

6. In section 9 of the principal Act,—(i) in sub-section (1) after the words 'Panchayati Raj institutions' wherever they occur, the words 'and the Municipalities' shall be inserted; and (ii) in sub-section (2), in clause (a) after the words "Panchayati Raj institution", the words "or a Municipality" shall be inserted. In the principal Act, for Section 11, the following Section shall be substituted, of Section 10 namely:— 11. "11. There shall be paid to members of the Commission including the Chairman and the Member-Secretary such fees or salaries and such allowances as the State Government may, by notification, determine. Amendment 8. In the principal Act, in sub-section (2) of Section 13, for the word "Secretary", of Section the words "Member-Secretary" shall be substituted. 13. 9. In the principal Act, in Section 15, sub-section (2) shall be omitted. Amendment or 15. 10. (1). The Orissa Panchayati Raj Finance. Commission

(Miscellaneous Provisions) Orissa Repeal and Amendment Ordinance, 1996 is hereby repealed. Ordinance B avings. No. 2 of (2) Notwithstanding such repeal, anything done or . any action taken under the 1996-principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

