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LAW DEPARTMENT

NOTIFICATION

The 24th December, 2021

ADK
4/1/2021

No.13250-I-Legis-30/2021/L.— The following Ordinance promulgated by the Governor of Odisha on the 23rd December, 2021 is hereby published for general information.

ODISHA ORDINANCE NO. 02 OF 2021

THE ODISHA PANCHAYAT LAWS (AMENDMENT) ORDINANCE, 2021.

AN

ORDINANCE

FURTHER TO AMEND THE ODISHA GRAMA PANCHAYATS ACT, 1964,

THE ODISHA PANCHAYAT SAMITI ACT, 1959 AND

THE ODISHA ZILLA PARISAD ACT, 1991.

WHEREAS the Legislature of the State of Odisha is not in session;

AND WHEREAS the Governor of Odisha is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Odisha Grama Panchayat Act, 1964, the Odisha Panchayat Samiti Act, 1959 and the Odisha Zilla Parisad Act, 1991 in the manner hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Odisha is pleased to make and promulgate the following Ordinance in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and
Commencement.

1. This Ordinance may be called the Odisha Panchayat Laws (Amendment) Ordinance, 2021.

CHAPTER II

AMENDMENT TO THE ODISHA GRAMA PANCHAYATS ACT, 1964.

Amendment
of section 25.

2. In section 25 of the Odisha Grama Panchayats Act, 1964 (hereinafter referred to as the Grama Panchayats Act),—

Odisha
of 1965

(i) in sub-section (1), after clause (v), the following clause shall be inserted, namely:—

" (w) has not furnished an affidavit containing particulars relating to his criminal antecedents, assets and liabilities and educational qualification at the time of filing of nomination."; and

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) A candidate who himself or through his proposer, with intent to be elected in an election gives false information which he knows or has reason to believe to be false or conceals any information in his nomination paper or in his affidavit which is required to be delivered under clause (w) of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both. "

Amendment of
section 44.

3. In section 44 of the Grama Panchayats Act, in sub-section (1), after clause (h), the following clause shall be inserted, namely:—

" (h-1) subject to the provisions of the Disaster Management Act, 2005, preparation of Disaster Management Plan at village and Grama Panchayat level, integration with development plan, capacity building of stakeholders, carrying out and facilitation of relief, rehabilitation and reconstruction activities in disaster affected areas in accordance with State Plan and District Plan, and to undertake other measures as may be necessary for disaster management;

Act 53 of
2005.

Explanation.— For the purpose of this clause, the expression 'disaster management' shall have the same meaning as assigned to it under clause (e) of section 2 of the Disaster Management Act, 2005;".

Act 53 of
2005.

CHAPTER III

AMENDMENT TO THE ODISHA PANCHAYAT SAMITI ACT, 1959.

Amendment of
section 20

4. In section 20 of the Odisha Panchayat Samiti Act, 1959 (hereinafter referred to as the Panchayat Samiti Act), in sub-section (1), after clause (a-ii), the following clause shall be inserted, namely:—

Odisha Act 7
of 1960.

- " (a-iii) subject to the provisions of the Disaster Management Act, 2005, preparation of Disaster Management Plan at Panchayat Samiti level, integration with development plan, capacity building of stakeholders, carrying out and facilitation of relief, rehabilitation and reconstruction activities in disaster affected areas in accordance with State Plan and District Plan and to undertake other measures as may be necessary for disaster management; -

Act 53
of 2005

Explanation.— For the purpose of this clause, the expression 'disaster management' shall have the same meaning as assigned to it under clause (e) of section 2 of the Disaster Management Act, 2005;".

Act 53 of
2005.Amendment
of section 45.

5. In section 45 of the Panchayat Samiti Act, —

(i) in sub-section (1), after clause (v), the following clause shall be inserted, namely:—

- " (w) has not furnished an affidavit containing particulars relating to his criminal antecedents, assets and liabilities and educational qualification at the time of filing of nomination."; and

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) A candidate who himself or through his proposer, with intent to be elected in an election gives false information which he knows or has reason to believe to be false or conceals any information in his nomination paper or in his affidavit which is required to be delivered under clause (w) of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both. "

CHAPTER IV
AMENDMENT TO THE ODISHA ZILLA PARISHAD ACT, 1991

Amendment of
section 33.

6. In section 33 of the Odisha Zilla Parishad Act, 1991,—

Odisha Act 17
of 1991.

(i) in sub-section (1), after clause (w), the following clause shall be inserted, namely:—

" (x) has not furnished an affidavit containing particulars relating to his criminal antecedents, assets and liabilities and educational qualification at the time of filing of nomination."; and

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) A candidate who himself or through his proposer, with intent to be elected in an election gives false information which he knows or has reason to believe to be false or conceals any information in his nomination paper or in his affidavit which is required to be delivered under clause (x) of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both. "

Dated the 23rd of December, 2021

PROF. GANESHI LAL
GOVERNOR OF ODISHA

DILIP KUMAR MISHRA
Principal Secretary to Government (I/C)