

The Orissa Panchayati Raj Finance Commission (Miscellaneous Provisions) Act, 1993

ODISHA

India

The Orissa Panchayati Raj Finance Commission (Miscellaneous Provisions) Act, 1993

Act 28 of 1993

- Published on 18 December 1993
- Commenced on 18 December 1993
- [This is the version of this document from 18 December 1993.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Panchayati Raj Finance Commission (Miscellaneous Provisions) Act, 1993 Orissa Act No. 28 of 1993 Published vide Orissa Gazette Extraordinary No. 1657-Dated/22.12.1993-Notification No. 16319/ Legislative-Dated/22.12.1993.(Assented to by the Governor on the 18th December, 1993).An Act to provide for the composition of the Finance Commission, the qualifications requisite for appointment as members thereof and the manner in which they shall be selected and to prescribe their powers.Be it enacted by the Legislature of the State of Orissa in the Forty-fourth Year of the Republic of India, as follows :Chapter-I Preliminary

1. Short title and commencement.

(1)This Act may be called the Orissa [* * *] [Omitted vide Orissa Act No. 14 of 1996 O.G.E. No. 1405 dated 30.12.1996.] Finance Commission (Miscellaneous Provisions) Act, 1993.(2)It shall come into force on such date as the State Government may, by Notification, appoint.

2. Definitions.

- 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-I of the Constitution;(b)"Grama Panchayat" means a Grama Panchayat constituted under the Orissa Grama Panchayat Act, 1964 (Orissa Act 1 of 1965);[(b-1) "institution" means any Panchayati Raj Institution or a Municipality;] [Inserted vide Orissa Act No. 14 of 1996 O.G.E.No. 1405 dated 30.12.1996.](c)"member" means a member of the Commission and includes the Chairman thereof;[(c-1) "Municipality" means a Municipality as defined in the Orissa Municipal Act, 23 of 1950;] [Inserted vide Orissa Act No. 14 of 1996 O.G.E.No. 1405 dated 30.12.1996.](d)"Panchayati Raj institution" means a Grama Panchayat or a Samiti of a Parishad.(e)"Parishad" means a Zilla

Parishad constituted under the Orissa Zilla Parishad Act, 17 of 1991;(f)"prescribed" means prescribed by rules;(g)"rules" means Rules made under this Act;(h)"Samiti" means a Panchayat Samiti constituted under the Orissa Panchayat Samiti Act, 1959 (Orissa Act 7 of 1960);Chapter-II
Composition and Powers of Commission Including Requisite Qualification and Manner of Selection of Members

3. [Constitution of Commission. [Substituted vide Orissa Act No. 14 of 1996 O.G.E.No. 1405 dated 30.12.1996.]

- The Commission shall consist of a Chairman and four other members out of whom one shall be appointed as the Member-Secretary :Provided that the Governor may increase the number of such other members if he considers it so expedient in the interest of the Panchayati Raj Institutions and Municipalities.

4. Qualification for appointment and manner of selection of members.

(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.

5. Secretary to the Commission.

- 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 of public finance.]

6. Personal interest to disqualify for being a member.

- 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 performance by him of his duties as a member.

7. Disqualification for being a member.

- 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 financial or other interest as is likely to affect prejudicially his functions as a member.

8. Terms of office of members.

- [(1) Every member including the Chairman of the Commission shall hold office for such period as may be specified in Notification of the Governor appointing him, but shall be eligible for re-appointing :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.] [Substituted vide Orissa Act No. 14 of 1996 O.G.E.No. 1405 dated 30.12.1996.](3)The Governor shall remove a person from the office of member, if that person-(a)refuses to act or becomes incapable 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 the Municipalities] [Inserted vide Orissa Act No. 14 of 1996 O.G.E.No. 1405 dated 30.12.1996.]; or(d)has ceased to have the eligibility qualification as provided in Section 4; or(e)becomes subject to any of the disqualification 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.

9. Powers of Commission.

(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 [and the Municipalities] [Inserted vide Orissa Act No. 14 of 1996 O.G.E.No. 1405 dated 30.12.1996.];(b)summoning and enforcing the attendance of any authority or official connected with the affairs of the Panchayati Raj institutions [and the Municipalities] [Inserted vide Orissa Act No. 14 of 1996 O.G.E.No. 1405 dated 30.12.1996.] and requiring them to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under consideration of the Commission or connected with the affairs of the Panchayati Raj institutions [and the Municipalities] [Inserted vide Orissa Act No. 14 of 1996 O.G.E.No. 1405 dated 30.12.1996.].(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 [or a Municipality] [Inserted vide Orissa Act No. 14 of 1996 O.G.E.No. 1405 dated 30.12.1996.] to inspect its functioning; and(b)review the day to day income, expenditure of any such institutions 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;(iii)the measures directed towards maintaining a sound financial position of such institutions including the powers 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

10. Filling up casual vacancies.

- Any casual vacancy in the office of the Chairman or of a member due to 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 so appointed.

11. [Conditions of service and salaries and allowances of members. [Substituted vide Orissa Act No. 14 of 1996 O.G.E.No. 1405 dated 30.12.1996.]

- 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.]

12. Officers and other employees of the Commission.

(1)The State Government shall provide the Commission with such officers and 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 be such as may be prescribed.

13. Procedure to be regulated by the Commission.

(1)The Commission shall meet as and when necessary at such time and place as the Chairman may decide.(2)The [Member-Secretary] [Substituted vide Orissa Act No. 14 of 1996 O.G.E.No. 1405 dated 30.12.1996.] 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. Vacancies, etc. not to invalidate proceedings of the Commission.

- No act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

15. Power to make rules.

(1)The State Government may, by notification, make rules for carrying out the provisions of this Act.(2)[* * *] [Omitted vide Orissa Act No. 14 of 1996 O.G.E. No. 1405 dated, 30.12.1996.]

16. Power to remove difficulties.

(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 provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for removing the difficulty. (2) Every order made under this section shall, as soon as may be after it is made be laid before the State Legislature.