

The Orissa Panchayat Samiti (Conduct of Enquiry by the District Judge into the Allegations or Doubts about Disqualifications of Members) Rules, 1973

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Rule

THE-ORISSA-PANCHAYAT-SAMITI-CONDUCT-OF-ENQUIRY-BY-THE-DISTRICT-JUDGE-INTO-THE-ALLEGATIONS-OR-DOUBTS-ABOUT-DISQUALIFICATIONS-OF-MEMBERS) RULES, 1973

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The Orissa Panchayat Samiti (Conduct of Enquiry by the District Judge into the Allegations or Doubts about Disqualifications of Members) Rules, 1973 Published vide Notification S.R.O. No. 1046/73 dated 8th December, 1973, Orissa Gazette Extraordinary No. 1684/13.12.1973 S.R.O. No. 1046/73 dated 8th December, 1973. - In exercise of the powers conferred by Section 57 of the Orissa Panchayat Samiti, Act, 1959 (Act 7 of 1960), the State Government do hereby make the following rules relating to conduct of enquiry by the District Judge into the allegations or doubts about disqualifications of members of the Panchayat Samiti.

1. Short title and commencement.

(a) These rules may be called the Orissa Panchayat Samiti (Conduct of Enquiry by the District Judge into the Allegation or Doubts about Disqualifications of Members) Rules, 1973. (b) These rules shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires- (a) "Act" means the Orissa Panchayat Samiti Act, 1959; (b) "Samiti" means the Panchayat Samiti; (c) "Member" means the member of the Samiti having a right to vote; (d) words and expressions used in these rules but not defined shall have the

same meaning assigned to them respectively in the Act.

3.

The application under Section 45-B of the Act, shall be filed before the District Judge having jurisdiction over the place where the office of the Samiti is situated.

4.

The application shall be presented on one or more of the grounds specified in Section 45 of the Act, before the District Judge, as specified in Rule 3 together with a deposit of Rs. 50 as security for cost.

5.

No member shall be debarred from holding office as such member merely by reason of an application having been filed against him under Rule 3.

6.

The application may be presented by-(a)a member who himself is in doubt whether or not he is or has become disqualified and in such case the applicant may implead any member or members as opposite party;(b)any one or more members alleging that a member or members is/are or has/have been disqualified and in such case all or any of the other members may be impleaded as opposite party;(c)the Chairman of the Samiti at the request of the Samiti and in such case, the member or members, against whom the doubt or allegations of disqualifications have been raised may be impleaded as opposite party.

7.

(1)An application under Rule 3 shall-(a)contain a concise statement of material facts on which the application relies;(b)set forth full particulars of disqualifications that the applicant alleges or about which the applicant has doubt including the names of the party alleged to have incurred the disqualifications;(c)be signed by the applicant and verified in the manner laid down in the Code of Civil Procedure, 1908 for the verification of pleadings.(2)Any Schedule or Annexure to the application shall also be signed by the applicant and verified In the same manner as the application.

8.

Subject to the provisions of the Orissa Panchayat Samiti Act, 1959 and the rules made thereunder, every application under Rule 3 shall be enquired into by the District Judge, as nearly as may be, in accordance with the procedure applicable to the suits under the Code of Civil Procedure, 1908.

9.

The District Judge shall not be required to record or to have the evidence recorded in full but shall make a memorandum of the evidence sufficient in his opinion for the purpose of deciding the case.

10.

The District Judge may require the party applying for summons to cause the attendance of a witness to deposit such sum of money as appears to him to be responsible to defray the travelling and other expenses of the person summoned and reasonable expenses incurred by the person thus attending to give evidence may be allowed and paid to him which shall, unless the District Judge otherwise directs, be deemed to be a part of the cost.

11.

Any order as to costs passed by the District Judge shall be executed by him on application made in that behalf in the same manner and by the same procedure, as if it were a decree for the payment of money passed by himself in a suit.

12.

Any appearance, application or act before the District Judge may be made or done by the party in person or by a pleader duly appointed to act on his behalf :Provided that it shall be open to the District Judge to direct any party to appear in person whenever the District Judge considers it necessary.

13.

(1)The District Judge after making such enquiry shall decide whether or not the person whose membership is called in question by an application under Rule 3 is or has become disqualified on any of the grounds specified in Section 45 of the Act and shall either allow or dismiss the application, as the case may be, and may award cost, at his discretion to the successful party.(2)If the District Judge under Sub-rule (1) finds that the person whose membership in question is or has become disqualified, such person shall cease to be a member of the Samiti from the date of such order.