

THE ORISSA PANI PANCHAYAT (AMENDMENT) ACT, 2008

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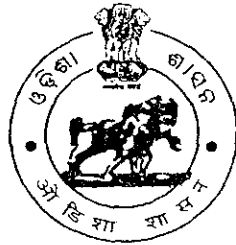
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LAW DEPARTMENT

NOTIFICATION

The 20th January 2009

No. 1105/I-Legis.-13/08—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 24th December, 2008 is hereby published for general information.

ORISSA ACT 3 OF 2009

THE ORISSA PANI PANCHAYAT (AMENDMENT) ACT, 2008

AN ACT TO AMEND THE ORISSA PANI PANCHAYAT ACT, 2002

BE it enacted by the Legislature of the State of Orissa in the Fifty-ninth Year of the Republic of India as follows :—

Short title. 1. This Act may be called the Orissa Pani Panchayat (Amendment) Act, 2008.

Amendment of section 2. 2. In section 2 of the Orissa Pani Panchayat Act, 2002 (hereinafter referred to as the principal Act), in sub-section (1), in clause (x), for the words "and domestic purpose", the comma and words ",fishery or for any domestic purpose" shall be substituted. Orissa Act 10 of 2002.

Amendment of section 3. 3. In the principal Act, in section 3, in sub-section (4),—
(a) for clause (i), the following clause shall be substituted, namely :—

"(i) Every Pani Panchayat shall consist of all water users in the area of a Pani Panchayat who are land holders in that area :

Provided that, where the area of any Pani Panchayat comes under a minor irrigation system, the Fishermen of that area who do not hold any land therein but earn their livelihood by fishing may be admitted as members of the Pani Panchayat in such manner and subject to such conditions as may be prescribed.";

(b) in Explanations I and II, after the word "land holder", the words "or Fisherman", shall be inserted ;

(c) after Explanation II, the following Explanation shall be inserted, namely :—

"Explanation III.—Where a Fisherman holds any land in the area of the Pani Panchayat, he may be allowed to be a Member of the Pani Panchayat as a land holder."

Amendment
of section 4:

4. In the principal Act, in section 4,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) All the land holders in a chak of the Pani Panchayat shall elect three members in the manner as may be prescribed to form a chak committee in such a way that there shall be one member from the upper reach, one from the middle reach and one from the lower reach within the chak and simultaneously elect one among those three, on rotation basis in the prescribed manner, to represent the chak in the Executive Committee of the Pani Panchayat :

Provided that, in case of a Pani Panchayat which comes under a minor irrigation system other than a Lift Irrigation Point, if the number of chaks in that Pani Panchayat is less than four and consequently the number of members elected to represent in the Executive Committee being less than four, the remaining members so fall short of four shall be elected by the members of the General Body of the Pani Panchayat in such manner as may be prescribed :

Provided further that, in case of Lift Irrigation Points the members of the Executive Committee of a Pani Panchayat shall be elected by the members of the General Body of the Pani Panchayat in such manner as may be prescribed.

Explanation.—A person who holds land in more than one chak in a Pani Panchayat, shall be eligible to contest election to any one of the chak committees of the said Pani Panchayat of his choice."

(b) after sub-section (1), the following sub-sections shall be inserted, namely :—

"(1-a) the term of office of a member of a chak committee other than a member elected to fill up a casual vacancy, shall be six years :

Provided that, the member whose term of office in the Executive Committee is declared, by lottery, to be three years in accordance with the provision of sub-section (6), the term of office of that member including other members in the chak committee shall also be three years.

(1-b) In case of a Pani Panchayat which comes under Minor Irrigation System other than Lift Irrigation Point, not more than two members belonging to fisherman category who do not hold land therein, shall be elected to the Executive Committee by the members of the General Body of the said Pani Panchayat in such manner, as may be prescribed.”;

(c) in sub-section (2), for the words “There shall be an Executive Committee”, the words “Save as otherwise provided in sub-section (1) and sub-section (1-b) there shall be an Executive Committee” shall be substituted ;

(d) after sub-section (2), the following sub-section shall be inserted, namely :—

“(2-a) As nearly as may be but not less than one-third of the total number of seats in the Executive Committee of every Pani Panchayat shall be reserved for women and allotted by rotation to different chaks in a Pani Panchayat in such manner as may be prescribed :

Provided that, in case of a Pani Panchayat which comes under Minor Irrigation System, if the number of chaks is less than four and in case of the Lift Irrigation Points the procedure of reservation relating to allotment of seats by rotation shall be such as may be prescribed.”;

(e) in sub-section (3), for the words “The Superintending Engineer”, the words “Subject to the provision of sub-section (1), the Superintending Engineer”, shall be substituted ;

(f) for sub-section (6), the following sub-sections shall be substituted, namely:—

“(6) The term of office of a member of the Executive Committee of a Pani Panchayat, other than a member elected to fill a casual vacancy, shall be six years, but before constitution of the first Executive Committee of any Pani Panchayat after the commencement of the Orissa Pani Panchayat (Amendment) Act, 2008, the Superintending Engineer and in case of Lift Irrigation Point, the Executive Engineer or any other officer referred to in sub-section (3) shall, by means of lottery held in such manner as may be prescribed, by order, declare that as nearly as possible one-half of the elected members shall hold office for a term of three years and the remaining elected members and the members elected after three years shall hold office for a term of six years in order that one half of the members shall retire every third year thereafter.

Explanation.—For removal of doubt it is hereby declared that the members elected to the Executive Committee of any Pani Panchayat immediately before commencement of the Orissa Pani Panchayat (Amendment) Act, 2008 shall continue to remain in office in its full term as per the provisions of this Act existing immediately before commencement of the said Amendment Act.

(6-a) As soon as may be, after completion of election to the office of members of the Executive Committee, the name of elected members shall be published in the prescribed manner and accordingly, the term of office of the members of the Executive Committee of the Pani Panchayat shall begin on the date of such publication.

(6-b) The President elected under sub-section (4) shall hold office for a period of three years or so long as he continues to be a member of the Executive Committee, whichever is earlier.”.

Amendment of section 5. 5. In the principal Act, sub-section (4) of section 5, shall be omitted.

Amendment of section 6. 6. In the principal Act, for sub-section (4) of section 6, the following sub-section shall be substituted, namely:—

“(4) The President, if not recalled earlier, and the members of the Executive Committee of Distributary Committee shall hold office so long as they continue to be members of the General Body of the said Committee.”.

Amendment of section 7. 7. In the principal Act, sub-section (4) of section 7 shall be omitted.

Amendment of section 8. 8. In the principal Act, for sub-section (4) of section 8, the following sub-section shall be substituted, namely:—

“(4) The President, if not recalled earlier, and the members of the Executive Committee of the Project Committee shall hold office so long as they continue to be members of the General Body of the said Committee.”.

Amendment of section 17. 9. In the principal Act, in clause (b) of section 17, for the words “with the funds”, the words and comma “and head works of Minor Irrigation Systems other than Lift Irrigation Point under the supervision of the concerned Executive Engineers, out of the fund” shall be substituted.

By order of the Governor

B. K. NAYAK

Principal Secretary to Government