

## ORISSA ORDINANCE No. 2 OF 1962

THE ORISSA PANCHAYAT SAMITI AND ZILLA PARISHAD  
(AMENDMENT AND VALIDATION) ORDINANCE, 1962

[Promulgated by the Governor on the 26th June 1962,  
published in an extraordinary issue of the Orissa  
Gazette, dated the 26th June 1962]

AN

## ORDINANCE

TO AMEND CERTAIN PROVISIONS OF THE ORISSA PANCHAYAT SAMITI  
AND ZILLA PARISHAD ACT, 1959 AND TO VALIDATE CERTAIN  
PROCEEDINGS OF THE PANCHAYAT SAMITIS AND  
ZILLA PARISHADS

**W**HEREAS the Legislature of the State of Orissa is not in session;

AND WHEREAS the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action in the matter of amending the Orissa Panchayat Samiti and Zilla Parishad Act, 1959 and in the matter of validating certain proceedings of the Panchayat Samitis and Zilla Parishads in the manner hereinafter appearing; Orissa Act 7 of 1960.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirteenth Year of the Republic of India:—

Short title  
and com-  
mencement.

1. (1) This Ordinance may be called the Orissa Panchayat Samiti and Zilla Parishad (Amendment and Validation) Ordinance, 1962.

(2) Clause (b) of section 2 of this Ordinance shall be deemed to have come into force on the 16th December 1961 and the rest of this Ordinance shall come into force at once.

Amendment  
of section  
45-D, Orissa  
Act 7 of  
1960.

2. In section 45-D of the Orissa Panchayat Samiti and Zilla Parishad Act, 1959 (hereinafter referred to as the principal Act)— Orissa Act 7 of 1960.

(a) in sub-section (2) for the words "or at any one of the first three meetings" the words "or on or before the date of the third ordinary meeting held subsequent to the date first mentioned" shall be substituted;

(b) after sub-section (4), the following sub-section shall be added, namely:—

"(5) Nothing in this section shall be deemed to require the taking of oath in the case of—

(a) members specified in clauses (f) and (g) of sub-section (1) of section 6 and clauses (f) and (g) of sub-section (1) of section 16;

(b) a member of the Parishad who as a member of the Samiti has taken oath at a meeting of such Samiti; and

(c) a member of the Samiti who as a member of the Parishad has taken oath at a meeting of such Parishad."

Validation  
of proceed-  
ings.

3. Notwithstanding anything to the contrary in section 45-D of the principal Act as amended by this Ordinance—

(a) where a person having been a member, not covered by sub-section (5) of the said section, has ceased to hold office in pursuance of the said section and no successor has entered office in accordance with sub-section (2) or the second proviso to sub-section (3) of section 6 or, as the case may be, sub-section (5) of section 16 prior to the date of coming into force of this section such person shall, subject to the provisions hereinafter contained, be deemed to be a member validly holding office on the said date;

(b) the person specified in clause (a) shall for the purposes of section 45-D take oath on or before the 1st of October 1962 at any one of the meetings of the Samiti or Parishad of which he becomes a member in pursuance of the said clause;

(c) no proceeding or resolution of the Samiti or Parishad and no decision made, orders passed, actions taken or things done by or on behalf of or on the authority of the Samiti or Parishad shall be deemed to be invalid merely on the ground that all or any of the members of such Samiti or Parishad had ceased to hold office in pursuance of section 45-D of the principal Act prior to the date of coming into force of this section.

Dated the 26th June 1962

Y. N. SUKTHANKAR  
Governor of Orissa