

ORISSA ACT 20 OF 1995

**THE ORISSA PANCHAYAT SAMITI (AMENDMENT) ACT, 1995**

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## ORISSA ACT 20 OF 1995

## \* THE ORISSA PANCHAYAT SAMITI (AMENDMENT) ACT, 1995

[ Received the assent of the Governor on the 15th December 1995, first published in an extraordinary issue of the *Orissa Gazette*, dated the 21st December 1995 ]

## AN ACT FURTHER TO AMEND THE ORISSA PANCHAYAT SAMITI ACT, 1995.

**BE** it enacted by the Legislature of the State of Orissa in the Forty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Orissa Panchayat Samiti (Amendment) Act, 1995.
- (2) It shall be deemed to have come into force on the 27th day of September, 1995.

Amendment of section 3.

2. In section 3 of the Orissa Panchayat Samiti Act, 1959 (hereinafter referred to as the principal Act), after clause (f), the following clause shall be inserted, namely:—

“(f-1) ‘Samiti area’ or ‘area of the Samiti’ shall mean Block;”.

Amendment of section 16.

3. In section 16 of the principal Act,—

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

“Explanation—For the purpose of clause (b), ‘constituency’ shall mean a constituency as may be determined under sub-section (2-A) subject to article 243-C of the Constitution.”;—

(ii) in sub-section (2),—

(a) after clause (b), the following clauses shall be inserted, namely:—

“(b-1) As nearly as may be, but not less than, twenty-seven percentum of the total number of seats to be filled up by direct election in every Samiti shall be reserved in favour of backward class of citizens as referred to in clause (6) of Article 243-D of the Constitution in the prescribed manner:

Provided that where, after reservation of the required number of seats for the Scheduled Castes and the Scheduled Tribes in a Samiti, the remaining seats are found to be insufficient for the purpose of reservation in favour of backward class of citizens, as nearly as may be, but not less than, twenty-seven percentum of the remaining seats shall be reserved in favour of such citizens in that Samiti.”

(b-2) As nearly as may be but not less than one-third of the total number of seats reserved under clause (b-1) shall be reserved for women belonging to the backward class of citizens”:

Provided that where only two seats are reserved for the backward class of citizens, one of the two seats shall be reserved for women belonging to the backward class of citizens; and

(b) clause (d) shall be omitted;

(iii) for sub-section (2-a), the following sub-section shall be substituted, namely:—

“(2-A) The manner in which the Samiti area shall be divided into Constituencies for the purpose of clause (b) of sub-section (1) and the seats therein shall be reserved for the purposes of clauses (a), (b) and (c) of sub-section (2), shall be as follows:—

(a) The Collector shall divide the Samiti area into constituencies in such a manner that—

(i) every Constituency shall, as far as practicable, have a population of not less than two thousand and more than ten thousand; and

\* For the Bill see *Orissa Gazette*, Extraordinary, dated the 15th November 1995 (No. 1267).

- (ii) the territorial area of a Grama is not bifurcated.
- (b) The constituencies in which the density of population of the Scheduled Castes and the Scheduled Tribes is higher shall be reserved for the Scheduled Castes and the Scheduled Tribes respectively and shall rotate in descending order at every general election.
- (c) Every constituency shall bear the same name as of the Grama and the names of the constituencies shall be arranged serially in Oriya alphabetical order :

Provided that where a constituency comprises more than one Grama, the constituency shall bear the name of the Grama of which the population is higher or, as the case may be, the highest.

- (d) After the names of the constituencies are so arranged, the Collector shall reserve the required number of constituencies for women in the following manner :—

- (i) reservation of constituencies for women shall be made for the Scheduled Castes at the first instance and then for the Scheduled Tribes and, in computing one-third of the total number of constituencies, the constituencies reserved for women belonging to the Scheduled Castes and the Scheduled Tribes shall be taken into account ;
- (ii) out of the constituencies left in the list of the Oriya alphabetical order for candidates other than the Scheduled Castes, the Scheduled Tribes and the backward class of citizens the constituency which appears second and thereafter, every third constituency shall be reserved for women, until the required quota is completed ; and
- (iii) as nearly as may be, but not less than, one-third of the constituencies reserved for the members of the Scheduled Castes, the Scheduled Tribes and the backward class of citizens shall be reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and backward class of citizens in the manner hereinbefore provided.
- (e) The Collector shall, after previous publication in the prescribed manner inviting objections and suggestions from all persons interested within the prescribed period, and after considering all such objections and suggestions, publish a statement showing, the division of the Samiti area into constituencies and the seats to be reserved therein, in his notice board, which shall be final.” ; and

- (iv) for clause (iii) of sub-section (3-a), the following clause shall be substituted, namely:—

“(iii) reservation of offices of Chairmen under this sub-section shall be made by the Collector by rotation among different Samitis and, for that purpose, the procedure of reservation as provided for the members of the Samiti in sub-section (2-A) shall, as far as may be, be applicable.”.

Amendment  
of section  
16-B.

4. Section 16-B of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:—

“(2) in the absence of any provision in this Act or the rules made thereunder the provisions contained in the Representation of the People Act, 1950 and <sup>43 of 1950.</sup> the Representation of the People Act, 1951 shall *mutatis mutandis* apply for <sup>43 of 1950.</sup> 43 of 1951. the purposes of election to Samitis in the following matters, namely:—

- (i) preparation, revision and updating of electoral rolls ;
- (ii) appointment of Electoral Registration Officers, Presiding Officers and Polling Officers ;
- (iii) qualifications and disqualifications for registration as voter ;
- (iv) such other matters which have to be, or may be required to be, dealt with for the purpose of conducting free and fair election.

(3) Unless the Election Commission, by order published in the Gazette directs otherwise, so much of the electoral roll of the Assembly constituency for the time being in force as relates to a Samiti constituency shall, subject to such revision or updating as may be necessary, be the electoral roll of the Samiti constituency for the purpose of election to the Samiti."

**Amendment of section 40-B.** 5. In section 40-B of the principal Act, the proviso to sub-section (1) shall be omitted.

**Saving** 6. The amendments made by this Act shall not apply to the law in force in the Scheduled Areas referred to in clause (1) of article 244 of the Constitution.

**Repeal and savings.** 7. (1) The Orissa Panchayat Samiti (Amendment) Ordinance, 1995 is hereby repealed. **Orissa Ordinance No. 4 of 1995.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.