

## ORISSA ORDINANCE No. I OF 1961

## THE ORISSA ZILLA PARISHAD ( MISCELLANEOUS PROVISIONS ) ORDINANCE, 1961.

[ Promulgated by the Governor on the 22nd January 1961, published in an extraordinary issue of the Orissa Gazette, dated the 22nd January 1961 ]

AN

## ORDINANCE

TO MAKE PROVISIONS FOR THE CONTINUANCE OF CERTAIN LOCAL CESSSES AND TO MAKE CERTAIN TRANSITORY AND OTHER PROVISIONS TO FACILITATE THE FUNCTIONING OF SAMITIS

**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 continuance of certain local cesses and functioning of Panchayat Samitis in the manner hereinafter appearing ;

**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 Eleventh Year of the Republic of India :—

Short title  
and commencement.

1. (1) This Ordinance may be called the Orissa Zilla Parishad (Miscellaneous Provisions) Ordinance, 1961.

(2) It shall come into force at once.

Interpretation.

2. In this Ordinance unless the context otherwise requires —

(a) "appointed day" in respect of any area shall mean the date of coming into force of the Act in that area ;

(b) The expressions "District Board", "Parishad" and "Samiti" shall have the same meanings as have been assigned to them under the Act ;

(c) " the Act " means the Orissa Zilla Parishad Act, 1959.

Provisions of this Ordinance are in addition to Orissa Ordinance No. 6 of 1960.

3. The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of the Orissa Zilla Parishad (Miscellaneous Provisions) Ordinance, 1960.

Orissa Act 7 of 1960.

Orissa Ordinance No. 6 of 1960.

Levy of  
cesses, etc.,  
to continue.

4. (1) Notwithstanding the abolition of the Local authorities constituted respectively under the enactments specified in the Schedule to the Act, and the repeal of the said enactments, all rates, additional rates and cesses, local cesses, land cesses and education tax shall, as the case may be, continue to be assessed, levied, collected and recovered under the enactments so repealed and under the Madras Elementary Education Act, 1920 and the Cess Act, 1880 subject however to the rates of such imposts in respect of the areas to which the aforesaid enactments were respectively applicable remaining the same as were in force immediately before the date of the said repeal :

Madras Act  
8 of 1920.  
Bengal Act 9  
of 1880.

Provided that all sums so realised shall be credited to and form part of the Consolidated Fund of the State.

(2) For the purposes of sub-section (1) and all matters incidental thereto the relevant provisions of all laws heretofore in force in respect of the rates, cesses and taxes referred to in the said sub-section shall, so far as may be, apply and in case of any difficulty in such application the State Government may, having regard to the abolition of the aforesaid Local authorities and the purposes of the said sub-section, by order, notified in the Gazette, make such adaptations, alterations or modifications in the aforesaid laws as they may consider necessary for removing such difficulty.

Membership  
in the first  
Samiti.

5. (1) Notwithstanding anything in the Act for the purposes of the constitution of the first Samitis on the appointed day, the official and non-official members of the Samiti including the persons elected or nominated thereto before the said day, other than those whose election or nomination has been set aside or rendered for the time being inoperative by operation of orders of any Court, shall constitute the first Samiti and the names or designations, as the case may be, of the members so constituting the Samiti shall be published by the Collector on his notice board and no act or proceedings of the Samiti shall be called in question merely on the ground of any seat of a member therein remaining vacant or on the ground of any illegality or irregularity in the nomination or election of any member to the Samiti.

(2) The members constituting the Samiti under sub-section (1) shall be deemed to have held office with effect from the appointed day.

(3) Nothing in this section shall debar the vacancy, if any, from being subsequently filled up in accordance with law and in conformity with the decisions of the Court ; and the member filling up the vacancy shall be deemed to have held office with effect from the appointed day.

Transitory  
provisions in  
respect of  
certain mat-  
ters.

6. Without prejudice to the provisions of section 5 and notwithstanding anything in the Act the State Government may, if they consider it necessary or expedient so to do, by general or special order notified on the notice board of the Collector of the district —

(a) nominate persons subject to their eligibility to be members, Chairman or Vice-Chairman in respect of the Samiti or the Parishad which for any reason whatsoever, may not have been completely formed by the date of its first constitution ; but such

- nomination shall have effect only pending the completion of such Samiti or Parishad in accordance with law ;
- (b) provide for the transitional appointment and all matters incidental thereto in respect of any employees or class of employees of the District Boards to any Samiti or Parishad or Government on such terms and conditions of service as may be agreed to by such employees pending finalisation thereof in accordance with the provisions of the Act ; or
  - (c) require the laying before the State Government of all claims or any class of claims enforceable against the District Boards, other than those that may have been the subject-matter of proceedings pending on the date of the order in a Court of competent jurisdiction, in such manner as may be specified in the said order not later than the expiry of six months next after the said date, failing which such claims shall cease to be enforceable against the State Government, provided that nothing in such order shall affect the period of limitation for the enforcement of claims so laid :

Provided that all orders made under clause (c) shall also be published in the Official Gazette and may in like manner, from time to time, be cancelled, altered or modified.

Y. N. SUKTHANKAR

*Governor of Orissa*

*Dated the 22nd January 1961*