

ORISSA ORDINANCE No. 3 of 1995

THE ORISSA GRAMA PANCHAYATS (AMENDMENT) ORDINANCE, 1995

[Promulgated by the Governor on the 26th September 1995, published in an extraordinary issue of the *Orissa Gazette*, dated the 27th September 1995]

AN

ORDINANCE

FURTHER TO AMEND THE ORISSA GRAMA PANCHAYATS ACT, 1964.

WHEREAS, 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 to amend the Orissa Grama Panchayats Act, 1964 in the manner hereinafter appearing;

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

- Short title.** 1. This Ordinance may be called the Orissa Grama Panchayats (Amendment) Ordinance, 1995.
- Amendment of Section 4.** 2. In Section 4 of the Orissa Grama Panchayats Act, 1964 (hereinafter referred to as the principal Act), in sub-section (1), for the words "and the said portion", the words "and, unless the Election Commission directs otherwise, the said portion" shall be substituted.
- Amendment of Section 8.** 3. In Section 8 of the principal Act, in the proviso to sub-section (1),—
- (a) in clause (i), the word "and" occurring at the end shall be omitted;
- (b) in clause (ii), for the word and full stop "twenty-five" occurring at the end, the words and semicolon "twenty-five; and" shall be substituted; and
- (c) after clause (ii), the following clause shall be inserted, namely:—
- "(iii) the population of every ward shall, as far as practicable, be equal."
- Amendment of Section 9.** 4. For Section 9 of the principal Act including its marginal heading, the following section shall be substituted, namely:—
- Powers of Election Commission and the electoral rolls of wards.** "9. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Grama Panchayats shall be vested in the Election Commission.
- (2) Unless the Election Commission, by order published in the Gazette directs otherwise, so much of the electoral roll for any Assembly Constituency for the time being in force as relates to the area comprised within a ward shall be entered in a register to be maintained for the ward and such register shall, subject to such revision or updating as may be necessary, be deemed to be the electoral roll for the ward for the purposes of this Act."
- Amendment of Section 10.** 5. In Section 10 of the principal Act,—
- (a) after clause (b) of sub-section (3), the following clause shall be substituted, namely:—
- "(b-1) As nearly as may be, but not less than, twenty-seven per centum of the seats of every Grama Panchayat shall be reserved in favour of backward class of citizens in the prescribed manner."; and

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The procedure regarding reservation of seats for the purposes of sub-section (3) shall be as follows:—

(a) The wards in which the density of population of the Scheduled Castes and the Scheduled Tribes is higher in the Grama shall be reserved by the Collector for the Scheduled Castes and the Scheduled Tribes, and shall rotate in the descending order at every general election.

(b) The wards shall be serially numbered in a list in the prescribed manner and the Collector shall reserve the required number of wards in the Grama for women in the following manner, namely:—

(i) in computing one-third of the total number of wards, the wards reserved for women belonging to the Scheduled Castes and the Scheduled Tribes shall be taken into account;

(ii) reservation of wards for women belonging to the Scheduled Castes shall be made at the first instance and then for the Scheduled Tribes;

(iii) out of the wards left in the list for candidates other than the Scheduled Castes and the Scheduled Tribes, the ward which appears first and, thereafter, every third ward shall be reserved for women, until the required quota is completed;

(iv) as nearly as may be, but not less than, one-third of the wards reserved for the members of the Scheduled Castes and the Scheduled Tribes shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes in the manner hereinbefore provided; and

(v) the wards not covered in a general election for reservation for women shall be covered in the subsequent general election of the Grama Panchayat in the same manner as hereinbefore provided.

(C) The Collector shall, by order, 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 Grama into wards and the seats to be reserved therein, in his office notice board, which shall be final”; and

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

“(6) For the purpose of reservation of offices of Sarpanches in Grama Panchayats,—

(a) the Grama Panchayats in relation to Gramas in which the density of population of the Scheduled Castes and the Scheduled Tribes is higher in the Block shall be reserved by the Collector for the Scheduled Castes and the Scheduled Tribes and shall rotate in the descending order at every general election; and

(b) after arranging the names of the Gramas within a Block in Oriya alphabetical order, as nearly as may be, but not less than, one-third of the total number of offices of Sarpanches in each Block shall be reserved by the Collector for women and, for such reservation, the procedure provided in clause (b) of sub-section (4) shall, as far as may be, apply.”.

Amendment
of section
16.

6. In section 16 of the principal Act, for the words “who shall fix a date, not being later than thirty days from the receipt of such report, for holding an election”, the words “who shall intimate such vacancy to the Election Commission without any delay and shall conduct an election on such date as the Election Commission may direct” shall be substituted.

Amendment
of section
27.

7. In section 27 of the principal Act,—

(a) in sub-section (1), for the words “The election” occurring at the beginning, the words “Subject to the provisions in section 9, the election;” shall be substituted; and

(b) For sub-section (3), the following sub-section shall be substituted, namely:—

“(3) In the absence of any provision in this Act or the rules made thereunder, the provisions of the Representation of the People Act, 1950 and the Representation of the People Act, 1951 shall *mutatis mutandis* apply for the purposes of election to Grama Panchayats in the following matters, namely:—

- (i) preparation, revision and updating of electoral rolls;
- (ii) the 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 purposes of conducting free and fair election.”.

Saving.

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

GOPALA RAMANUJAM
GOVERNOR OF ORISSA

Dated the 26th September 1955.