

## ORISSA ORDINANCE NO. 4 OF 1995

THE ORISSA PANCHAYAT SAMITI (AMENDMENT)  
ORDINANCE, 1995

[Promulgated by the Governor on the 25th September 1995, published in an extraordinary issue of the Orissa Gazette, Vol. 111, Part II, Section 3, on the 27th September 1995.]

AN  
ORDINANCE

FURTHER TO AMEND THE ORISSA PANCHAYAT SAMITI ACT, 1959.

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 amend the Orissa Panchayat Samiti Act, 1959 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 Panchayat Samiti (Amendment) Ordinance, 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:— **Orissa Act 7 of 1960.**

“(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 clause shall be inserted, namely:—

“(b-1) As nearly as may be, but not less than, twenty-seven per centum 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 in the prescribed manner.”; 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

(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 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 and the Scheduled Tribes, the constituency which appears first 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 and the Scheduled Tribes shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes in the manner hereinbefore provided.

- (e) The Collector, shall after previous publication in the prescribed manner inviting objections and suggestions from all persons interest 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 43 of 1950. Representation of the People Act, 1951 shall *mutatis mutandis* apply for the 43 of 1951. purposes of election to Samitis 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 purpose of conducting free and fair election.

(3) Notwithstanding anything contained in sub-section (2), the Election Commission may, by order published in the Gazette, direct that 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 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**

Dated the 26th September 1995.

**GOVERNMENT OF ORISSA**