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ORISSA ACT 21 OF 1995

***THE ORISSA ZILLA PARISHAD (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 ZILLA PARISHAD ACT, 1991.

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 Zilla Parishad (Amendment) Act, 1995.

(2) It shall be deemed to have come into force on the 27th day of September, 1995.

Amendment of Section 2.

2. In Section 2 of the Orissa Zilla Parishad Act, 1991 (hereinafter referred to as the principal Act), after clause (g), the following clause shall be inserted, namely:—

“(g-1) “Parishad area” or “area of Parishad” shall mean the territorial area of a district excluding any Municipal area as defined in the Orissa Municipal Act, 1990 and any other area which is specified for the time being to be an industrial township under that Act or to which the provisions of the Cantonments Act, 1924 is extended”.

Amendment of Section 3.

3. In Section 3 of the principal Act, for clause (ii) of sub-section (3), the following clauses shall be substituted, namely:—

“(ii) prepare plans for economic development and social justice;

“(ii-a) implement schemes for economic development and social justice and undertake execution of any other scheme, performance of any act or management of any institution or organisation, as the Government may, by order, entrust to it including those in relation to the matters listed in the Eleventh Schedule to the Constitution of India, subject to such terms and conditions as may be specified in the order;”.

Amendment of Section 6.

4. In Section 6 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 (a), ‘Constituency’ shall mean a constituency as may be determined under sub-section (3-A) subject to article 243-C of the Constitution.”

(ii) in sub-section (3),—

(a) after clause (b), the following clauses 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 Parishad 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 Parishad, 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 per centum of the remaining seats shall be reserved in favour of such citizens in that Parishad;

(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:

*For the Bill, see *Orissa Gazette* Extraordinary, dated the 15th November 1995 (No. 1268)

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 citizen"; and

(b) clause (d) shall be omitted;

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

“(3-A) The manner in which the Parishad area shall be divided into constituencies for the purpose of clause (a) of sub-section (1) and the seats therein shall be reserved for the purposes of clauses (a), (b) and (c) of sub-section (3), shall be as follows:—

- (a) The Collector shall divide the Parishad area into constituencies in such a manner that—
- (i) every constituency shall, as far as practicable, have a population of forty thousand or part thereof;
 - (ii) a constituency does not extend beyond the territorial limit of the Block;
 - (iii) the territorial area of a Grama is not bifurcated; and
 - (iv) a constituency is compact with due regard to geographical feature.
- (b) The constituencies in which the density of population of the Scheduled Castes and the Scheduled Tribes is higher shall be reserved by the Collector for the Scheduled Castes and the Scheduled Tribes respectively and shall rotate in descending order at every general election.
- (c) (i) The constituencies in every district shall bear the names of the respective Blocks and be arranged serially in Oriya alphabetical order.
- (ii) The name of every constituency so arranged serially shall include its serial number in the district.
- (d) After the names of constituencies are so arranged in Oriya alphabetical order, 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 Oriya alphabetical order for candidates other than the Scheduled Castes, the Scheduled Tribes and the backward class of citizens, the constituency which appears first and, there after, every third constituency shall be reserved for women, until the required quota is completed;
 - (iii) as nearly as may be, not less than, one-third of the constituencies reserved for the members of the Scheduled Castes, the Scheduled Tribes and the backward class of the citizens shall be reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the backward class of the citizens in the manner hereinbefore provided.
- (e) The Collector shall prepare a draft statement showing the division of the Parishad area into constituencies and the seats to be reserved therein and shall publish it in his office notice board and in the notice boards of the Sub-Collectors, Tahasildars, Executive Officers of Municipalities and Block Development Officers concerned, in the prescribed manner and for the prescribed period, inviting objections and suggestions from all persons interested within the said period.
- (f) The Collector shall, after considering the objections and suggestions so received and making such further enquiry as he may deem fit, cause such alternations as may be necessary to be made in the draft statement

referred to in clause (e) and shall, thereafter, prepare a final statement showing the division of the Parishad area into constituencies and the seats to be reserved therein and submit the same to the Government for approval.

(g) On receipt of the final statement from the Collector under clause (f), the Government shall, if it is satisfied that the division and reservations shown therein have been made in accordance with procedure provided hereinbefore, accord its approval and published the same in the Gazette, whereupon, the division of the Parishad area into constituencies and reservation of seats therein shall become final.”; and

(vi) sub-section (4) excluding the Explanation thereto shall be renumbered as clause (a) of that sub-section and, after clause (a) as so renumbered, the following clauses shall be inserted, namely:—

“(b) In the absence of any provision in this Act or the rules, the provisions of the Representation of the People Act, 1950 and the Representation 43 of 1950. of the People Act 1951 shall *mutatis mutandis* apply for the purposes 43 of 1951. of election to Parishads 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.

(c) 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 Parishad Constituency shall, subject to such revision or updating as may be necessary, by the electoral roll of the Parishad Constituency for the purpose of election to the Parishad.”.

Amendment of Section 8. 5. In Section 8 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The procedure provided in sub-section (3-A) of Section 6 relating to reservation of seats in the Parishads for the Scheduled Castes, the Scheduled Tribes and Women shall, as far as may be, be applicable for the purposes of reservation of offices of Presidents to be made by the Government under sub-section (3).”.

Amendment of section 9. 6. Section 9 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) When the office of the President is vacant the Vice-President of the Parishad shall, for all the purposes of this Act, exercise the powers and perform the functions of the President until the new President is elected.

(3) When the office of the President is vacant or the President has been continuously absent from the district for more than fifteen days or is incapacitated for more than fifteen days and there is either a vacancy in the office of the Vice-President or the Vice President has been continuously absent from the district for more than fifteen days or is incapacitated for more than fifteen days, the powers and functions of the President shall devolve on an elected member of the Parishad from out of a panel of three such members in order of priority nominated by the President in that behalf who shall be the officiating President and shall exercise the Powers and perform the functions of the president, subject to such restrictions and conditions as may be prescribed, until the President or Vice-President assumes office on being duly elected or, as the case may be, takes charge of this office.

(4) The President shall nominate the panel as referred to in sub-section (3) within a period of one month from the date of the first meeting of the Parishad, failing which, the Parishad shall nominate the panel in its first meeting held after the expiry of the aforesaid period of one month".

Amendment of Section 51. 7. In Section 51 of the principal Act, in sub-section (1), for the words "of the provisions", the words "of the purposes" shall be substituted.

Saving. 8. 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. 9. (1) The Orissa Zilla Parishad (Amendment) Ordinance, 1995 is hereby repealed. Orissa Ordinance No. 5 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.