

Orissa Panchayat Samiti (Amendment) Act, 1991

18 of 1991

[05 July 1991]

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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-second Year of the republic of India as follows:- For the Bill see Orissa Gazette Extraordinary, dated the 19th March 1991 (No. 303)

1. Short Title And Commencement :-

(1) This Act may be called the Orissa Panchayat Samiti (Amendment) Act, 1991.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Amendment Section 3 :-

In the Orissa Panchayat Samiti Act, 1959(Orissa Act 7 of 1960) (hereinafter referred to as the principal Act), in section 3, for clauses (c-1) and (d), the following clause shall be substituted, namely:-

(d) "Gram" and "Gram Panchayat" shall respectively mean the "Gram" and "Gram Panchayat" constituted under the Orissa Grama

Panchayat Act, 1964(Orissa Act I of 1965);.

3. Amendment Of Section 16 :-

In the principal Act, in section 16,-

(i) In sub-section (1),-

(a) for clause (a), the following clause shall be substituted, namely:-

(a) the Chairman and Vice-Chairman of the Samiti elected in accordance with the provisions of sub-section (3);";

(b) after clause (g), the following clause shall be inserted, namely:-

"(h) one person, who is qualified to be elected as a member of Grama Panchayat, to be directly elected by the person of every Grama who constituted the electoral roll in respect of the grama as referred to subsection (1) of Section 4 of the Orissa Grama Panchayat Act, 1964(Orissa Act 12 of 1965) in the prescribed manner."; and

(ii) for sub-section (2),(3), (4), (5) and (6), the following sub-sections shall be substituted, namely:-

"(2) (a) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Samiti and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election under clause (h) of sub-section (1) in that Samiti as the population of the Scheduled Castes and the Scheduled Tribes in that Samiti area bears to the total population of that area:

Provided that where the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes in a Samiti area is not sufficient for reservation of any seat, one seat for the Scheduled Castes, or as the case may be, one seat for the Scheduled Tribes shall be reserved in that Samiti area.

(b) As nearly as may be, but not less than, one-third of the total number of seats reserved under clause (a) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes:

Provided that where only two seats are reserved for the Scheduled Castes or, as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(a) As nearly as may be, but not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be

filled by direct election in every Samiti shall be reserved for women and allotted by rotation to different constituencies in a Samiti.

(b) The procedure regarding reservation of seats for the purposes of clauses (a), (b) and (c) shall be such as may be prescribed.

(3) The elected members of the Samiti specified in clause (h) of sub-section (1) shall, at their first meeting, elect on the prescribed manner the Chairman and the Vice Chairman of the Samiti from among themselves.

(4) The term of office of the elected members of the Samiti including the Chairman and the Vice-Chairman shall be five years commencing on the date of the first meeting referred to in sub-section (3).

(5) The meetings of the Samiti shall be presided over by the Chairman or in his absence, by the Vice-Chairman.

(6) The Collector of the District shall cause the names of the member elected under clause (h) of sub-section (1) of the Samiti to be published in the prescribed manner."

4. Amendment Section 18 :-

In the principal Act, in section 18, for sub-section (3), the following subsection shall be substituted, namely:-

"(3) The member elected under clause (h) of sub-section (1) of section 16 shall alone have the right to vote in the meetings of the Samiti and as other members as specified in clauses (b) to (g) shall be ex officio members who shall take part in the discussion and proceedings of the meeting of the Samiti."

5. Insertion Of New Section 31-A :-

In the principal Act, after section 31, the following section shall be inserted, namely:-

31-A. "Review of finance.--The financial position of every Samiti shall be reviewed by the State Finance Commission constituted under the Orissa Grama Panchayats Act, 1964(Orissa Act 1 of 1965) which may, inter alia, make recommendations to Government for the sound financial position of the Samitis."

6. Amendment Section 45 :-

In the principal Act, in section 45, in sub-section (1),-

(i) in the opening portion, for the words, figures and brackets "under subsection (2) of section 16" the words, brackets and

figures "under subsections (1) and (2) of section 16" shall be submitted; and

(ii) after clause (p), the following clauses shall be inserted, namely:-

"(q) is disqualified by or under any law for the time being in force for the purposes of election to the Legislature of the State; or is disqualified by or under any law made by the Legislature of the State;".

7. Omission Of Sections 46-C And 46-D :-

In the principal Act, sections 46-C and 46-D shall be omitted.