

ORISSA ORDINANCE No. 6 OF 1960
THE ORISSA ZILLA PARISHAD (MISCELLANEOUS
PROVISIONS) ORDINANCE, 1960

[Promulgated by the Governor on the 22nd December 1960,
published in an extraordinary issue of the
Orissa Gazette, dated the 22nd December 1960]

AN
ORDINANCE

TO MAKE FURTHER PROVISIONS TO FACILITATE THE
CONSTITUTION OF ZILLA PARISHADS AND PANCHAYAT
SAMITIS AND TO MAKE CERTAIN OTHER
PROVISIONS FOR THE SAID PURPOSE

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 in the
matter of constitution and establishment of Panchayat
Samitis and Zilla Parishads in the State of Orissa in
the manner hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers
conferred by clause (1) of Article 213 of the Constitu-
tion, 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
commence-
ment.

1. (1) This Ordinance may be called the Orissa
Zilla Parishad (Miscellaneous Provisions) Ordinance,
1960.

(2) It shall come into force at once.

Definitions.

2. In this Ordinance, unless the context otherwise
requires—

(a) "law" includes any enactment, Ordinance,
Regulation, Order, Bye-law, Rule, Notification or
other instrument having the force of law ;

(b) "Rules" mean the Orissa Zilla Parishad
(Conduct of Election, Election Disputes and Decision
about Disqualification of Members) Rules, 1960 ;

(c) "the Act" means the Orissa Zilla Parishad Orissa Act 7
Act, 1959 ; of 1960.

(d) all words and expressions used but not defined herein shall have the meanings as have been respectively assigned to them in the Orissa Zilla Parishad Act, 1959 or in the Orissa Grama Panchayats Act, 1948.

Orissa Act 7 -
of 1960.
Orissa Act
15 of 1948.

Overriding
effect of the
provisions
of the
Ordinance.

3. The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Eligibility
for election
to the
Samiti.

4. The woman member or the member of the Scheduled Castes or Tribes to be elected under the proviso to clause (d) of sub-section (1) of section 16 of the Act shall be a person who is an adult ordinarily residing in the area, comprised within the Block.

Prohibition
to stand for
more than
one consti-
tuency.

5. No person shall be eligible to stand for election under clause (d) of sub-section (1) of section 16 of the Act for more than one Samiti within the district or from more than one Grama Panchayat within the Block.

Nomination
on failure
to elect.

6. If for any reason whatsoever any of the electorates fails to return a member in accordance with the provisions of sub-section (3) of section 6 or clause (d) of sub-section (1) of section 16 of the Act, the State Government shall nominate a person who is otherwise eligible to be elected and the person so nominated shall be deemed to have been validly and properly elected.

Effect of
elections by
certain
Grama
Panchayats.

7. (1) For the purposes of the first constitution of the Samitis, the election of a member to a Samiti by the members of a Grama Panchayat—

- (i) whose term of office has expired but for any reason whatsoever fresh election of members thereof has not been made ; or
- (ii) the term of office of the newly elected members, if any, whereof has commenced before or after the election of the member to the Samiti but prior to the first meeting of the Samiti,

shall be legal and valid and shall not be called in question before any Court or Tribunal merely on the ground—

- (a) that the members of such Grama Panchayat had been continuing to hold office contrary to the provisions of any law in pursuance of which such members purport to have so continued ; or, as the case may be,

- (b) that the newly elected members, if any, of such Grama Panchayat have taken office subsequent to the election to the Samiti, but prior to the first meeting of the Samiti:

Provided that in cases falling under clause (ii) the Grama Panchayat, though reconstituted prior to the first meeting of the Samiti, shall, for the purposes of the proviso to sub-section (3) of section 16 of the Act, be deemed to have been reconstituted immediately after such meeting.

(2) Without prejudice to the provisions of sub-section (1) where in pursuance of the Rules notices of a meeting for the election of a member to the Samiti for the purposes of its first constitution have been issued to the members of a Grama Panchayat, but subsequent to the issue of such notices and prior to the election of such member to the Samiti new members for the said Grama Panchayat have entered office, the election Officer appointed under the Rules shall, notwithstanding the issue of the notices aforesaid, issue fresh notices to the members of the newly constituted Grama Panchayat for the election of the member to the Samiti and the election so held shall have effect as if the notices to the old members of the Grama Panchayat had never issued.

Notices to
be valid.

8. Notices of meetings for the purposes of first constitution of Samitis purporting to be in pursuance of the Rules, shall notwithstanding any deficiency in the period of notice required under the Rules, be deemed to be valid as fully and effectively as if there were no such deficiency.

Power to
issue
directions.

9. The State Government shall have power to issue such general or special orders and directions of an administrative character as they may consider necessary in the matter of the conduct of the first elections to the Samitis and Parishads for the purposes of facilitating the first establishment of these bodies and in the matter of their initial functioning thereafter.

Cure of
procedural
defects.

10. Notwithstanding any procedural defect or irregularity in the conduct of elections or in the holding of meetings therefor or in the orders, directions or notifications issued in that behalf, purporting to

have been conducted, held, made or issued in pursuance of any law, the first constitution and establishment of Panchayat Samitis and Zilla Parishads shall remain legal and valid as fully and effectively as if no such defect or irregularity had been there.

Interim
arrangement
prior to the
constitution
of Parishads.

11. During the interval, if any, that may elapse between the first constitution of Samitis in a district and the first constitution of the Parishad for such district the powers and duties of the Parishad and its Chairman and Executive Officer shall be exercised and discharged by such officer or officers and subject to such conditions and restrictions as the State Government may by order direct.

Area for
which no
Grama
Panchayat
has been
constituted.

12. Where in any notification issued section 15 of the Act any area constituted as a Grama under the Orissa Grama Panchayats Act, 1948, has been included in a Block as an area within the limits of the jurisdiction of a Grama Panchayat, but the first Grama Panchayat has not been constituted for such area the State Government may nominate a person not below 21 years of age ordinarily residing in such area to be a member of the Samiti of such Block representing such area and the member so nominated shall cease to hold office on and from the date with effect from which the member elected to the Samiti under the Act by the newly constituted Grama Panchayat, if any, holds office or on the expiry of five years from the date on which the nomination had taken effect, whichever is earlier.

Orissa Act
15 of 1948.

Y. N. SUKTHANKAR

Governor of Orissa

Dated the 22nd December 1960

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