

ORISSA ACT 4 OF 2001

THE ORISSA ZILLA PARISHAD (AMENDMENT) ACT, 2000

TABLE OF CONTENTS

PREAMBLE

SECTIONS

- 1. Short title
- 2. Amendment of section 3
- 3. Amendment of section 11
- 4. Amendment of sections 16 and 17
- 5. Amendment of section 35

Orissa Act
4 of 2001

Orissa Act
4 of 2001

(ii) in the opening portion, for the words "not exceeding twenty-five per cent", the words "not exceeding seventy-five per cent in case of liquor and twenty-five per cent in case of other goods" shall be substituted; and

(iii) the following Explanation shall be added at the end, namely:—

"Explanation—For the purpose of this sub-section, "liquor" shall mean liquor as defined in the Bihar and Orissa Excise Act, 1915 and shall include India Made Foreign Liquor and any other product covered by the Drugs and Cosmetics Act, 1940 of which more than fifty per cent of ingredients are spirit or alcohol or both."

3 For section 5-A of the principal Act, the following section shall be substituted, namely:—

"5-A. (1) Every dealer shall, in addition to the tax payable by him under this Act, also pay a surcharge at the rate of ten per centum of the total amount of tax so payable by him:

Provided that the aggregate of the tax and surcharge payable under this Act shall not exceed in respect of goods declared to be of special importance in inter-State trade or commerce by Section 14 of the Central Sales Tax Act, 1955 the rate fixed by Section 15 of the said Act.

(2) All provisions relating to the payment, assessment, recovery and refund of the tax under this Act shall, as far as may be, apply to the payment, assessment, recovery and refund of the surcharge."

4. In section 24 of the principal Act, for sub-section (2), the following shall be substituted, namely:—

"(2) The petition shall be in the prescribed form, shall be verified in the prescribed manner and shall, when it is presented by the State Government, be signed by the Commissioner of Sales Tax or such other officer as may be authorized by him in this behalf:

Provided that when the petition is presented by any person other than the State Government, it shall be accompanied by a fee of rupees one hundred."

*For the Bill, see Orissa Gazette Extraordinary, dated the 4th April, 2001 (No. 550)

ORISSA ACT 4 OF 2001

***THE ORISSA ZILLA PARISHAD (AMENDMENT) ACT, 2000**

[Received the assent of the Governor on the 22nd May, 2001, first published in an extraordinary issue of the Orissa Gazette, dated the 28th May, 2001] (No. 994)

AN ACT FURTHER TO AMEND THE ORISSA ZILLA PARISHAD ACT, 1991,

Be it enacted by the Legislature of the State of Orissa in the Fifty-first Year of the Republic of India as follows :—

- Short title.** 1. This Act may be called the Orissa Zilla Parishad (Amendment) Act, 2000.
- Amendment of section 3.** 2. In section 3 of the Orissa Zilla Parishad Act, 1991, (herein after referred to as the principal Act), in sub-section (3), clause (vii) shall be omitted, Orissa Act 17 of 1991.
- Amendment of section 11.** 3. In section 11 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—
- “(3) Nothing in this Act shall prevent any member referred to in clauses (c) and (d) of sub-section (1) of section 6 to nominate a person to represent him in any meeting of the Parishad except the meeting convened under section 39, where such member cannot attend the meeting due to other engagements, and, in every such case, the person so nominated shall have the right to speak in, and otherwise take part in the proceedings of, the meeting of the Parishad but shall not, by virtue of this provision, be entitled to vote.”
- Amendment of sections 16 and 17.** 4. For sections 16 and 17 of the principal Act including the marginal headings thereof, the following section shall be substituted, namely :—
- Accounts and audit.** “16. (1) The Parishad shall keep regular accounts of receipts to and disbursement from the Zilla Parishad Fund and such accounts shall be published in the prescribed manner.
- (2) The provisions contained in sub-sections (2), (3), (4) and (5) of section 100 of the Orissa Grama Panchayats Act, 1964 shall *mutatis mutandis* apply in regard to the audit of the Zilla Parishad Fund” Orissa Act 1 of 1965.
- Amendment of section 35.** 5. In the principal Act,—
- (i) for the marginal heading of section 35, the following marginal heading shall be substituted, namely :—
- “Nomination on failure of election, and dereservation in certain cases.” and
- (ii) section 35 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—
- “(2) Where the seat of any member is reserved under sub-section (3) of section 6 for any particular category and the Government fails to nominate under sub-section (1) a person to such seat, for non-availability of any eligible person belonging to that category such seat shall, on recommendation being made to that effect by the Collector, be dereserved by the Government after such enquiry as it may deem fit and shall, thereafter, be filled up by fresh election.”