

ODISHA ACT 16 OF 2015
THE ODISHA DISTRICT PLANNING COMMITTEES (AMENDMENT) ACT, 2015
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and the said member shall be deemed to have ceased to be the member of the Parishad with effect from the date of such notification and shall be disqualified for contesting as a candidate in an election to any Parishad, Panchayat Samiti or Grama Panchayat for six years from that date.

Powers of the
Election
Commission.

33. E. (1) Every petition under sub-section (1) of section 33-D shall be disposed of by the Election Commission in accordance with the procedure as applicable while trying a suit under the Code of Civil Procedure, 1908 and for that purpose the Election Commission shall have the powers of a Civil Court in respect of the following matters,—

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- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery and production of any document or other materials that may be produced as evidence;
- (iii) receiving evidence on affidavit;
- (iv) requisitioning any public record or copy thereof; and
- (v) issuing commission for taking evidence from witness or document.

(2) The proceeding before the Election Commission under sub-section (1) shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code, 1860.”.

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***THE ODISHA DISTRICT PLANNING COMMITTEES (AMENDMENT) ACT, 2015**

[Received the assent of the Governor on the 21st December, 2015 first published in an Extraordinary issue of the *Odisha Gazette*, dated the 22nd December, 2015 (No.1739)]

AN ACT TO AMEND THE ODISHA DISTRICT PLANNING COMMITTEES ACT, 1998

BE it enacted by the Legislature of the State of Odisha in the Sixty-sixth Year of the Republic of India as follows :—

Short title and commencement. 1.(1) This Act may be called the Odisha District Planning Committees (Amendment) Act, 2015.

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

Amendment of section 2. 2. In the Odisha District Planning Committees Act, 1998 (hereinafter referred to as the principal Act), in section 2, for clause (d), the following clause shall be substituted, namely:—

Odisha Act 8 of 1998.

“(d) “Municipality” means a Notified Area Council or a Municipal Council constituted under the Odisha Municipal Act, 1950 or a Municipal Corporation constituted under the Odisha Municipal Corporation Act, 2003;”

Odisha Act 23 of 1950.

Odisha Act 11 of 2003.

Amendment Of section 3. 3. In the principal Act, in section 3, —

(a) in sub-section (3), —

(i) for clause (i), the following clause shall be substituted namely:—

“(i) a Minister in the Council of Ministers of the State or a Member of the Legislative Assembly of the State representing the constituency which comprise wholly or partly any area of the district, as may be nominated by the Government, who shall be the Chairperson”

* [For the Bill, See *Odisha Gazette* Extraordinary dated the 14.12.2015 (No1695) [I Legis-1/ 2015]

(ii) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that as nearly as may be, but not less than one-half of the total number of elected members shall be reserved for women."

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3-a) The Vice-Chairperson shall be nominated by the Government from among the elected members:

"Provided that where the Chairperson so nominated is not a woman, the office of the Vice-Chairperson shall be filled up by a woman."

(c) for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) In absence of Chairperson, the Vice-Chairperson shall preside over the meeting of the Committee and in case both Chairperson and Vice-Chairperson remain absent, the members present in a meeting shall choose one from among themselves to preside over the meeting."

Amendment
of section 4.

4. In the principal Act, for section 4 including its marginal heading, the following section shall be substituted namely:—

"Term of
office of
members.

4.(1) The term of office of nominated member, referred to in clause (iii) of sub-section (3) of section 3, shall be three years commencing from the date of his nomination unless removed earlier.

(2) The term of office of elected members shall be three years commencing from the date of his election unless removed earlier:

Provided that the term of office of every elected member shall be co-terminus with his membership in the Zilla Parishad or, as the case may be, the Municipality."

Amendment
of section 5.

5. In the principal Act, in section 5, after sub-section (1), the following proviso shall be added, namely :-

"Provided that the Committee while preparing the integrated draft development plan for the district shall take assistance of as many as Technical Committees, by whatever name called, to be constituted by the Government at the District level, Panchayats level and Municipalities level, consisting of such members which shall perform such functions as may be prescribed."