

ORISSA ACT XII OF 1953

**THE ORISSA MUNICIPAL (AMENDMENT)
ACT, 1952**

[Received the assent of the Governor on the 6th June
1953, first published in an extraordinary issue of the
Orissa Gazette dated the 15th June 1953]

[AN ACT FURTHER TO AMEND THE ORISSA MUNICIPAL
ACT 1950

WHEREAS it is expedient further to amend the Orissa Municipal Act, 1950, in the manner hereinafter appearing ;

Orissa Act
XXIII of
1950.

It is hereby enacted as follows :—

1. (1) This Act may be called the Orissa Municipal (Amendment) Act, 1953.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. For section 49 of the Orissa Municipal Act, 1950 (hereinafter referred to as the said Act) the following section shall be substituted, namely:—

Amendment
of section
49, Orissa
Act XXIII
of 1950.

Orissa Act
XXIII of
1950.

“ 49. (1) On the vacation of the office of the Chairman or Vice-Chairman, as the case may be, under sections 48, 52, 53 (3) and 54 the councillors present at the meeting shall forthwith elect one of their own number to be the Chairman or Vice-Chairman, as the case may be.

The Chairman in the case of election of Vice-Chairman or the Vice-Chairman in the case of the election of Chairman shall preside and if the Vice-Chairman is a candidate for the office of the Chairman a councillor, elected by the Council for the purpose who does not stand as a candidate for the office of the Chairman, shall preside.

In the case of election of both the Chairman and Vice-Chairman occurring at a time a councillor elected by the Council who does not stand as a candidate for the office of the Chairman or Vice-Chairman shall preside.

The person presiding at such meetings shall have the right to vote.

(2) If the councillors fail to elect a Chairman on vacation of such office under section 48 the existing Chairman shall be deemed not to have vacated office till a new Chairman is elected."

Amendment
of section
64, Orissa
Act XXIII
of 1950.

3. For sub-section (2) of section 64 of the said Act, the following sub-section shall be substituted, namely :—

"(2) If the Chairman or the Vice-Chairman fails to call a special meeting to be held within ten days from the date of receipt of such requisition the meeting may be called on five days' notice by the persons who signed the requisition."

Amendment
of section
74, Orissa
Act XXIII
of 1950.

4. In section 74 of the said Act—

(i) to sub-section (1), the following new proviso shall be added, namely :—

"Provided that the State Government may, on the application of the Municipal Council, appoint by notification, an assessor who shall be a servant of the State Government for such period or periods as the State Government may deem fit, to perform the duties and exercise the functions of the Executive Officer under sections 142, 143 and 145 and his pay and allowances shall be a charge on the Municipal Fund."

(ii) in the existing first proviso the word 'further' shall be inserted after the word 'Provided'.

Repeal of
section 83,
Orissa Act
XXIII of
1950.

5. Section 83 of the said Act shall be omitted.

Amendment
of section
117, Orissa
Act XXIII
of 1950.

6. In sub-section (1) of section 117 of the said Act—

(a) in clause (xxxviii) the word 'and' shall be omitted and after the said clause the following new clause shall be inserted, namely :—

“(xxxix) the payment of expenses of the Chairman, Vice-Chairman, Councillor or any officer or servant of the Council in attending any conference or meeting or for any other purpose in the interest of Local authorities concerned; and ”

(b) the existing clause (xxxix) shall be renumbered as clause (xl).

Amendment
of section
131, Orissa
Act XXIII
of 1950.

7. For clause (a) of sub-section (3) of section 131 of the said Act, the following clause shall be substituted, namely :—

“(a) The Municipal Council may, in the case of lands used exclusively for agricultural purposes, levy the tax mentioned in clause (a) of sub-section (1) at such proportion as it may fix on the annual value of such lands.”

Amendment
of section
133, Orissa
Act XXIII
of 1950.

8. In sub-section (1) of section 133 of the said Act—

(a) in clause (b) the words “on land, used exclusively for purposes of agriculture or” shall be omitted; and

(b) after clause (e) the following new clause shall be inserted, namely :—

“(f) That the Dharmasalas may be exempted from water and lighting taxes.”

Amendment
of section
134, Orissa
Act XXIII
of 1950.

9. In section 134 of the said Act—

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

“(b) that the Municipal Councillors at a Meeting shall exempt from payment of the tax, any Dharmasala, Jail, Reformatory, Asylums, Charitable Hospital and Dispensaries or educational Institutions in which an establishment is maintained for the cleaning of latrines, urinals and cesspools therein :

Provided that in the case of Dharmasalas the owner has made efficient arrangements, to the satisfaction of the Municipal Council, for the daily removal therefrom all rubbish and filth."

(ii) to clause (e) the following proviso shall be added, namely :—

" Provided that the tax on a holding for which provision has been made for septic tank latrine a reduction of twenty-five per centum of the tax may be allowed by the Council."

Amendment
of section
135, Orissa
Act XXIII
of 1950.

10. In sub-section (1) of section 135 of the said Act after clause (e) the following new clause shall be inserted, namely :—

" (f) that the Dharmasalas may be exempted from the tax."

Amendment
of section
137, Orissa
Act XXIII
of 1950.

11. In section 137 of the said Act the proviso to sub-section (2) shall be omitted.

Repeal
of section
151, Orissa
Act XXIII
of 1950.

12. Section 151 of the said Act shall be omitted.

Amendment
of section
153, Orissa
Act XXIII
of 1950.

13. The proviso to sub-section (2) of section 153 of the said Act shall be omitted.

Amendment
of section
156, Orissa
Act XXIII
of 1950.

14. In sub-section (2) of section 156 of the said Act, the words 'contain the grounds and' shall be inserted immediately before the words 'be final'.

Amendment
of
section 186,
Orissa Act
XXIII of
1950.

15. In the proviso to sub-section (1) of section 186 of the said Act, the words 'other than a bicycle' shall be inserted immediately after the words 'or cart'.

Insertion
of a new sec-
tion 273-A
in Orissa Act
XXIII of
1950.

16. After section 273 of the said Act, the following new section shall be inserted, namely :—

Demolition
or alteration
of building
work unlaw-
fully com-
menced,
carried on or
completed,

" 273-A. (1) If the Executive Officer is satisfied—

(i) that the construction or reconstruction of any building or well—

(a) has been commenced without obtaining the permission of the Executive Officer or where an appeal has been preferred to the Council, in contravention of any order passed by the Council in appeal, or

(b) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based; or

(c) is being carried on, or has been completed in breach of any of the provisions of this Act or of any rule or bye-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or bye-laws ; or

(ii) that any alterations required by any notice issued under section 271 have not been duly made ; or

(iii) that any alteration of or addition to any building or any other work made or done for any purpose in, to or upon any building, has been commenced or is being carried on or has been completed in breach of section 273, he may make a provisional order requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the Executive Officer, has been unlawfully executed or to make such alterations as may in the opinion of the Executive Officer, be necessary to bring the work into conformity with the Act, bye-laws, rules, direction or requisition as aforesaid, or with the plans and particulars on which such permission or order was based ; and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well.

(2) The Executive Officer shall serve a copy of the provisional order made under sub-section (1) on the owner of the building or well together with a notice requiring him to show cause within a reasonable time to be mentioned in such notice why the order shall not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the Executive Officer, the Executive Officer may confirm the order with any modification he may think fit to make, and such order shall then be binding on the owner. "

Insertion of
a new sec-
tion 385-A
in Orissa
Act XXIII
of 1950.

17. After section 385 of the said Act, the following section shall be inserted, namely :—

Penalty for
unlawful
building.

“ 385-A. If the construction or reconstruction of any building or well—

(a) is commenced without the permission of the Executive Officer, or

(b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(c) is carried on or completed in contravention of any lawful order or in breach of any provision contained in this Act or in any rule or bye-law made hereunder or of any direction or requisition lawfully given or made ; or

if any alterations or additions required by any notice issued under section 271 or section 273 are not duly made ; or

if any person to whom a direction is given by the Executive Officer to alter or demolish a building or well under section 273-A fails to obey such direction ;

the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a building to five hundred rupees and in the case of a well or hut to fifty rupees and to a further fine which may extend in the case of a building to one hundred rupees and in the case of a well or hut to ten rupees, for each day during which the offence is proved to have continued after the first day. ”

Amendment
of section
387, Orissa
Act XXIII
of 1950..

18. In sub-section (2) of section 387 of the said Act—

(a) for the second proviso to clause (ii) the following proviso shall be substituted, namely :—

“ Provided further that where the candidate is a member of the Scheduled Castes and Scheduled Tribes the deposit required shall be fifty rupees. ”

(b) in clause (vii) the word ‘ conduct ’ shall be inserted immediately after the words ‘ leave allowances ’.

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

‘(x) as to the accounts to be kept by Municipal Council’.

(d) clauses (xi), (xii) and (xvi) shall be omitted.

(e) in clause (xviii) the words ‘auditors’ and ‘audit’ shall be omitted.

(f) clauses (xxvi), (xxxi), (xxxviii) and (xxxix) shall be omitted.

Amendment
to Schedule
I, Orissa
Act XXIII
of 1950.

19. In Schedule I to the said Act after the entry—

‘Bihar and Orissa The Bihar and Orissa The whole.’
Act III of 1935. Municipal (Amend-
ment) Act, 1935.

in columns 1 to 3 the following new entries shall be inserted, namely :—

“Orissa The Bihar and Orissa The whole”.
Act VI of Municipal (Amendment)
1940. Act, 1940.

Orissa Act XI The Bihar and Orissa The whole”.
of 1943. Municipal (Amendment)
Act, 1943.

Amendment
to Schedule
IV, Orissa
Act XXIII
of 1950.

20. In Schedule IV to the said Act after the entry—

“177. Failure to furnish statement Ten rupees”
of carriages, carts, horses
and other animals liable to
taxation or furnishing
incorrect statement.

in columns 1 to 4 the following new entry shall be inserted, namely :—

“179. (3) Failure to affix muni- • Ditto”
cipal number plate to
cart or carriage.