

THE ORISSA MUNICIPAL (AMENDMENT) ACT, 1995

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## ORISSA ACT 19 OF 1995

## \*THE ORISSA MUNICIPAL (AMENDMENT) ACT, 1995

[Received the assent of the Governor on the 19th December 1995 first published in an extraordinary issue of the *Orissa Gazette*, dated the 20th December 1995.]

AN ACT FURTHER TO AMEND THE ORISSA MUNICIPAL ACT, 1950.

**BE** it enacted by the Legislature of the State of Orissa in the Forty-sixth year of the Republic of India as follows:—

Short title  
and  
commence-  
ment.

1. (1) This Act may be called the Orissa Municipal (Amendment) Act, 1995.
- (2) It shall be deemed to have come into force on the 19th day of October, 1995.

Amendment  
of section 11.

2. In the Orissa Municipal Act, 1950 (hereinafter referred to as the principal Act), in Section 11,—

Orissa Act  
23 of 1950.

(a) in sub-section (1), for the words "State Government", the words "District Magistrate" shall be substituted;

(b) for sub-section (3), the following sub-sections shall be substituted, namely:—

"(3) As nearly as may be, but not less than, twenty-seven percentum of the total number of seats to be filled up by direct election in every Municipality shall also be reserved in favour of backward class of citizens as referred to in clause (6) of Article 243-T of the Constitution.

(3-A) As nearly as may be, one-third of the total number of seats reserved under sub-section (3) shall be reserved for women belonging to the backward class of citizens:

Provided that where only two seats are reserved for the backward class of citizens one of the two seats shall be reserved for women belonging to the backward class of citizens"; and

(c) in sub-section (4), for the words "and the Scheduled Tribes", the comma and words "the Scheduled Tribes and the backward class of citizens" shall be substituted.

Amendment  
of section 12.

3. In section 12 of the principal Act,—

(f) in sub-section (3),—

(a) in the opening portion,—

(i) for the words "State Government" and "of their", the words "District Magistrate" and "of his" shall respectively be substituted; and

(ii) the words "at a meeting" shall be omitted;

(b) in clause (i) of the proviso, for the word "Municipality", the words "Municipal area" shall be substituted; and

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

"(3-A) (a) The District Magistrate shall, before making the notification under sub-section (3), publish in the prescribed manner a draft thereof containing a statement showing the number of wards into which the Municipal area shall be divided, the extent of each such ward and the wards in which the seats reserved under section 11 shall be set assigned, with a notice inviting objections and suggestions from all persons interested within the prescribed period.

(b) The District Magistrate shall consider the objections and suggestions so received and, for that purpose, he may make such further enquiry as he may consider necessary."

\* For the Bill see *Orissa Gazette*, Extraordinary, dated the 15th November 1995 (No. 1269)

**Amendment of section 13.** 4. In section 13 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Nothing in this section shall debar the Election Commission to adopt, or provide for, any other mode for preparation of electoral rolls for the purpose of elections to Municipalities.”.

**Amendment of section 47.**

5. In section 47 of the principal Act,—

(i) in sub-section (3),—

(a) in clause (c), for the words “and the Scheduled Tribes” the comma and words, “the Scheduled Tribes and the backward class of citizens” shall be substituted; and

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

“(d) as nearly as may be, but not less than, twenty-seven per centum of the offices of Chairpersons of Municipalities shall also be reserved in favour of backward class of citizens as referred to in clause (6) of Article 243-T of the Constitution; and

(e) as nearly as may be, one-third of the total number of seats reserved under clause (d) shall be reserved for women belonging to the backward class of citizens.”.

(ii) to sub-section (4), the following proviso shall be added, namely:—

“Provided that the procedure provided in sub-section (3-A) of section 12 relating to reservation of seats in the Municipalities for the Scheduled Castes, Scheduled Tribes, backward class of citizens and women shall, as far as may be, be applicable for the purpose of reservation of offices of Chairpersons to be made by the State Government under this sub-section.”; and

(iii) in the opening portion of sub-section (6), for the brackets and figure “(1)”, the brackets and figure “(2)” shall be substituted.

**Savings.**

6. The amendments made by this Act, shall not—

(i) affect the continuance of the Municipalities existing at the commencement of this Act; and

(ii) apply to the law in force in the Scheduled Areas referred to in clause (1) of Article 244 of the Constitution.

**Repeal and Saving.**

7. (1) The Orissa Municipal (Amendment) Ordinance, 1995 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Orissa  
Ordinance  
No. 6 of  
1995.