

ORISSA ORDINANCE NO. 3 OF 1987

THE ORISSA MUNICIPAL (AMENDMENT) ORDINANCE, 1987

[Promulgated by the Governor on the 12th December, 1987, first published in an extraordinary issue of the Orissa Gazette, dated the 17th December 1987.]

AN

ORDINANCE

TO AMEND THE ORISSA MUNICIPAL ACT, 1950

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 to amend the Orissa Municipal Act, 1950 in the manner hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-eighth year of the Republic of India :—

Short title
and
commence-
ment.

1. (1) This Ordinance may be called the Orissa Municipal (Amendment) Ordinance, 1987.

(2) It shall come into force at once.

Amendment
of
Section 8.

2. In the Orissa Municipal Act, 1950 (hereinafter referred to as the principal Act), for Section 8, the following section shall be substituted, namely:—

Orissa Act
23
of 1950.

“8. (1) There shall be established for each Municipality a body to be called the Municipal Council which shall consist of such number of elected councillors, not being more than thirty nor less than eleven, as the State Government may notify immediately after the decision.

(2) In addition to the Councillors referred to in sub-section (1), the members of the Legislative Assembly of the State elected from the constituency which forms part, wholly or partly of the local area constituting the Municipality, shall be an *ex-officio* Councillor of the Municipality, having right to attend the meeting of the Council, except the meetings convened under Sections, 47, 49 and 54, but shall not have the right to vote at such meetings:

Provided that when the member of the Legislative Assembly becomes a Minister, Minister of State, Deputy Minister, Speaker, Deputy Speaker, Government Chief Whip, Deputy Government Chief Whip or Leader of the Opposition such member may nominate any person residing within the Municipality to represent him in the aforesaid meetings:

Provided further that during the period of suspension, suppression, dissolution of the Council or the intervening period between the expiry of the term of the Council and its reconstitution, the functions of the *ex officio* member shall stand suspended".

Amendment of Section 10. 3. In Section 10 of the Principal Act, after the words "the Councillors", the words "excepting the *ex officio* Councillors" shall be inserted.

Amendment of Section 74. 4. In Section 74 of the Principal Act, sub-section (1-b) shall be deleted.

Amendment of Section 84. 5. In Section 84 of the Principal Act, clause (e) shall be deleted.

Amendment of Section 85. 6. In Section 85 of the Principal Act, sub-section (4) shall be deleted.

Amendment of Section 387. 7. In Section 387 of the Principal Act, in sub-section (2), after clause (vi), the following clause shall be inserted namely:—

"(vi-a) with regard to grant of pensions, gratuities and other retirement benefits out of Municipal Fund to the Officers, servants and employees of the Municipal Councils, Notified Area Councils and the employees of the Orissa State Municipal Councils' Union, and extraordinary pensions and gratuities to any member of their family other than the employees of the Orissa Local Fund Service or any member of their family".

B. N. PANDE

Dated the 12th December, 1987

GOVERNOR OF ORISSA