

ORISSA ORDINANCE No.6 OF 1995

THE ORISSA MUNICIPAL (AMENDMENT) ORDINANCE, 1995

[Promulgated by the Governor on the 17th October 1995 published in an extraordinary issue of the *Orissa Gazette*, dated the 19th October 1995.]

AN

ORDINANCE

FURTHER 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 Forty-sixth year of the Republic of India:—

Short title.

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

(b) for sub-section (3), the following sub-section 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.

Amendment of section 12.

3. In section 12 of the principal Act,—

(i) 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."

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) for Clause (d) of sub-section (3), the following clause 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.”;

(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 Ordinance shall not—

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

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

GOPALA RAMANUJAM

GOVERNOR OF ORISSA

Dated the 17th October 1995