

ORISSA ORDINANCE No. 2 OF 1980

**THE ORISSA MUNICIPAL COUNCILS (POSTPONEMENT OF ELECTION) ORDINANCE, 1980**

[Promulgated by the Governor on the 26th April 1980,  
published in an extraordinary issue of the Orissa  
Gazette, dated the 28th April, 1980]

AN

**ORDINANCE**

TO PROVIDE FOR THE POSTPONEMENT OF ELECTIONS TO CERTAIN  
MUNICIPAL COUNCILS OF THE STATE

WHEREAS the President has, by proclamation published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 40(E) in the *Gazette of India* Extraordinary, dated the 17th February 1980, assumed to himself all the functions of the Government of the State of Orissa and all powers vested in, or exercisable by, the Governor of that State;

AND WHEREAS by order published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 41(E) in the *Gazette of India* Extraordinary, of the same date, the President has further directed that all the functions of the Government of the State of Orissa and all the powers vested in, or exercisable by, the Governor of that State under the Constitution, which have been assumed by him by the said proclamation, shall, subject to the superintendence, direction and control of the President, be exercisable also by the Governor of the said State;

AND WHEREAS, the power to promulgate Ordinances is vested in the Governor under Article 213 of the Constitution to be exercisable by him while the Legislature of the State is not in session;

AND WHEREAS, under sub-clause (iv) of clause (c) of the said proclamation, references in Article 213 of the Constitution to the Governor and to the Legislature of the State or the Houses thereof shall be construed as references to the President and to Parliament or the Houses thereof respectively;

AND WHEREAS, Parliament is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred upon him by clause (1) of Article 213 of the Constitution, read with order No. G.S.R. 41(E), aforesaid, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-first Year of the Republic of India :—

1. (1) This Ordinance may be called the Orissa Municipal Councils (Postponement of Election) Ordinance, 1980.

(2) It shall be deemed to have come into force on the 24th day of March, 1980 except section 4 which shall come into force at once.

## Definitions

2. In this Ordinance, unless the context otherwise requires—

- (a) "Municipal Act" means the Orissa Municipal Act, 1950; Orissa Act  
23 of 1950.
- (b) "Municipal Council" means a Municipal Council constituted under the Municipal Act and shall include a Notified Area Council constituted thereunder ;
- (c) words and expressions used in this Ordinance shall have the same meaning as assigned to them respectively, under the Municipal Act.

Postpone-  
ment  
of General  
Elections in  
certain  
Municipal  
Councils.

3. Notwithstanding anything contained in the Municipal Act or in any rules or orders made or issued thereunder—

- (a) all proceedings or actions, excepting actions taken for delimitation of wards and reservation of seats in favour of persons belonging to the Scheduled Castes and Scheduled Tribes, taken in furtherance of holding general elections for the reconstitution of the Municipal Councils specified in Schedule A are hereby cancelled ; and
- (b) the general election for the reconstitution of the Municipal Councils specified in Schedule A and Schedule B shall be held in accordance with the provisions of the Municipal Act and the rules made thereunder on such date, not being later than the 30th November, 1980, as may be fixed by the State Government and the election so held shall, for all purposes, be deemed to be a general election held under that Act.

Validation of  
certain  
actions.

4. Notwithstanding the cesser of operation of the Orissa Municipal Councils (Postponement of Election) Ordinance, 1979, any notification issued, anything done or any action taken under the provisions of the Municipal Act at any time before the 24th March, 1980, or on or after that date but before the date of promulgation of this Ordinance, for the purpose of holding general elections for the reconstitution of the Municipal Councils specified in Schedule A and Schedule B shall continue to be as valid and effective, or be deemed to be as valid and effective, as the case may be, as if the provisions of this Ordinance were in force at all material times. Orissa Ordinance No. 18  
of 1979.

## SCHEDULE A

1. Chikiti Notified Area Council
2. Pipili Notified Area Council
3. Udala Notified Area Council
4. Purusottampur Notified Area Council
5. Banpur Notified Area Council

6. Jagatsinghpur Notified Area Council
7. Buguda Notified Area Council
8. Kendrapara Municipal Council
9. Jharsuguda Municipal Council

**SCHEDULE B**

1. Tarva Notified Area Council
2. Bhuban Notified Area Council
3. Nimapara Notified Area Council
4. Hirakud Notified Area Council
5. Deogarh Municipal Council
6. Bhubaneswar Municipal Council
7. Sambalpur Municipal Council

Dated the 26th April 1980

**B. D. SHARMA**  
**GOVERNOR OF ORISSA**