

ORISSA ACT 8 OF 1984

THE ORISSA MUNICIPAL (AMENDMENT) ACT, 1984

[Received the assent of the Governor on the 2nd April 1984, first published in an extraordinary issue of the *Orissa Gazette*, dated the 2nd April 1984.]

AN ACT TO AMEND THE ORISSA MUNICIPAL ACT, 1950

BE it enacted by the Legislature of the State of Orissa in the Thirty-fifth Year of the Republic of India, as follows :—

1. (1) This Act may be called the Orissa Municipal (Amendment) Act, 1984.
- (2) It shall be deemed to have come into force on the 6th day of December, 1983.

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

"8. There shall be established for each Municipality a body to be called the *Municipal Council* which shall consist of such number of councillors, not being more than thirty nor less than eleven, as the State Government may specify in the notification constituting the Municipality."

3. For Section 10 of the principal Act including its marginal heading, the following section and the marginal heading shall be substituted, namely :—

"10. All the councillors of a *Municipal Council* shall be elected in the manner provided under this Act and the prescribed rules."

Short title
and
commence-
ment.

Amendment
of Section 8.

Orissa Act
23 of 1950.

Amendment
of Section 10.

Councillors
of the
Municipal
Council to
be elected.

Amendment
of Section 12.

4. In Section 12 of the principal Act,—

- (a) in sub-section (1) the words "the Chairman and" shall be deleted ; and
- (b) sub-section (4-a) shall be deleted.

Amendment
of section 14.

5. In Section 14 of the principal Act, sub-section (1) shall be deleted.

Amendment
of Section 16.

6. In Section 16 of the principal Act,—

- (a) in sub-section (1), for the words "as Chairman or Councillor" the words "as a Councillor" shall be substituted;
- (b) in sub-section (2)—
 - (i) the words "a Chairman or" shall be deleted; and
 - (ii) for the words and commas "his Chairmanship or Councillorship, as the case may be", the words "his Councillorship" shall be substituted.

Amendment
of Section 17.

7. In Section 17 of of the principal Act,—

- (a) in the opening lines, the words "a Chairman or" shall be deleted ; and
- (b) in clause (i), words and comma "in the case of a Councillor", shall be deleted.

Amendment
of Section 18.

8. In Section 18 of the principal Act, for the words "as a Chairman or as a Councillor" wherever they occur, the words "as a Councillor" shall be substituted.

Amendment
of Section 27.

9. In Section 27 of the principal Act, the words "a Chairman or" shall be deleted.

Amendment
of Section 29.

10. In Section 29 of the principal Act, the words "the Chairman or a" shall be deleted.

Amendment
of Section 37.

11. In Section 37 of the principal Act, the words "Chairman or" wherever they occur, shall be deleted.

Amendment
of Section 38

12. In Section 38 of the principal Act, the words "Chairman or" wherever they occur, shall be deleted.

Amendment
of Section
38-A.

13. In Section 38-A of the principal Act, the words "Chairman or" wherever they occur, shall be deleted.

Amendment
of Section 41.

14. In Section 41 of the principal Act,—

- (a) in the marginal heading, the words "the Chairman and the" shall be deleted;
- (b) in sub-sections (1), (2) and (3), the words "Chairman or" wherever they occur, shall be deleted;
- (c) in sub-section (4), the words "Chairman and" wherever they occur, shall be deleted; and
- (d) in sub-section (6), the words "the Chairman and" shall be deleted.

Amendment
Section 43.

15. In section 43 of the principal Act, after the words and comma "A councillor", the words "not being a Chairman" shall be inserted.

Amendment
of Sections 47
and 47-A.

16. For Sections 47 and 47-A of the principal Act, including the marginal headings thereof, the following Section and the marginal heading shall be substituted, namely :—

"Election of
Chairman
and Vice-
Chairman.

47. (1) At the first meeting of a Municipal Council, called at the instance of the District Magistrate, a Chairman and a Vice-Chairman shall be elected by the councillors from among themselves.

(2) Such election shall be held within thirty days from the date of publication of the names of councillors under Section 39 or, in the case of a vacancy due to any cause other than the expiry of the term of office of the Chairman or Vice-Chairman, within thirty days from the date of occurrence of such vacancy, and the District Magistrate or an Officer not below the rank of an Additional District Magistrate authorised by the District Magistrate in that behalf, shall preside over the meeting for such election.

(3) If at an election held under sub-section (1), no Chairman or Vice-Chairman is elected, a fresh election shall be held within thirty days from the date of the first election.

(4) If the councillors fail to elect a Chairman or a Vice-Chairman within the period specified in sub-section (3), the State Government may fill up these offices by appointment until such time as the Municipal Council elect such Chairman or Vice-Chairman in the prescribed manner:

Provided that no salaried servant of Government shall be eligible for such appointment."

Amendment
of Section 48.

17. For Section 48 of the principal Act, the following section shall be substituted, namely :—

"48. The Chairman or the Vice-Chairman shall be deemed to have vacated his office—

(a) on the expiry of his term of office as a Councillor of the Municipal Council or on his otherwise ceasing to be such Councillor; or

(b) on his election as Chairman or Vice-Chairman of any other Municipal Council."

Amendment
of sections 49
and 49-A.

18. For Sections 49 and 49-A of the principal Act, the following section shall be substituted, namely :—

"49. (1) On a vacancy occurring in the office of the Chairman or Vice-Chairman by reason of death, resignation, removal or otherwise, the District Magistrate shall, as soon as may be after occurrence of the vacancy, convene a meeting of the councillors who shall elect in the prescribed manner a person from among themselves to fill up the vacancy.

(2) All such meetings shall be presided over by the District Magistrate or by such officer as may be authorised by him in that behalf.

(3) The provisions contained in sub-sections (3) and (4) of Section 47 shall apply in respect of such election."

Insertion of
Section 50.

19. After Section 49 of the principal Act, the following section including the marginal heading shall be inserted, namely :—

"Status of
appointed
Chairman or
Vice-Chair-
man.

50. Notwithstanding anything contained in Section 8, every Chairman or Vice-Chairman appointed under sub-section (4) of Section 47 shall, if he is not a Councillor of the Municipal Council of which he has been appointed Chairman

or Vice-Chairman, from the date of his appointment during the term of his office, enjoy all rights and privileges and be subject to all liabilities and disabilities of a Councillor of such Municipal Council.”.

**Amendment
of Section 52.**

20. In Section 52 of the principal Act,—

- (a) in sub-section (2), for the words “State Government” the words “Municipal Council” shall be substituted; and
- (b) in sub-section (4), for the words and commas “State Government or the Municipal Council, as the case may be,” the words “Municipal Council” shall be substituted.

**Amendment
of Section 54.**

21. In Section 54 of the principal Act, in the proviso to sub-section (1), for the words “within two years from the date of election or nomination” the words “within one year from the date of election or appointment” shall be substituted.

**Repeal and
Saving.**

22. (1) The Orissa Municipal (Amendment) Ordinance, 1983 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.15 of
1983.