

ORISSA ORDINANCE No. 15 of 1983

THE ORISSA MUNICIPAL (AMENDMENT) ORDINANCE, 1983

[Promulgated by the Governor of Orissa on the 4th December 1983 published in an extraordinary issue of the *Orissa Gazette*, dated the 6th December 1983.]

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-fourth Year of the Republic of India :—

Short title
and Com-
mencement.

1. (1) This Ordinance may be called the *Orissa Municipal (Amendment) Ordinance, 1983*.

(2) it shall come into force at once.

Amendment
of Section 8.

2. For Section 8 of the *Orissa Municipal Act, 1950* (hereinafter referred to as *Orissa Act 23 of 1950*, 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."

Amendment
of Section 10.

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

"Councillors
of the
Municipal
Council to
be elected.

Amendment
of Section 12.

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

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 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-section (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 ;
- (d) in Sub-section (6), the words the "Chairman and" shall be deleted ;

Amendment
of Section 43.

15. In Section 43 of the principal Act, after the words and comma "A coun-
cillor," the words "not being a Chairman" shall be inserted.

Amendment
of Section 47
and 47-A.

16. For Section 47 and 47-A of the principal Act, including the marginal headings hereof, the following Section and the following 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 held 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 manners :

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 Section 49.

18. For Section 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."

In section 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-Chairman.

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.

Amendments of Section 52,

In Section 52 of the Principal Act,—

Amendment of Section 54.

20. (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 "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.

B. N. PANDE

Dated the 4th December, 1983

GOVERNOR OF ORISSA