

ORISSA ORDINANCE No. 2 OF 1992

THE ORISSA MUNICIPAL (AMENDMENT) ORDINANCE, 1992

[Promulgated by the Governor on the 25th April, 1992 first published in an extraordinary issue of the Orissa Gazette, dated the 27th April 1992].

AN
ORDINANCE

FURTHER TO AMEND THE ORISSA MUNICIPAL ACT, 1950.

WHEREAS the State Legislature 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-third Year of the Republic of India :—

Short title.

1. This Ordinance may be called the Orissa Municipal (Amendment) Ordinance, 1992.

Amendment
of section
39.

2. In the Orissa Municipal Act, 1950 (hereinafter referred to as the principal Act), in section 39, for the words "and Vice-Chairman", the comma and the words "Vice-Chairman and Additional Vice-Chairman" shall be substituted.

Orissa Act
23 of 1950.

Amendment
of section
40.

3. In the principal Act, in the provisos to section 40, for the words "and the Vice-Chairman", the comma and the words "the Vice-Chairman and the Additional Vice-Chairman" shall be substituted.

Amendment
of section
47-A.

4. In the principal Act for section 47-A including its marginal heading but excluding sub-section (2) thereof, the following shall be substituted, namely :—

Election of
Vice-Chair-
man and
Additional
Vice-Chair-
man.

“47-A. (1) Every Municipal Council shall have a Vice-Chairman and an Additional Vice-Chairman who shall be elected by the Councillors from among themselves at the first meeting of the Municipal Council convened at the instance of the District Magistrate; and the Rules for the Election of Vice-Chairman of Municipalities shall *mutatis mutandis* apply to the election of Additional Vice-Chairman:

Provided that where the Vice-Chairman elected under this section or nominated under section 49-A in relation to a Municipal Council is not a woman, the office of the Additional Vice-Chairman of the Municipal Council shall be deemed to have been reserved for women:

Provided further that in all cases where the first meeting of a Municipal Council has already been convened for the purpose of election of the Vice-Chairman of the Municipal Council, the election to the office of the Additional Vice-Chairman thereof shall be held in its subsequent meeting convened at the instance of the District Magistrate, as soon as may be, after the commencement of the Orissa Municipal (Amendment) Ordinance, 1992.”

Amendment
of section
48.

5. In the principal Act, in section 48, after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) The Additional Vice-Chairman of a Municipal Council shall be deemed to have vacated his/her office—

- (a) on the expiry of the term of office as, or on otherwise ceasing to be, a Councillor of that Municipal Council; or
- (b) on his/her election as Chairman, Vice-Chairman or Additional Vice-Chairman of any other Municipal Council.”

Amendment
of section
57.

6. In the principal Act, in clause (a) of section 57, after the words “Vice-Chairman” the words and comma “Additional Vice-Chairman,” shall be inserted.

Insertion of
new section
57-A.

7. In Chapter-V of the principal Act, after section 57, the following section shall be inserted, namely :—

“Application
of Chapter V
to Addi-
tional Vice-
Chairman.

57-A. Save as otherwise provided in this Act, the provisions of this Chapter as applicable to the Vice-Chairman of a Municipal Council shall *mutatis mutandis* apply to the Additional Vice-Chairman of a Municipal Council.”

Amendment
of section
58.

8. In the principal Act, in the second proviso to sub-section (1) of section 59, after the words “the Vice-Chairman” the words “or the Additional Vice-Chairman” shall be inserted.

Amendment of section 63. 9. In the principal Act, in section 63, the words and comma "or in their absence, by the Additional Vice-Chairman" shall be added at the end.

Amendment of section 64. 10. In the principal Act, in section 64,—

(a) in sub-section (1), after the words "Vice-Chairman", the words "or in their absence, the Additional Vice-Chairman" shall be inserted; and

(b) in sub-section (2), after the words "Vice-Chairman", the words "or the Additional Vice-Chairman" shall be inserted.

Amendment of section 65. 11. In the principal Act, in section 65, for the words "the Vice-Chairman or in the absence of both Chairman and Vice-Chairman", the commas and words "the Vice-Chairman or in his absence the Additional Vice-Chairman or in the absence of the Chairman, Vice-Chairman and the Additional Vice-Chairman" shall be substituted.

Amendment of section 68. 12. In the principal Act, in section 68, after the words "Vice-Chairman", wherever they occur, the comma and words ", Additional Vice-Chairman" shall be inserted.

Amendment of section 70. 13. In the principal Act, in section 70, after the words "Vice-Chairman", the words "or Additional Vice-Chairman" shall be inserted.

Amendment of section 71. 14. In the principal Act, in section 71, in the proviso to sub-section (3), after the words "Vice-Chairman" the comma and words ", Additional Vice-Chairman" shall be inserted.

Amendment of section 72. 15. In the principal Act, in clause (e) of section 72, after the words "Vice-Chairman", the words "or Additional Vice-Chairman" shall be inserted.

Amendment of section 88. 16. In the principal Act, in section 88, after the words "Vice-Chairman", the words "or in their absence of the Additional Vice-Chairman" shall be inserted.

Amendment of section 89. 17. In the principal Act, in section 89,—

(i) in the opening portion, for the words "A Vice-Chairman", the words "The Vice-Chairman or, in his absence, the Additional Vice-Chairman" shall be substituted;

(ii) in the first proviso, after the words "Vice-Chairman", the words "or as the case may be, the Additional Vice-Chairman" shall be added; and

(iii) in the second proviso, after the words "Vice-Chairman", the words "or, as the case may be, the Additional Vice-Chairman" shall be inserted.

Amendment
of section
90.

18. In the principal Act, in section 90—

(i) in the opening portion, after the words "Vice-Chairman", the words "or the Additional Vice-Chairman or both" shall be inserted; and

(ii) in the second proviso, after the words "Vice-Chairman", the words "or the Additional Vice-Chairman" shall be inserted.

Amendment
of section
91.

19. In the principal Act, section 91 shall be renumbered as sub-section (1) thereof, and

(i) in sub-section (1) as so renumbered, for the words "to any Member" the words "to the Additional Vice-Chairman" shall be substituted;

(ii) after sub-section (1) as so renumbered, and before the provisos, the following sub-section shall be inserted, namely:—

"(2) During the vacancy in the office of the Additional Vice-Chairman or in capacity or temporary absence of the Additional Vice-Chairman, the Chairman may, by order in writing, delegate any of his functions to the Vice-Chairman, and in the absence of Vice-Chairman, to any Member of the Municipal Council till the Additional Vice-Chairman resumes office or a new Additional Vice-Chairman is elected, as the case may be."

Amendment
of section
93.

20. In the principal Act, in the proviso to section 93, after the words "the Vice-Chairman", the words "or the Additional Vice-Chairman" shall be inserted.

Amendment
of section
363.

21. In the principal Act, in section 363, in sub-section (3), for the words "by a member of the Finance Committee" the words "by the Additional Vice-Chairman or, as the case may be, by a member of the Finance Committee", shall be substituted.

Amendment
of Chapter
XXVI.

22. In the principal Act, in Chapter XXVI,—

(i) in the heading, after the words "VICE-CHAIRMAN" the words and comma "ADDITIONAL VICE-CHAIRMAN," shall be inserted; and

(ii) after the words and comma "Vice-Chairman," wherever they occur, the words and comma "Additional Vice-Chairman," shall be inserted.

Amendment
of section
384.

23. In the principal Act, in section 384, after the words "Vice-Chairman" wherever they occur, the words "or Additional Vice-Chairman" shall be inserted.

Amendment
of section
401.

24. In the principal Act, in section 401, in sub-section (3), for the words "and Vice-Chairman" the comma and words "Vice-Chairman and Additional Vice-Chairman" shall be substituted.

Amendment
of section
402.

25. In the principal Act, in section 402, in sub-section (3), for the words "and Vice-Chairman" the comma and words "Vice-Chairman and Additional Vice-Chairman" shall be substituted.

Amendment
of section
423.

26. In the principal Act, in section 423, in sub-section (4),—

- (i) after the words "Vice-Chairman" occurring for the first time, the words "and the Additional Vice-Chairman" shall be inserted; and
- (ii) after the words "Vice-Chairman" occurring for the 2nd time, the words "or the Additional Vice-Chairman" shall be inserted.

YAGYA DUTT SHARMA

Dated the 25th April 1992

GOVERNOR OF ORISSA