

DA 3/42

ODISHA ACT 3 OF 1942

THE ODISHA LOCAL AUTHORITIES EXTENSION OF OFFICE ACT, 1942

(29th December 1942)

AN ACT TO PROVIDE FOR EXTENSION OF THE TERM OF OFFICE OF LOCAL AUTHORITIES IN THE PROVINCE OF ODISHA.

Preamble.

WHEREAS it is expedient to enable the Provincial Government to extend the term of office of the present members and office-bearers of certain local authorities in the Province of Orissa;

Short title, commencement and duration.

It is hereby enacted as follows:—

1. (1) This Act may be called the Orissa Local Authorities Extension of Office Act, 1942.

(2) It shall come into force at once.

(3) It shall be in force during the continuance of the present hostilities and for a period of six months thereafter, and shall then expire except as regards the continuance in office of members and office-bearers of local authorities for such period as is referred to in section 3.

Temporary amendments of certain Acts.

2. During the continuance of this Act—

(1) section 29 of the Bihar and Orissa Municipal Act, 1922, shall have effect as if after sub-section (3) thereof the following sub-section had been added, namely:—

B. & O. Act VII of 1922.

“(4) Notwithstanding anything contained in sub-section (1) and

subject to the saving mentioned therein and to the provisions of sub-section (2), the Provincial Government may, by notification in the official Gazette, extend the term of office of the Commissioners, Chairman, Vice-Chairman and President of any municipality holding office at the date of commencement of the Orissa Local Authorities Extension of Office Act, 1942, for such period as that Government may deem fit.”;

(2) the Bihar and Orissa Local Self-Government Act, 1885, shall have effect as if after section 13 thereof the following section had been added, namely:—

Bengal Act
III of 1885.

“13-A. Notwithstanding anything contained in section 13 and subject to the saving mentioned therein, the Provincial Government may, by notification in the official Gazette, extend the term of office of the members, and consequentially of the Chairman and Vice-Chairman, of any District Board holding office at the date of commencement of the Orissa Local Authorities Extension of Office Act, 1942, for such period as that Government may deem fit.”;

(3) the Sambalpur Local Self-Government Act, 1939, shall have effect as if—

Orissa Act
VI of 1939.

(a) after section 16 thereof the following section had been added, namely:—

“16-A. Notwithstanding anything contained in section 16 and subject to the saving mentioned therein, the Provincial

Government may, by notification in the official Gazette, extend the term of office of the members, and consequentially of the Chairman and Vice-Chairman, of the District Board holding office at the date of commencement of the Orissa Local Authorities Extension of Office Act, 1942, for such period as that Government may deem fit." and

(b) in sub-section (1) of section 17 thereof, after the words "mentioned in section 16", the words "or that term as extended by notification under section 16-A" had been inserted;

(4) section 8 of the Madras District Municipalities Act, 1920, shall have effect ^{Madras Act V of 1920.} as if after sub-section (5) thereof the following sub-section had been added, namely:—

"(6) Notwithstanding anything contained in sub-section (1) and subject to the saving mentioned therein, the Provincial Government may, by notification in the official Gazette, extend the term of office of the councillors, and consequentially of the Chairman and Vice-Chairman, of any municipality holding office at the date of commencement of the Orissa Local Authorities Extension of Office Act, 1942, for such period as that Government may deem fit.";

(5) section 11 of the Madras Local Boards Act, 1920, shall have effect as if ^{Madras Act XIV of 1920.}

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after sub-section (5) thereof the following sub-section had been added, namely:—

“(6) Notwithstanding anything contained in sub-sections (1) and (1-A) and subject to the saving mentioned in sub-section (1), the Provincial Government may, by notification in the official Gazette, extend the term of office of the members, and consequentially of the Chairman and Vice-Chairman, of any District Board holding office at the time of commencement of the Orissa Local Authorities Extension of Office Act, 1942, for such period as that Government may deem fit.”

Restriction of powers of Provincial Government.

3. The powers conferred on the Provincial Government by section 2 shall be exercised subject to the restriction that the term of office of the members or office-bearers of any local authority shall not be extended beyond the date six months after the termination of the present hostilities, but without prejudice to the continuance in office beyond such date of such members or office-bearers for such period as is provided by sub-section (2) of section 29 of the Bihar and Orissa Municipal Act, B. & O. Act VII of 1922, section 24 of the Bihar and Orissa Local Self-Government Act, 1885, or Bengal Act III of 1885, sub-section (1) of section 17 of the Sambalpur Local Self-Government Act, Orissa Act VI of 1939.

Definition of the date of termination of the present hostilities.

4. For the purposes of this Act the date of termination of the present hostilities shall be determined by the Provincial Government by notification in the official Gazette.