

## ORISSA ACT VIII OF 1946

## THE MADRAS DISTRICT MUNICIPALITIES (ORISSA AMENDMENT) ACT, 1946

[ Received the assent of the Governor on the 5th November 1946, first published in the Orissa Gazette on the 15th November 1946 ]

AN ACT TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920, IN ITS APPLICATION TO THE PROVINCE OF ORISSA

WHEREAS it is expedient to amend the Madras District Municipalities Act, 1920, in its application to the Province of Orissa, in the manner hereinafter appearing; Madras Act, V of 1920.

It is hereby enacted as follows —

Short title and commencement.

1. (1) This Act may be called the Madras District Municipalities (Orissa Amendment) Act, 1946.

(2) It shall be deemed to have come into force on the 1st day of June 1946.

Amendment of section 3, Madras District Municipalities Act, 1920.

2. In section 3 of the Madras District Municipalities Act, 1920, (hereinafter referred to as the said Act)— Madras Act, V of 1920.

(i) clause (1) shall be omitted and clause (1-A) shall be renumbered as clause (1); and

(ii) after clause (28), the following clause shall be inserted, namely:—

Scheduled castes

“(28-A) ‘Scheduled castes’ shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936, as in force for the time being, in regard to the municipality concerned.”

Amendment of section 7, Madras District Municipalities Act, 1920.

3. In clause (c) of sub-section (3) of section 7 of the said Act, for the word “Adi-Dravidas”, the words “Members of the Scheduled castes” shall be substituted.

Amendment of sections 44 and 45, Madras District Municipalities Act, 1920.

4. For sections 44 and 45 of the said Act, the following section shall be substituted, namely:—

Qualifications for inclusion in electoral roll for municipality and publication thereof.

“44. (1) Every person whose name is included in that part of the electoral roll for any territorial constituency of the Orissa Legislative Assembly, which relates to the municipality or any portion thereof, shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll.

*Explanation (1)*—Where in the case of any territorial constituency of the Orissa Legislative Assembly, there is no distinct part of the electoral roll relating to the municipality, the names of all persons who are entered in such roll under the registration area comprising the municipality and whose addresses as entered in such roll are situated in the municipality shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act.

*Explanation (2)*—No person's name shall be included in the electoral roll for the municipality in more than one place.

(2) As soon as may be after the electoral rolls for the territorial constituencies of the Orissa Legislative Assembly which consist of or comprise, the municipality or any portion thereof, have been published as provided in the Government of India Act, 1935, and the rules made thereunder, or as soon as may be after any revision of such electoral rolls has been completed and the alterations consequent on such revision have been published as aforesaid, as the case may be, any person authorised by the election authority in this behalf shall publish in such manner as the Provincial Government may direct, the portions of the said electoral rolls or of the alterations therein which relate to the municipality, as the electoral roll for the municipality or as alterations to such roll, as the case may be. 26 Geo. 5 & 1 Edw. 8 c. 2

(3) When a municipality has been divided into wards, the electoral roll for the municipality shall be divided into separate lists for each ward.

(4) Where after the electoral roll for a municipality or any alterations thereto have been published under sub-section (2), the municipality is divided into wards for the first time or the division of the municipality into wards is altered, the election authority shall as soon as may be after such division or alteration, as the case may be, in order to give effect to the division of the municipality into wards or to the alteration of the wards, as the case may be, authorise a re-arrangement and re-publication of the electoral roll for the municipality or any part of such roll, in such manner as the Provincial Government may direct.

(5) The electoral roll for the municipality published under sub-section (2), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (4), shall remain in force until the publication of a fresh electoral roll for the municipality under sub-section (2).

(6) Every person whose name appears in the electoral roll for the municipality, as so revised, shall, so long as it remains in force, be entitled, subject to the provisions of this Act, to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

*Explanation*—In this section, “territorial constituency” 26 Geo. 5  
shall have the same meaning as in the Sixth Schedule to the &  
Government of India Act, 1935, that is to say, it shall mean 1 Edw. 8c. 2  
one of the territorial constituencies mentioned in paragraphs  
5 and 8 of the Fifth Schedule to that Act.

Amendment of section 47, Madras District Municipalities Act, 1920

5. In section 47 of the said Act, for the expression “sub-section (5)” the expression “sub-section (6)” shall be substituted.

Amendment of section 303, Madras District Municipalities Act, 1920

6. In the second proviso to clause (b) of sub-section (2) of section 303 of the said Act, for the words “any Adidraivida candidate” the words “any candidate who is a member of the Scheduled castes” shall be substituted.

Amendment of section 368, Madras District Municipalities Act, 1920

7. In section 368 of the said Act—

(1) for sub-section (2) the following sub-section shall be substituted, namely :—

“(2) The Special Officer shall cause arrangements for election to be made so that the newly elected councillors may come in to office on a day within such period, as may be fixed in this behalf by the Provincial Government, from the date of publication of the notification under sub-section (3) of section 4 declaring the area to be a municipality :

Provided that the Provincial Government shall have power to extend such period from time to time as they may deem expedient.” ;

(2) for sub-section (6) the following sub-section shall be substituted, namely :—

“(6) The provisions of sub-section (1) to (5) including the provisions for the appointment of a Special Officer and for fixing and extending the period within which arrangement should be made for the newly elected councillors to come into office, shall apply, save as otherwise provided in this Act, and, so far as may be, to all cases of re-constitution of municipal councils whether such re-constitution is necessitated by the councillors vacating their office by efflux of time or otherwise.”

Insertion of new section 371, Madras District Municipalities Act, 1920.

8. After section 370 of the said Act, the following section shall be inserted, namely :—

Power to remove difficulties.

“371. If any difficulty arises in giving effect to the provisions of the Madras District Municipalities Act, 1920, Madras Act as amended from time to time, the Provincial Government V of 1920. may, as occasion arises, by order, do anything which appears to them necessary for the purpose of removing the difficulty.