

ORISSA ACT 6 OF 2002

THE ORISSA MUNICIPAL (AMENDMENT) ACT, 2002

TABLE OF CONTENTS

Total

PREAMBLE

SECTIONS

Rs.

27,27,57,000
3,00016,92,29,000
1,58,18,000164,10,38,000
2,85,23,00054,97,67,000
20,76,25,000

40,64,26,000

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4,84,42,000
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0,07,24,000

5,29,74,000

8,84,58,000

31,39,000

52,89,000

14,76,000

57,65,000

1. Short title
2. Amendment of section 3
3. Amendment of section 8
4. Insertion of new section 11-B
5. Amendment of section 12
6. Amendment of section 16
7. Amendment of section 17
8. Amendment of section 30
9. Insertion of new section 37-A
10. Amendment of section 47
11. Omission of section 49-A
12. Amendment of section 53
13. Amendment of section 54
14. Insertion of new section 73-D
15. Amendment of section 81-B

ORISSA ACT 6 of 2002

***THE ORISSA MUNICIPAL (AMENDMENT) ACT, 2002**

[Received the assent of the Governor on the 23rd April 2002, first published in an extraordinary issue of the Orissa Gazette, dated the 26th April, 2002 (No. 556)]

AN ACT FURTHER TO AMEND THE ORISSA MUNICIPAL ACT, 1950.

Be it enacted by the Legislature of the State of Orissa in the Fifty-third Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Orissa Municipal (Amendment) Act, 2002

Amendment of section 3.

2. In section 3 of the Orissa Municipal Act, 1950 (hereinafter referred to as the principal Act), after clause (15), the following clause shall be inserted, namely :—

Orissa Act, 23 of 1950.

“(15-a) “Local Fund Service” means the Local Fund Service constituted under section 81”;

Amendment of section 8.

3. In section 8 of the principal Act, in the proviso to clause (b), for the full stop occurring at the end, a semicolon shall be substituted and, after the said clause, the following clause shall be inserted, namely :—

“(c) every Member of the House of the People and of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area and every member of the Council of States registered as elector within the Municipal area :

Provided that no such member shall have the right to attend any meeting of the Municipality convened under sections 47, 49 or 54 :

Provided further that where any such member is unable to attend any meeting of the Municipality (except as aforesaid) for any reason, he may authorise a person to attend such meeting as his representative but, in no case, the representative so authorised shall have the right to vote at such meeting.”

Insertion of new section 11-B.

4. After section 11-A of the principal Act, the following section shall be inserted, namely :—

“11-B. Any officers and employees of the State Government, made available to the Election Commission pursuant to clause (3) of article 243-K of the Constitution for the discharge of the functions conferred on the Election Commission by clause (1) of that article, when appointed by the Election Commission as the Election Officer, Polling Officer or any other Officer, or otherwise designated for the time being, for the conduct of any election under this Act, shall be deemed to be on deputation to the Election Commission for the period commencing on the date of notification calling for such election and ending with the date of declaration of the result of such election and, accordingly, such officers and employees shall, during that period, be subject to the control, superintendence and discipline of the Election Commission.”

Election Officer, Polling Officer, etc. deemed to be on deputation to Election Commission.

Amendment of section 12.

5. In section 12 of the principal Act,—

(a) for the opening portion of sub-section (3), the following shall be substituted, namely :—

“For the purpose of election of Councillors to a Municipality, the District Magistrate shall, in the case of a new Municipality, of his own motion and, in the case of a Municipality already in existence at the time the notification is made, after consulting the concerned Municipality, by notification,—”; and

*For the Bill, see *Orissa Gazette, Extraordinary*, dated the 6th April 2002 (No. 499)

(b) in sub-section (3), after the proviso, the following proviso shall be added, namely :—

“Provided further that notwithstanding anything contained in this section if any person is aggrieved by the decision as to the division of the Municipal area into wards or the assignment of wards, as referred in clauses (a) and (b), he may prefer an appeal to the State Government within fifteen days from the date of publication of the notification which shall be disposed of by the appellate authority within thirty days from the date of its filing after giving the person concerned an opportunity of being heard, and the decision of the appellate authority shall be final.”

Amendment
of
section 16.

6. In Section 15 of the principal Act, in clause (iv) of sub-section (1), the words and comma “a deaf-mute,” shall be omitted.

Amendment
of
section 17.

7. In Section 17 of the principal Act, in clause (b), the words and comma “a deaf-mute,” shall be omitted.

Amendment
of
section 30.

8. In section 30 of the principal Act, in sub-section (2), after the words “Polling Officer”, the words and figure “or any other officer, whether designated as Election Officer or otherwise, engaged in or associated with the work of preparation of electoral rolls pursuant to section 13 of this Act” shall be inserted.

Insertion of
new section
37-A.

9. In Chapter-III of the principal Act, after section 37, the following section shall be inserted, namely :—

Protection
of action
taken in
good faith.

“37-A. No suit, prosecution or other legal proceeding shall lie against the Election Commission or any person acting under the direction of the Election Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of this Chapter or of any order made thereunder or in respect of the tendering of any opinion by the Election Commission to the Governor or in respect of the publication, by or under the authority of the Election Commission, of any such opinion, or any paper or proceedings”.

Amendment
of Section 47.

10. In section 47 of the principal Act, for sub-section (7), the following sub-section shall be substituted, namely:—

“(7) If at the subsequent election held under sub-section (6) no Chairperson or Vice-Chairperson, as the case may be, is elected, the State Government shall nominate a person who is otherwise eligible to hold the office, to fill up the office, and the person so nominated shall, subject to other provisions of this Act, hold office till the expiry of five years from the date appointed for the first meeting referred to in clause (a) of sub-section (2) of Section 47.”

Omission
of section
49 A.

11. Section 49-A of the principal Act shall be omitted.

Amendment
of section 53

12. In section 53 of the principal Act, in sub-section (1), for the words “or by an officer not below the rank of a District Magistrate”, the words “or the District Magistrate or by an officer not below the rank of a Deputy Secretary of the State Government, as the Government may, by notification, direct” shall be substituted.

Amendment
of section 54.

13. In section 54 of the principal Act, for the proviso to sub-section (1), the following proviso shall be substituted, namely:—

“Provided that no such resolution recording want of confidence in the Chairperson or the Vice-Chairperson—

(i) shall be passed within two years from the date of his election or nomination, as the case may be; and

(ii) shall be moved more than once during a calendar year.”

In section of new Section 73-D.

14. After section 73-C of the principal Act, the following Section shall be inserted, namely :—

Irregular appointments to be voidable.

“73-D. Any appointment made by a Municipality without the previous sanction of the State Government as required by sub-section (1) of section 73 shall be treated as voidable.”

Amendment of section 81-B.

15. For section 81-B of the principal Act, the following section shall be substituted, namely:—

“81-B. Whenever any officer or servant belonging to the Local Fund Service is transferred or posted to a Municipality, the Executive Officer of the Municipality from which he transferred shall be bound to relieve him as per orders of the State Government and the Executive Officer of the Municipality to which he is so transferred or posted shall be bound to accept his joining report forthwith, employ him in the service of Municipality and pay all amounts due to him on account of his pay, allowances and other dues from out of the Municipal Fund.”

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