

**THE BALUGAON NOTIFIED AREA COUNCIL (EXTENSION OF TERM OF OFFICE AND
VALIDATION) ORDINANCE, 1988**

*[Promulgated by the Governor on the 19th February 1988, first published in an extraordinary issue of the
Orissa Gazette, dated the 22nd February 1988]*

AN

ORDINANCE

TO PROVIDE FOR THE EXTENSION OF THE TERM OF OFFICE OF THE BALUGAON
NOTIFIED AREA COUNCIL, TO VALIDATE THE ACTIONS OF THE SAID NOTIFIED
AREA COUNCIL AND FOR MATTERS INCIDENTAL THERETO.

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 for extending the term of the Balugaon Notified Area Council and validating actions taken by such Council;

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 promulgate the following Ordinance in the Thirty-ninth Year of the Republic of India :—

Short title
and
commence-
ment.

1. (1) This Ordinance may be called the Balugaon Notified Area Council (Extension of Term of Office and Validation) Ordinance, 1988.

(2) This section and sub-section (2) of section 3 shall come into force at once and the remaining provisions of this Ordinance shall be deemed to have come into force on the 10th day of September, 1987.

Definitions

2. In this Ordinance, unless the context otherwise requires,—

(a) "Municipal Act" means Orissa Municipal Act, 1950;

Orissa Act
23 of 1950.

(b) "Notified Area Council" means a Notified Area Council constituted under the Orissa Municipal Act;

(c) Words and expressions used in this Act, but not defined herein, shall have the same meaning as assigned to them respectively under the Municipal Act.

Extension of
term of office
and
validation of
actions taken
by the
Balugaon
Notified
Area Council
and its
Chairman.

3. (1) Notwithstanding anything contained in the Municipal Act, the State Government may, by notification direct that the term of office of the Councillors of Balugaon Notified Area Council as extended by the direction issued by the State Government under sub-section (6) of section 41 of the Municipal Act and last published with the notification of the State Government in the Housing and Urban Development Department No. 14276, dated the 2nd April 1987 be further extended from the 10th day of September, 1987 till the 14th day of September 1988.

(2) All actions taken and orders passed by the Balugaon Notified Area Council in the district of Puri and by its Chairman during the period from 10th day of September, 1987 to the date of commencement of the Balugaon Notified Area Council (Extension of Term of Office and Validation) Ordinance, 1988 (both the days inclusive) in the belief or purported belief that the term of office of the Councillors was validly extended, shall, for all intents and purposes, be deemed to have been validly taken and passed and no such action or order shall be questioned in any Court of law or otherwise open to challenge merely on the ground that the term of office of the Councillors was not validly extended.

Orissa Ordi-
nance No. 1
of 1988.

Conce-
quences of
extension of
term of
office.

4. On extension of the term of office of the Councillors of the Balugaon Notified Area Council by a direction issued under section 3,—

- (a) the provisions contained in sub-section (4) of section 41 of the Orissa Municipal, Act shall apply to the said Notified Area Council, with effect from the date of expiry of the term of office of the Councillors thereof;
- (b) the election or nomination, as the case may be, of the Councillors as for reconstitution of the said Notified Area Council shall be held in accordance with the provisions of the Municipal Act on such date not being later than the 14th day of September 1988 as may be directed by the State Government; and
- (c) the Notified Area Council so reconstituted shall, for all purposes, be deemed to have been constituted under and be governed by the provisions of the Municipal Act, Rules and Notifications made thereunder.

Dated the 19th February, 1988

B. N. PANDE
Governor of Orissa