

ORISSA ORDINANCE No. 10 OF 1991

THE ORISSA MUNICIPAL (AMENDMENT) ORDINANCE, 1991

[Promulgated by the Governor of Orissa on the 22nd November, 1991, first published in an extraordinary issue of the *Orissa Gazette*, dated the 22nd November 1991.]

AN

ORDINANCE

FURTHER TO AMEND THE ORISSA MUNICIPAL ACT, 1950

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 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-second Year of the Republic of India:—

- Short title. 1. This Ordinance may be called the Orissa Municipal (Amendment) Ordinance 1991.
- Amendment of section 4. 2. In section 4 of the Orissa Municipal Act, 1950 (hereinafter referred to as Orissa Act 23 of 1950. the principal Act), in clause (a) of sub-section (1) for the words "ten thousand", the words "twenty-five thousand" shall be substituted.
- Amendment of section 8. 3. In section 8 of the principal Act, in sub-section (1), for the words "not being more than thirty", the words "not being more than forty" shall be substituted.
- Amendment of section 10. 4. To section 10 of the principal Act, the following proviso shall be added, namely:—
 "Provided that where such election is contested on political party basis, the candidates contesting such election shall use their respective party symbols.
Explanation—For the purposes of this section,—
 (a) "candidates" means candidates duly sponsored by respective political parties;
 (b) "party symbol" means the symbol allotted to a particular political party under the Elections Symbols (Reservation and Allotment) Order, 1968; and
 (c) "political party" means a 'National Party' or, as the case may be, a 'State Party' within the meaning of paragraph 7 of the Order referred to in clause (b)."
- Amendment of section 11. 5. For section 11 of the principal Act, the following section shall be substituted, namely:—
 "11:(1) There shall be reserved, by the State Government, seats in every Municipal Council for the Scheduled Tribes and the Scheduled Castes, and the number of seats to be so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled up by election in that council as the population of the Scheduled Tribes and the Scheduled Castes in the Municipal Area bears to the total population of that area;

Provided that where the population of the Scheduled Tribes or, as the case may be, the Scheduled Castes in a Municipal Area is not sufficient for reservation of any seat, one seat shall be reserved either for the Scheduled Tribes or for the Scheduled Castes, whose population is higher in the area.

(2) The seat or seats reserved under sub-section (1) shall be assigned to the ward or wards, as the case may be, in order of the numerical strength of the population in different wards of the members of Scheduled Tribes or the Scheduled Castes, as the case may be, for whom such reservation has been made.

(3) (i) where the number of seats reserved under sub-section (1) is more than one, as nearly as may be one-third of the total number of such seats shall be reserved for the women belonging to the Scheduled Tribes or the Scheduled Castes or both, as the case may be, in order of the numerical strength in different wards:

Provided that where only two seats are reserved for the Scheduled Tribes or the Scheduled Castes or for both, one of the two seats shall be reserved for women belonging to the Scheduled Tribes or, as the case may be, the Scheduled Castes in respect of the ward in which the number of women belonging to such Tribes or Castes, as the case may be, is higher.

(ii) Where a particular ward qualifies for reservation for women belonging to the Scheduled Tribes or the Scheduled Castes under clause (i) and no such candidate comes forward to contest the election, State Government shall nominate a woman belonging to the Scheduled Tribes or, as the case may be, the Scheduled Castes of that ward, for whom such reservation has been made, as the Councillor for that ward."

Insertion of
new section
11-A.

6. In Chapter II of the principal Act, after section 11, the following section shall be inserted, namely:—

"Reservation
of
seats for
women.

11-A. (1) As nearly as may be, one-third (including the number of seats reserved under section 11 for women belonging to the Scheduled Tribes and Scheduled Castes) of the total number of seats to be filled up by election in every Municipal Council shall be reserved for women.

(2) The seats reserved under sub-section (1) shall be assigned to the wards, other than those reserved under section 11, in order of the numerical strength of the population of women in different wards.

(3) Where no woman candidate comes forward to contest the election in relation to any particular ward reserved for women the State Government shall nominate a woman belonging to that ward as the Councillor for the ward."

Amendment
of
section 12.

7. In section 12 of the principal Act, in clause (b) of sub-section (2), for the word and figure "section 11", the words, figures and letter "sections 11 and 11-A" shall be substituted.

Amendment
of
section 16,

8. In section 16 of the principal Act, in sub-section (1), after clause (i) the following clause shall be inserted, namely:—

"(ii) is less than twenty-five years of age; or".

Omission
of
section 54,

9. Section 54 of the principal Act shall be omitted.

Insertion of
new section
77-A.

10. After section 77 of the principal Act, the following section shall be inserted, namely:—

"Procedure
relating to
disciplinary
actions.

77-A. The procedure laid down in the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962, in so far as they are not inconsistent with this Act shall *mutatis mutandis* apply to the officers and servants of every Municipal Council on whom the Chairman of the Municipal Council is empowered under section 76 to impose punishments."

Amendment
of
section 101.

11. Section 101 of the principal Act, shall be renumbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so renumbered, the words "The Executive Officer" shall be omitted; and

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

"(2) It shall be the duty of the Executive Officer to attend all the meetings of the Municipal Council and to take part in the discussions on such meetings, but he shall not vote upon, or propose, a resolution at any such meeting.

(3) In the case of a meeting of any Committee of the Municipal Council, the Executive Officer may, with the permission of the Chairman or by virtue of a resolution passed in that behalf at a meeting of such Committee, make a statement in regard to a subject under discussion but shall not vote upon, or propose, a resolution at such meeting."

Amendment
of
section 117.

12. In section 117 of the Principal Act, in sub-section (1), in the proviso to clause (xi), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

YAGYA DUTT SHARMA

Governor of Orissa

Dated the 22nd November, 1991