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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY

NOTIFICATION

The 18th September, 2018

No.8812/L.A.—The following Bill which has been introduced in the Odisha Legislative Assembly on the 17th September, 2018 is herewith published under Rule-68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

THE ODISHA MUNICIPAL (AMENDMENT) BILL, 2018

A

BILL

FURTHER TO AMEND THE ODISHA MUNICIPAL ACT, 1950.

BE it enacted by the Legislature of the State of Odisha in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

1.(1) This Act may be called the Odisha Municipal (Amendment) Act, 2018.

(2) It shall come into force from the date of its publication in the Official Gazette.

Amendment
of section 8.

2. In the Odisha Municipal Act, 1950 (hereinafter referred to as the principal Act), in section 8, —

Odisha Act
23 of 1950.

(i) in the opening portion, for the words, comma and colon-hyphen “Every Municipality shall be composed of the following Councillors, namely:—”, the words and hyphen “Every Municipality shall be composed of—” shall be substituted;

(ii) for clause (a), the following clauses shall be substituted, namely:—

“(a) a Chairperson directly elected by the electors of the Municipal area;

(a-1) one Councillor elected directly from every ward within the Municipal area;”.

Amendment
of section 10.

3. In the principal Act, in section 10, —

(a) in the marginal heading, before the word “Councillors”, the words “Chairperson and” shall be inserted;

(b) in sub-section (1), in the opening line, for the words, letter, bracket and figure “The election of Councillors specified in clause (a) of section 8 shall be held in the prescribed manner”, the words, letter, figure and bracket “The election to the office of the Chairperson and Councillors, respectively, specified in clauses (a) and (a-1) of section 8 shall be held in the prescribed manner” shall be substituted; and

(c) in sub-section (2), for the words “elected Councillors”, the words “elected Chairperson and Councillors” shall be substituted.

Amendment
of section 12.

4. In the principal Act, in section 12, —

(a) in the marginal heading, before the word “Councillors”, the words “Chairperson and” shall be inserted;

(b) in sub-section (1), —

(i) in the opening line, for the words, letter, bracket and figure “the Councillors specified in clause (a) of section 8”, the words, letter, bracket

and figure “the Chairperson and the Councillors, respectively, specified in clauses (a) and (a-1) of section 8” shall be substituted;

(ii) in clause (b), for the words, letter, brackets and figure “in clause (a) of sub-section (2) of section 47”, the words and figure and bracket “sub-section (2) of section 47” shall be substituted;

(c) in sub-section (2), for the words “to elect Councillors”, the words “to elect a Chairperson and Councillors” shall be substituted;

(d) in sub-section (3), in the opening line, for the words “For the purpose of election of Councillors”, the words “For the purpose of election of Chairperson and Councillors” shall be substituted; and

(e) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4-a) All the electors of a Municipality, irrespective of their community shall be entitled to vote at an election in respect of the Chairperson of that Municipality.”.

Amendment
of section 14.

5. In the principal Act, in section 14, before sub-section (2), the following sub-section shall be inserted, namely: —

“(1) No person who is not for the time being in the electoral roll of a Municipality, shall be entitled to vote at an election for the office of the Chairperson of that Municipality.”.

Amendment
of section 16.

6. In the principal Act, in section 16, —

(a) in sub-section (1),—

(i) in the opening portion, for the words “as a Councillor of a Municipality”, the words “as the Chairperson or a Councillor of a Municipality” shall be substituted; and

(ii) for clause (iv), the following clause shall be substituted, namely:—

“(iv) has been adjudged by a competent court to be of unsound mind;”;

(b) in sub-section (2),—

(i) for the words “a Councillor”, the words “a Chairperson or a Councillor” shall be substituted; and

(ii) for the words “his Councillorship”, the words and comma “his Chairpersonship or Councillorship, as the case may be,” shall be substituted.

Amendment
of section 17.

7. In the principal Act, in section 17, —

(a) in the marginal heading, before the word “Councillor”, the words “Chairperson and” shall be inserted;

(b) in sub-section (1),—

(i) in the opening portion, after the word and figure “section 38”, the words “a Chairperson or” shall be inserted; and

(ii) for clause (b), the following clause shall be substituted, namely:—

“(b) has been adjudged by a competent court to be of unsound mind;” and

(c) in sub-section (2), in the opening line, for the words “A Councillor”, the words “A Chairperson or a Councillor” shall be substituted.

Amendment of
section 17-A.

8. In the principal Act, in section 17-A, in sub-section (1), for the words “as a Councillor”, the words “as a Chairperson or as a Councillor” shall be substituted.

Amendment
of section 18.

9. In the principal Act, in section 18, —

(a) in the opening line of sub-section (1), before the words “as a Councillor”, the words “as a Chairperson or” shall be inserted; and

(b) in the opening line of sub-section (2), before the words “as a Councillor”, the words “as a Chairperson or” shall be inserted.

Amendment
of section 27.

10. In the principal Act, in section 27, —

(a) in the marginal heading, before the words “a Councillor”, the words “a Chairperson or” shall be inserted; and

(b) in the opening line, before the words “a Councillor”, the words “a Chairperson or” shall be inserted.

Amendment of section 29. 11. In the principal Act, in section 29, before the words “a Councillor”, the words “the Chairperson or” shall be inserted.

Amendment of section 37. 12. In the principal Act, in section 37, before the words “a Councillor”, wherever they occur, the words “a Chairperson or” shall be inserted.

Amendment of section 38. 13. In the principal Act, in section 38, —

(a) in the marginal heading, before the word “Councillors”, the words “Chairperson and” shall be inserted;

(b) in sub-section (1), before the word “Councillor”, wherever it occurs, except fourth time, the words “Chairperson or” shall be inserted; and

(c) in sub-section (3), for the words “the Councillor”, the words and commas “the Chairperson or the Councillor, as the case may be,” shall be substituted.

Amendment of section 38-A. 14. In the principal Act, in section 38-A, —

(a) in the marginal heading, before the word “Councillor”, the words “Chairperson or” shall be inserted; and

(b) before the word “Councillor”, wherever it occurs, the words “Chairperson or” shall be inserted.

Amendment of section 39. 15. In the principal Act, for section 39, the following section shall be substituted, namely:—

“39. The names of the Chairperson and of the Councillors of every Municipality including its Vice-Chairperson shall be published in the Gazette.”.

Amendment of section 41. 16. In the principal Act, in section 41, —

(a) in the marginal heading, before the word “Councillors”, the words “Chairperson and” shall be inserted; and

(b) in sub-section(1),—

(i) in clause (i), in the opening line, before the words “a Councillor”, the words “a Chairperson or” shall be inserted; and the words, letter and bracket “clause (a) of” shall be omitted; and

(ii) in clause (ii), before the word “Councillor”, wherever it occurs, the words “Chairperson or” shall be inserted; and

(c) in sub-section (2), before the word “Councillor”, the words “Chairperson or” shall be inserted.

Amendment
of section 43.

17. In the principal Act, in section 43, the words “Chairperson or” shall be omitted.

Amendment of
section 46A.

18. In the principal Act, in section 46A, —

(a) in sub-section (1),—

(i) in the opening portion, for the word “ Councillor”, wherever it occurs, the words “ Chairperson or Councillor” shall be substituted; and

(ii) in clause (b),—

(A) in the opening line, for the words “if he”, the words “if the Councillor” shall be substituted;

(B) for the words and comma “in an election of its Chairperson, Vice-Chairperson”, the words “in an election of its Vice-Chairperson” shall be substituted;

(C) in the Explanation, for the word “Councillor”, wherever it occurs, the words “Chairperson or Councillor” shall be substituted; and

(b) in sub-sections (2) and (3), for the word “Councillor”, wherever it occurs, the words “Chairperson or Councillor”, shall be substituted.

Amendment of
section 46B.

19. In the principal Act, in section 46B, in clause (a), in item (ii), for the words and comma “in an election of its Chairperson, Vice-Chairperson”, the words “in an election of its Vice-Chairperson” shall be substituted.

Amendment of
section 46C.

20. In the principal Act, in section 46C, —

(a) in sub-section (1), in the opening line, for the word “Councillor”, the words “Chairperson or a Councillor”, shall be substituted; and

(b) in sub-section (2), for the word “Councillor”, the words “Chairperson or a Councillor” shall be substituted.

Amendment of
section 46D.

21. In the principal Act, in section 46D, in sub-section (1), —

(a) in the opening portion, for the word “Councillor”, wherever it occurs, the words “Chairperson or Councillor”, shall be substituted; and

(b) in clause (a), for the word “Councillor”, the words “Chairperson or the Councillor” shall be substituted.

Amendment
of section 47.

22. In the principal Act, in section 47, —

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

“(1) Every Municipality shall have a Chairperson who shall be elected at a general election under section 12 by the electors of the Municipality.”; and

(b) for sub-section (2), excluding the proviso thereto, the following sub-section shall be substituted, namely:—

“(2) Every Municipality shall have a Vice-Chairperson who shall be elected by the Councillors from among themselves at the first meeting of the Municipality which shall be convened by the District Magistrate soon after the publication of the names of the Chairperson and the Councillors under sub-section (2) of section 10 and such meeting shall be presided over by the Chairperson and in his absence by an officer not below the rank of an Additional District Magistrate authorized by the District Magistrate.”;

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

“(6) If at an election, no Chairperson is elected under sub-section (1) or no Vice-Chairperson is elected under sub-section (2), a fresh election shall be held within thirty days from the date of its first election.”; and

(d) in sub-section (7), the words, letter and bracket, “clause (a) of” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

With a view to enhance the stature of the Chairperson of the Municipality by giving popular electoral mandate from the citizens of the entire urban area through introduction of direct election thereby improving the quality of leadership and governance in the urban areas, Government have decided that the Odisha Municipal Act, 1950 should be amended suitably to facilitate such direct election.

Since leprosy is a curable disease, there should not be any discrimination to contest the election in the Municipalities and accordingly, it is decided to suitably amend the Odisha Municipal Act, 1950 to enable the persons affected with leprosy to contest the election.

The Bill seeks to achieve the above objectives.

NIRANJAN PUJARI

Member- in-Charge

A.K. SARANGI

SECRETARY

ODISHA LEGISLATIVE ASSEMBLY