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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 22nd March, 2018

No.2732/L.A.—The following Bill which has been introduced in the Odisha Legislative Assembly on the 22nd March, 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 LAWS (AMENDMENT) BILL, 2018

A

BILL

FURTHER TO AMEND THE ODISHA MUNICIPAL
CORPORATION ACT, 2003 AND 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: —

CHAPTER-I

PRELIMINARY

Short title and
commencement.

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

(2) It shall come into force on such date as the State Government may, by notification, appoint.

CHAPTER-II

AMENDMENT TO THE ODISHA MUNICIPAL CORPORATION ACT, 2003

Amendment
of section 20.

2. In the Odisha Municipal Corporation Act, 2003, in section 20, in sub-section (2), for clause (e), the following clause shall be substituted, namely:—

Odisha Act
11 of 2003.

“(e) the voting at all such meetings shall be made in such manner as may be prescribed;”.

CHAPTER-III

AMENDMENT TO THE ODISHA MUNICIPAL ACT, 1950

Amendment
of section 54.

3. In the Odisha Municipal Act, 1950, in section 54, in sub-section (2), for clause (e), the following clause shall be substituted, namely: —

Odisha Act
23 of 1950.

“(e) the voting at all such meetings shall be made in such manner as may be prescribed;”.

STATEMENT OF OBJECTS AND REASONS

Clause (e) of sub-section (2) of section 54 of the Odisha Municipal Act, 1950 and clause (e) of sub-section (2) of section 20 of the Odisha Municipal Corporation Act ,2003 provide that voting at all the meeting of no-confidence motion against Chairperson or Vice-Chairperson in case of a Municipality/NAC and Mayor or Deputy Mayor in case of a Municipal Corporation shall be by secret ballot.

2. Clause (b) of sub-section (1) of section 46A of the Odisha Municipal Act,1950 and clause(b) of sub- section(1) of section 112A of the Odisha Municipal Corporation Act,2003 provide the disqualification of a Councillor and a Corporator respectively for disobeying the instruction issued by the political party to which he belongs . The main aim of the said provisions is to obey the direction issued by the political party to which the elected representative belongs, or by any person or authority authorised by such political party in this behalf. It is essential for a political party to know whether the elected representative who has won the election with their party symbol is adhering to their ideology and obeying the instructions in letter and spirit. For the purpose, a detailed procedure is required to be prescribed for verification of the vote as to whom the elector casts his vote prior to insertion of the ballot paper inside the ballot box. Violation of instruction of the political party can be identified and the said proof may be helpful to the State Election Commission while disposing of the complaint received for disqualification on the ground of defection.

3. Accordingly, it is considered expedient and proposed to amend suitably both the clause (e) of sub-section(2) of section 54 of the Odisha Municipal Act,1950 and clause(e) of sub-section(2) of section 20 of the Odisha Municipal Corporation Act,2003 by substituting the provisions that the voting at all such meeting shall be made in such manner as may be prescribed.

The Bill seeks to achieve the above objectives.

(NIRANJAN PUJARI)
Member-in-Charge

A.K. SARANGI
Secretary
Odisha Legislative Assembly