

THE ODISHA MUNICIPAL LAWS (AMENDMENT) BILL, 2021

A
BILL

Further to amend the Odisha Municipal Act, 1950 and the Odisha Municipal Corporation Act, 2003

Be it enacted by the Legislature of the State of Odisha in the Seventy-second Year of the Republic of India as follows :-



CHAPTER – I
Preliminary

Short title.

1. This Act may be called the Odisha Municipal Laws (Amendment) Act, 2021.

CHAPTER – II

Amendment to the Odisha Municipal Act, 1950.

Amendment section 11.

2. In the Odisha Municipal Act, 1950 (hereinafter referred to as the Municipal Act) in section 11, for sub-section (3), the following sub-section shall be substituted, namely :-

Odisha Act 23 of 1950.

“(3) Seats shall be reserved in favour of Backward Class of Citizens as referred to in clause (6) article 243T of the

P. Mohan
27.4.22
Public Information Officer
Odisha Legislative Assembly

Constitution in every Municipality, by the District Magistrate, to such extent not exceeding twenty seven percentum subject to ceiling limit of fifty percentum of total number of seats of such Municipality including seats so reserved for Scheduled Castes, Scheduled Tribes under sub-section (1) and backward class of citizens taken together and such seats shall be allotted by rotation to different wards in a Municipal area at every general election."

Amendment of
section 47.

3. In the Municipal Act, in section 47, in sub-Section (3), for clause (d), the following shall be substituted, namely:-

"(d) the offices of Chairperson of Municipalities shall also be reserved in favour of Backward Class Citizens as referred to in clause (6) of article 243T of the Constitution, to such extent not exceeding twenty seven percentum subject to ceiling limit of fifty percentum of total number of offices of Chairperson of such Municipalities including the offices so reserved for Scheduled Castes, Scheduled Tribes under clause (a) and Backward Class Citizens taken together."



CHAPTER - III

Amendment to the Odisha Municipal Corporation Act, 2003.

Amendment
section 7.

4. In the Odisha Municipal Corporation Act, 2003 (hereinafter referred to as the Corporation Act), in section 7, for sub-section (3), the following sub-section shall be substituted, namely :-

"(3) Seats shall be reserved in favour of Backward Class of citizens as referred to clause (6) article 243T of the Constitution in every Corporation to such extent not exceeding twenty seven percentum subject to ceiling limit of fifty percentum of total number of seats of such Corporation including seats so reserved for Scheduled Castes, Scheduled Tribes under sub-section (1) and backward class of citizens taken together."

Odisha Act 11
of 2003.

MP 12
24.4.22
Public Information Officer
Odisha Legislative Assembly

Amendment
section 14.

5. In the Corporation Act, 2003, in section 14, in sub-section (3), for clause (d), the following clause shall be substituted, namely:-

“(d) the offices of Mayor of the Corporations shall also be reserved in favour of Backward Class of citizens as referred to in clause (6) of article 243T of the Constitution to such extent not exceeding twenty seven percentum subject to ceiling limit of fifty percentum of total number of offices of Mayor of such Corporations including the offices so reserved for Scheduled Castes and Scheduled Tribes under clause (a) and backward class of citizens taken together.”.



Pub 22
27.4.22
Public Information Officer
Odisha Legislative Assembly

STATEMENT OF OBJECT AND REASONS

Article 243T of the Constitution of India provides that seats shall be reserved for the Scheduled Castes, Scheduled Tribes in every Municipality in proportion to their population in the respective Municipality. Whereas, the Constitution left it to the wisdom of the State Legislature to decide the manner of reservation of the offices of Chairpersons for Scheduled Castes, Scheduled Tribes and women. Similarly, in case of Backward Class of Citizens, the Constitution left it to the discretion of the legislature to decide the manner of reservation of seats in any municipality or offices of the chairperson in favour of such Backward Class of Citizens.

In view of the judgment dated 18.04.2018 of the Hon'ble High Court passed in W.P.(C) No.4174 of 2013 and similar 21 Writ petitions of the year 2013, the upper limit of reservation in respect of Scheduled Castes (SC), Scheduled Tribes (ST) and Backward Class of Citizens (BCC) in ULBs should not exceed 50%. So far as reservation of seats in favour of SC & ST is concerned, there is no need for amending the relevant provisions of the Odisha Municipal Act, 1950 and the Odisha Municipal Corporation Act, 2003; but, the provisions relating to reservation of 27% of seats in favour of BCC need amendment so as to limit the total reservation of seats to 50% in favour of SC, ST & BCC together, in compliance with the orders of the Hon'ble High Court in the light of decision of Hon'ble Supreme Court in K. Krishna Murthy case. Hence, there is no scope left except for amending the relevant provisions of the Odisha Municipal Act, 1950 and Odisha Municipal Corporation Act, 2003.

The Bill seeks to achieve the above objectives.

PRATAP JENA
Member-in-Charge



Pratap Jena
27.9.22
Public Information Officer
Odisha Legislative Assembly

ANNEXURE

[EXTRACT TAKEN FROM THE ODISHA MUNICIPAL ACT, 1950 (ODISHA ACT - 23 OF 1950)]

Reservation
of seats for
Scheduled
Castes,
Scheduled
Tribes,
Women and
back ward
class of
citizens.

11.

(1) * * * * *

(2) * * * * *

(3) As nearly as may be, but not less than, twenty-seven percentum of the total number of seats to be filled up by direct election in every Municipality shall also be reserved in favour of back ward class of citizens as referred to in clause (6) of article 243-T of the Constitution "and such seats shall be allotted by the rotation to different wards in a Municipal area at every general election".

* * * * *

* * * * *

Election of
Chairperson
and Vice
Chairperson.

47. (1)

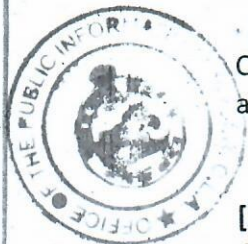
(2) * * * * *

(3) (a) * * * * *

(b) * * * * *

(c) * * * * *

(d) as nearly as may be, but not less than, twenty-seven percentum of the offices of Chairpersons of Municipalities shall also be reserved in favour of Backward Class of citizens as referred to in clause (6) of Article 243-T of the Constitution; and



CHAPTER III

[AMENDMENT TO THE ODISHA MUNICIPAL CORPORATION ACT, 2003 (ODISHA ACT - 11 OF 2003)]

* * * * *

Reservation
of Seats.

7.

(1) * * * * *

(2) * * * * *

(3) As nearly as may be, but not less than, twenty-seven percentum of the total number of seats to be filled by direct election in a Corporation shall also be reserved in favour of backward class of citizens as referred to in clause (6) of Article 243-T of the Constitution.

* * * * *

Election of
Mayor and
Deputy
Mayor.

14.

(1) * * * * *

(2) * * * * *

(3)

(a) * * * * *

(b) * * * * *

(c) * * * * *

(d) as nearly as may be, but not less than, twenty-seven percentum of the offices of Mayor of Corporations shall also be reserved in favour of backward class citizens as referred to in clause (6) of Article 243-T of the Constitution; and

[Signature]
26.4.22
Public Information Officer
Odisha Legislative Assembly