

THE ODISHA MUNICIPAL CORPORATION (AMENDMENT) ACT, 2018

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LAW DEPARTMENT

NOTIFICATION

The 28th September, 2018

No.10775 — Legis-36/2018/L.—The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 28th September, 2018 is hereby published for general information.

ODISHA ACT 16 OF 2018

THE ODISHA MUNICIPAL CORPORATION (AMENDMENT) ACT, 2018

AN ACT FURTHER TO AMEND THE ODISHA MUNICIPAL
CORPORATION ACT, 2003.

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 Corporation
(Amendment) Act, 2018.

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

Amendment
of section 6.

2. In the Odisha Municipal Corporation Act, 2003 (hereinafter referred to as the principal Act), in section 6,—

Odisha Act
11 of 2003.

(i) in the opening portion, for the words, comma and colon-hyphen "The Corporation shall consist of the following Corporators, namely:—", the words, comma and hyphen "The Corporation shall consist of, —" shall be substituted; and

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

"(a) an elected Mayor and such number of elected Corporators as are specified in the table below :—".

Amendment
of section 8.

3. In the principal Act, in section 8, in sub-section (1), for the words, letter, figure and bracket "clause (a) of sub-section (2)", the words, figure, letter and bracket "sub-section (2-a)" shall be substituted.

Amendment
of section 14.

4. In the principal Act, in section 14, —

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

"(2) A Mayor of the Corporation shall be directly elected by the electors of the Corporation area.

(2-a) The Deputy Mayor of the Corporation shall be elected by the Corporators from among themselves at the first meeting of the Corporation which shall be convened by the Director, Municipal Administration under sub-section (8);

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

"(6) If at an election, no Mayor is elected under sub-section (2) or no Deputy Mayor is elected under sub-section (2-a), a fresh election shall be held within thirty days from the date of its first election.";

(c) in sub-section (7), for the words, letter, figure and bracket "clause (a) of sub-section (2) of this section", the words, figure, letter and bracket "sub-section (2-a) of this section" shall be substituted;

(d) after sub-section (8), the following sub-section shall be inserted, namely:—

“(8-a) If any casual vacancy occurs in the office of the Mayor, it shall be filled up by election, as soon as may be, after occurrence of such vacancy, in the prescribed manner.”;

(e) in sub-section (9), the words “Mayor or”, wherever they occur, shall be omitted; and

(f) in sub-section (11), the words “Mayor or” shall be omitted.

Amendment
of section 54.

5. In the principal Act, in section 54, the words “Mayor or” shall be omitted.

Amendment of
section 60.

6. In the principal Act, in section 60, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1-a) a Mayor shall be elected directly by all the electors of the Corporation area.”.

Amendment
of section 64.

7. In the principal Act, in section 64, —

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

(b) for the words “to elect Corporators”, the words “to elect a Mayor and the Corporators” shall be substituted.

Amendment
of section 67.

8. In the principal Act, in section 67, in sub-section (1), in the opening portion, for the words “as a Corporator”, the words “as a Mayor or as a Corporator” shall be substituted.

Amendment
of section 70.

9. In the principal Act, in section 70,—

(a) for the word “Corporator” wherever it occurs, the words, “Mayor or as a Corporator” shall be substituted; and

(b) in sub-section (3), for clause (b), the following clause shall be substituted, namely:—

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

Amendment of
section 71.

10. In the principal Act, in section 71,—

(a) in the marginal heading, before the word "Corporator", the words "Mayor and" shall be inserted; and

(b) in sub-section (1),—

(i) in the opening portion, for the word "Corporator", the words "Mayor or a Corporator" shall be substituted; and

(ii) in clause (a), for the words "a Corporator", the words "a Mayor or a Corporator" shall be substituted.

Amendment of
section 72.

11. In the principal Act, in section 72, —

(a) in sub-section (1),—

(i) in the opening line, for the words "Every elected Corporator", the words "Every elected Mayor and the Corporator" shall be substituted; and

(ii) in the second para, for the words "as a Corporator", the words "as a Mayor/Corporator" shall be substituted; and

(b) in sub-section (2), in the opening line, for the words "as a Corporator", the words "as a Mayor or as a Corporator" shall be substituted.

Amendment
of section 73.

12. In the principal Act, in section 73,—

(a) in the marginal heading, before the word "Corporators" the words "Mayor and" shall be inserted;

(b) in sub-section (1), for the word "Corporator" wherever it occurs, except the fourth time, the words "Mayor or Corporator" shall be substituted; and

(c) in sub-section (3), for the words "the Corperator", the words "the Mayor or the Corporator" shall be substituted.

Amendment
of section 74.

13. In the principal Act, in section 74, in the opening line, for the word "Corporators", the words "a Mayor or Corporators" shall be substituted.

Amendment
of section 75.

14. In the principal Act, in section 75, in sub-section (1), for the words "as a Corporator", the words "as a Mayor or as a Corporator" shall be substituted.

Amendment of section 77. 15. In the principal Act, for section 77, the following section shall be substituted, namely: —

"77.(1) If in a Corporation, only one candidate has filed nomination for Mayor and the same is found to be valid unless withdrawn, such candidate shall be declared to be duly elected.

(2) If in a ward, only one candidate has filed nomination for Corporator and the same is found to be valid unless withdrawn, such candidate shall be declared to be duly elected for the ward."

Amendment of section 79. 16. In the principal Act, in section 79, in sub-section (1), in clause (f), for the words "the Corporator", the words "the Mayor or the Corporator" shall be substituted.

Amendment of section 82. 17. In the principal Act, in section 82, in sub-section (4), for the words "of a Corporator", the words "of a Mayor or Corporator" shall be substituted.

Amendment of section 84. 18. In the principal Act, section 84 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

"(2) If there is no valid nomination of candidate for election as a Mayor from a Corporation area or if a nominated candidate dies on or before the date of election, or if the electors of a Corporation area fail to elect a Mayor, the vacancy in the office of Mayor from such Corporation shall be deemed to be a casual vacancy which shall be filled up by election and the provision of this Act and the rules made thereunder shall apply, as far as it may be, in relation to the election of a Mayor to fill such vacancy."

Amendment of section 88. 19. In the principal Act, in section 88, in sub-section (1), in the opening line, for the words "a Corporator", the words "a Mayor or a Corporator" shall be substituted.

Amendment of section 89. 20. In the principal Act, in section 89, in sub-section (1), in clause (a), for the words "as a Corporator", the words "as a Mayor or Corporator" shall be substituted.

Amendment of section 104. 21. In the principal Act, in section 104, for the words "the office of Corporator", the words "the office of Mayor or Corporator" shall be substituted.

Amendment of
section 112A.

22. In the principal Act, in section 112A, —

(a) in sub-section (1),—

(i) in the opening portion, for the word "Corporator", wherever it occurs, the words "a Mayor or Corporator" shall be substituted;

(ii) in clause (b),—

(A) in the opening line, for the words "if he", the words "if the Corporator" shall be substituted;

(B) for the words and comma "in an election of its Mayor, Deputy Mayor", the words "in an election of its Deputy Mayor" shall be substituted;

(C) in the Explanation, for the word "Corporator", wherever it occurs, the words "a Mayor or Corporator" shall be substituted; and

(b) in sub-sections (2) and (3), for the word "Corporator", wherever it occurs, the words "Mayor or Corporator" shall be substituted.

Amendment of
section 112B.

23. In the principal Act, in section 112B, in clause (a), in item (ii), for the words and comma "in an election of its Mayor, Deputy Mayor", the words "in an election of its Deputy Mayor" shall be substituted.

Amendment of
section 112C.

24. In the principal Act, in section 112C, —

(a) in sub-section (1), in the opening line, for the word "Corporator", the words "Mayor or a Corporator" shall be substituted; and

(b) in sub-section (2), for the word "Corporator", the words "Mayor or a Corporator" shall be substituted.

Amendment of
section 112D.

25. In the principal Act, in section 112D, in sub-section (1), —

(a) in the opening portion, for the word "Corporator", wherever it occurs, the words "Mayor or Corporator" shall be substituted; and

(b) in clause (a), for the word "Corporator", the words "Mayor or the Corporator" shall be substituted.

By order of the Governor

SASHIKANTA MISHRA

Principal Secretary to Government