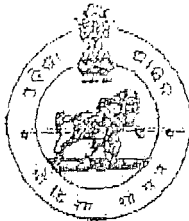


The Odisha Gazette



EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1714, CUTTACK, FRIDAY, DECEMBER 18, 2015 / MARGASIRA 27, 1937

LAW DEPARTMENT
NOTIFICATION

The 18th December, 2015

No. 13217-I-Legis-29/2015/L.—The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 17th December, 2015 is hereby published for general information.

ODISHA ACT 14 OF 2015

THE ODISHA MUNICIPAL LAWS (SECOND AMENDMENT) ACT, 2015

AN ACT 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-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Odisha Municipal Laws (Second Amendment) Act, 2015.

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

Short title and
commencement.

(b) a person elected as a Corporator otherwise than as a candidate set up by a political party shall be deemed to belong to the political party of which he becomes a member before the expiry of six months from the date of commencement of his term of office.

(2) An elected Corporator, who has been elected as such, otherwise than as a candidate set up by a political party shall be disqualified for being a Corporator, if he joins a political party after expiry of six months from the date of commencement of his term.

(3) Notwithstanding anything contained in the foregoing provisions of this section, a person who on the date of commencement of the Odisha Municipal Laws (Second Amendment) Act, 2015, is a Corporator shall,—

(a) where he was a member of a political party immediately before such commencement, be deemed for the purposes to have been elected as a Corporator as a candidate set up by such political party ;

(b) in any other case, be deemed to be an elected Corporator who has been elected as such otherwise than as a candidate set up by any political party, for the purpose of sub-section (2).

Disqualification
not to apply in
case of split

112B. Where a Corporator makes a claim that he and any other Corporators of his political party constitute the group representing a faction which has arisen as a result of a split in his political party and such group consists of not less than two-thirds of the members of such political party,—

(a) he shall not be disqualified under sub-section (1) of section 112A on the ground,—

Explanation.— The expressions "such other political party" and "new political party" shall include a political party whether such political party has been recognised or not by the Election Commission of India as a National party or a State party in the State of Odisha under the Election Symbols (Reservation and Allotment) Order, 1968.

Decision as to
disqualification
on the ground
of defection.

112D. (1) A complaint that a Corporator has become subject to the disqualification under section 112A, may be made by the Corporator or political party to the Election Commission,—

- (a) in a case falling under clause (a) of sub-section (1) of section 112A, within fifteen days from the date the Corporator gives up the membership of his political party;
- (b) in a case falling under clause (b) of sub-section (1) of section 112A, within fifteen days after expiry of a period of fifteen days as specified therein;
- (c) in a case falling under sub-section (2) of section 112A, within fifteen days after he joins the political party.

(2) Where complaint is received under sub-section (1), the Election Commission shall decide the question of disqualification within thirty days from the date of such receipt and his decision shall be final.

Bar of
jurisdiction.

112E. Notwithstanding anything contained in any law, no court shall have jurisdiction in respect of matters connected with disqualification under this Chapter."

CHAPTER III

AMENDMENT TO THE ODISHA MUNICIPAL ACT, 1950

Amendment
of section
17

4. In the Odisha Municipal Act, 1950 (hereinafter referred to as the Municipal Act), section 17 shall be renumbered as sub-section (1) thereof and after sub-section (1), as so renumbered the following sub-section shall be inserted, namely—

Odisha Act
23 of 1950

(2) An elected Councillor who has been elected as such, otherwise than as a candidate set up by a political party shall be disqualified for being a Councillor if he joins a political party after expiry of six months from the date of commencement of his term.

(3) Notwithstanding anything contained in the foregoing provisions of this section, a person who on the date of commencement of the Odisha Municipal Laws (Second Amendment) Act, 2015 is a Councillor shall,—

- (a) where he was a member of a political party immediately before such commencement, be deemed for the purposes to have been elected as a Councillor as a candidate set up by such political party;
- (b) in any other case, be deemed to be an elected councillor who has been elected as such otherwise than as a candidate set up by any political party for the purpose of sub-section (2).

Disqualification
not to apply in
case of split.

46B. Where a Councillor makes a claim that he and any other Councillors of his political party constitute the group representing a faction which has arisen as a result of a split in his political party and such group consists of not less than two-thirds of the members of such political party,—

- (a) he shall not be disqualified under sub-section (1) of section 46A on the ground,—
 - (i) that he has voluntarily given up his membership of his political party; or
 - (ii) that he has voted or abstained from voting in, or intentionally remained absent from, any meeting of the Municipality in an election of its Chairperson, Vice-Chairperson or a vote of no confidence under section 54, contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by such political party in this behalf, without obtaining in either case, the prior permission of such

- (a) in a case falling under clause (a) of sub-section (1) of section 46A, within fifteen days from the date the Councillor gives up the membership of his political party;
- (b) in a case falling under clause (b) of sub-section (1) of section 46A within fifteen days after expiry of period of fifteen days as specified therein,
- (c) in a case falling under sub-section (2) of section 46A, fifteen days after he joins the political party.

(2) Where complaint is received under sub-section (1), the Election Commission shall decide the question of disqualification within thirty days from the date of such receipt and his decision shall be final.

Bar of jurisdiction.

46E. Notwithstanding anything contained in any law, no court shall have jurisdiction in respect of matters connected with disqualification under this Chapter."

By Order of the Governor

B.P. ROURAY

Principal Secretary to Government