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ORISSA ACT 15 OF 1990

THE BHUBANESWAR MUNICIPAL COUNCIL (POSTPONEMENT OF
ELECTION AND VALIDATION) ACT, 1990

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ORISSA ACT 15 OF 1990

[THE BHUBANESWAR MUNICIPAL COUNCIL (POSTPONEMENT
OF ELECTION AND VALIDATION) ACT, 1990]

(Secs. 1—3)

[Received the assent of the Governor on the 3rd July 1990, first published in an Extraordinary issue of the Orissa Gazette, dated the 7th July 1990.]

AN ACT TO PROVIDE FOR THE POSTPONEMENT OF ELECTION OF THE BHUBANESWAR MUNICIPAL COUNCIL AND VALIDATION OF CERTAIN ACTIONS AND FOR MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH.

Be it enacted by the Legislature of the State of Orissa in the Forty-first Year of the Republic of India as follows :—

Short title
and commence-
ment.

1. (1) This Act may be called the Bhubaneswar Municipal Council (Postponement of Election and Validation) Act, 1990;

(2) It shall be deemed to have come into force on the 1st day of January, 1989.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Municipal Act" means Orissa Municipal Act, 1950 ;

Orissa Act
23 of 1950

(b) "Municipal Council" means a Municipal Council constituted under the Municipal Act;

(c) words and expressions used herein and not defined in this Act but defined in the Municipal Act, shall have the same meanings, respectively assigned to them in the Municipal Act.

Postponement of
election
validation of
of Elections) actions and
consequ-
ences.

3. Notwithstanding anything contained in the Municipal Act or in any rules or orders made or issued thereunder or in the Orissa Municipal Councils (Postponement of Elections) Act, 1984,—

Orissa Act 9
of 1984.

(a) the election for reconstitution of the Bhubaneswar Municipal Council shall be held in accordance with the provisions of the Municipal Act and the rules made thereunder on such date, not being later than the 31st December, 1990, as the State Government may, by notification, direct and the Municipal Council so reconstituted shall, for all intents and purposes, be deemed to have been constituted under and be governed by the provisions of the Municipal Act;

(b) the omission on the part of the Special Officer appointed under subsection (1) of Section 423 of the Municipal Act for not holding the election to the said Municipal Council within the required time shall not be called in question in any court of law or otherwise open to challenge merely on the ground that the Special Officer did not act in accordance with law; and

(c) all actions taken, things done or orders passed by the said Special Officer under the belief or purported belief that the election to the said Municipal Council was validly postponed shall, for all intents and purposes, be deemed to have been validly taken, done or made, as the case may be, and no such action, thing or order shall be called in question in any court of law or otherwise open to challenge merely on the ground that the election to the said Municipal Council was not validly postponed.