The Gujarat Local Authorities Laws (Amendment) Act, 1962

Act 16 of 1962

Keyword(s):
Local Authority, Laws, Reservation, Women, Municipal Corporation, Child

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 18th July 1962, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. XVI OF 1962

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 25th July 1962).

An Act to provide for the continuance for a further period of eight years, of reservation of seats for women and for the Scheduled Castes and Scheduled Tribes in local authorities in the State of Gujarat and for that purpose further to amend the laws relating to such local authorities.

It is hereby enacted in the Thirteenth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 1962.

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(2) It shall come into force at once.

2. Each of the laws specified in the second column of the Schedule shall be amended and shall be deemed always to have been amended with effect on and from the 25th January 1962 in the manner, and to the extent, specified against it in the third column thereof.

3. (1) Nothing in this Act shall affect the right of any councillor or member elected, selected, appointed or nominated to fill any seat reserved for women and for Scheduled Castes or Scheduled Tribes to continue as a councillor or member of a local authority during the term of the office for which he was duly elected, selected, appointed or nominated before this Act comes into force.

(2) Any action taken or any thing done before the commencement of this Act, which but for provisions of this Act, would have been invalid, shall be valid as if the provisions of this Act had been in force when such action was taken or thing done.

4. The Gujarat Local Authorities Laws (Amendment) Ordinance, 1962 is Gaz. Ord. No.III of 1962 hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1914 shall apply to such repeal as if that Ordinance were an enactment.

SCHEDULE

(See section 2)

<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Short title</th>
<th>Extent of amendment</th>
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<tbody>
<tr>
<td>1</td>
<td>Bombay District Municipal Act, 1901 (Bom. III of 1901); and</td>
<td>In sub-section (1) of section 11, in clause (d), for the words “twelve years” the words “twenty years” shall be substituted.</td>
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<td>(ii) that Act as in force in the Saurashtra area of the State of Gujarat by virtue of the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1918 (Sau. Ord. XXV of 1948).</td>
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<td>2</td>
<td>Bombay Local Boards Act, 1923 (Bom. VI of 1923).</td>
<td>In section 6A as also in the marginal note to that section, for the words “twelve years” the words “twenty years” shall be substituted.</td>
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<td>3</td>
<td>Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925); and</td>
<td>In sub-section (1) of section 10, in clause (d), for the words “twelve years” the words “twenty years” shall be substituted.</td>
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<td>(ii) that Act as in force in the Saurashtra area of the State of Gujarat by virtue of the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1918 (Sau. Ord. XXV of 1948).</td>
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<td>4</td>
<td>Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925)</td>
<td>In sub-section (Ia) of section 10, for the words “twelve years” the words “twenty years” shall be substituted.</td>
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<td>5</td>
<td>Bombay Provincial Municipal Corporations Act, 1919 (Bom. LIX of 1919)</td>
<td>In section 5, in the second proviso, for the portion beginning with the words “for the purpose” and ending with the words “so held”, the following shall be substituted, namely:—</td>
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<td>“for the purpose of any general election held before the expiration of the period for the time being specified in article 334 of the Constitution of India, and for by-elections (if any) before the next general election after the expiration of such period, so held.”</td>
</tr>
<tr>
<td>6</td>
<td>Bombay Village Panchayats Act, 1958 (Bom. III of 1958)</td>
<td>In sub-section (2) of section 10, for the words “twelve years” the words “twenty years” shall be substituted.</td>
</tr>
</tbody>
</table>
Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 1st September, 1980 is hereby published for general information.

N. B. PATEL,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 13 OF 1980.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 3rd September, 1980).

An Act to provide for the continuance for a period of ten years, of reservation of seats for women and for the Scheduled Castes and the Scheduled Tribes in certain local authorities in the State of Gujarat and for that purpose to amend the laws relating to such local authorities.

It is hereby enacted in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 1980.

(2) It shall be deemed to have come into force on the 29th April, 1980.
2. In the Bombay Provincial Municipal Corporations Act, 1949, in section Bom. LIX, in sub-section (4), for the words “thirty years” the words “forty years” shall be and shall be deemed always to have been substituted.

3. In the Gujarat Municipalities Act, 1963, in section 6, in sub-section (4), for Guj. 34 of the words “thirty years” the words “forty years” shall be and shall be deemed always to have been substituted.

4. Any action taken or anything done in relation to the reservation of seats for women and for the Scheduled Castes and the Scheduled Tribes in a municipal corporation under the Bombay Provincial Municipal Corporations Act, 1949 or a municipality under the Gujarat Municipalities Act, 1963 after the 25th January, 1980 and before the commencement of the Gujarat Local Authorities Laws (Amendment) Ordinance, 1980, shall be deemed to have been validly taken or done in accordance with law, as if, the Bombay Provincial Municipal Corporations Act, 1949, or, as the case may be, the Gujarat Municipalities Act, 1963 had been in force as amended by this Act at all material times when such action was taken or thing was done and accordingly no such action or thing shall be called in question in any court of law on the ground that there was no provision for the reservation of seats for women and for the Scheduled Castes and the Scheduled Tribes in those Acts, at the material time.


(2) Notwithstanding such repeal, anything done or any action taken under the Bombay Provincial Municipal Corporations Act, 1949 as amended by the said Ordinance or, as the case may be, the Gujarat Municipalities Act, 1963 as amended by the said Ordinance shall be deemed to have been done or taken under the Bombay Act or the Gujarat Act, as amended by this Act.

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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor

The following Act of the Gujarat Legislature having been assented to by the Governor on the 28th June, 1990 is hereby published for general information.

R M. MEHTA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 5 OF 1990
(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 29th June, 1990).

AN ACT

to provide for the continuance for a period of ten years, of reservation of seats for women and for the Scheduled Castes and the Scheduled Tribes in certain local authorities in the State of Gujarat and for that purpose to amend the laws relating to such local authorities.

It is hereby enacted in the Forty-first Year of the Republic of India as follows:

1. (2) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 1990.

(2) It shall be deemed to have come into force on the 13th April, 1990.

IV-Extra—8—1
2. In the Bombay Provincial Municipal Corporations Act, 1949, in section 5, in sub-section (4), for the words “forty years”, the words “fifty years” shall be and shall be deemed always to have been substituted.

3. In the Gujarat Municipalities Act, 1963, in section 6, in sub-section (4), for the words “forty years”, the words “fifty years” shall be and shall be deemed always to have been substituted.


(2) Notwithstanding such repeal, anything done or any action taken under the Bombay Provincial Municipal Corporations Act, 1949 as amended by the said Ordinance or, as the case may be, the Gujarat Municipalities Act, 1963 as amended by the said Ordinance shall be deemed to have been done or taken under the Bombay Act or the Gujarat Act, as amended by this Act.
PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
and regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 23rd March, 2005 is hereby published for general information.

S. S. PARMAR,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 17 OF 2005.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 23rd March, 2005).

AN ACT

further to amend the Bombay Provincial Municipal Corporations Act, 1949,
the Gujarat Municipalities Act, 1963 and
the Gujarat Panchayats Act, 1993

It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Local Authorities Laws
    (Amendment) Act, 2005.

    (2) It shall come into force on such date as the State Government may,
by notification in the Official Gazette, appoint.
2. In the Bombay Provincial Municipal Corporations Act, 1949, in section 10, in sub-section (1), after clause (i), the following clause shall be inserted, namely:

"(j) has more than two children:

Provided that a person having more than two children on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2005 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification under this clause.

Explanation. – For the purpose of this clause,

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of single subsequent delivery shall be deemed to be one entity;

(ii) 'child' does not include an adopted child or children."

3. In the Gujarat Municipalities Act, 1963, in section 11, in sub-section (1), after clause (g), the following clause shall be inserted, namely:

"(h) who has more than two children:

Provided that a person having more than two children on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2005 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause, so long as the number of children he had on the date of such commencement does not increase:

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into
consideration for the purpose of disqualification under this clause.

Explanation.—For the purpose of this clause,—

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of single subsequent delivery shall be deemed to be one entity;

(ii) 'child' does not include an adopted child or children.
PART IV
Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat legislature, having been assented to by the Governor on the 3rd May, 2011, is hereby published for general information.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 21 OF 2011.
(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 4th April, 2011)

AN ACT

It is hereby enacted in the Sixty-second Year of the Republic of India as follows:-
1. This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 2011.

Short title.
Amendment of section 2 of Bom. LIX of 1949.

2. In the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Municipal Corporations Act"), in section 2, after clause (34A), the following clause shall be inserted, namely:--

"(34AA) "mobile tower" means a temporary or permanent structure, equipment or instrument erected or installed on land or upon any part of the building or premises for providing telecommunication services;".


3. In the Municipal Corporations Act, in Chapter IX, after section 108, the following section shall be inserted, namely:--

Audit and technical guidance and supervision over audit.


(2) Notwithstanding anything contained in this Act, the State Government shall entrust the Comptroller and Auditor General of India the technical guidance and supervision over the audit of the municipal corporation.

(3) The State Government shall cause the audit report under the Gujarat Local Fund Audit Act, 1963 along with the report of the Comptroller and Auditor General of India on technical guidance and supervision as referred to in sub-sections (1) and (2), to be laid before the State Legislature.

Amendment of section 127 of Bom. LIX of 1949.

4. In the Municipal Corporations Act, in section 127, in sub-section (1), after clause (b), the following clause shall be inserted, namely:--

"(c) a tax on mobile towers":".
5. In the Municipal Corporations Act, after section 145, the following sub-heading and section shall be inserted, namely:

"Tax on Mobile Towers"

145A. (1) A tax at the rates not exceeding those prescribed by order in writing by the State Government in this behalf from time to time shall be levied on mobile towers from the person engaged in providing telecommunication services through such mobile towers.

(2) The Corporation shall from year to year, in accordance with section 99, determine the rates at which the tax shall be levied."

6. In the Gujarat Municipalities Act, 1963 (hereinafter referred to as "the Municipalities Act"), in section 2, after clause (12A), the following clause shall be inserted, namely:

"(12B) "mobile tower" means a temporary or permanent structure, equipment or instrument erected or installed on land or upon any part of the building or premises for providing telecommunication services;"

7. In the Municipalities Act, in section 33, for sub-section (1), the following sub-section shall be substituted, namely:

"(1) (a) The term of office of the President and Vice-President of a municipality shall be two and half years.

(b) Subject to the other provisions of this section, the President or the Vice-President shall be eligible for re-election.

(c) Subject to the other provisions of this section, the Vice-President of a municipality who has completed the term of two and half years on or before the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2011, shall continue to hold the office of the Vice-President till the expiry of the term of that municipality."
8. In the Municipalities Act, in section 77, after sub-section (3), the following sub-sections shall be inserted, namely:

"(4) Notwithstanding anything contained in the preceding sub-sections, the State Government shall entrust the Comptroller and Auditor General of India the technical guidance and supervision over the audit of the municipality.

(5) The State Government shall cause the audit report under the Gujarat Local Fund Audit Act, 1963 referred to in sub-section (1) alongwith the report of the Comptroller and Auditor General of India on technical guidance and supervision as referred to in sub-section (4), to be laid before the State Legislature.".

9. In the Municipalities Act, in section 99, in sub-section (1), after clause (xiv), the following clause shall be inserted, namely:

"(xiv-a) a tax on mobile towers to be levied from the person engaged in providing telecommunication services through such mobile towers;".

10. In the Gujarat Panchayats Act, 1993 (hereinafter referred to as the Panchayats Act”), in section 2, after clause (12), the following clause shall be inserted, namely:

"(12A) "mobile tower" means a temporary or permanent structure, equipment or instrument erected or installed on land or upon any part of the building or premises for providing telecommunication services;".

11. In the Panchayats Act, in section 121, after sub-section (1), the following sub-sections shall be inserted, namely
“(1A) Notwithstanding anything contained in sub-section (1), the State Government shall entrust the Comptroller and Auditor General of India the technical guidance and supervision over the audit of the village panchayat.

(1B) The State Government shall cause the audit report under the Gujarat Local Fund Audit Act, 1963 referred to in sub-section (1) along with the report of the Comptroller and Auditor General of India on technical guidance and supervision as referred to in sub-section (1A), to be laid before the State Legislature.”.

12. In the Panchayats Act, section 143 shall be numbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:-

“(2) Notwithstanding anything contained in sub-section (1), the State Government shall entrust the Comptroller and Auditor General of India the technical guidance and supervision over the audit of the taluka panchayat.

(3) The State Government shall cause the audit report under the Gujarat Local Fund Audit Act, 1963 referred to in sub-section (1) along with the report of the Comptroller and Auditor General of India on technical guidance and supervision as referred to in sub-section (2), to be laid before the State Legislature.”.

13. In the Panchayats Act, in section 166, after sub-section (2), the following sub-sections shall be inserted, namely:-

“(3) Notwithstanding anything contained in sub-section (2), the State Government shall entrust the Comptroller and Auditor General of India the technical guidance and supervision over the audit of the district panchayat.

(4) The State Government shall cause the audit report under the Gujarat Local Fund Audit Act, 1963 referred to in sub-section (2)
alongwith the report of the Comptroller and Auditor General of India on technical guidance and supervision as referred to in sub-section (3), to be laid before the State Legislature.”.

Amendment of section 200 of Guj. 18 of 1993.

14. In the Panchayats Act, in section 200,-

(1) in sub-section (1), after clause (i), the following clause shall be inserted, namely:

“(i-a) a tax on mobile towers;”;

(2) after sub-section (4), and the proviso thereunder, the following sub-section shall be inserted, namely:

“(4A) a tax on mobile towers referred to in clause (i-a) of sub-section (1) shall be levied from the person engaged in providing telecommunication services through such mobile towers.”.

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4th November, 2014, is hereby published for general information.

C. J. GOTHI,
Secretary to the Government of Gujarat, Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 21 OF 2014.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 5th November, 2014).

AN ACT


It is hereby enacted in the Sixtieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 2009. Short title and commencement.

(2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of the Act.
2. In the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as “the Municipal Corporations Act”), in section 5, -

(1) in sub-section (5), for the word “One-third”, the words “As nearly as may be one-half” shall be substituted;

(2) in sub-section (6), for the words “one third”, the words “as nearly as may be one-half” shall be substituted;

(3) in sub-section (7), for the word “One-third”, the words “As nearly as may be one-half” shall be substituted.

3. In the Municipal Corporations Act, after section 16, the following sections shall be inserted, namely:-

"OBLIGATION TO VOTE"

16A. (1) It shall be the duty of a qualified voter of the Municipal Corporation to vote at the election of the Municipal Corporation, however, he will be free to cast his vote in favour of none of the candidates contesting election as indicated in sub-section (2).

(2) The qualified voter shall cast his vote in favour of none of the candidates contesting election, in the manner as may be prescribed by rules, in case where he does not want to cast his vote in favour of any candidate.

16B. (1) The election officer, as may be designated by the State Election Commission, may declare the voter to be the defaulter voter who failed to vote at the election of a Municipal Corporation after giving him a notice in the form prescribed by rules.

(2) The State Government shall be competent to prescribe by rules to be laid before the State Legislature, the disadvantages or consequences to be suffered by a defaulter voter.

16C. A qualified voter shall be exempted to vote at the election of the Municipal Corporation –

(1) if he is physically incapable due to illness to vote or other bodily infirmity to come and discharge his obligation, or

(2) if he is absent on the date of election from the country or State of Gujarat, or

(3) for such other valid and sufficient reasons as may be prescribed by rules by the State Government in consultation with the State Election Commission.
16D. (1) An election officer shall issue a notice to the voter who failed to vote at the election of the Municipal Corporation. Notice.

(2) The election officer shall by a notice inform the voter that he appears to have failed to vote at the election and that it is the duty of voter to vote at election. The voter may within a period of one month inform the valid and sufficient reasons, if any, for not voting along with supporting documents such as medical certificate, a copy of passport, etc.

(3) If no reply to the notice referred to in sub-section (1) is received within a period of one month or where the voter writes to the election officer reasons for not voting and where the election officer is not satisfied with the reasons given by voter as valid and sufficient, the election officer shall by an order in writing containing reasons declare him a defaulter voter.

16E. (1) The voter who is aggrieved by the order of the election officer under section 16D may prefer an appeal in the form prescribed by rules, within a period of one month, to the Appellate Officer designated as such by the State Election Commission. Appeal.

(2) The Appellate Officer after providing an opportunity of being heard to the appellant may pass an appropriate order. The order of the Appellate Officer shall be final.”.

Guj. 34 of 1964.

4. In the Gujarat Municipalities Act, 1963 (hereinafter referred to as “the Municipalities Act”), in section 6,--

Amendment of section 6 of Guj. 34 of 1964.

(1) in sub-section (2), -

(i) in clause (a), for the figure “21”, the figure “24” shall be substituted;

(ii) in clause (b), for the figure “27”, the figure “28” shall be substituted;

(iii) in clause (d), for the figure “42”, the figure “44” shall be substituted;

(iv) in clause (e), for the figure “51”, the figure “52” shall be substituted;

(2) in sub-section (3),-

(i) in clause (b), for the word “One-third”, the words “As nearly as may be one-half” shall be substituted;

(ii) in clause (c), for the word “one-third”, the words “as nearly as may be one-half” shall be substituted;

(iii) in clause (d), for the word “one-third”, the words “As nearly as may be one-half” shall be substituted.
In the Municipalities Act, after section 15, the following sections shall be inserted, namely:-

**OBLIGATION TO VOTE**

15A. (1) It shall be the duty of a qualified voter of the Municipality to vote at the election of the Municipality, however, he will be free to cast his vote in favour of none of the candidates contesting election as indicated in sub-section (2).

(2) The qualified voter shall cast his vote in favour of none of the candidates contesting election, in the manner as may be prescribed by rules, in case where he does not want to cast his vote in favour of any candidate.

15B. (1) The election officer, as may be designated by the State Election Commission, may declare the voter to be the defaulter voter who failed to vote at the election of a Municipality after giving him a notice in the form prescribed by rules.

(2) The State Government shall be competent to prescribe by rules to be laid before the State Legislature, the disadvantages or consequences to be suffered by a defaulter voter.

15C. A qualified voter shall be exempted to vote at the election of the Municipality –

(1) if he is physically incapable due to illness to vote or other bodily infirmity to come and discharge his obligation, or

(2) if he is absent on the date of election from the country or State of Gujarat, or

(3) for such other valid and sufficient reasons as may be prescribed by rules by the State Government in consultation with the State Election Commission.

15D. (1) An election officer shall issue a notice to the voter who failed to vote at the election of the Municipality.

(2) The election officer shall by a notice inform the voter that he appears to have failed to vote at the election and that it is the duty of voter to vote at election. The voter may within a period of one month inform the valid and sufficient reasons, if any, for not voting alongwith supporting documents such as medical certificate, a copy of passport, etc.
(3) If no reply to the notice referred to in sub-section (1) is received within a period of one month or where the voter writes to the election officer reasons for not voting and where the election officer is not satisfied with the reasons given by voter as valid and sufficient, the election officer shall by an order in writing containing reasons declare him a defaulter voter.

**15E. (1)** The voter who is aggrieved by the order of the election officer under section 15D may prefer an appeal in the form prescribed by rules, within a period of one month, to the Appellate Officer designated as such by the State Election Commission.

(2) The Appellate Officer after providing an opportunity of being heard to the appellant may pass an appropriate order. The order of the Appellate Officer shall be final.”.

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6. In the Gujarat Panchayats Act, 1993 (hereinafter referred to as “the Panchayats Act”), in section 9,-

(1) in sub-section (4), for the word “seven”, occurring at two places, the word “eight” shall be substituted;

(2) in sub-section (5),-
   (i) in clause (b), for the words “One third”, the words “As nearly as may be one-half” shall be substituted;
   (ii) in clause (c), for the words “One third”, the words “As nearly as may be one-half” shall be substituted.

7. In the Panchayats Act, in section 10,-

(1) in sub-section (4), for the word “fifteen”, occurring at two places, the word “sixteen” shall be substituted;

(2) in sub-section (5),-
   (i) in clause (b), for the words “One third”, the words “As nearly as may be one-half” shall be substituted;
   (ii) in clause (c), for the words “One third”, the words “As nearly as may be one-half” shall be substituted.

8. In the Panchayats Act, in section 11,-

(1) in sub-section (4), for the word “seventeen”, occurring at two places, the word “eighteen” shall be substituted;
(2) in sub-section (5),-

(i) in clause (b), for the words “One third”, the words “As nearly as may be one-half” shall be substituted;
(ii) in clause (c), for the words “One third”, the words “As nearly as may be one-half” shall be substituted.

9. In the Panchayats Act, after section 34, the following sections shall be inserted, namely:-

"OBLIGATION TO VOTE"

Obligation to vote.

34A. (1) It shall be the duty of a qualified voter of the Panchayats to vote at the election of the Panchayat, however, he will be free to cast his vote in favour of none of the candidates contesting election as indicated in sub-section (2).

(2) The qualified voter shall cast his vote in favour of none of the candidates contesting election, in the manner as may be prescribed by rules, in case where he does not want to cast his vote in favour of any candidate.

Declaration of a voter to be a defaulter voter.

34B. (1) The election officer, as may be designated by the State Election Commission, may declare the voter to be the defaulter voter who failed to vote at the election of a Panchayat after giving him a notice in the form prescribed by rules.

(2) The State Government shall be competent to prescribe by rules to be laid before the State Legislature, the disadvantages or consequences to be suffered by a defaulter voter.

Valid and sufficient reasons for not voting.

34C. A qualified voter shall be exempted to vote at the election of the Panchayat –

(1) if he is physically incapable due to illness to vote or other bodily infirmity to come and discharge his obligation, or

(2) if he is absent on the date of election from the country or State of Gujarat, or

(3) for such other valid and sufficient reasons as may be prescribed by rules by the State Government in consultation with the State Election Commission.

Notice. 34D. (1) An election officer shall issue a notice to the voter who failed to vote at the election of the Panchayats.
(2) The election officer shall by a notice inform the voter that he appears to have failed to vote at the election and that it is the duty of voter to vote at election. The voter may within a period of one month inform the valid and sufficient reasons, if any, for not voting alongwith supporting documents such as medical certificate, a copy of passport, etc.

(3) If no reply to the notice referred to in sub-section (1) is received within a period of one month or where the voter writes to the election officer reasons for not voting and where the election officer is not satisfied with the reasons given by voter as valid and sufficient, the election officer shall by an order in writing containing reasons declare him a defaulter voter.

34E. (1) The voter who is aggrieved by the order of the election officer under section 34D may prefer an appeal in the form prescribed by rules, within a period of one month, to the Appellate Officer designated as such by the State Election Commission.

(2) The Appellate Officer after providing an opportunity of being heard to the appellant may pass an appropriate order. The order of the Appellate Officer shall be final.”.

10. In the Panchayats Act, in section 51, in sub-section (2), in clause (b), in sub-clauses (i) and (ii), for the words “One third”, the words “As nearly as may be one-half” shall be substituted.

11. In the Panchayats Act, in section 63, in sub-section (2), in clause (b), in sub-clauses (i) and (ii), for the words “One third”, the words “As nearly as may be one-half” shall be substituted.

12. In the Panchayats Act, in section 77, in sub-section (2), in clause (b), in sub-clauses (i) and (ii), for the words “One third”, the words “As nearly as may be one-half” shall be substituted.

13. Notwithstanding anything contained in this Act, the Municipal Corporation, the Municipality or, as the case may be, the Panchayat constituted immediately before the commencement of the provisions of this Act, amending the Bombay Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993 shall continue till the expiration of its duration or till it is dissolved before its duration.

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GOVERNMENT CENTRAL PRESS, GANDHINAGAR.
PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 27th November, 2014, is hereby published for general information.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 23 OF 2014.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 28th November, 2014)

AN ACT


It is hereby enacted in the Sixty-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 2014.

   (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
In the Gujarat Provincial Municipal Corporations Act, 1949 (hereinafter referred to as “the Municipal Corporations Act”), in section 10, in sub-section (1), after clause (h), the following clause shall be inserted, namely:–

“(hh) has no facility of water closet or privy accommodation at the place of his ordinary residence:

Provided that a sitting Councillor shall be deemed to have incurred disqualification if he does not submit to the Municipal Commissioner, within six months from the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2014, a certificate issued by the concerned Deputy Municipal Commissioner of the Corporation in whose jurisdiction his ordinary residence is situated, to the effect that he is having facility of water closet or privy accommodation at the place of his ordinary residence;”.

In the Municipal Corporations Act, in section 15, in sub-section (1), for the words “three months”, the words “six months” shall be substituted.

In the Gujarat Municipalities Act, 1963, in section 11, in sub-section (1), after clause (f), the following clause shall be inserted, namely:–

“(ff) has no facility of water closet or privy accommodation at the place of his ordinary residence:

Provided that a sitting Councillor shall be deemed to have incurred disqualification if he does not submit to the District Collector, within six months from the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2014, a certificate issued by the Chief Officer of the concerned Municipality in whose jurisdiction his ordinary residence is situated, to the effect that he is having facility of water closet or privy accommodation at the place of his ordinary residence.

Explanations.– For the purpose of this clause, “water closet or privy accommodation” shall have the same meaning as is given to the term “water closet” in Explanation to section 167A of the Act;”.

In the Gujarat Panchayats Act, 1993 (hereinafter referred to as “the Panchayats Act”), in section 7, in sub-section (1), for the words “fifteen thousand”, the words “twenty-five thousand” shall be substituted.

In the Panchayats Act, in section 9–

(a) in sub-section (4), for the words “one thousand”, the words “three thousand” shall be substituted;
(b) to sub-section (4), the following proviso shall be added, namely:—

“Provided that the amendment made in this sub-section by the Gujarat Local Authorities Laws (Amendment) Act, 2014 shall not have effect till the expiration of duration of any village panchayat, unless sooner dissolved.”

7. In the Panchayats Act, in section 30, in sub-section (1), after clause (k), the following clause shall be inserted, namely:—

“(kk) has no facility of water closet or privy accommodation at the place of his ordinary residence:

Provided that a sitting member shall be deemed to have incurred disqualification if he does not submit to the Taluka Development Officer of the taluka, within six months from the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2014, a certificate issued by the Gram Panchayat Mantri of the panchayat in whose jurisdiction his ordinary residence is situated, to the effect that he is having facility of water closet or privy accommodation at the place of his ordinary residence.

Explanation.— For the purpose of this clause, “water closet or privy accommodation” shall have the same meaning as is given to the term “water closet” in Explanation to section 107 of the Act;”.

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Government Central Press, Gandhinagar.
PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 10th April, 2015, is hereby published for general information.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 15 OF 2015.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 10th April, 2015).

AN ACT


It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:

1. (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 2015.

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

2. In the Gujarat Provincial Municipal Corporations Act, 1949 (hereinafter referred to as “the Municipal Corporations Act”), in section 20,
(1) sub-sections (3), (4), (5) and (6) shall be deleted;

(2) after sub-section (6), the following sub-sections shall be inserted, namely:-

“(7) (i) The term of the members appointed under sub-section (2) shall be two and a half years;

(ii) the members shall be eligible for re-appointment.”.

(8) Notwithstanding anything contained in sub-section (7), the term of the existing members of the Standing Committee shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been omitted by the Amending Act of 2015, till a new Standing Committee is constituted upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”.

3. In the Municipal Corporations Act, in section 21, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:-

“(1) The members of the Standing Committee shall appoint one of its members to be the Chairman on the same day on which they are appointed under sub-section (2) of section 20. The term of the Chairman shall be two and a half years.

(2) The Chairman shall be eligible for re-appointment.

(2A) Notwithstanding anything contained in sub-sections (1) and (2), the term of the Chairman shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been amended by the Amending Act, 2015, till a new Chairman is appointed upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”.

4. In the Municipal Corporations Act, in section 25,-

(i) for sub-sections (5), (6), (7) and (8), the following sub-sections shall be substituted, namely:-

“(5) The term of the members of the Transport Committee shall be two and a half years:

Provided that such term shall not extend beyond the term of the Corporation.
(6) The members shall be eligible for re-appointment.

(7) Notwithstanding anything contained in sub-sections (5) and (6), the term of the existing members of the Transport Committee shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been amended by the Amending Act, 2015, till a new Transport Committee is constituted upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”.

5. In the Municipal Corporations Act, in section 27, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:-

“(1) The Transport Committee shall at its first meeting which shall be held on the same day of its constitution appoint one of its member to be the Chairman. The term of the Chairman shall be two and a half years.

(2) The Chairman shall be eligible for re-appointment.

(2A) Notwithstanding anything contained in sub-sections (1) and (2), the term of the existing Chairman shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been omitted by the Amending Act, 2015, till a new Chairman is appointed upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”.

6. In the Municipal Corporations Act, in section 30,-

(1) after sub-section (3), the following sub-section shall be inserted, namely :-

“(3A) The term of the members of every Special Committee appointed by the Corporation upon the general elections held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years.”;

(2) sub-section (7) shall be deleted.

7. In the Gujarat Municipalities Act, 1963 (hereinafter referred to as “the Municipalities Act”), in section 53,-

(i) existing sub-section (1) shall be renumbered as clause (i) of that sub-section;

(ii) to clause (i), as so renumbered, the following proviso shall be inserted, namely :-
“Provided that the term of the Executive Committee constituted upon the general elections held after the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years.”;

(iii) after clause (i), the following clause shall be inserted, namely:-

“(ii) the members shall be eligible for re-appointment.”.

8. In the Municipalities Act, in section 55, to sub-section (2), the following proviso shall be inserted, namely:-

“Provided that the term of such committees constituted upon the general elections held after the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years.”.

9. In the Municipalities Act, in section 59, to sub-section (2), the following proviso shall be inserted, namely:-

“Provided that the term of Chairman of any such committee appointed by the municipality upon the general elections held after the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years.”.

10. In the Gujarat Panchayats Act, 1993 (hereinafter referred to as “the Panchayats Act”), in section 51, in the marginal note, the words “Sarpanch and” shall be deleted.

11. In the Panchayats Act, in section 55, in sub-section (2), in clause (iii), for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

12. In the Panchayats Act, in section 61, -

(1) (i) in proviso to sub-section (1), for the words “four months”, the words “twelve months” shall be substituted;

(ii) after the existing proviso, the following proviso shall be inserted, namely:-

"Provided, however, that vacancy in the office of a member, if any, existing on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015, may not be filled till the general election is held for re-constituting the panchayat immediately after coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015."

(2) in sub-section (2), the words “Sarpanch or” occurring at two places shall be deleted.

13. In the Panchayats Act, for section 67, the following section shall be substituted, namely :-

“67. (1) Save as otherwise provided in the Act, the term of office of members of a Taluka Panchayat shall be co-extensive with the duration of the Panchayat.

(2) The term of office of the President and the Vice-President of a Taluka Panchayat, save as otherwise provided in this Act, shall be two and a half years."
(3) There shall be called a meeting of the elected members of the
Taluka Panchayat by the competent authority within thirty days before
the expiry of the term of two and a half years for the election of
President and the Vice-President from amongst such elected members.

(4) Subject to the other provisions of this section, the President or
the Vice-President shall be eligible for re-election.

(5) If, during the term of his office under sub-section (2), the
President or the Vice-President, ceases to be a member of the
Panchayat, he shall vacate the office held by him.

(6) Notwithstanding anything contained in sub-section (2), the
President or the Vice-President who has completed a period of two and
a half years on the date of the commencement of the Gujarat Local
Authorities Laws (Amendment) Act, 2015, shall continue to hold the
office till the remainder term of the Panchayat.”.

14. In the Panchayats Act, in section 75,-

(1) (i) in proviso to sub-section (1), for the words “four months”,
the words “twelve months” shall be substituted;

(ii) after the existing proviso, the following proviso shall be
inserted, namely:-

“Provided, however, that vacancy in the office of a member, if
any, existing on the date of commencement of the Gujarat Local
Authorities Laws (Amendment) Act, 2015, may not be filled till the
general election is held for re-constituting the panchayat immediately
after coming into force of the Gujarat Local Authorities Laws
(Amendment) Act, 2015.”;

(2) in sub-section (2), for the word and figures “section 62”, the
word and figures “section 63” shall be substituted.

15. In the Panchayats Act, for section 81, the following section
shall be substituted, namely :-

“81. (1) Save as otherwise provided in the Act, the term of
office of the members of a District Panchayat shall be co-
exensive with the duration of the Panchayat.

(2) The term of office of the President and the Vice-
President of a District Panchayat, save as otherwise provided in
this Act, shall be two and a half years.

(3) There shall be called a meeting of the elected members
of the District Panchayat by the competent authority within
thirty days before the expiry of the said term of two and a half
years for the election of President and the Vice-President from
amongst such elected members.

(4) Subject to the other provisions of this section, the
President or the Vice-President shall be eligible for re-election.

(5) If, during the term of his office under sub-section (2),
the President or the Vice-President, ceases to be a member of
the Panchayat, he shall vacate the office held by him.
(6) Notwithstanding anything contained in sub-section (2), the President or the Vice-President who has completed a period of two and a half years as such on the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015, shall continue to hold the office till the remainder term of the Panchayat.”.

16. In the Panchayats Act, in section 87, in the marginal note, the word “education” shall be deleted.

17. In the Panchayats Act, in section 89,
   (i) in the proviso to sub-section (1), for the words “four months”, the words “twelve months” shall be substituted;
   (ii) after the existing proviso, the following proviso shall be inserted, namely:-

   "Provided, however, that vacancy in the office of a member, if any, existing on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015, may not be filled till the general election is held for re-constituting the panchayat immediately after coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”.

18. In the Panchayats Act, in section 91, after the existing proviso the following proviso shall be added, namely:-

   "Provided further that in case where such meeting is not called by the Sarpanch within a period of one month from the date of receipt of such written request, it shall be competent for the Taluka Development Officer to call such meeting on such date as may be specified by him.”.

19. In the Panchayats Act, in section 98,–
   (1) in sub-section (1), the words “who are not related to any of the members or the Sarpanch, as the case may be, of the village panchayat” shall be added at the end;
   (2) after sub-section (1), the following Explanation shall be inserted, namely :-

   "Explanation.- For the purposes of this sub-section, the parents, brother, sister, father-in-law, mother-in-law, husband, wife, son, daughter, son-in-law, daughter-in-law shall be deemed to be related to a member or the Sarpanch, as the case may be, of the village panchayat.”.

20. In the Panchayats Act, in section 100, in sub-section (3), in the proviso, for the words “one hundred rupees”, the words “five thousand rupees” shall be substituted.

21. In the Panchayats Act, in section 123, in sub-section (9), for clause (b) and the proviso thereto, the following clause and provisos thereunder shall be substituted, namely :-

   “(b) the term of the Executive Committee and the Social Justice Committee, shall be two and a half years :
Provided that the term of the existing Executive Committee which has not completed a term of two years on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years or till the remainder period of duration of the Panchayat, whichever is earlier:

Provided further that the term of the existing Social Justice Committee which has completed a term of two and a half years on the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be co-extensive with the duration of the Panchayat.”.

22. In the Panchayats Act, in section 131, in the proviso to sub-section (4), for the words “two hundred rupees”, the words “fifteen thousand rupees” shall be substituted.

23. In the Panchayats Act, in section 145, -

(1) in sub-section (1), in clause (vi), for the word and figures “section 241”, the word and figures “section 243” shall be substituted;

(2) for sub-section (9), the following sub-section shall be substituted, namely :-

“(9) (i) The term of the committees constituted under sub-section (1) shall be two and a half years:

Provided that the term of the existing Social Justice Committee and Education Committee which have completed a term of two and a half years on the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be co-extensive with the duration of the Panchayat:

Provided further that the term of the Committees other than the Social Justice Committee and the Education Committee which have not completed a term of two years on the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years or till the remainder period of duration of the Panchayat, whichever is earlier.

(ii) The term of the committee or committees constituted under sub-section (2) shall not exceed one year.”.

24. In the Panchayats Act, in section 200, -

(i) in sub-section (1), in clause (xvi), after the word “premises”, the words “including shops and stalls” shall be inserted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely :-

“(1A) Notwithstanding anything contained in sub-section (1), it shall be compulsory for a village panchayat to levy taxes and fees as referred to in clauses (i), (viii) and (ix) of said sub-section.”.
25. In the Panchayats Act, in section 243, -

(i) in sub-section (1), for the words and figures “sections 104, 200 and 241”, the words and figures “sections 104, 200 and 242” shall be substituted;

(ii) in sub-section (3), for the words “two years”, the words “two and a half years” shall be substituted.
PART IV
Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 17th May, 2017 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.


(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 17th May, 2017).

AN ACT


It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Local Authorities Laws Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
Amendment 2. In the Gujarat Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "Municipal Corporations Act"), in section 2, after clause (18A), of 1949, the following clause shall be inserted, namely-

"(18B) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are admitted for payment or in case of television exhibition with the aid of any type of antenna with a cable network attached to it or cable television, or direct-to-home (DTH) Broadcasting Service, for which persons are required to make payment by way or contribution or subscription or installation charges or connection charges or any other charges collected in any manner whatsoever."

Amendment 3. In the Municipal Corporation Act, in section 127, in sub-section (2),-

(i) after clause (c), the following clause shall be inserted, namely:-

"(cc) a tax on entertainments."

(ii) in clause (f), the words "or a tax on payment for admission to entertainment" shall be deleted.

Amendment 4. In the Gujarat Municipalities Act, 1963 (hereinafter referred to as "the Municipalities Act"), in section 2, after clause (7A), the following clause shall be inserted, namely:-

"(7AA) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are admitted for payment or in case of television exhibition with the aid of any type of antenna with a cable network attached to it or cable television, or direct-to-home (DTH) Broadcasting Service, for which persons are required to make payment by way or contribution or subscription or installation charges or connection charges or any other charges collected in any manner whatsoever."

Amendment 5. In the Municipalities Act, in section 99, in sub-section (1),-

(i) in clause (xv), the words "not being a tax on payments for admission to any entertainment" shall be deleted;

(ii) after clause (xv), the following clause shall be inserted, namely:-

"(xvi) a tax on entertainments."

Amendment 6. In the Gujarat Panchayats Act, 1993 (hereinafter referred to as "the Panchayats Act"), in section 2, after clause (7), the following clause shall be inserted, namely:-

"(7A) "entertainment" includes any exhibition, performance,
amusement, game or sport to which persons are admitted for payment or in case of television exhibition with the aid of any type of antenna with a cable network attached to it or cable television, or direct-to-home (DTH) Broadcasting Service, for which persons are required to make payment by way or contribution or subscription or installation charges or connection charges or any other charges collected in any manner whatsoever.”.

7. In the Panchayats Act, in section 200, in sub-section (1),-

(i) after clause (iv), the following clause shall be inserted, namely:-

"(iv-a) a tax on entertainments.”;

(ii) in clause (x), the words “or a tax on payment for admission to entertainment” shall be deleted.

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