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## PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT LOCAL AUTHORITIES LAWS (AMENDMENT) BILL, 2015.

## GUJARAT BILL NO. 14 OF 2015.

## A BILL

Further to amend the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993.

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

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

Guj. of 2015.

Guj. of 2015.

Guj. of 2015.

**Amendment of section 21 of Bom. LIX of 1949.** 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.”.

Guj. of 2015.

Guj. of 2015.

Guj. of 2015.

**Amendment of section 25 of Bom. LIX of 1949.** 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.

Guj. of 2015.

Guj. of 2015.

Guj. of 2015.

(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:-

Amendment of section 27 of Bom. LIX of 1949.

“(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.

Guj. of 2015.

Guj. of 2015.

Guj. of 2015.

(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, -

Amendment of section 30 of Bom. LIX of 1949.

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

Guj. of 2015.

“(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.

Guj. 34 of 1964.

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

Amendment of section 53 of Guj. 34 of 1964.

- (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.”.

Guj. of 2015.

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

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

Amendment of section 55 of Guj. 34 of 1964.

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.”.

Guj. of 2015.

Amendment of section 59 of Guj. 34 of 1964.

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.”.

Guj. of 2015.

Amendment of section 51 of Guj. 18 of 1993.

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.

Guj. 18 of 1993.

Amendment of section 55 of Guj. 18 of 1993.

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.

Amendment of section 61 of Guj. 18 of 1993.

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

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

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

Substitution of section 67 of Guj. 18 of 1993.

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-appointment.

(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.

Guj. of 2015.

(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) in the proviso to sub-section (1), for the words “four months”, the words “twelve months” shall be substituted;
- (2) in sub-section (2), for the word and figures “section 62”, the word and figures “section 63” shall be substituted.

Amendment  
of section 75  
of Guj. 18 of  
1993.

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

Substitution  
of section 81  
in Guj. 18 of  
1993.

Term of  
office of  
members of  
district  
panchayat  
and of  
President  
and Vice-  
President.

“81. (1) Save as otherwise provided in the Act, the term of office of the members of a District 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 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

Guj. of 2015. (Amendment) Act, 2015, shall continue to hold the office till the remainder term of the Panchayat.”.

**Amendment of section 87 of Guj. 18 of 1993.** 16. In the Panchayats Act, in section 87, in the marginal note, the word “education” shall be deleted.

**Amendment of section 89 of Guj. 18 of 1993.** 17. In the Panchayats Act, in section 89, in the proviso to sub-section (1), for the words “four months”, the words “twelve months” shall be substituted.

**Amendment of section 91 of Guj. 18 of 1993.** 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.”.

**Amendment of section 98 of Guj. 18 of 1993.** 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.”.

**Amendment of section 100 of Guj. 18 of 1993.** 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.

**Amendment of section 123 of Guj. 18 of 1993.** 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 :

Guj. of 2015. 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.

Amendment of section 131 of Guj. 18 of 1993.

**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 :

Guj. of 2015.

Guj. of 2015.

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, -

Amendment of section 200 of Guj. 18 of 1993.

(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, -

Amendment of section 243 of Guj. 18 of 1993.

(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.

### STATEMENT OF OBJECTS AND REAONS

The present Bill seeks to amend certain provisions of the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993 in order to bring uniformity with regard to certain matters contained in the said Acts as also for the smooth running of the administration of the local bodies.

Clauses 2 to 6 of the Bill provide for the term of the members of the Standing Committee, Transport Committee and the special committee of the Corporations to be two and a half years. A provision is also made to the effect that the members of such committee shall be eligible for reappointment. It is also considered necessary to insert a provision for members of such committees who have already completed two and a half years as such on the commencement of this amending Act, to the effect that they shall continue to be such members till the remainder of their term.

Clauses 7, 8 and 9 of the Bill provide for the term of the members of the Executive Committee and other committees of the municipalities to be two and a half years. A provision is also made to the effect that the members of such committee shall be eligible for re-election or re-appointment as the case may be. A necessary saving clause is also inserted for the existing members of such committees.

Clauses 13 and 15 *inter-alia* provide for the term of the President and the Vice-President of a Taluka Panchayats as also of District Panchayat to be two and a half years. The term of the President and the Vice-president of the Taluka and the District panchayats at present under the said Act is five years. However, the term of office of the Mayor under the Gujarat Provincial Municipal Corporations Act, 1949 and of the President under the Gujarat Municipalities Act, 1963 is two and a half years. In order to bring uniformity in the term of the office of the President and Vice-president of the said Panchayats with that of the Mayor of the Municipal Corporation and the President of Municipality, it is intended to keep the term of office of the President and Vice-president of the said panchayats for two and a half years. A provision is also made to the effect that the President and the Vice-President of such Panchayats shall be eligible for re-election. A necessary saving clause is also inserted for the existing Presidents and Vice-Presidents of the Taluka and District Panchayats.

The Sarpanch of a village panchayat, as provided in section 55 of the said Act, is empowered to incur contingent expenditure upto fifty rupees at any one occasion. It is considered necessary to increase the said limit of fifty rupees and accordingly the said limit of fifty rupees is intended to be increased to five hundred rupees. **Clause 11** of the Bill provides for the same. Similarly under section 100, if a village panchayat intends to incur expenditure exceeding one hundred rupees on any reception ceremony, entertainment gathering then it is required to obtain the sanction of the panchayat to which it is sub-ordinate. It is

considered necessary to raise the limit of such one hundred rupees and therefore, a provision is intended to be inserted which empowers the village panchayat to incur expenditure upto five thousand rupees without obtaining prior approval of the panchayat to which it is subordinate. **Clause 20** of the Bill provides for the same. Also in case of Taluka Panahcyat, the present limit of rupees two hundred is intended to be raised to fifteen thousand rupees. **Clause 22** of the Bill provides for the same.

It is also considered necessary to keep the term of the Education Committee and the Social Justice Committee of the Taluka Panchayat for two and half years. A necessary saving clause is also proposed to be inserted for the existing committees. **Clause 21** of the Bill provides for the same.

Section 200 of the said Act provides for levy of taxes and fees by village panchayats. However, it is not compulsory for the village panchayat to levy taxes or fees on all the entries mentioned in the said section. The State Finance Commission has recommended to the State Government that the taxes or fees so far as the tax on buildings and lands, general sanitary cess for the construction or maintenance of public latrines and for the removal and disposal of refuse and general water rate are concerned, the same should be compulsory be levied by the village panchayat. In view of this, it is proposed to amend the provisions of section 200 suitably. **Clause 24** of the Bill provides for the same. Certain consequential amendments have also proposed to be made in the concerned Acts.

This Bill seeks to amend the said Acts to achieve the aforesaid objects.

**NITIN PATEL,**

#### **MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative power in the following respect:-

**Clause 1.-** Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

**Dated the 18<sup>th</sup> March, 2015.**

**NITIN PATEL.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,  
Dated the 18<sup>th</sup> March, 2015

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