



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LVIII] MONDAY, MARCH 20, 2017/PHALGUNA 29, 1938

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

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 PROVINCIAL MUNICIPAL CORPORATIONS (SECOND AMENDMENT) BILL, 2017.

GUJARAT BILL NO. 17 OF 2017.

A BILL

further to amend the Gujarat Provincial Municipal Corporations Act, 1949.

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

- (1) This Act may be called the Gujarat Provincial Municipal Corporations (Second Amendment) Act, 2017.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and commencement.

Amendment of
section 20 of
Bom. LIX of
1949.

2. In the Gujarat Provincial Municipal Corporations Act, 1949 (hereinafter referred as “the principal Act”), in section 20, sub-section (8) shall be deleted.

Bom. LIX
of 1949.

Amendment
of section 21
of Bom. LIX
of 1949.

3. In the principal Act, in section 21, sub-section (2A) shall be deleted.

Amendment of
section 25 of
Bom. LIX of
1949.

4. In the principal Act, in section 25, sub-section (7) shall be deleted.

Amendment
of section 27
of Bom. LIX
of 1949.

5. In the principal Act, in section 27, sub-section (2A) shall be deleted.

Amendment of
section 45 of
Bom. LIX of
1949.

6. In the principal Act, in section 45, -

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

“(2) The Corporation may from time to time with the approval of the State Government create as many appointments as it considers necessary of the Deputy Municipal Commissioner, an Assistant Municipal Commissioner or such other officers. The State Government may appoint a fit person or persons to be the Deputy Municipal Commissioner or the Assistant Municipal Commissioner or such other officer.”;

(ii) in sub-section (4), for the words “a Municipal Secretary,” the words “a Municipal Secretary, a Deputy Municipal Commissioner or an Assistant Municipal Commissioner” shall be inserted.

(iii) in sub-section (5), for the words “this section”, the words, brackets and figure “sub-section (1)” shall be substituted.

7. In the principal Act, in section 53, in sub-section (1), after the words “municipal officers”, the words “excepting the Deputy Municipal Commissioner or the Assistant Municipal Commissioner” shall be inserted.

**Amendment of
section 53 of
Bom. LIX of
1949.**

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Local Authorities Laws (Amendment) Act, 2015 to amend 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 smooth running of the administration of the local bodies.

The Gujarat Local Authorities Laws (Amendment) Act, 2015 *inter alia*, provides for the term of the members of the Standing Committee, the Transport Committee and the Special Committee of the Corporations to be two and half years. It also provides that the term of the existing members of the Standing Committee, Transport Committee or the Special Committee shall be governed in accordance with the relevant provisions as in force prior to coming into force of the said amending Act of 2015 as if such relevant provisions had not been omitted by the amending Act of 2015 till a new Standing Committee, the Transport Committee or, as the case may be, the Special Committee is constituted upon the general elections of the Corporations held after the date of commencement of the said amending Act of 2015.

It has however, come to the notice of the Government that the general elections in the case of Junagadh Municipal Corporation were held before the date of commencement of the amending Act of 2015 and as such the term of members of the Standing Committee, Transport Committee or the Special Committee of the Junagadh Municipal Corporation continue to be governed by the relevant provisions in force on the date of commencement of the amending Act of 2015. In order therefore, to bring uniformity in the term of the members of the said Committees of all the Corporations of the State, it is considered necessary to make certain amendments in sections 20, 21, 25 and 27 of the Gujarat Provincial Municipal Corporations Act, 1949.

In addition to this, for better implementation of the flagship programmes of the State Government and for achieving better co-ordination with the State as well as the Central Government Agencies, the officers from the State services having wider exposure and experience of various Government Departments are required to be appointed in the municipal corporations on the posts of Deputy Municipal Commissioner, Assistant Municipal Commissioner and such other officers. Therefore, certain amendments in sections 45 and 53 of the Gujarat Provincial Municipal Corporations Act, 1949 are also proposed.

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

SHANKAR CHAUDHARY,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative power in the following respects:--

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 20th March, 2017.

SHANKAR CHAUDHARY.

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

Gandhinagar,
Dated the 20th March, 2017.

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