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PART IV

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

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 24th May, 2018.

GUJARAT ORDINANCE NO. 1 OF 2018.

AN ORDINANCE

further to amend the Gujarat Municipalities Act, 1963.

WHEREAS the Legislative Assembly of the State of Gujarat is
not in session;

AND WHEREAS the Governor of Gujarat is satisfied that
circumstances exist which render it necessary for him to take immediate
action to amend the Gujarat Municipalities Act, 1963;

Guj.34 of
1964.

NOW, THEREFORE, in exercise of the powers conferred on
him by clause (1) of article 213 of the Constitution of India, the
Governor of Gujarat is hereby pleased to make and promulgate the
following Ordinance, namely:-

1. **Short title and commencement.** -(1) This Ordinance may be called the Gujarat Municipalities (Amendment) Ordinance, 2018.

(2) It shall be deemed to have come into force on the 13th April, 2018.

Guj.34 of
1964.

2. **Guj. 34 of 1964 to be temporarily amended.** - During the period of operation of this Ordinance, the Gujarat Municipalities Act, 1963 (hereinafter referred to as “the principal Act”) shall have effect subject to the amendments specified in sections 3 to 8.

3. **Amendment of section 2 of Guj.34 of 1964.**- In the principal Act, in section 2,-

(1) in clause (3B), for the words “Director of Municipalities”, the word “Commissioner” shall be substituted;

(2) after clause (3B), the following clause shall be inserted, namely:-

“(3C) “Commissioner” means the Commissioner of Municipalities Administration appointed by the State Government under section 46A;” ;

(3) clause (6) shall be deleted;

(4) after clause (23), the following clauses shall be inserted, namely:-

“(23A) “region” means a region as may be constituted under sub-section (2) of section 46C;

(23B) “Regional Commissioner” means Regional Commissioner of Municipalities appointed by the State Government under sub-section (1) of section 46C;”.

4. **Insertion of new sections 46A, 46B and 46C in Guj.34 of 1964.**-

In the principal Act, in Chapter III, after the sub-head (2), the following sub-head and sections shall be inserted, namely:-

“(2A) *Officers of Municipalities Administration*

Appointment of
Commissioner of
Municipalities
Administration and
his powers and
functions.

46A. For carrying out the purposes of this Act, the State Government may, by notification, appoint an officer to be called the Commissioner of Municipalities Administration who shall, subject to control of the State Government and subject to such general or special orders as the State Government may from time to time make, exercise such powers and perform such functions and duties as are conferred or imposed upon by or under the provisions of this Act.

Appointment of
Additional
Commissioner
and his powers
and functions.

46B. (1) The State Government may, by notification appoint an officer to be called the Additional Commissioner of Municipalities.

(2) The Additional Commissioner shall exercise such powers and perform such functions and duties as may be conferred or assigned to him/her by the Commissioner.

Appointment of
Regional
Commissioner, his
powers and
functions, and
constitution of
Region.

46C. (1) The State Government may, by notification, appoint an officer to be called the Regional Commissioner of Municipalities for each region constituted under sub-section (2).

(2) The State Government may, by notification in the *Official Gazette*, constitute as many regions as it deems fit, consisting of such municipalities in such districts as may be specified in the notification.

(3) The Regional Commissioner shall exercise such powers and perform such functions and duties as may be conferred or imposed upon him by or under this Act.”.

5. Amendment of certain sections of Guj.34 of 1964.-In the principal Act,-

(1)(a) in sub-section (2) of section 47, in the Table below sub-section (4) of section 48, in sub-section (2) of section 49, in sub-section (1) of

section 50, in sub-sections (3) and (8) of section 54, in section 82, in sub-section (3) of section 108, in sections 120, 131 and 210, in sub-section (2) of section 219, in sub-section (1) of section 220, in sections 260 and 262, in sub-section (2) of section 263 and section 278A, for the word "Director" wherever it occurs, the word "Commissioner" shall be substituted;

(b) in section 99A, in sub-section (2), for the words " Director of Municipalities", the word "Commissioner" shall be substituted;

(c) in section 257, in sub-section (1), for the words "Director, Collector", the words "the Commissioner, Regional Commissioner" shall be substituted;

(2) in sub-section (4) of section 134, in sub-section (2) of section 257 and in section 258, for the word "Collector" wherever it occurs, the words "Regional Commissioner" shall be substituted; in sub-section (1) of section 49 after the word "Collector" the word "Regional Commissioner " shall be added. In sub- section (2) of section 51 the word "who" shall be substituted by "and the Regional Commissioner. The Regional Commissioner"

(3) in section 258,-

(1) in sub-section (2), for the words, "State Government" the word "Commissioner" shall be substituted;

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

(i) after the word "municipality" occurring at two places, the words "or any aggrieved person" shall be inserted;

(ii) for the words "State Government" occurring at three places, the word "Commissioner" shall be substituted.

6. *Amendment of section 257 of Guj.34 of 1964.*-In the principal Act, in section 257, for sub-section (3) , the following sub-section shall be substituted, namely:-

“(3) The Commissioner may, delegate any of its powers exercisable by him/her under this section to any officer subordinate to him/her subject to such terms and conditions or restrictions, if any, as may be specified in such order.”.

7. *Amendment of section 278A of Guj. 34 of 1964.*- In the principal Act, section 278A shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

“(2) The Commissioner may, with the prior approval of the State Government, by an order in writing, delegate any of its powers exercisable by him under this Act to any officer subordinate to him subject to such terms and conditions, if any, as may be specified in such order.”.

8. *Saving.* Any appointment made, notification or order issued or any action taken by the State Government or any officer under the principal Act as amended by the Gujarat Municipalities (Amendment) Ordinance, 2018 shall be deemed to have been made, issued or taken under the principal Act as amended by this Ordinance.

STATEMENT

The State Government has enacted the Gujarat Municipalities Act, 1963 for the administration and management of municipal affairs of the municipalities in the State. When the said Act came into force, there were about 52 Municipalities in the State. However, with the increase in population, the number of municipalities in the State stands increased to 162 as on date.

In the recent years, the activities undertaken by the municipalities have expanded manifold. As a result of the different projects such as Atal Mission For Rejuvenation and Urban Transformation (AMRUT), Affordable Housing, *Swachhh Bharat Mission* and Swarnim Jayanti Mukhyamantri Shehari Vikas Yojana having been initiated by Government of India and the State Government as also because of the increase in the population and urbanization, the municipalities are required to be more result oriented to meet the growing aspirations of citizens.

However, it appears that the municipalities, with the present number of the officers at its disposal find it difficult to cope up with the increased functions and responsibilities. As such the creation of high level posts for the speedy administration and management of the municipalities has become necessary. The State Government has, therefore, thought it fit to create a new post of Commissioner of Municipalities Administration in place of the Director of Municipalities. The State Government has also decided to create a new post of Additional Commissioner who shall assist the Commissioner for smooth functioning of Commissionerate. The State Government has further decided to constitute such number of regions consisting of such districts which shall be headed by the Regional Commissioner who shall be vested with certain powers which are presently vested in the Collector under the Act.

It is, therefore, considered necessary to amend the relevant provisions of the said Act accordingly to achieve the objects.

As the Legislative Assembly of the State of Gujarat is not in session, the Gujarat Municipalities (Amendment) Ordinance, 2018 is promulgated to achieve the aforesaid objects.

Gandhinagar,

Date: 24th May, 2018.

O. P. KOHLI,

Governor of Gujarat.

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

MUKESH PURI,

Principal Secretary to Government.