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सत्यमेव जयते

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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 127-A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT PROVINCIAL MUNICIPAL CORPORATIONS (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 1 OF 2019.

#### A BILL

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

It is hereby enacted in the Seventieth Year of the republic of India as follows:-

1. This Act may be called the Gujarat Provincial Municipal Corporations (Amendment) Act, 2019.

Short title.

**Amendment  
of section 45  
of Bom. LIX  
of 1949.**

2. In the Gujarat Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the principal Act"), in section 45,-

**Bom. LIX of  
1949.**

(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 posts of Deputy Municipal Commissioner or Assistant Municipal Commissioner or such other officers as it considers necessary. The State Government may, while granting approval to the Corporation, apportion the number of such posts that may be filled by the Corporation and the number of such posts that may be filled by the State Government by appointing its officers.";

(ii) for sub-section (4), the following sub-section shall be substituted, namely :-

"(4) Every appointment made under this section, excepting an appointment of a Municipal Secretary made by the Corporation or an appointment of a Deputy Municipal Commissioner, an Assistant Municipal Commissioner or such other officers made by the State Government, shall be subject to confirmation by the State Government; and any officer whose appointment the State Government refuses to confirm shall be removed from the office forthwith.".

(iii) in sub-section (5), for the word, brackets and figure "sub-section (1)", the words, brackets and figures "sub-section (1) or a vacancy in any office specified in sub-section (2) so far as the appointment is made by the Corporation," shall be substituted.

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

4. In the principal Act, in section 53, in sub-section (1), after the words "excepting the Deputy Municipal Commissioner or the Assistant Municipal Commissioner", the words "or such other officers appointed by the State Government" shall be inserted.

**STATEMENT OF OBJECTS AND REASONS**

Existing provision of sub-section (2) of section 45 of the Gujarat Provincial Municipal Corporations Act 1949, empowers the State Government to appoint its officers as the Deputy Municipal Commissioner and Assistant Municipal Commissioner as the said officers having wider exposure and experience of various Government Departments in order to secure better implementation of the flagship programmes of the State Government and to secure better co-ordination between the State as well as the Central Government Agencies while discharging municipal functions.

However, it is felt that in order to have better implementation of the functions entrusted to the municipal corporations, it is necessary to empower the municipal corporations also to appoint some of such officers. It is therefore, considered necessary to enable both the State Government as well as the concerned municipal corporations to appoint Deputy Municipal Commissioners or the Assistant Municipal Commissioners or such other officers to secure better implementation of Government policies on one hand and on the other hand, to carry out the day to day municipal functions under various provisions of the Gujarat Provincial Municipal Corporations Act, 1949. The provision of sub-section (2) of section 45 is required to be amended to the extent which would also enable Corporation to appoint such officers either by way of direct recruitment or by the officers from within the Corporation or by both. Accordingly, sub-section (2) of section 45 of the said Act is proposed to be amended. Certain consequential provisions of sections 45 and 53 of the said Act are also proposed to be amended.

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

Dated the 7<sup>th</sup> February, 2019.

**NITIN PATEL.**

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

Gandhinagar,  
Dated the 8<sup>th</sup> February, 2019.

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