

Chhattisgarh Municipalities (Amendment) Act, 2004**10 of 2004****[01 January 2005]**

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Chhattisgarh Municipalities (Amendment) Act, 2004**10 of 2004****[01 January 2005]**

An Act further to amend the Chhattisgarh Municipalities Act, 1961. Be it enacted by the Chhattisgarh Legislature in the Fifty-fifth Year of Republic of India as follows:-- * Published in C.G. Rajpatra (Asadharan) dated 1-1-2005 Pages 2(3-4).

1. Short Title And Commencement :-

(1) This Act may be called the Chhattisgarh Municipalities (Amendment) Act, 2004.

(2) It shall come into force from the date of its publication in the official Gazette.

2. Amendment Of Section 3 :-

After sub-section

(5-a) of Section 3 of the Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961), hereinafter referred to as the Principal Act, following new definition shall be inserted, namely--

(5-b) "Collector" means the District Collector appointed by the State Government under Section 16 of the Chhattisgarh Land Revenue Code, 1959.

After sub-section (10-a) of Section 3 of the Principal Act, following new definition shall be inserted, namely--

(10-b) "Director" means the Director of Urban Administration and Development, appointed by the State Government.

3. Amendment Of Section 32-C :-

In Section 32-C of the Principal Act, for the word "Member" the words "President or Councillor" shall be substituted and for words for a period of five years" the words "for a period not exceeding five years" shall be substituted.

4. Insertion Of New Section 32-D :-

After Section

32-C of the Principal Act, following new Section 32-D shall be inserted, namely--

"Section 32-D. Removal of reduction of period of Disqualification.--
The State Election Commission, on making an application within thirty days from the date of publication of the order, passed under clause (b) of Section 32-C in the official Gazette may for reasons to be recorded in writing remove any disqualification or reduce the period of any such disqualification."

5. Amendment Of Section 35 :-

After clause (q) of Section 35 of the Principal Act, following new clause shall be inserted, namely--

(r) "has been disqualified under Section 32-C".

6. Amendment Of Section 38 :-

In sub-section (1) of Section 38 of the Principal Act, for word "Councillor" the words "President or Councillor" shall be substituted.

7. Insertion Of Clause (Cc) Of Section 38(1) :-

After clause (c) of sub-section (1) of Section 38 of the Principal Act, following new clause shall be inserted, namely--

(cc) "becomes disqualified for being chosen as and for being a President, or Councillor under Section 32-C."

8. Amendment In Clause (E) & (F) Of Section 38(1) :-

In clause (e) of sub-section (1) of Section 38 of the Principal Act, for the word "Councillor" the words "President or Councillor" and in clause (f) for the word "Councillor" the words "President or Councillor" shall be substituted.

9. Insertion Of New Section 55-A :-

After Section 55 of the Principal Act, the following New section shall be inserted namely--

"Section 55-A. Oath or affirmation by the President and the Councillor.--

(1) Every President and every Councillor shall before taking part in the election of Speaker in the first meeting of the Council/Nagar Panchayat or before entering upon his office, as the case may be, shall make and subscribe in the presence of the concerned, Sub-Divisional Magistrate an oath or affirmation in the following form--

I.....President/elected councillor/nominated councillor of Municipal Council/Nagar Panchayat.....swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will uphold the sovereignty and integrity of India, and I will faithfully and impartially perform my duties.

(2) If the President or Councillor does not take an oath under sub-section (1), it shall be deemed that Such President or Councillor as the case may be, has not assumed his office:

Provided that except with permission of the Collector, if any President or Councillor, as the case may be, does not take an oath within 30 days from the date of his election or nomination, as the case may be, his seat shall be deemed to have fallen vacant ipso facto".

10. Amendment Of Section 72-A :-

In sub-section(4) of Section 72-A of the Principal Act, for the word "meeting" the words "meeting in the prescribed manner" shall be substituted.