

GUJARAT GRAM AND NAGAR PANCHAYATS WATCH AND WARD (Costs) RULES, 1970

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GUJARAT GRAM AND NAGAR PANCHAYATS WATCH AND WARD (Costs) RULES, 1970

No KP-1974-PRR-62-70-JH.-In exercise of the powers conferred by section 323 read with section 182-A of the Gujarat Panchayats Act, 1961 (GUJ. VI of 1962), the Government of Gujarat hereby makes the following rules, namely.-

1. Short title :-

These rule may be called the Gujarat Gram and Nagar Panchayats Watch and Ward (Costs) Rules, 1970.

2. Definitions :-

In these rules, unless the context otherwise requires,

- (a) "the Act" means the Gujarat Panchayats Act 1961;
- (b) "house" means any building or set of buildings within the same enclosure and used by the same occupier;
- (c) "land" means any cultivable occupied land, which is subject to payment of agricultural assessment ;
- (d) "occupier" includes a person in actual possession of a house or land whether as owner, agent or tenant;
- (e) "owner" includes a person, who receives or is entitled to receive rent of the house or land, if such house or land is letout;
- (f) "panchayat" means a gram panchayat, or as the case may be a nagar panchayat.

3. Costs of Watch and Ward to be levied and recovered as fees :-

(1) Where as panchayat provides for the watch and ward of the gram or as the case may be, nagar and of the crops therein the costs of such watch and ward shall be levied and recovered by the panchayat as a fee assessed in the manner hereinafter provided, namely:-

(a) where the watch and ward is provided for the gram, or as the case maybe, nagar, the fee shall be levied in respect of every hearth (chula) situated in such gram or as the case may be, nagar;

(b) where the watch and ward is provided for crops in the gram, or as the case may be, nagar, the fee shall be levied per acre of the land on which such crops are grown;

(c) where common watch and ward is provided for both the purposes specified in clauses (a) and (b) above, the fee shall be levied and assessed separately for each purpose and recovered accordingly.

(2) The fee shall be levied on such rate as may be decided upon by the panchayat from time to time after following the procedure laid down In sub-rules (3) and (4):

Provided that the rate of fee leviabale shall be so fixed that the total proceeds of such fee in the gram or as the case may be nagar, shall, as far as possible, be commensurate with the total expenditure incurred on the watch and ward:

Provided further that a panchayat may decide not to levy such fee in respect of any house which is exempt from payment of house tax under the Gujarat Gram and Nagar Panchayats Taxes and Fees Rules, 1964.

(3) Every Panchayat shall, before deciding to levy the cost of watch and ward, follow the following procedure, namely.-

(a) The Panchayat shall pass a resolution at its meeting sanctioning the proposal to levy the costs of watch and ward at the rate specified therein.

(b) The panchayat shall the notify to the public the proposal by beat of drum in the gram or as the case may be nagar and by means of a notice together with these rules affixed in the office of

the panchayat and at the chavdi or choro of the gram or as the case may be nagar or at some conspicuous places in the gram or as the case may be nagar specifying a date not earlier than one month from the date of such publication, on or after which the panchayat shall take the proposal into consideration.

(c) Any inhabitant of the gram or as the case may be nagar affected by the proposal may make any objection or suggestion in writing to the panchayat on or before the date specified in the notice under clause (b).

(d) On or after the date fixed under clause (b), the panchayat shall consider all objections and suggestions made under clause (c) and may approve or modify the proposal.

(4) Where a panchayat finally decides to levy the costs of watch and ward it shall publish a final notice specifying therein the rate at which it shall be levied. Copies of such notice together with these rules shall be affixed in the office of the panchayat. It shall also announce by beat of drum in the gram or as the case may be nagar or by publishing it at some conspicuous places in the gram or nagar or in at least one local Gujarati news paper circulating in the area of the panchayat the fact of such publication. The fee shall accordingly be levied from such date, not earlier than one month from the date of publication of the final notice, as may be specified in the notice.

4. Period for levy of fee :-

The fee shall be leviable for the year beginning on 1st day of April and ending on 31st day or March next following. If the levy of fee comes into force on any day other than the 1st day of April, it shall be leviable for the quarter beginning on the 1st day of July, 1st day of October, 1st day of January and 1st day of April next following and thereafter for the year beginning on the 1st day of April.

5. Person liable to pay fee :-

(1) The fee shall be primarily leviable from the owner of the house or land who occupies the house or land.

(2) If the houses or land is not occupied by the owner, the fee shall be primarily leviable from-

(a) the lessee, if the house or land is let;

(b) the superior lessor, if it is sub-let;

(c) the person in whom the right to let the same vests, if it is unlet;

(d) the person to whom the house or land has been transferred if the owner of the land or house has left the gram or as the case may be nagar or cannot otherwise be found.

(3) On failure to recover any sum due on account of such fee from the person primarily liable, a portion of the sum may be recovered from the occupier of any part of the house or land in respect of which it is due, in the ratio which the Sarpanch or as the case may be the Chairman decides to be an equities ratio of the amount of the assessed on the owner of the house or land as a whole tenement. An appeal against the decision of the Sarpanch or as the case may be. Chairman in the matter may be made within 30 days to the District Panchayats:

Provided that if any sum is paid by or levied from any person who is not primarily liable under these rules such person shall be entitled to credit such sum in account with the person primarily liable for the payment of that sum.

6. Receipt for payment of fee :-

The Secretary of the panchayat or the person duly authorised by the panchayat in this behalf shall receive the payment of the fee and give a receipt for the same in such form as may be determined by the panchayat.

7. Repeal :-

The Bombay Village Panchayats Watch and Ward (Costs) Rules, 1960 are hereby repealed:

Provided that anything done or any action taken under any of the rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules.