

## **GUJARAT LOCAL AUTHORITIES (EXTENSION OF TERM AND LAWS AMENDMENT) ACT, 1978**

**29 of 1978**

**[ ]**

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## **GUJARAT LOCAL AUTHORITIES (EXTENSION OF TERM AND LAWS AMENDMENT) ACT, 1978**

**29 of 1978**

**[ ]**

An Act to provide for extension of term of, or term of office of members of certain local authorities in the State of Gujarat and for extension of term of supersession of certain municipalities in the State: and to provide for administration of local authorities in the State on the expiry of their term or of term of office of their members and for that purpose to amend the laws relating to local authorities in the State. It is hereby enacted in the Twenty-ninth Year of the Republic of India as follows:

### **1. Short title :-**

This Act may be called the Gujarat Local Authorities (Extension of

Term and Laws Amendment) Act, 1 1978.

**2. Extension of term of, or term of office of members of, certain local authorities. :-**

(1) Notwithstanding anything contained in Section.17 of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962).(hereinafter referred to as "the Panchayats Act") the term of a gram panchayat or of a nagar panchayat, which by reason of that section would have expired after the date of commencement of the Gujarat Local Authorities (Extension of Term and Laws Amendment) Ordinance, 1978 (No. 7 of 1978), (hereinafter referred to as "the Ordinance") but before the 30th June, 1979 shall not so expire, but shall, subject to other provisions of that Act, extend upto the 30th June, 1979.

(2) Notwithstanding anything contained in S.8 of Gujarat Municipalities Act, 1963 (Guj. 34 of 1964), (hereinafter referred to as "the Municipalities Act") the term of office of the councilors of a municipality which by reason of that section would have expired after the date of the commencement of the Ordinance but before the 30th June, 1979 shall not so expire but shall, subject to the other provisions of that Act, extend upto the 30th June, 1979.

(3) Notwithstanding anything contained in Section 33 of the Municipalities Act, the president and vice-president of a municipality. the term of office of councilors of which is extended under sub-section (2), holding offices immediately before the date of commencement of the Ordinance shall, subject to other provisions of that Act, continue to hold their respective office until the 30th June, 1979.

**3. Extension of the period of supersession of certain municipalities. :-**

Notwithstanding anything contained in section 263 of the Municipalities Act:

(a) the period of supersession of the Botad Municipality which expires on the 7th December, 1978, and

(b) the period of supersession of the Jamnagar Municipality which expires on the 26th September, 1978.

shall, with all consequences specified in sub-section (2) of that section, continue upto the 30th June, 1979 and on the expiration of the period of supersession of the municipalities as so continued, the

municipalities shall be re-established by election or appointment of councilors under the provisions of that Act or the rules made thereunder applicable thereto.

**4. State Government to appoint officers to carry on current administrative duties of the office of president and vice-president of certain municipalities. :-**

Notwithstanding anything contained in the Municipalities Act or the rules or by-laws made thereunder, the current administrative duties of the office of the president and of the vice-president of a municipality, the term of office of the councilors of which has expired before the date of commencement of the Ordinance. shall, be carried on by such officer of the State Government as it may, by notification in the Official Gazette, appoint, until such municipality is established after general election to it is held on the basis of lists of voters for its wards prepared and published in accordance with the provisions of sections 9-A to 9-E of that Act.

**5. Amendment of section 44-A of Guj. VI of 1962 :-**

In the Panchayats Act, in section 44-A, in sub-section (1), for the words "On the election of a new Sarpanch or Upa-Sarpanch or a new Chairman or Vice-Chairman" the words, brackets and figures "On the appointment of an officer under sub-section (2) of section 45 or, as the case may be, on the election of a new Sarpanch or Upa-Sarpanch or new Chairman or Vice-chairman" shall be substituted.

**6. Amendment of section 45 of Guj. VI of 1962. :-**

In the Panchayats Act, in section 45, for sub-section (2), the following sub-section shall be substituted, namely:

"(2) On the expiry of the term of the panchayat, the current duties of the office of the Sarpanch or the Chairman of the Panchayat shall be carried on by such officer of the State Government as it may by order, specify in that behalf, until such time as a new Sarpanch or Chairman is elected and takes charge of his office".

**7. Amendment of section 55-A of Guj. VI of 1962. :-**

In the Panchayats Act, in section 55-A, in sub-section (1), for the words "On the election of a new President or Vice-President", the words, brackets and figures "On the appointment of an officer under sub-section (2) of section 57, or, as the case may be, on the election of a new President or Vice-president" shall be substituted.

**8. Amendment of sec. 57 of Guj. VI of 1962 :-**

In the Panchayat Act, in section 57, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) On the expiry of the term of the panchayat, the current duties of the office of the President of the panchayat shall be carried on by such officer of the State Government, as it may, by order specify in that behalf, until such time as a new President is elected and takes charge of his office."

**9. Amendment of Sec. 67-A of Guj. VI of 1962. :-**

In the Panchayats Act, in section 67-A, in sub-section (1), for the words "On the election of a new President or Vice-president", the words brackets and figures "On the appointment of an officer under sub- sec. (2) of section 69. or, as the case may be, on the election of a new President or Vice-president" shall be substituted.

**10. Amendment of section 69 of Guj. VI of 1962. :-**

In the Panchayats Act, in section 69, for sub-section (2), the following sub-section shall be substituted, namely:

"(2) On the expiry of the term of the panchayat, the current duties of the office of the President of the panchayat shall be carried on by such officer of the State Government, as it may by order specify in that behalf, until such time as a new President is elected and takes charge of his office."

**11. Amendment of section 33 of Guj. 34 of 1964 :-**

In the Municipalities Act, in section 33, for sub-section (4), the following sub-section shall be substituted, namely: -

"(4) On the expiry of the term of the Office of the councilors of the municipality, the current administrative duties of the office of the president and of the vice-president of the Municipality shall be carried on by such officer of the State Government, as it may by order specify in that behalf, until such time as a new president and vice-president shall have been elected and shall have taken over the charge of their duties.

**12. Amendment of section 34 of Guj. 34 of 1964. :-**

In the Municipalities Act, in section 34, in sub-section (1), for the words "On the election of a new president or vice-president" the words, brackets and figures "On the appointment of an officer under sub-section (4) of section 33. or as the case may be, on the election of a new president or vice-president" shall be substituted.

**13. Repeal and savings. :-**

The Gujarat Local Authorities (Extension of Term and Laws Amendment) Ordinance, 1978 (Ord. No. 7 of 1978) is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 (Bom. 1 of 1904) shall apply to such repeal, as if that Ordinance were an enactment.