

Gujarat Local Authorities Laws (Amendment) Act, 2015

15 OF 2015

[10 April 2015]

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AN ACT

further to amend the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993.

It is hereby enacted in the Sixty-sixth Year of the Republic of India

as follows:-

1. Short title and commencement :-

(1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 2015.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Bom. LIX of 1949 :-

In the Gujarat Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Municipal Corporations Act"), in section 20, -

(1) sub-sections (3), (4), (5) and (6) shall be deleted;

(2) after sub-section (6), the following sub-sections shall be inserted, namely :-

"(7) (i) The term of the members appointed under subsection (2) shall be two and a half years;

(ii) the members shall be eligible for reappointment."

(8) Notwithstanding anything contained in sub-section (7), the term of the existing members of the Standing Committee shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been omitted by the Amending Act of 2015, till a new Standing Committee is constituted upon the general elections "f the Corporations held after the date of the commencement o the Gujarat Local Authorities Laws (Amendment) Act, 2015."

3. Amendment of section 21 of Bom.LIX of 1949 :-

In the Municipal Corporations Act, in section 21, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :-

"(1) The members of the Standing Committee shall appoint one of its members to be the Chairman on the same day on which they are appointed under sub-section (2) of section 20. The term of the Chairman shall be two and a half years.

(2) The Chairman shall be eligible for re-appointment.

(2A) Notwithstanding anything contained in sub-sections (1) and (2), the term of the Chairman shall be governed in accordance with the relevant provisions as in force prior to the coming into force of

the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been amended by the Amending Act, 2015, till a new Chairman is appointed upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015."

4. Amendment of section 25 of Bom. LIX of 1949 :-

In the Municipal Corporations Act, in section 25, -

(i) for sub-sections (5), (6), (7) and (8), the following sub-sections shall be substituted, namely :-

"(5) The term of the members of the Transport Committee shall be two and a half years :

Provided that such term shall not extend beyond the term of the Corporation.

(6) The members shall be eligible for re-appointment.

(7) Notwithstanding anything contained in sub-sections (5) and (6), the term of the existing members of the Transport Committee shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been amended by the Amending Act, 2015, till a new Transport Committee is constituted upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015."

5. Amendment of section 27 of Bom. LIX of 1949 :-

In the Municipal Corporations Act, in section 27, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:-

"(1) The Transport Committee shall at its first meeting which shall be held on the same day of its constitution appoint one of its member to be the Chairman. The term of the Chairman shall be two and a half years.

(2) The Chairman shall be eligible for re-appointment.

(2A) Notwithstanding anything contained in sub-sections (1) and (2), the term of the existing Chairman shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been omitted by the Amending Act, 2015, till a new Chairman is

appointed upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015."

6. Amendment of section 30 of Bom. LIX of 1949 :-

In the Municipal Corporations Act, in section 30, -

(1) after sub-section (3), the following sub-section shall be inserted, namely :-

"(3A) The term of the members of every Special Committee appointed by the Corporation upon the general elections held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years.";

(2) sub-section (7) shall be deleted.

7. Amendment of section 53 of Guj. 34 of 1949 :-

In the Gujarat Municipalities Act, 1963 (hereinafter referred to as "the Municipalities Act"), in section 53, -

(i) existing sub-section (1) shall be renumbered as clause (i) of that sub-section;

(ii) to clause (i), as so renumbered, the following proviso shall be inserted, namely :-

"Provided that the term of the Executive Committee constituted upon the general elections held after the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years.";

(iii) after clause (i), the following clause shall be inserted, namely :-

"(ii) the members shall be eligible for re-appointment."

8. Amendment of section 55 of Guj. 34 of 1964 :-

In the Municipalities Act, in section 55, to sub-section (2), the following proviso shall be inserted, namely :-

"Provided that the term of such committees constituted upon the general elections held after the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years."

9. Amendment of section 59 of Guj. 34 of 1964 :-

In the Municipalities Act, in section 59, to sub-section (2), the following proviso shall be inserted, namely :-

"Provided that the term of Chairman of any such committee appointed by the municipality upon the general elections held after the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years."

10. Amendment of section 51 of Guj. 18 of 1993 :-

In the Gujarat Panchayats Act, 1993 (hereinafter referred to as "the Panchayats Act"), in section 51, in the marginal note, the words "Sarpanch and" shall be deleted.

11. Amendment of section 55 of Guj. 18 of 1993 :-

In the Panchayats Act, in section 55, in sub-section (2), in clause (iii), for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

12. Amendment of section 61 of Guj. 18 of 1993 :-

In the Panchayats Act, in section 61, -

(1) (i) in Proviso to sub-section (1), for the words "four months", the words "twelve months" shall be substituted;

(ii) after the existing proviso, the following proviso shall be inserted, namely:-

"Provided, however, that vacancy in the office of a member, if any, existing on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015, may not be filled till the general election is held for re-constituting the panchayat immediately after coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015.";

(2) in sub-section (2), the words "Sarpanch or" occurring at two places shall be deleted.

13. Substitution of section 67 of Guj. 18 of 1993 :-

In the Panchayats Act, for section 67, the following section shall be substituted, namely :-

"67. (1) Save as otherwise provided in the Act, the term of office of members of a Taluka Panchayat shall be co-extensive with the duration of the Panchayat.

(2) The term of office of the President and the Vice-President of a Taluka Panchayat, save as otherwise provided in this Act, shall be two and a half years.

(3) There shall be called a meeting of the elected members of the

Taluka Panchayat by the competent authority within thirty days before the expiry of the term of two and a half years for the election of President and the Vice-President from amongst such elected members.

(4) Subject to the other provisions of this section, the President or the Vice-President shall be eligible for re-appointment.

(5) If, during the term of his office under sub-section (2), the President or the Vice-President, ceases to be a member of the Panchayat, he shall vacate the office held by him.

(6) Notwithstanding anything contained in sub-section (2), the President or the Vice-President who has completed a period of two and a half years on the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015, shall continue to hold the office till the remainder term of the Panchayat."

14. Amendment of section 75 of Guj. 18 of 1993 :-

In the Panchayats Act, in section 75, -

(1) (i) in proviso to sub-section (1), for the words "four months", the words "twelve months" shall be substituted;

(ii) after the existing proviso, the following proviso shall be inserted, namely:-

"Provided, however, that vacancy in the office of a member, if any, existing on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015, may not be filled till the general election is held for re-constituting the panchayat immediately after coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015.";

(2) in sub-section (2), for the word and figures "section 62", the word and figures "section 63" shall be substituted.

15. Substitution of section 81 in Guj. 18 of 1993 :-

In the Panchayats Act, for section 81, the following section shall be substituted, namely :-

"81. Term of office of members of district panchayat and of President and Vice-President.

(1) Save as otherwise provided in the Act, the term of office of the members of a District Panchayat shall be co-extensive with the duration of the Panchayat.

(2) The term of office of the President and the Vice-President of a District Panchayat, save as otherwise provided in this Act, shall be two and a half years.

(3) There shall be called a meeting of the elected members of the District Panchayat by the competent authority within thirty days before the expiry of the said term of two and a half years for the election of President and the Vice-President from amongst such elected members.

(4) Subject to the other provisions of this section, the President or the Vice-President shall be eligible for re-election.

(5) If, during the term of his office under sub-section (2), the President or the Vice-President, ceases to be a member of the Panchayat, he shall vacate the office held by him.

(6) Notwithstanding anything contained in sub-section (2), the President or the Vice-President who has completed a period of two and a half years as such on the date of the commencement of the Gujarat Local Authorities Laws(Amendment) Act, 2015, shall continue to hold the office till the remainder term of the Panchayat."

16. Amendment of section 87 of Guj. 18 of 1993 :-

In the Panchayats Act, in section 87, in the marginal note, the word education shall be deleted.

17. Amendment of section 89 of Guj. 18 of 1993 :-

In the Panchayats Act, in section 89,

(i) in the proviso to sub-section (1), for the words "four months", the words "twelve months" shall be substituted;

(ii) after the existing proviso, the following proviso shall be inserted, namely:-

"Provided, however, that vacancy in the office of a member, if any, existing on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015, may not be filled till the general election is held for re-constituting the panchayat immediately after coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015." .

18. Amendment of section 91 of Guj. 18 of 1993 :-

In the Panchayats Act, in section 91, after the existing proviso the following proviso shall be added, namely :-

"Provided further that in case where such meeting is not called by the Sarpanch within a period of one month from the date of receipt of such written request, it shall be competent for the Taluka

Development Officer to call such meeting on such date as may be specified by him."

19. Amendment of section 98 of Guj. 18 of 1993 :-

In the Panchayats Act, in section 98, -

(1) in sub-section (1), the words "who are not related to any of the members or the Sarpanch, as the case may be, of the village panchayat" shall be added at the end;

(2) after sub-section (1), the following Explanation shall be inserted, namely :-

"Explanation.- For the purposes of this sub-section, the parents, brother, sister, father-in-law, mother-in-law, husband, wife, son, daughter, son-in-law, daughter-in-law shall be deemed to be related to a member or the Sarpanch, as the case may be, of the village panchayat."

20. Amendment of section 100 of Guj. 18 of 1993 :-

In the Panchayats Act, in section 100, in sub-section (3), in the proviso, for the words "one hundred rupees", the words "five thousand rupees" shall be substituted.

21. Amendment of section 123 of Guj. 18 of 1993 :-

In the Panchayats Act, in section 123, in sub-section (9), for clause (b) and the proviso thereto, the following clause and provisos thereunder shall be substituted, namely :-

"(b) the term of the Executive Committee and the Social Justice Committee, shall be two and a half years :

Provided that the term of the existing Executive Committee which has not completed a term of two years on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act 2015 shall be two and a half years or till the remainder period of duration of the Panchayat, whichever is earlier:

Provided further that the term of the existing Social Justice Committee which has completed a term of two and a half years on the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be co-extensive with the duration of the Panchayat."

22. Amendment of section 131 of Guj. 18 of 1993 :-

In the Panchayats Act, in section 131, in the proviso to sub-section

(4), for the words "two hundred rupees", the words "fifteen thousand rupees shall be substituted.

23. Amendment of section 145 of Guj. 18 of 1993 :-

In the Panchayats Act, in section 145, -

(1) in sub-section (1), in clause (vi), for the word and figures "section 241", the word and figures "section 243" shall be substituted;

(2) for sub-section (9), the following sub-section shall be substituted, namely :-

"(9) (i) The term of the committees constituted under subsection (1) shall be two and a half years :

Provided that the term of the existing Social Justice Committee and Education Committee which have completed a term of two and a half years on the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be co-extensive with the duration of the Panchayat:

Provided further that the term of the Committees other than the Social Justice Committee and the Education Committee which have not completed a term of two years on the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years or till the remainder period of duration of the Panchayat, whichever is earlier.

(ii) The term of the committee or committees constituted under sub-section (2) shall not exceed one year."

24. Amendment of section 200 of Guj. 18 of 1993 :-

In the Panchayats Act, in section 200, -

(i) in sub-section (1), in clause (xvi), after the word "premises", the words "including shops and stalls" shall be inserted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely :-

"(1A) Notwithstanding anything contained in sub-section (1), it shall be compulsory for a village panchayat to levy taxes and fees as referred to in clauses (i), (viii) and (ix) of said subsection."

25. Amendment of section 243 of Guj. 18 of 1993 :-

In the Panchayats Act, in section 243, -

(i) in sub-section (1), for the words and figures "sections 104, 200 and 241", the words and figures "sections 104, 200 and 242" shall

be substituted;

(ii) in sub-section (3), for the words "two years", the words "two and a half years" shall be substituted.