

Gujarat Local Authorities Laws (Second Amendment) Act, 2015

22 OF 2015

[16 September 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 (Second Amendment) Act, 2015.

(2) It shall be deemed to have come into force on the 24th July, 2015.

2. Amendment of section 10 of Bom. LIX of 1949 :-

In the Gujarat Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Municipal Corporations Act"), in section 10, after sub-section (3), the following sub-section shall be added, namely:-

"(4) A person shall be disqualified to continue as a councillor if such person has been declared as a defaulter voter under section 16D, subject to the decision in appeal, if preferred under section 16E."

3. Amendment of section 15 of Bom. LIX of 1949 :-

In the Municipal Corporations Act, in section 15, in sub-section (1), after the existing proviso, the following proviso shall be added, namely:-

"Provided, however, that such vacancy of a councillor in any Corporation, if any, existing on the date of coming into force of the Gujarat Local Authorities Laws (Second Amendment) Act, 2015, if could not be filled within such period of six months, the same shall be filled in at the time of the general elections if the same are to be held on or before the 31st December, 2015, for constituting the other Corporations whose term are due to expire."

4. Amendment of section 11 of Guj. 34 of 1964 :-

In the Gujarat Municipalities Act, 1963 (hereinafter referred to as "the Municipalities Act"), in section 11, after sub-section (4), the following subsection shall be added, namely:-

"(5) A person shall be disqualified to continue as a councillor if such person has been declared as a defaulter voter under section 15D, subject to the decision in appeal, if preferred under section 15E."

5. Amendment of section 42 of Guj. 34 of 1964 :-

In the Municipalities Act, in section 42, to sub-section (2), the following proviso shall be inserted, namely:-

"Provided, however, that vacancy of a councillor in any municipality, if any, existing on the date of coming into force of the Gujarat Local Authorities Laws (Second Amendment) Act, 2015, if could not be filled within such period of six months, the same shall be filled in at the time of the general elections if the same are to be held on or before the 31st December, 2015, for constituting the other municipalities whose term are due to expire."

6. Amendment of section 266 of Guj. 34 of 1964 :-

In the Municipalities Act, in section 266, in sub-section (1), to clause (i), the following proviso shall be inserted, namely:-

"Provided, however, that if any such election is required to be held on the date of coming into force the Gujarat Local Authorities Laws (Second Amendment) Act, 2015, or immediately thereafter, if could not be held within such period of six month, the same shall be held at the time of general elections if the same are to be held on or before 31st December, 2015, for constituting the other municipalities whose term are due to expire."

7. Amendment of Section 266 B of Guj.34 of 1964 :-

In the Municipalities Act, in section 266B, to clause (dd), the following proviso shall be inserted, namely :-

"Provided, however, that if any such municipality is required to be reconstituted on the date of coming into force of the Gujarat Local Authorities Laws (Second Amendment) Act, 2015 or immediately thereafter, if could not be reconstituted within such period of six months, the same shall be reconstituted at the time of general elections if the same are to be held on or before 31st December, 2015, for constituting other municipalities whose term are due to expire;"

8. Amendment of section 277 of Guj.34 of 1964 :-

In the Municipalities Act, in section 277, to sub-section (3), the following proviso shall be inserted, namely:-

"Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section."

9. Amendment of section 30 of Guj. 18 of 1993 :-

In the Gujarat Panchayats Act, 1993 (hereinafter referred to as "the Panchayats Act"), in section 30, after sub-section (2), the following subsection shall be added, namely:-

"(3) A person shall be disqualified to continue as a member of a Panchayat if such person has been declared as a defaulter voter under subsection (3) of section 34D subject to the decision in appeal, if preferred under section 34E."

10. Amendment of section 274 of Guj. 18 of 1993 :-

In the Panchayats Act, in section 274, for sub-section (5), the following sub-section shall be substituted, namely:-

"(5) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication:

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section:

Provided further that such previous publication of the rules shall not be necessary where the rules provide for any of the matters specified in Chapter XIII."

11. Repeal and savings :-

(1) The Gujarat Local Authorities Laws (Amendment) Ordinance, 2015 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 or, as the case may, the Gujarat Panchayats Act, 1993, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts as amended by this Act.