

## **GUJARAT MUNICIPALITIES (DECLARATION OF MUNICIPAL BOROUGH INQUIRY) RULES, 1982**

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## **GUJARAT MUNICIPALITIES (DECLARATION OF MUNICIPAL BOROUGH INQUIRY) RULES, 1982**

Whereas the draft of a notification regarding the Gujarat Municipalities (Declaration of Municipal Borough, Nagar or Gram Inquiry) Rules, 1982 was published as required by sub-section (3) of Section 277 of the Gujarat Municipalities Act, 1963 (Gujarat XXXIV of 1964) at pages 94-1 to 94-3 of the Government Gazette, (Extra ordinary), Part I-A, Central Section, dated the 4th October, 1982 under Government Notification, Panchayats, Housing and Urban Development Department No.KP-203-82-MPL- 4582/4924 M, dated the 4th October, 1982 inviting objections or suggestions from all persons likely to be affected thereby; And whereas the objections and suggestions which have been received with respect to the said draft rules have been considered by the Government; Now, therefore, in exercise of the powers conferred by Section 277 read with section 4A of the Gujarat Municipalities Act, 1963 (Gujarat XXXIV of 1964); the Government of Gujarat hereby makes the following rules, namely:-

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

These rules may be called the Gujarat Municipalities (Declaration of Municipal Borough Inquiry) Rules, 1982.

### **2. Definitions :-**

In these rules unless the context otherwise requires:-

- (1) "the Act" means the Gujarat Municipalities Act, 1963:
- (2) "municipal borough" means a local area declared or deemed to

have been declared a municipal borough under this Act:

(3) "panchayat" means a gram or nagar panchayat constituted or deemed to have been constituted for a gram or nagar and includes a person appointed to exercise the powers of a gram or nagar panchayat under the Gujarat Panchayat Act, 1961;

(4) "section" means a section of the Act.

**3. Inquiry for the purpose of sub-section. (2) of Section 4A :-**

(1) The inquiry for the purpose of sub-section (2) of Section 4A shall be made in the following manner:-

(i) The Director of Municipalities, Gujarat State shall prepare a list of the nagar the population of which is 25,000 or above and forward it to the State Government:

(ii) The Director of Municipalities, Gujarat State under sub-rule (1) shall also prepare a report in respect of each nagar after taking into consideration the following factors:-

(a) the existing facilities of communication available to the concerned nagar with other areas in the district and the State:

(b) the existing facilities provided by the nagar panchayat for water supply sanction and drainage system:

(c) the nature and extent of industrial or commercial growth within the local area comprised in the concerned nagar:

(d) the percentage of population engaged in non-agricultural pursuits within limits of the concerned nagar;

(e) the density of population and spread of population in the area within the limits of the concerned nagar:

(f) whether the concerned nagar is situated in the vicinity of a Municipal Corporation or a major industrial complex;

(g) whether the nagar panchayat part of the area comprised within the limits of the concerned nagar is situated within the limits of an Urban Development Authority or Area Development Authority constituted under Section 22 or 5 respectively of the Gujarat Town Planning and Urban Development Act, 1976.

(2) On receipt of the report under sub-rule (1), if the State

Government is tentatively of opinion that the area should be declared as Municipal borough the State Government shall communicate its view to the concerned nagar panchayat and request the nagar panchayat to offer its views within period of thirty days from the date of the issue of the communication. If the nagar panchayat does not offer its view within such period the State Government shall presume that the nagar panchayat does not desire to offer its views in the matter. After considering the views of the concerned nagar panchayat or if the panchayat does not offer its views within such period, the State Government may take such action as it deems fit.

**4. Factors for the purpose of the proviso to sub-section 2 of Section 4A :-**

(1) For the purpose of the proviso to sub-section (2) of Section 4A, in addition to the factors specified in the said proviso the State Government shall take into consideration the following other factors: -

(a) the income and expenditure of the nagar panchayat for the last three years;

(b) the assets of the nagar panchayat and sources of income of the panchayat.

(2) In other respects the procedure specified in Rule 3 shall, in so far as it may be applicable, apply for the purpose of the proviso to sub-section (2) of Section 4A.

**5. Procedure for the purpose of sub-section (3) of Section 4A :-**

(1) For the purpose of sub-section (3) of Section 4A, the the Director of Municipalities Gujarat State shall prepare a tentative list of nagars having population not exceeding 25,000 and a list of grams and make an inquiry in respect of nagars, and grams for the purpose of sub-section 4A.

(2) The Director of Municipalities, Gujarat State shall make an inquiry in respect of each of such grams and nagars specified in the list and prepare a report and forward the same to the State Government after taking into consideration the following factors in addition to the factors specified in the said sub-section.(3) Of Section 4A.-

- (a) the existing facilities of communications available to the local area with other areas of the district and State;
- (b) the facility provided by the panchayat for water supply, sanitation and drainage system;
- (c) the nature and extent of industrial or commercial growth within the local area:
- (d) the percentage of population engaged in non-agricultural pursuits in the local area:
- (e) the density of population and spread of population in the local area:
- (f) whether the nagar or gram is situated in the vicinity of a Municipal Corporation or a major industrial complex:
- (g) whether the nagar or gram or any part of the local area is situated within the limits of an Urban Development Authority or Area Development Authority constituted under Section 22 or 5 respectively of the Gujarat Town Planning and Urban Development Act, 1976:
- (h) the income and expenditure of the concerned panchayat for the last three years:
- (i) the assets of the panchayat and sources of income and the panchayat:

(3) On receipt of the report under sub-rule (2) if the State Government is tentatively of the opinion that the area should be declared as a Municipal borough, the State Government shall communicate its views to the concerned panchayat and request the panchayat to offer its views within a period of thirty days from the date of the issue of the communication. If the panchayat does not offer its views within period, the State Government shall presume that the panchayat does not desire to offer its views in the matter. After considering the views of the panchayat or if the panchayat does not offer its view within the specified period the State Government may take such action as it may deem fit under sub-section 4A.