

Gujarat Panchayats (Declaration of (Gram, Nagar Municipal Borough or Inquiry) Rules, 1962.

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Gujarat Panchayats (Declaration of (Gram, Nagar Municipal Borough or Inquiry) Rules, 1962.

In exercise of the powers conferred by section 323 of the Gujarat Panchayats Act, 1961 (Guj.VI of 1962), the Government of Gujarat hereby makes the following rules, namely.-

1. Short title :-

These rules may be called the Gujarat Panchayats (Declaration of ¹ [Gram, Nagar Municipal Borough or Inquiry) Rules, 1962.

1. Subs. by Notfi. No. 2 above.

1A. Definitions :-

". .-In these rules unless the context otherwise requires.-

- (1) "the Act" means the Gujarat Panchayats Act, 1961;
- (2) "Municipal Borough" means a local area declared or deemed to have declared a Municipal Borough under the Gujarat Municipalities Act, 1963;
- (3) "Municipality" means a municipality constituted or deemed to be constituted for a municipal borough and includes a person appointed to exercise the powers of a municipality under the Gujarat Municipalities Act, 1963;
- (4) "section" means section of the Act"]

2. Inquiry by State Government :-

(A) Before declaring any local area to be a nagar or gram under sub-section (1) of section 9 of the Act, the State Government shall make inquiries as to-

(1) the population and the ordinary land revenue of the revenue village or each of the revenue villages or hamlets, or as the case may be, any other administrative unit or part thereof, comprised in the local area,

(2) whether the revenue villages or hamlets or other administrative units or parts thereof can be conveniently grouped so as to form a gram or nagar, as the case may be,

(3) For the purpose of sub-rule (1) the District Development Officer or where there is no such officer the Collector when so required by the State Government, shall submit to the State Government a statement in the form appended hereto.

		Minimum	Maximum
(1)	Bicycle Re.	1.00 per year	Rs. 2.00 per year
(2)	Vehicle drawn by		
	one animal Rs.	1.50 per year	Rs, 3.00 per year
(3)	Vehicle drawn by		
	two or more		
	animals Rs.	2 00 per year	Rs. 4.00 Per year

2A. Procedure for the purpose of first proviso to sub-section (1) of section 9A :-

". .-

(1) For the purpose of the first proviso to sub-section (1) of section 9, the State Government may authorise an officer to make an inquiry.

(2) The officer so authorised shall prepare a list of the local area which are eligible for being declared as nagars under clause (a) of sub-section (1) of section 9 and also submit report in respect of each of such local areas after taking into consideration the factors specified in the first proviso to sub-section (1) of section 9 and the following other factors, namely.-

(a) the income and expenditure of the local authority for the concerned nagar for the last three years;

(b) the density of tribal population of the concerned nagar especially if the nagar is in a tribal area;

(c) the assets and resources of the income of the local authority of the concerned nagar.

(3) On receipt of the report under sub-rule (2), if the State Government is tentatively of opinion that the area should be declared as gram, the State Government shall communicate its views to the concerned nagar panchayat and request the nagar panchayat to offer its view within a period of thirty days from the date of the issue of communications. If the local authority does not offer its views within such period the State Government shall presume that the local authority does not desire to offer its views in the matter. After considering the views of the local authority or if the local authority does not offer its views within such period, the State Government shall take such action as it deems fit under the first proviso to sub-section (1) of section 9.

2B. Procedure for the purpose of second proviso to sub-section (1) of section 9 :-

(1) For the purpose of second proviso to sub-section () of section 9 in addition to the factors specified in the said second proviso the State Government shall take into consideration the following other factors namely.-

(a) the trade, occupation and other means of employment sound in the local area;

(b) the existing facilities of communication available to the local area with other areas of the district or the State;

(c) the existing facilities provided by the local authority of the concerned area in respect of water supply, sanitation and drainage system.

(2) In other respects the procedure specified in rule 2A shall, in so far as it may be applicable, apply for the purpose of the second proviso to sub-section (1) of section 9.

2C. Procedure for the purpose of sub-section (1A) of section 9 :-

(1) For the purpose of sub-section (1A) of section 9, the State Government shall prepare a tentative list of the municipal borough

and authorise an officer to make an inquiry in respect of such municipal boroughs.

(2) The officer so authorised shall make an inquiry in respect of each of the municipal boroughs specified in the list prepared by the State Government 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 (1A) of section 9, namely:-

(a) The income and expenditure of the concerned municipality for the last three years;

(b) The trade occupation and other means of employment in the municipal borough;

(c) The density of tribal population of the municipal borough especially if the area is in a tribal area;

(d) The assets of the municipality and the capacity of the municipality for raising resources of income.

(3) On receipt of report under sub-rule (2), if the State Government is tentatively of opinion that the area should be declared to be a gram or nagar, the State Government shall communicate its view to the concerned municipality and request the municipality to offer its views within a period of 30 days from the date of the issue of the communication. If the municipality does not offer its views within such period the State Government shall presume that the municipality does not desire to offer its views in the matter. After considering the views of the concerned municipality or if the municipality does not offer its views within the specified period, the State Government may take such action as it deems fit under sub-section (1A) of section 9].

3. Extension of Rules to Kutch Area of the State of Gujarat :-

The foregoing provisions of these rules shall extend to and be in force in the Kutch area of the State of Gujarat and consequently of the Gujarat Panchayats (Declaration of Nagar or Gram) Inquiry (Kutch) Rules, 1963 shall stand repealed:

Provided that the things done or actions taken under the rules so repealed shall not be affected.