

Rajasthan Municipalities (Amendment) Act, 2011

2 of 2011

[25 March 2011]

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PREAMBLE

An Act further to amend the Rajasthan Municipalities Act, 2009.

Be it enacted by the Rajasthan State Legislature in the Sixty-second Year of the Republic of India, as follows:--

1. Short title and commencement :-

(1) This Act may be called the Rajasthan Municipalities (Amendment) Act, 2011.

(2) It shall be deemed to have come into force on and from 24th November, 2010.

2. Amendment of Sec. 37, Rajasthan Act No. 18 of 2009 :-

In sub-sec. (1) of Sec. 37 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009), hereinafter referred to as the principal Act, after the existing word "Every" and before the existing word "member", the expression "Chairperson and" shall be inserted and for the existing expression "the Collector or his nominee", the expression "an officer authorised by the State Government by a general or special order" shall be substituted.

3. Amendment of Sec. 53, Rajasthan Act No. 18 of 2009 :-

For the existing Sec. 53 of the principal Act, the following shall be substituted, namely:--

"53. Recalling of Chairperson and motion of no confidence against Vice-Chairperson.--

(1) Every Chairperson of a Municipality shall forthwith be deemed to have vacated his office if he is recalled through a secret ballot by a majority of more than half of the total number of voters of the Municipal area casting the vote in accordance with the procedure as may be prescribed :

Provided that no such process of recall shall be initiated unless a proposal is signed by not less than three- fourth of the total number of the elected Members and presented to the Collector concerned:

Provided further that no such motion shall lie against a Chairperson--

(i) within two years of the assumption of office by the Chairperson;

(ii) if half of the period of tenure of the Chairperson elected in a by-election has not expired:

Provided also that process for recall of Chairperson shall be initiated

once in his whole term.

(2) The Collector shall, after satisfying himself and verifying as expeditiously as possible but within a period of seven days that the three-fourth of the Members specified in sub-sec. (1) have signed the proposal of recall, fix a date for meeting of the Municipality to be held within a period of fourteen days, which shall be presided over by an officer not below the rank of an Additional Collector nominated by him.

(3) If a resolution expressing no confidence in the Chairperson is passed in that meeting, in the prescribed manner, by a majority of three-fourth of the elected Members of the Municipality and communicated to the State Government, the State Government shall make a reference to the State Election Commission.

(4) On receipt of the said reference, the State Election Commission shall arrange for voting on the proposal of recall in such manner as may be prescribed.

(5) Motion expressing no confidence in the Vice-Chairperson shall be made and considered in the prescribed manner.

(6) No notice of motion under sub-sec. (5) shall be made within two years of the assumption of office by a Vice-Chairperson.

(7) If a motion under sub-sec. (5) is not carried, no notice of a subsequent motion expressing no confidence in the same Vice-Chairperson shall be made until after the expiration of two years from the date of the meeting in which the motion was considered."

4. Amendment of Sec. 73, Rajasthan Act No. 18 of 2009 :-

In sub-sec. (1) of Sec. 73 of the principal Act, for the existing punctuation mark "." appearing at the end of the existing proviso, the punctuation mark ":" shall be substituted and thereafter the

following new proviso shall be added, namely:--

"Provided further that where a municipality leases out, sells, allots or otherwise transfers any municipal land for carrying out prescribed group housing or township projects, such lease, sale, allotment or transfer shall be made subject to the condition that at least twenty percent of plots or housing units in such projects shall be allotted to the persons belonging to such Economically Weaker Section and Low Income Group at such concessional rates through cross subsidization of prices as may be notified by the State Government."

5. Amendment of Sec. 87, Rajasthan Act No. 18 of 2009 :-

In sub-sec. (1) of Sec. 87 of the principal Act, the existing expression "However, before submission to the Municipality for approval, the financial estimates shall be approved by the Finance Committee." shall be deleted.

6. Amendment of Sec. 88, Rajasthan Act No. 18 of 2009 :-

For the existing Sec. 88 of the principal Act, the following shall be substituted, namely:--

"88. Sanction of budget estimate of Municipality.--

(1) The Municipality shall consider the budget estimate and shall, by the fifteenth day of February in each year, adopt the budget estimate for the ensuing year with such changes as it may consider necessary, and submit a copy of the same to the State Government through the Director of Local Bodies and if, after considering the budget estimates, the State Government is of the opinion that it is necessary in the interest of Municipality make changes in budget estimates, it may direct the Municipality to carry out the changes and such directions shall be binding on the Municipality.

(2) Where a Municipality fails to pass the budget estimates according to the provisions of sub-sec. (1), it shall be mandatory for the Chief Municipal Officer to prepare the budget estimates and submit the same on or before twenty eighth day of February of that

year to the State Government. The State Government shall approve the budget estimates with or without modifications and the same shall be deemed to have been passed by the Municipality.

(3) Any work order or sanction regarding any expenditure out of the Municipal Funds shall neither be approved nor be issued in the absence of proper provision in the approved budget, except in cases where a specific approval has been obtained from the State Government. In case of any violation the Chairperson, the Chief Municipal Officer or any other officer authorised to issue such work order or sanction shall be jointly and severally responsible for such expenditure and the same shall be recoverable from them."

7. Insertion of Sec. 89-A, Rajasthan Act No. 18 of 2009 :-

After Sec. 89 of the principal Act, the following new section shall be inserted, namely:--

"89-A. Constitution of Basic Services to the Urban Poor Fund.--

(1) Every Municipality shall constitute a fund called the Basic Services to the Urban Poor Fund, hereinafter in this section referred as the fund, for the propose of providing basic services to the urban poor including the inhabitants of slum areas within the Municipality.

(2) Such per cent, not being less than twenty five percent, of yearly budget grants of a Municipality as may be prescribed by the State Government shall be earmarked and used exclusively for the purpose of providing basic services to the urban poor including the inhabitants of slum areas within the Municipality and any amount which remains unutilized in the current year shall not lapse and be credited to the fund and shall be available to be utilized in next year in addition to the budget grants of that year.

(3) The allocation to the fund shall be made from the following municipal budget resources, namely:--

(a) Municipalitys own sources of revenue like taxes, fees, user charges, rent, etc.:

(b) assigned revenues;

(c) allocations from Central or State Finance Commissions and other intergovernmental transfers;

(d) contributions, in cash or kind, or gifts from individuals, organizations or other donors for services to the poor;

(e) grants from externally aided projects;

(f) sale of municipal assets; and

(g) other sources as determined by the Municipality.

(4) The fund shall be kept in a separate bank account opened with a nationalized bank to be called Basic Services to Urban Poor Fund account.

(5) There shall be maintained separate primary books of accounts with detailed accounting heads in line with the National Municipal Accounting Manual for operation of the fund accounts.

(6) The allocation of the funds and its utilization for providing basic services to the urban poor shall be detailed and enclosed with the municipal annual budget along with corresponding figures of the previous year.

(7) Save as provided in this section, provisions of this Act relating to operation of Municipal Fund and accounts and audit thereof shall apply mutatis mutandis to the fund constituted under this section.

Explanation.-- For the purpose of this section--

(i) any grant or contribution by whatever name called, received by the Municipality which is exclusively for the development of slum areas shall not be a part of the above earmarked funds; and

(ii) basic services shall include expenditure on capital and revenue account directly incurred on water supply, drainage, sewerage, construction of community toilets, solid waste management, connecting roads, street lighting, public parks and play grounds, community and livelihood centers, community health centers, pre-primary and primary education centers, affordable housing for poor and other services as determined by the Municipality but shall not include establishment expenses, including salary and wages, nor directly and specifically incurred for delivery of basic services to the poor."

8. Amendment of Sec. 102, Rajasthan Act No. 18 of 2009 :-

In sub-sec. (1) of Sec. 102 of the principal Act,--

(a) in clause (a) after the existing word "buildings" and before the existing word "situated", the expression "called by whatever name" shall be inserted; and

(b) in clause (c), the existing expression "owned by, or built from the funds of, the Municipality" shall be deleted.

9. Amendment of Sec. 103, Rajasthan Act No. 18 of 2009 :-

In clause (ix) of sub-sec. (1) of Sec. 103 of the principal Act, for the existing expression "half percent", the expression "ten per cent" shall be substituted.

10. Amendment of Sec. 122, Rajasthan Act No. 18 of 2009 :-

In Sec. 122 of the principal Act,--

(a) for the existing clause (b), the following shall be substituted, namely:--

"(b) twenty five per cent of the amount so claimed from the applicant has been deposited by him in the municipal office,"; and

(b) the existing proviso shall be deleted.

11. Amendment of Sec. 161, Rajasthan Act No. 18 of 2009

:-

In Sec. 161 of the principal Act, for the existing word "Municipality", the expression "State Government" shall be substituted.

12. Amendment of Sec. 282, Rajasthan Act No. 18 of 2009

:-

In sub-sec. (1) of Sec. 282 of the principal Act,--

(a) in clause (r), the existing word "or" shall be deleted;

(b) in clause (s), after the existing punctuation mark ",", the word "or" shall be added; and

(c) after clause (s), so amended, the following new clause (t) shall be added, namely:--

"(t) any other activity prescribed by the State Government from time to time,".

13. Amendment of Sec. 331, Rajasthan Act No. 18 of 2009

:-

The existing Sec. 331 of the principal Act shall be deleted.

14. Repeal and savings :-

(1) The Rajasthan Municipalities (Amendment) Ordinance, 2010 (Ordinance No. 01 of 2010) is hereby repealed.

(2) Notwithstanding such repeal, all actions taken or orders made under the principal Act as amended by the said Ordinance shall be deemed to have been taken or made under the principal Act as amended by this Act.