

Gujarat Municipalities (Amendment) Act, 1968

GUJARAT

India

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Act 3 of 1968

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An Act further to amend the Gujarat Municipalities Act, 1963. It is hereby enacted in the Nineteenth Year of the Republic of India as follows:- * Received the Assent of the Governor on the 6th March, 1968, is hereby published for general information.

1. Short title.- This Act may be called the Gujarat Municipalities (Amendment) Act, 1968.

2. Amendment of section 35 of Guj. XXXIV of 1964.- In section 35 of the Gujarat Municipalities Act, 1963 (Guj. XXXIV of 1964) (hereinafter referred to as "the principal Act"), after sub-section (4), the following sub-section shall be inserted, namely:-

"(5) If any dispute regarding any resignation arises, it shall be referred for decision to such officer as the State Government may, by general or special order, appoint in that behalf and the decision of such officer shall be final; Provided that no such dispute shall be entertained after the expiry of a period of thirty days from the date on which the resignation took effect: Provided further that such resignation shall take effect in accordance with the decision of such officer."

3. Amendment of section 37 of Guj. XXXIV of 1964.- In the principal Act, in section 37, in sub-section (1), in clause (a), for the words "on receipt of" the words "on its own motion or on receipt of" shall be substituted.

4. Insertion of now section 37A in Guj. XXXIV of 1964.- After section 37 of the principal Act, the following new section shall be inserted, namely:-

"37A. Resignation not to affect subsequent disqualification of the councilor.- Notwithstanding that a

councilor has resigned his office under section 35, if it appears to the State Government that the councilor during the period he held office as a councilor has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct, the State Government may disqualify him from becoming a councilor or a councilor or member of any other local authority for a period of five years from the date of its order: Provided that no action against the councilor so resigned shall be taken under this section after the expiry of one year from the date of his resignation and without giving him a reasonable opportunity of being heard."

5. Amendment of section 65 of Guj. XXXIV of 1964.- In section 65 of the principal Act, in sub-section (2), the following proviso shall be added, namely:-

"Provided that in the case of a lease or sale of land under sub-section (1) of section 146 no such permission shall be granted if such land forms a street or part of a street which has been declared to be a public street under section 148."

6. Amendment of section 112 of Guj. XXXIV of 1964.- In section 112 of the principal Act, in sub-section (1), for the words "to authenticate the assessment list, and thereupon such person or persons shall duly authenticate" the words "to prepare, revise or adopt and authenticate the assessment list and thereupon such person or persons shall duly prepare, revise or adopt, or as the case may be, authenticate" shall be substituted.

7. Amendment of section 148 of Guj. XXXIV of 1964.- In section 148 of the principal Act-

(1) for the words "in any street or part of a street not maintainable by the municipality" the words "in any private street which is not maintainable by the municipality but which is permanently accessible to the public" shall be substituted; (2) the following Explanation shall be added at the end, namely:- "Explanation.- In this section, the expression "private street" means any road, footway, square, court, alley or passage, whether a thoroughfare or not, but which is not a public street."

8. Amendment of section 257 of Guj. XXXIV of 1964.- In section 257 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) The Collector may delegate any power exercisable by him under this section to any Deputy or Assistant Collector subordinate to him."

9. Amendment of section 263 of Guj. XXXIV of 1964.- In section 263 of the principal Act,-

(i)to sub-section (1), the following proviso shall be added, namely:-"Provided that the period of supersession of a municipality shall be deemed to extend upto the date on which the first general meeting of the municipality as re-established under sub-section (5) is held and at which quorum is present";(ii)in sub-section (4), after the word, brackets and figures "sub-section (1)" the words "or the period of supersession shall by a like order be curtailed to such extent as may be specified in the order" shall be inserted.

10. Insertion of Chapter XVIA in Guj. XXXIV of 1964.- In the principal Act, after Chapter XVI, the following Chapter shall be inserted, namely:-

"CHAPTER XVIA. Notified Areas.

264A. Constitution of notified areas.- (1) The State Government may by notification declare that with respect to some or all of the matters upon which a municipal fund may be expended under this Act, improved arrangements are required within a specified area, which, nevertheless, it is not expedient to constitute as a municipal borough under section 4.

(2)An area in regard to which a notification has been issued under sub-section (1) is hereinafter called a notified area.

264B. Power of State Government to impose taxation and regulate expenditure of the proceeds thereof.- (1) The State Government may, by notification in the Official Gazette-

(a)apply or adapt to any notified area the provisions of any section of this Act, or part of any such section, or of any rules in force or which can be imposed in any municipal borough under the provisions of this Act, subject to such restrictions and modifications, if any, as it may think fit;(d)impose in any such area any tax, which might be imposed therein under the provisions of this Act if the said area were a municipal borough;(c)appoint a person or a committee for the purposes of the assessment, and recovery of any tax imposed under clause (b), and in order to arrange for the due expenditure of the proceeds of such taxes, and for the preparation and maintenance of proper accounts, and generally for enforcing the provisions of any section or rules applied or adapted under clause (a).(2)The proceeds of any tax levied in any notified area under this section, shall be expended only in such manner in which, if the notified area were a municipal borough, the municipal fund thereof might be expended.

264C. Application of Act to notified area.- For the purposes of any section of this Act which may be applied, to a notified area, the person or committee appointed for such area under section 264B shall be deemed to be a Municipality under this Act, and the area shall be deemed to be a municipal borough.

264D. Preliminaries to notification.- (1) Before issuing any notification under sub-section (1) of section 264A or under clause (a) or (b) of sub-section (1) of section 264B, the State Government shall, so far as may be, follow the procedure prescribed in section 4.

(2) The State Government may at any time cancel any notification issued under section 264A or 264B.

264E. Vesting, recovery and application of property, rights and liabilities of person or committees appointed for areas ceasing to be notified area.- (1) When by reason of the cancellation, under sub-section (2) of section 264D, of a notification issued under section 264A or 264B, any area ceases to be a notified area, the property (including arrears of taxes) and rights which, prior to such cancellation, vested in the persons or committee appointed for such area under clause (c) of sub-section (1) of section 264B shall, subject to all charges and liabilities affecting the same vest in the local authority, if any, constituted for such area or within the limits of which such area is included, or if there be no such local authority, in the State Government.

(2) Any arrears of taxes vesting in a local authority under sub-section (1) shall be recoverable under the provisions of the Act under which such local authority is constituted as if the taxes were imposed and recoverable under that Act: Provided that steps to recover such arrears of taxes shall be taken within a period of three years from the date on which they so vest in the local authority. (3) Where any property and rights vest in the State Government under sub-section (1) the proceeds thereof shall, after satisfying all charges and liabilities affecting the same be applied for the benefit of the inhabitants of the said area in such manner as the State Government may think fit."