



The Gujarat Local Authorities (Emergency Provisions) Act, 1965

Act 26 of 1965

Keyword(s):

Emergency Provision, Local Authority, Relevant Enactment

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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29th November 1965 is hereby published for general information.

SUMANT M. VIDYARTHI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 26 OF 1965.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 29th November 1965.).

An Act to make emergency provisions in respect of local authorities.

It is hereby enacted in the Sixteenth Year of the Republic of India as follows:—

1. This Act may be called the Gujarat Local Authorities (Emergency Provisions) Act, 1965. Short title.

2. In this Act, unless the context otherwise requires, Definitions.

(1) "local authority" means—

(i) a municipal corporation constituted under the Bombay Provincial Municipal Corporations Act, 1949, \

- (ii) a municipality constituted or deemed to be constituted under the Gujarat Municipalities Act, 1963, Guj. 34 of 1963.
- (iii) a district local board constituted under the Bombay Local Boards Act, 1923, Bom. VI of 1923.
- (iv) a village panchayat constituted under the Bombay Village Panchayats Act, 1968, or Bom. III of 1969.
- (v) a gram panchayat, nagar panchayat, taluka panchayat or district panchayat constituted or deemed to be constituted under the Gujarat Panchayats Act, 1961; Guj. VI of 1962.

(2) "relevant enactment" in relation to a local authority means an enactment under which such local authority is or is deemed to be constituted.

Extension of term of office.

3. (1) Notwithstanding anything contained in the relevant enactment, the term of office of the councillors or members of a local authority or the term of a local authority, which by reason of the provision specified against the relevant enactment in column 1 of the Schedule would have expired after the commencement of this Act but before the end of the 30th June, 1967, shall not expire and shall subject to the provisions of sub-section (2) be extended upto the end of the 30th June, 1967.

(2) In the case of a local authority to which sub-section (1) applies, it shall be lawful for the State Government to terminate, by notification in the Official Gazette, the term of office of the councillors or members or, as the case may be, the term of the local authority on a date earlier than the 30th June, 1967, but not earlier than—

- (i) ninety days from the date of the publication of such notification in the Official Gazette, or
- (ii) the date on which the term of office of the councillors or members, or, as the case may be, the term of the local authority would have expired under the relevant provision specified in column 2 of the Schedule.

Filling of casual vacancies by nomination.

4. (1) Notwithstanding anything contained in the relevant enactment, after the commencement of this Act during the period ending on the 30th June, 1967, or ending on such earlier date as the State Government may by notification in the Official Gazette, specify, no vacancy in the office of a councillor or, as the case may be, member of a local authority, which according to the provisions of the relevant enactment has to be filled by election, shall be so filled and the State Government or an officer not below the rank of a Collector authorised by the State Government may fill such vacancy by appointing a person from amongst the persons qualified to be elected under the relevant enactment.

(2) Any person appointed under sub-section (1) shall hold office so long only as the councillor or, as the case may be, member in whose place he has been appointed would have held office, had the vacancy not occurred.

(3) For the purpose of this section "vacancy" includes a vacancy which has occurred before the commencement of this Act and has not been filled.

(4) Nothing in the foregoing provisions of this section shall apply to a vacancy in the office of a member of a taluka panchayat elected under clause (iii) of sub-section (1) of section 14 of the Gujarat Panchayats Act, 1961, or to a vacancy in the office of a member of a district panchayat elected under clause (ii) of sub-section (1) of section 15 of that Act.

Guj. VI of 1962.

5. (1) Notwithstanding anything contained in the relevant enactment, if any local authority has been superseded or dissolved or is deemed to have been superseded or dissolved under the provision specified against the relevant enactment in column 3 of the Schedule before the commencement of this Act and the period of supersession or the period specified for the reconstitution thereof expires after such commencement but before the 30th June, 1967, such supersession shall, subject to the provisions of sub-section (2), continue upto the end of the 30th June, 1967.

Extension of term of supersession.

(2) In the case of a local authority to which sub-section (1) applies, it shall be lawful for the State Government to terminate, by notification in the Official Gazette, the period of supersession or the period specified for the reconstitution thereof, as the case may be, on a date earlier than the 30th June, 1967 but not earlier than —

(i) three months from the date of the publication of such notification in the Official Gazette, or

(ii) the date on which the period of supersession or the period specified for the reconstitution of the local authority, as the case may be, would have expired.

6. In the case of local authorities to which sections 3, 4 and 5 apply, the relevant enactment shall have effect as if —

Application of relevant enactment.

(a) the term of office of the councillors or members of the local authority or the term of the local authority as extended under section 3 had been extended under the provision specified in column 2 of the Schedule against such enactment;

(b) the period of supersession of the local authority as extended under section 5 had been extended under the provision specified in column 3 of the Schedule against such enactment; and

(c) section 4 had been enacted therein.

SCHEDULE

(See sections 3, 5 and 6)

Name of enactment 1	Provision 2	Provision 3
1 The Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949).	Section 6	Section 452

1	2	3
2 The Gujarat Municipalities Act, 1963 (Guj. 34 of 1964)	Section 8 or Section 279(2) (iii)	Section 263
3 The Gujarat Panchayats Act, 1961 (Guj. VI of 1962)	Section 17, 308 or 310 A	Section 297, 309 or 310
4 The Bombay Local Boards Act, 1923 (Bom. VI of 1923)	Section 28	Section 129
5 The Bombay Village Panchayats Act, 1958 (Bom. III of 1959)	Section 27	Section 145