



The Chhattisgarh Municipalities (Amendment) Act, 2003

Act 5 of 2003

Keyword(s):

Director Urban Planning and Development, Mohalla Committee

Amendments appended: 10 of 2004, 11 of 2005

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CHHATTISGARH ACT
(No. 5 of 2003)

THE CHHATTISGARH MUNICIPALITIES (AMENDMENT) ACT, 2003

An Act further to amend the Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961).

Be it enacted by the Chhattisgarh Legislature in the Fifty-fourth year of the Republic of India as follows :—

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| 1. | (1) This Act may be called the Chhattisgarh Municipalities (Amendment) Adhiniyam, 2003 (No. 5 of 2003). | Short Title and Commencement. |
| | (2) It shall come into force from date of its notification in the official Gazette. | |
| 2. | In Section 322 of Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961) hereinafter called Principal Act, for words "Divisional Commissioner" the words "Director Urban Planning and Development" shall be substituted. | Amendment of Section 322. |
| 3. | In sub-section (1) of the Principal Act, for words "Divisional Commissioner" the words "Director Urban Planning and Development" shall be substituted. | Amendment of Section 323. |
| 4. | In sub-section (1) and (2) of the Principal Act, for words "Divisional Commissioner" the words "Director Urban Planning and Development" shall be substituted. | Amendment of Section 331. |
| 5. | In sub-section (1) of the Principal Act, for words "Commissioner" the words "Director Urban Planning and Development" shall be substituted. | Amendment of Section 332. |
| 6. | In sub-section (2) of the Principal Act, for words "Commissioner" the words "Director Urban Planning and Development" shall be substituted. | Amendment in Section 345. |

CHHATTISGARH ACT
(No. 10 of 2004)

CHHATTISGARH MUNICIPALITIES (AMENDMENT) ACT, 2004

An Act further to amend the Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961).

Be it enacted by the Chhattisgarh Legislature in the Fifty-fifth year of Republic of India as follows :-

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| 1. | (1) This Act may be called the Chhattisgarh Municipalities (Amendment) Act, 2004. | Short title and Commencement. |
| | (2) It shall come into force from the date of its publication in the official Gazette. | |
| 2. | After sub-section (5-a) of Section 3 of the Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961), hereinafter referred to as the Principal Act, following new definition shall be inserted, namely- | Amendment of Section 3. |
| | (5-b) "Collector" means the District Collector appointed by the State Government under Section 16 of the Chhattisgarh Land Revenue Code 1959. | |
| | After sub-section (10-a) of Section 3 of the Principal Act, following new definition shall be inserted, namely- | |
| | (10-b) "Director" means the Director of Urban Administration and Development, appointed by the State Government. | |
| 3. | In Section 32-C of the Principal Act, for the word "Member" the words "President or Councillor" shall be substituted and for words "for a period of five years" the words "for a period not exceeding five years" shall be substituted. | Amendment of Section 32-C. |
| 4. | After Section 32-C of the Principal Act, following new Section 32-D shall be inserted, namely- | Insertion of New Section 32-D. |
| | "Section 32-D- The State Election Commission, on making an application within thirty days from the date of publication of the order, passed under clause (b) of Section 32-C in the official Gazette may for reasons to be recorded in writing remove any disqualification or reduce the period of any such disqualification." | |
| 5. | After clause (c) of Section 35 of the Principal Act, following new clause shall be inserted, namely- | Amendment of Section 35. |
| | (r) "has been disqualified under Section 32-C". | |
| 6. | In sub-section (1) of Section 38 of the Principal Act, for word "Councillor" the words "President or Councillor" shall be substituted. | Amendment of Section-38. |
| 7. | After clause (c) of sub-section (1) of Section 38 of the Principal Act, following new clause shall be inserted, namely- | Insertion of Clause (cc) of Section 38 (1). |
| | (cc) "becomes disqualified for being chosen as and for being a President or Councillor under section 32-C." | |
| 8. | In clause (e) of sub-section (1) of Section 38 of the Principal Act, for word "Councillor" the words "President or Councillor" and in clause (f) for the word "Councillor" the words "President or Councillor" shall be substituted. | Amendment in clause (e) & (f) Section 38 (1). |

Insertion of New
Section 55-A.

9. After Section 55 of the Principal Act, the following New section shall be inserted namely-

“Section-55-A (1)
Oath or
affirmation by
the President
and the
Councillor.”

Every President and every Councillor shall before taking part in the election of Speaker in the first meeting of the Council/Nagar Panchayat or before entering upon his office, as the case may be, shall make and subscribe in the presence of the concerned Sub-Divisional Magistrate an oath or affirmation in the following form-

I.....President/ elected councillor/ nominated councillor of Municipal Council/Nagar Panchayat swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will uphold the sovereignty and integrity of India, and I will faithfully and impartially perform my duties.

(2) If the President or Councillor does not take an oath under sub-section (1), it shall be deemed that such President or Councillor as the case may be, has not assumed his office.

Provided that except with permission of the Collector, if any President or Councillor, as the case may be, does not take an oath within 30 days from the date of his election or nomination, as the case may be, his seat shall be deemed to have fallen vacant *ipso facto*.

Amendment of
Section 72-A

10. In sub-section (4) of Section 72-A of the Principal Act for the word "meeting" the words "meeting in the prescribed manner" shall be substituted.

Amendment of
Section 126

11. In sub-section (1) of Section 126 for the word "refer" the word "refer" shall be substituted.

Insertion of
new sub-section
(1-a)

12. After Sub-section (1) of Section 126 of the Principal Act, following new sub-section (1-a) shall be inserted namely-

“Sub-section
(1-a)

The Chief Municipal Officer shall prepare the draft resolution under sub-section (1) for the next financial year and submit before the Council before 31st December of each financial year. In case the Council fails to adopt the resolution as required by sub-section (1) by 31st March of each financial year then the draft resolution prepared by the Chief Municipal Officer shall be presented to the President and the resolution as approved by the President shall be deemed to be the resolution finally adopted by the Council.

Provided that if the President does not approve the draft resolution prepared by the Chief Municipal Officer by 30th April of the current financial year, then the draft resolution as prepared by the Chief Municipal Officer shall be deemed to be the resolution finally adopted by the Council.

CHHATTISGARH ACT
(No. 11 of 2005)

THE CHHATTISGARH MUNICIPALITIES (AMENDMENT) ACT, 2005

An Act further to amend the Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961)

Be it enacted by the Chhattisgarh Legislature in the Fifty-sixth year of Republic of India as follows:—

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| 1. | (1) This Act may be called the "Chhattisgarh Municipalities (Amendment) Act, 2005". | Short title & Commencement. |
| | (2) It shall come into force from the date of its publication in the Official Gazette. | |
| 2. | For sub-section (1), (2), (3), (4) and (5) of Section 72-B of the Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961), the following shall be substituted, namely:— | Amendment of Section 72-B. |
| | (1) The Mohalla Committees shall be constituted within six months from the date of first meeting of the Council after the election of each Municipal Council and Nagar Panchayat. | |
| | (2) The number of Mohalla Committees and determination of their territorial area, number of Members and functions, powers and the procedure for the conduct of business shall be determined in such manner as may be prescribed by the State Government. | |