



The Gujarat Municipal Laws (Amendment and Validating Provisions) Act, 1961

Act 39 of 1961

Keyword(s):

Bye Laws, Municipality, Extension of Term

Amendments appended: 27 of 1962, 10 of 1973

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The Gujarat Government Gazette

EXTRAORDINARY

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The following Act of the Gujarat Legislature having been assented to by the Governor on the 11th November 1961, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT No. XXXIX OF 1961

(First published, after having received the assent of the Governor in the
" Gujarat Government Gazette " on the 24th November 1961)

An Act to amend the Bombay District Municipal Act, 1901 and the Bombay Municipal Boroughs Act, 1925 and those Acts as applied to the Saurashtra area and the Bombay Municipal Boroughs Act, 1925 as applied to the Kutch area of the Gujarat State and to validate certain acts and things done or purported to be done under those Acts.

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

1. This Act may be called the Gujarat Municipal Laws (Amendment and Short title. Validating Provisions) Act, 1961.

Amendment of section 48 of Bom. III of 1901.

2. In the Bombay District Municipal Act, 1901, in section 48 —

Bom. III of 1901.

(i) in sub-section (1), the words beginning with the words "with the previous sanction" and ending with the words "of the Commissioner," shall be deleted;

(ii) after sub-section (2) the following sub-section shall be inserted, namely :—

"(2A) No by-law or alteration or rescission of a by-law made under sub-section (1) shall have effect unless and until, in the case of City Municipalities, it has been sanctioned by the State Government and in other cases by the Commissioner."

Amendment of section 48 of Bom. III of 1901 as applied to Saurashtra area of Gujarat State.

3. In the Bombay District Municipal Act, 1901 as adapted and applied to the Saurashtra area of the State of Gujarat in section 48,—

Bom. III of 1901.

(i) in sub-section (1) the words beginning with the words "with the previous sanction" and ending with the words "the Director of Local Authorities" shall be deleted;

(ii) after sub-section (2) the following sub-section shall be inserted, namely:—

"(2A) No by-law or alteration or rescission of a by-law made under sub-section (1) shall have effect unless and until, in the case of City Municipalities it has been sanctioned by the Government of Gujarat and in other cases by the Commissioner."

Amendment of section 61 of Bom. XVIII of 1925 and that Act as applied to the Kutch area of Gujarat State.

4. In the Bombay Municipal Boroughs Act, 1925, and in that Act as extended to the Kutch area of the State of Gujarat in section 61 —

Bom. XVIII of 1925.

(i) in sub-section (1) the words "with the previous sanction of the State Government," shall be deleted;

(ii) after sub-section (2) the following sub-section shall be inserted, namely :—

"(2A) No by-law or alteration or rescission of a by-law made under sub-section (1) shall have effect unless and until it has been sanctioned by the State Government."

Amendment of section 61 of Bom. XVIII of 1925 as applied to Saurashtra area of Gujarat State.

5. In the Bombay Municipal Boroughs Act, 1925 as adapted and applied to the Saurashtra area of the State of Gujarat, in section 61 —

Bom. XVIII of 1925.

(i) in sub-section (1) the words "with the previous sanction of the Government of Gujarat" shall be deleted;

(ii) after sub-section (2) the following sub-section shall be inserted, namely:—

"(2A) No by-law or alteration or rescission of a by-law made under sub-section (1) shall have effect unless and until it has been sanctioned by the Government of Gujarat."

Validation of by-laws of municipalities and actions taken and things done thereunder.

6. Notwithstanding anything contained in the relevant Act, and any judgment, decree or order of a Court or Tribunal, no by-law made before the commencement of this Act by any municipality under the relevant provision by obtaining sanction thereto of the State Government or any other competent authority after the publication of the draft thereof shall be deemed to be or to have ever been invalid merely on the ground that the previous sanction of the State Government or, as the case may be, of other competent authority under the relevant provision was not obtained by the municipality also before the draft thereof was published or the

by-law made and accordingly such by-laws and any action taken or thing done thereunder shall be and shall be deemed always to have been valid and the validity thereof shall not be called in question merely on the ground aforesaid.

Explanation.— For the purposes of this section —

(i) “relevant Act,” means —

Bom.
III of
1901.
Bom.
XVIII
of
1925.

(a) in respect of the Bombay area of the Gujarat State, the Bombay District Municipal Act, 1901 or, as the case may be, the Bombay Municipal Boroughs Act, 1925 ;

Bom.
III
of
1901.
Bom.
XVIII
of
1925.

(b) in respect of the Saurashtra area of the Gujarat State, the Bombay District Municipal Act, 1901 or, as the case may be, the Bombay Municipal Boroughs Act, 1925 as adapted and applied in that area ;

Bom.
XVIII
of
1925.

(c) in respect of the Kutch area of the Gujarat State, the Bombay Municipal Boroughs Act, 1925 as extended to that area;

(ii) “relevant provision” means —

(a) section 48 except sub-section (1a) thereof, of the Bombay District Municipal Act, 1901 or of that Act as adapted and applied to the Saurashtra area of the State of Gujarat;

Bom.
XVIII
of
1925.

(b) section 61, except sub-section (1a) thereof, of the Bombay Municipal Boroughs Act, 1925, or of that Act as adapted and applied to the Saurashtra area of the State of Gujarat or of that Act as extended to the Kutch area of the State of Gujarat.



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The following Act of the Gujarat Legislature having been assented to by the Governor on the 20th August 1962, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. XXVII OF 1962.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 24th August 1962).

An Act to amend the Bombay District Municipal Act, 1901 and the Bombay Municipal Boroughs Act, 1925 and those Acts as applied to the Saurashtra area and the Bombay Municipal Boroughs Act, 1925 as applied to the Kutch area of the Gujarat State.

It is hereby enacted in the Thirteenth Year of the Republic of India as follows:-

- Short title. 1. This Act may be called the Gujarat Municipal Laws (Amendment) Act, 1962.
- Amendment of certain provisions of municipal laws. 2. Each of the laws specified in the second column of the Schedule shall be amended in the manner, and to the extent, specified against it in the third column thereof.

SCHEDULE

(See section 2)

Sr. No.	Short title	Extent of Amendment
1	2	3
1.	Bombay District Municipal Act, 1901 (Bom- III of 1901).	In section 56, after clause (kk-vi), the following clause shall be inserted, namely:- “(kk-vii) the promotion of economic and industrial development;”
2.	Bombay District Municipal Act, 1901 (Bom. III of 1901) as in force in the Saurashtra area of the State of Gujarat by virtue of the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948 (Sau. Ord. XXV of 1948).	In section 56, after clause (kk-v), the following clause shall be inserted, namely:- “(kk-vi) the promotion of economic and industrial development;”
3.	Bombay Municipal Boroughs Act, 1925, (Bom. XVIII of 1925);	In section 71, after clause (qq-ii), the following clause shall be inserted, namely:- “(qq-iii) the promotion of economic and industrial development;”
4.	Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925) as in force in the Saurashtra area of the State of Gujarat by virtue of the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948 (Sau. Ord. XXV of 1948); and	In section 71, after clause (q-iv), the following clause shall be inserted, namely:- “(q-v) the promotion of economic and industrial development;”

1

2

3

5. Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925) as in force in the Kutch area of the State of Gujarat by virtue of the Part C, States Laws Act, 1950 (XXX of 1950).

In section 71, after clause (qq), the following clause shall be inserted namely:-

“(qq-i) the promotion of economic and industrial development;”.



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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 27th April 1973 is hereby published for general information.

S. S. SHAH,
 Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT No. 10 OF 1973

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 1st May 1973).

AN ACT

further to amend the Gujarat Municipalities Act, 1963, to extend retrospectively the term of office of the councillors of certain municipalities and to validate the actions of such councillors.

It is hereby enacted in the Twenty-fourth Year of the Republic of India, as follows :—

1. This Act may be called the Gujarat Municipalities (Amendment and Short title, Validating Provisions) Act, 1973.

2. In the Gujarat Municipalities Act, 1963 (hereinafter referred to as "the principal Act"), in the first proviso to sub-section (1) of section 8, for the words "six years in the aggregate" the following words shall be substituted, namely :—

Guj.
34 of
1964.

Amendment
of section 8
of Guj. 34
of 1964.

“seven years in the aggregate in a case where the term is proposed to be extended on account of conditions or circumstances created as a result of famine, flood, fire, earthquake or other natural calamity, and in any other case, six years in the aggregate”.

Extension of term of councillors of certain municipalities and validation of their actions. 3. (1) Notwithstanding that the term of office of the persons who immediately before the date of the commencement of this Act were or acted as, or purported to be or act as, the councillors of any of the municipalities specified in the Schedule to this Act (hereinafter referred to in this section as “the specified municipalities”) had expired before such date, such term shall not be deemed to have so expired on that date but shall, notwithstanding anything contained in section 8 or any other provision of the principal Act, be deemed to have continued and to have been extended thereafter, and, in respect of each of the specified municipalities, such term is hereby extended, subject to the other provisions of the principal Act, upto 31st March, 1974 or upto the date on which the first general meeting of the municipality concerned is held under section 32 of the principal Act after the general election to that municipality held for the first time after the commencement of this Act, whichever date is earlier.

(2) All the powers and duties of the specified municipalities exercised and performed by the persons referred to in sub-section (1) after the date of the expiry of their term of office as councillors till the date of the commencement of this Act shall be deemed to have been validly exercised and performed by the said persons; and anything done or omitted to be done and any action taken or omitted to be taken during the aforesaid period by or on behalf of any of the specified municipalities or the President, the Vice President or a councillor thereof or any authority or officer or other servant thereof in the exercise or purported exercise of the powers conferred, or in the discharge of the duties imposed, by or under any of the provisions of the principal Act or any other law for the time being in force shall be deemed to have been validly done or taken or omitted to be done or taken; and no such exercise of powers or performance of duties and no such act or thing shall be called in question in any court or before any other authority merely on the ground that at the time when such power was exercised or duty was performed or thing or action was done or taken or omitted to be done or taken, the term of office of the councillors of the municipality had expired.

SCHEDULE.

(See section 3.)

1. Jamnagar Municipality.
2. Morvi Municipality.