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GOVERNMENT OF GUJARAT

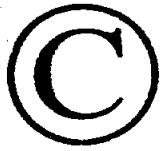
LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

# Gujarat Act No. 34 of 1964

## The Gujarat Municipalities Act, 1963

*(As modified upto the 31<sup>st</sup> July, 2015.)*

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## THE GUJARAT MUNICIPALITIES ACT, 1963.

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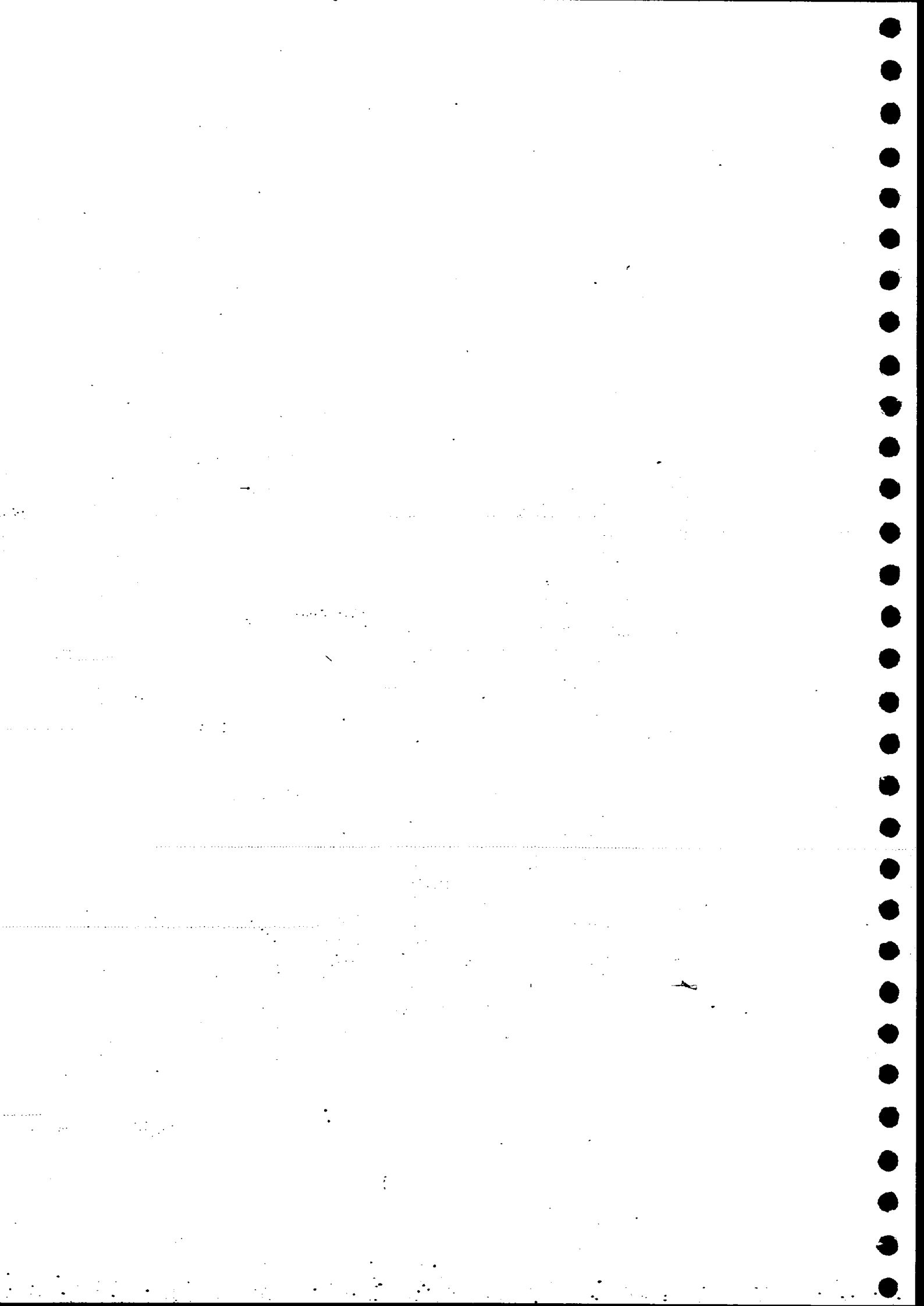
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GUJARAT ACT NO. 34 OF 1964<sup>1\*</sup>

[THE GUJARAT MUNICIPALITIES ACT, 1963]

[28th December, 1964]

Amended by Guj.	6 of 1965.
" " "	32 of 1965.
" " "	4 of 1966.
" " "	3 of 1968.
" " "	11 of 1969.
" " "	7 of 1970.
" " "	10 of 1973.
Presi. Act	11 of 1976.
Amended by Guj.	16 of 1977.
" " "	5 of 1978.†
" " "	15 of 1978**.
" " "	29 of 1978.
" " "	2 of 1979***.
" " "	11 of 1979.
" " "	12 of 1979.
" " "	13 of 1980.++.
" " "	20 of 1980.
" " "	2 of 1982.
" " "	2 of 1983.
" " "	16 of 1983.
" " "	23 of 1986.
" " "	5 of 1990.
" " "	7 of 1990.
" " "	17 of 1993.
" " "	15 of 1994.
" " "	3 of 2000.
" " "	14 of 2001.
" " "	17 of 2005.
" " "	13 of 2007.
" " "	10 of 2008.
" " "	21 of 2011.
" " "	21 of 2014.
" " "	23 of 2014.
" " "	15 of 2015.

1. For Statement of Objects and Reasons see *Gujarat Government Gazette*, Part V, November 18, 1963, p. 616.

\* This Act was assented to by the President on the 23rd December, 1964.

† Please see section 3 of Guj. 5 of 1978.

\*\* For Transitory provision please see section 7 of Guj. 15 of 1978.

\*\*\* Please see section 3 of Guj. 2 of 1979.

++ Please see section 4 of Guj. 13 of 1980.

An Act to consolidate and amend the law relating to municipalities in the State of Gujarat so as to give them wider powers in the management of municipal affairs.

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

## CHAPTER I.

### PRELIMINARY.

Short title,  
extent and  
commence-  
ment

1. (1) This Act may be called the Gujarat Municipalities Act, 1963.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

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

{ \* \* \* \* }

<sup>2</sup>{(1A) "Assembly" means the Gujarat Legislative Assembly;}

(2) "building" includes any hut, shed or other enclosure, whether used as a human dwelling or for any other purpose, and shall also include walls including compound walls and fencing, verandahs, fixed platforms, plinths, doorsteps and the like

<sup>3</sup>{(2A) "carpet area" means the floor area of the building excluding the area over which a wall whether outer or inner is erected;}

(3) "cattle" means and includes bulls, bullocks, heifers, cows and their young, elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, swine, sheep, ewes, rams, lambs, goats and kids;

<sup>4</sup>{(3A) "Central law" means the Representation of the People Act, 1950;}

43 of 1950.

<sup>5</sup>{(3B) "chawl" means a building consisting of two or more tenements whether having common sanitary and other facilities or not and declared as such by the Director of Municipalities by notification in the *Official Gazette*;}

(4) "Councillor" means a member of the municipality in a municipal borough;

(5) "dangerous disease" means cholera, plague, small-pox and any endemic, epidemic or infectious disease by which the life of man is endangered;

<sup>6</sup>{(6) "Director" means the officer appointed for the time being by the State Government to be Director of Municipalities, Gujarat State;}

(7) "the earlier municipal law" means--

(a) the Bombay District Municipal Act, 1901,

(b) the Bombay District Municipal Act, 1901 as adapted and applied to the Suaurashtra area of the State,

Bom.  
III of  
1901.

1. Clause (1) was deleted by Guj. 13 of 2007, s. 2 (a).
2. Clause (1A) was inserted by Guj. 17 of 1993, s. 2 (1).
3. Clause (2A) was inserted by Guj. 13 of 2007, s.2(b).
4. Clause (3A) was inserted by Guj. 17 of 1993, s. 2(2).
5. Clause (3B) was inserted by Guj. 13 of 2007, s.2 (c).
6. Clause (6) was substituted by Guj. 6 of 1965, s. 2.

Bom.  
XVIII  
of 1925.

(c) the Bombay Municipal Boroughs Act, 1925,

(d) the Bombay Municipal Boroughs Act, 1925 as adapted and applied to the Saurashtra area of the State, and

(e) the Bombay Municipal Boroughs Act, 1925 as extended to the Kutch area of the State;

<sup>1</sup>[(7A) "election" means and includes the entire election process commencing from the division of wards and all stages culminating into election of a councillor and it is always deemed to have meant and included the entire election process as aforesaid;

(7B) "Finance Commission" means the Finance Commission constituted under article 243-I of the Constitution of India;]

(8) "Gujarati" means the Gujarati language;

(9) "house-gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or affording access to a privy, urinal, cess-pool or other receptacle for filthy or polluted matter, to municipal servants or to persons employed in the cleansing thereof or in the removal of such matter therefrom;

(10) "Judge" means District Judge, Joint Judge, Assistant Judge, Judge of a Court of Small Causes, Civil Judge, or Joint Civil Judges;

(11) "Land" includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislative enactment over any street;

(12) "Land Revenue Code" means-

(a) in the Bombay and Saurashtra areas of the State of Gujarat, the Bombay Land Revenue Code, 1879, and

(b) in the Kutch area of the State of Gujarat, the said Code as applied to that area ;

<sup>2</sup>[(12A) "list of voters" means a list of voters published under sub-section (2) of section 9 for a ward within the meaning of that expression in sub-section (1) of section 7;]

<sup>3</sup>[(12B) "mobile tower" means a temporary or permanent structure, equipment or instrument erected or installed on land or upon any part of the building or premises for telecommunication services;]

<sup>4</sup>[(13) "Municipal Borough" means a transitional area, or as the case may be, a smaller urban area, as specified in clause (2) of article 243Q of the Constitution of India and includes other local areas already declared to be a municipal borough prior to the commencement of the Gujarat Municipalities (Amendment) Act, 1993.]

Guj. 17 of  
1993.

1. Clauses (7A) and (7B) were inserted by Guj. 17 of 1993, s.2 (3).
2. Clause (12A) which was inserted by Guj. 15 of 1978, s. 2 was subsequently substituted by Guj. 7 of 1990, s. 2.
3. Clause (12B) was inserted by Guj. 21 of 1911, s. 6.
4. Clause (13) was substituted by Guj. 17 of 1993, s. 2(4).

<sup>1</sup>[(14) "Municipality" means Nagar Panchayat constituted under section 5(1) or as the case may be, "Municipal Council" constituted under section 5(2)];

(15) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property;

<sup>2</sup>[ \* \* \* \* \* ]

(17) "official year" means the year commencing on the first day of April;

(18) "owner" includes the person for the time being receiving the rent of any land or building, whether on his own account or as agent or trustee for any other person or for any society or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant;

(19) "panchayat" means a panchayat of any class constituted under the Gujarat Panchayats Act, 1961; Guj. VI of 1962.

<sup>3</sup>[(20) "Population" in relation to the municipal borough means the population as ascertained in the last preceding census of which the relevant figures have been published;

(20A) "prescribed" means prescribed by rules made under section 277;]

(21) "public securities" means-

- (a) securities of the Central Government and of the State Government;
- (b) stocks, debentures or shares in railway or other companies the interest whereon has been guaranteed by the Secretary of State for India in Council or the Central or the State Government,
- (c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a Central Act or an Act of the Legislature of a State, or
- (d) a security expressly authorised by any order which the State Government makes in this behalf;

(22) "public street" means any street-

- (a) over which the public have a right of way; or
- (b) heretofore levelled, paved, metalled, channelled, sewerred or repaired out of municipal or other public funds; or
- (c) which under the provisions of section 147 or 148 is declared by the municipality to be, or under any other provisions of this Act becomes, a public street;

(23) "private street" means a street which is not a public street;

(24) "salaried servant of the Government" does not include a retired servant of the Government in receipt of a pension or a person in receipt of a salary from the Government who is not a full time servant of the Government;

1. Clause (14) was substituted by Guj. 17 of 1993, s. 2 (5).

2. Clause (16) was deleted by Guj. 14 of 2001, s. 2.

3. Clauses (20) and (20A) were substituted for clause (20) by Guj. 17 of 1993, s. 2(6).



1[(24A) "State Election Commission" means State Election Commission referred to in article 243K of the Constitution of India;]

(25) "street" means any road, footway, square, court alley or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not; and includes every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings about thereon and if it is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not; but does not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid;

(26) "tax" means any tax, rate, cess, fee or other impost leviable under this Act, and includes a water rate;

(27) "vehicle" includes bicycles, tricycles, motor cars, and every wheeled conveyance which is used or capable of being used on a public street;

(28) "water closet" means a closet which has separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action.

3.[Municipality and Municipal Borough how known in Gujarati.] Deleted by Guj. 17 of 1993, s.3.

## CHAPTER II.

2[ \* \* \* \* \* ]

### CONSTITUTION OF MUNICIPALITIES.

3[ \* \* \* \* \* ]

4.[Declaration of Municipal Boroughs and alteration of their limits.] Deleted by Guj. 17 of 1993, s.5.

4A. [Special provision for declaration of nagar as Municipal Borough.] This section which was inserted by Guj. 20 of 1980, s.6 was subsequently deleted by Guj. 17 of 1993, s.5.

1. Clause (24A) was inserted by Guj. 17 of 1993, s.2(7).

2. The words "MUNICIPAL BOROUGHS AND" were deleted, *ibid.*, s.4.

3. The brackets, figure and words "(1) Municipal Boroughs" were deleted, *ibid.*

## (2) Constitution of Municipalities.

Incorporation  
of Nagar  
Panchayat  
and  
Municipal  
Council.

<sup>1</sup>[5.(1) In every transitional area there shall be a Nagar Panchayat and every such Nagar Panchayat shall be a body corporate by the name of "the.....Nagar Panchayat" and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name through its chief officer.

(2) In every small urban area there shall be a Municipal Council and every such Municipal Council shall be a body corporate by the name of "the .....Municipal Council" and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name through its chief officer.]

Municipality  
to consist of  
elected  
Councillors.

<sup>2</sup>6. (1) Every municipality shall consist of elected councillors-

(2) The number of such councillors shall be-

(a) <sup>3</sup>[24], in the case of a nagar panchayat,

(b) <sup>4</sup>[28], if the population of the municipal borough exceeds 25,000 but does not exceed 50,000,

(c) 36, if the population of the municipal borough exceeds 50,000 but does not exceed 1,00,000,

(d) <sup>5</sup>[44], if the population of the municipal borough exceeds 1,00,000 but does not exceed 2,00,000, and

(e) <sup>6</sup>[52], if the population of the municipal borough exceeds 2,00,000.

(3) Out of the total number of seats of councillors in a municipality, there shall be reserved seats for Scheduled Castes, Scheduled Tribes, Backward Classes and Women as follows, namely :-

(a) Seats shall be reserved by the State Government for the Scheduled Castes and the Scheduled Tribes in every municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that municipality as the population of the Scheduled Castes in that municipal area or of the Scheduled Tribes in that municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a municipality in the prescribed manner.

(b) <sup>7</sup>[As nearly as may be one-half] of the total number of seats reserved under clause (a) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

1. Section 5 was substituted by Guj. 17 of 1993, s.6.

2. Section 6 was substituted, *ibid.*, s.7.

3. This figure was substituted for the figure "21" by Guj. 21 of 2014, s.4 (1) (i).

4. This figure was substituted for the figure "27", *ibid.*, s.4 (1) (ii).

5. This figure was substituted for the figure "42", *ibid.*, s.4 (1) (iii).

6. This figure was substituted for the figure "51", *ibid.*, s.4 (1) (iv).

7. These words were substituted for the words "One-third", *ibid.*, s.4 (2) (i).

(c) One-tenth of the total number of seats to be filled by direct election in every municipality shall be reserved for persons belonging to backward classes and <sup>1</sup>[as nearly as may be one-half] of the seats so reserved for backward classes shall be reserved for women belonging to the backward classes. Such seats may be allotted by rotation to different constituencies in the prescribed manner.

(d) <sup>2</sup>[As nearly as may be one-half] (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the backward classes) of the total number of seats to be filled by direct election in every municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a municipality in the prescribed manner.

(e) The reservation of seats under clauses (a), (b) and (c) (other than the reservation for women) shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.

(4) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission.

(5) Subject to the provisions of this Act, an election shall be held in accordance with the rules made by the State Government in that behalf.

(6) The State Election Commissioner shall be appointed within two months of the coming into force of the Gujarat Municipalities (Amendment) Act, 1993.

(7) The State Government shall, when so required by the State Election Commission, make available to it the staff as may be necessary for the discharge of the functions conferred on it by clause (1) of article 243K of the Constitution of India.

(8) Notwithstanding any vacancy due to failure to elect the full number of councillors which under this section might be elected the municipality shall be deemed to be constituted on the date of its first meeting.

*Explanation* :- For the purpose of this section,-

(a) "Scheduled Castes" means such castes, races or tribes or parts of, or groups within such castes, races or tribes as are deemed to be Scheduled Castes in relation to the State of Gujarat under article 341 of the Constitution of India;

(b) "Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within such tribe or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Gujarat under article 342 of the Constitution of India, and

1. These words were substituted for the words "One-third" by Guj. 21 of 2014, s.4 (2) (ii).

2. These words were substituted for the words "One-third", *ibid.*, s.4 (2) (iii).

(c) "backward classes" means classes declared as Socially and Educationally Backward Classes by the State Government from time to time.]

(3) *Election of Councillors.*

7AA. [Definitions.] This section which was inserted by Guj. 15 of 1978, s. 3 was subsequently deleted by Guj. 17 of 1993, s. 8.

Determination of number of councillors to be elected and determination of wards.

<sup>1</sup>[7.(1) Each municipality shall consist of councillors chosen by direct election.

(2) Where general election is to be held immediately after,-

(i) the specification of a local area as a 'transitional area' or as the case may be, a 'smaller urban area' under article 243Q of the Constitution of India is made, or

(ii) the census is taken under the Census Act, 1948, and the relevant figures of which have been published, or

37 of 1948.

(iii) the limits of a municipal borough are altered,

(a) - the State Government shall, by notification in the *Official Gazette*, determine the number of wards into which the municipal borough shall be divided, the number of councillors to be elected to the municipality and the number of seats to be reserved in favour of the Scheduled Castes, the Scheduled Tribes, the backward classes and women as provided in sub-section (3) of section 6,

(b) the State Election Commission thereafter shall carry out the determination of the boundaries of the wards and the allocation of seats reserved in favour of the Scheduled Castes, Scheduled Tribes, backward classes and women among the wards in the prescribed manner.]

Duration of the municipalities and the councillors.

<sup>2</sup>[8.(1) Every municipality, unless sooner dissolved shall continue for five years from the date appointed for its first meeting and no longer.

(2) The term of office of the councillors shall be co-extensive with the duration of the municipality.

(3) An election to constitute a municipality shall be completed before the expiry of its duration specified under sub-section (1).

Appointment of an officer to exercise the powers of the municipality in unforeseen circumstances.

8A. Where it is not possible to hold the election to constitute a municipality as provided in section 8 of the Act on account of unforeseen circumstances such as natural calamity, riots, communal disturbances, all powers and duties of the municipality shall be exercised and performed by such officer as the State Government may, by order, appoint from time to time in this behalf.]

<sup>1</sup> Section 7 was substituted by Guj. 17 of 1993, s. 9.

<sup>2</sup> Sections 8 and 8A were substituted for section 8, *ibid.*, s. 10.

<sup>1</sup>[9. (1) For every ward, there shall be a list of voters.

List of voters  
for every  
ward.

<sup>3</sup>[(2) The list of voters shall be the same as the electoral roll of the Gujarat Legislative Assembly prepared and revised in accordance with the provisions of the Central Law for the time being in force and as revised, modified, up-dated, and published in accordance with the provisions of sub-section (2A).

(2A) Subject to the superintendence, direction and control of the State Election Commission, the list of voters shall be revised, modified, up-dated and published by such officer as may be designated by the State Election Commission in this behalf in the prescribed manner.]

(3) No person shall be entitled to have his name included in the list of voters for more than one ward and for any ward more than once.

(4) The list of voters for any ward published under sub-section (2) shall remain in operation until a revised list of voters in respect of a municipal borough is so published.]

*9A. Preparation of list of voters.*

*9B. Persons qualified to be registered as voters.*

*9C. Form of list of voters, etc.*

*9D. Name of person not to be included in list of voters for more than one ward.*

*9E. Name of person not to be included in list of voters more than once.*

*9F. Period for which a list of voters shall remain in operation.*

*9G. Staff of municipality to be made available.*

*9H. Jurisdiction of Civil Courts barred.*

*9I. Making false declaration.*

*9J. Breach of official duty in connection with the preparation, etc. of list of voters.] Sections 9A to 9J were deleted by Guj. 7 of 1990, s. 5.*

10. (1) Every person whose name is in the list of voters referred to in section 9 shall, unless disqualified under this Act or any other law for the time being in force, be qualified to vote, and every person whose name is not in such list shall not be qualified to vote, at the election of a member for the ward to which such list pertains.

Persons  
qualified to  
vote and be  
elected.

(2) Every person <sup>4</sup>[who has attained the age of twenty-one years on the last date fixed for filing the nominations and] whose name is in the list of voters shall, unless disqualified under this Act or any other law for the time being in force, be qualified to be elected, and every person whose name is not in such list shall not be qualified to be elected, at the election for any ward of the municipal borough.

1. Sections 9 to 9J were substituted for section 9 by Guj. 15 of 1978, s. 5.

2. Section 9 was substituted by Guj. 7 of 1990, s. 4.

3. Sub-sections (2) and (2A) were substituted for sub-section (2) by Guj. 17 of 1993, s. 11.

4. These words were inserted by Guj. 17 of 1993, s.2(i).

(3) Subject to any disqualification incurred by a person, the list of voters shall be conclusive evidence for the purpose of determining under this section whether the person is qualified or is not qualified to <sup>1</sup>[vote] at any election.

11. (1) No person may be a councillor—

(a) Who—

(i) has, whether before or after the commencement of this Act, been convicted by a court in India—

(a) of an offence under <sup>2</sup>[the Untouchability (Offences) Act, 1955,] or under the Bombay Prohibition Act, 1949; or

(b) of any other offence and sentenced to imprisonment for not less than six months,

unless a period of four years or such lesser period as the State Government may allow in any particular case, has elapsed since his conviction and where he was sentenced to imprisonment, since his release; or

(ii) has been removed from office under section 37 and four years have not elapsed from the date of such removal, unless he has, by an order which the State Government is hereby empowered to make, if it shall think fit, in this behalf, been relieved from the disqualification arising on account of such removal from office; or

(b) who is an uncertificated bankrupt or an undischarged insolvent; or

(c) who is of unsound mind and stands so declared by a competent court; or

(d) who is not a citizen of India or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to a foreign State; or

(e) who is a Judge; or

(f) who is a salaried servant of Government or of a panchayat or municipality;

<sup>3</sup>[(ff) has no facility of water closet or privy accommodation at the place of his ordinary residence :

Provided that a sitting Councillor shall be deemed to have incurred disqualification if he does not submit to the District Collector, within six months from the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2014 a certificate issued by the Chief Officer of the concerned Municipality in whose jurisdiction his ordinary residence is situated, to the effect that he is having facility of water closet or privy accommodation at the place of his ordinary residence.

**Explanation :-** For the purpose of this clause, "water closet or privy accommodation" shall have the same meaning as is given to the term "water closet" in Explanation to section 167A of the Act;]

1. This word was substituted for the words "vote or is qualified or is not qualified to be elected as the case may be," *ibid.*, s.12(ii).
2. The reference to Untouchability (Offences) Act, 1955 has to be construed as reference to the Protection of Civil Rights Act, 1955 by virtue of section 19 of the Central Act No. 106 of 1976.
3. Clause (ff) was inserted by Guj. 23 of 2014, s.4.

General disqualifications for becoming a councillor.

Vacation of seat, Decision of State Government in case of disputes.

XXII of 1955. Bom. XXV of 1949.

Guj. 23 of 2014.