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# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. III] WEDNESDAY, JULY 25, 1962/ SRAVANA 3, 1884

Separate paging is given to this Part in order that it may be filed as a separate compilation.

### PART IV

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

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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 18th July 1962, is hereby published for general information.

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

#### GUJARAT ACT NO. XVI OF 1962

*(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 25th July 1962).*

An Act to provide for the continuance for a further period of eight years, of reservation of seats for women and for the Scheduled Castes and Scheduled Tribes in local authorities in the State of Gujarat and for that purpose further to amend the laws relating to such local authorities.

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

1. (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 1962.

Short title and commencement.

(2) It shall come into force at once.

2. Each of the laws specified in the second column of the Schedule shall be amended and shall be deemed always to have been amended with effect on and from the 25th January 1962 in the manner, and to the extent, specified against it in the third column thereof.

3. (1) Nothing in this Act shall affect the right of any councillor or member elected, selected, appointed or nominated to fill any seat reserved for women and for Scheduled Castes or Scheduled Tribes to continue as a councillor or member of a local authority during the term of the office for which he was duly elected, selected, appointed or nominated before this Act comes into force.

(2) Any action taken or any thing done before the commencement of this Act, which but for provisions of this Act, would have been invalid, shall be valid as if the provisions of this Act had been in force when such action was taken or thing done.

4. The Gujarat Local Authorities Laws (Amendment) Ordinance, 1962 is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1901 shall apply to such repeal as if that Ordinance were an enactment.

Guj. Ord. No. 111 of 1962. Bom. I of 1904.

SCHEDULE

(See section 2)

Serial Number	Short title	Extent of amendment
1	2	3
1	(i) Bombay District Municipal Act, 1901 (Bom. III of 1901); and  (ii) that Act 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 sub-section (1) of section 11, in clause (d), for the words "twelve years" the words "twenty years" shall be substituted.
2	Bombay Local Boards Act, 1923 (Bom. VI of 1923).	In section 6A as also in the marginal note to that section, for the words "twelve years" the words "twenty years" shall be substituted.
3	(i) Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925); and  (ii) that Act 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 sub-section (1) of section 10, in clause (d), for the words "twelve years" the words "twenty years" shall be substituted.

Serial Number 1	Short title 2	Extent of amendment 3
4 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 sub-section (1A) of section 10, for the words "twelve years" the words "twenty years" shall be substituted.	
5 Bombay Provincial Municipal Corporations Act, 1919 (Bom. LIX of 1919).	In section 5, in the second proviso, for the portion beginning with the words "for the purpose" and ending with the words "so held", the following shall be substituted, namely :—  "for the purpose of any general election held before the expiration of the period for the time being specified in article 334 of the Constitution of India, and for by-elections (if any) before the next general election after the expiration of such period, so held."	
6 Bombay Village Panchayats Act, 1958 (Bom. III of 1959).	In sub-section (2) of section 10, for the words "twelve years" the words "twenty years" shall be substituted.	



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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 1st September, 1980 is hereby published for general information.

N. B. PATEL,  
Secretary to the Government of Gujarat,  
Legal Department.

**GUJARAT ACT NO. 13 OF 1980.**

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 3rd September, 1980).

An Act to provide for the continuance for a period of ten years, of reservation of seats for women and for the Scheduled Castes and the Scheduled Tribes in certain local authorities in the State of Gujarat and for that purpose to amend the laws relating to such local authorities.

It is hereby enacted in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 1980.

Short title  
and commence-  
ment.

(2) It shall be deemed to have come into force on the 29th April, 1980.

**Amendment of section 5 of Bom. LIX of 1949.** 2. In the Bombay Provincial Municipal Corporations Act, 1949, in section 5, in sub-section (4), for the words "thirty years" the words "forty years" shall be and shall be deemed always to have been substituted. Bom. LIX of 1949.

**Amendment of section 6 of Guj. 34 of 1964.** 3. In the Gujarat Municipalities Act, 1963, in section 6, in sub-section (4), for the words "thirty years" the words "forty years" shall be and shall be deemed always to have been substituted. Guj. 34 of 1964.

**Validation of actions taken and things done.** 4. Any action taken or anything done in relation to the reservation of seats for women and for the Scheduled Castes and the Scheduled Tribes in a municipal corporation under the Bombay Provincial Municipal Corporations Act, 1949 or a municipality under the Gujarat Municipalities Act, 1963 after the 25th January, 1980 and before the commencement of the Gujarat Local Authorities Laws (Amendment) Ordinance, 1980, shall be deemed to have been validly taken or done in accordance with law, as if, the Bombay Provincial Municipal Corporations Act, 1949, or, as the case may be, the Gujarat Municipalities Act, 1963 had been in force as amended by this Act at all material times when such action was taken or thing was done and accordingly no such action or thing shall be called in question in any court of law on the ground that there was no provision for the reservation of seats for women and for the Scheduled Castes and the Scheduled Tribes in those Acts, at the material time. Bom. LIX of 1949. Guj. 34 of 1964. Guj. Ord. 12 of 1980.

**Repeal and saving.** 5. (1) The Gujarat Local Authorities Laws (Second Amendment) Ordinance, 1980 is hereby repealed. Guj. Ord. 13 of 1980.

(2) Notwithstanding such repeal, anything done or any action taken under the Bombay Provincial Municipal Corporations Act, 1949 as amended by the said Ordinance or, as the case may be, the Gujarat Municipalities Act, 1963 as amended by the said Ordinance shall be deemed to have been done or taken under the Bombay Act or the Gujarat Act, as amended by this Act. Bom. LIX of 1949. Guj. 34 of 1964.



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**P A R T I V**

**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 28th June, 1990 is hereby published for general information.

**R. M. MEHTA,**  
Secretary to the Government of Gujarat,  
Legal Department.

**GUJARAT ACT NO. 5 OF 1990**

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 29th June, 1990).

**AN ACT**

*to provide for the continuance for a period of ten years, of reservation of seats for women and for the Scheduled Castes and the Scheduled Tribes in certain local authorities in the State of Gujarat and for that purpose to amend the laws relating to such local authorities.*

It is hereby enacted in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 1990.

(2) It shall be deemed to have come into force on the 13th April, 1990.

Short  
title and  
commence-  
ment.

Amendment  
of section  
5 of Bom.  
M.C. Act of 1949.

2. In the Bombay Provincial Municipal Corporations Act, 1949, in section 5, in sub-section (4), for the words "forty years", the words "fifty years" shall be and shall be deemed always to have been substituted.

Bom. LIX  
of 1949.

Amendment  
of section 6  
of Guj. M.C.  
Act of 1963.

3. In the Gujarat Municipalities Act, 1963, in section 6, in sub-section (4), for the words "forty years", the words "fifty years" shall be and shall be deemed always to have been substituted.

Guj. 24  
of 1963.

Repeal  
and  
revival.

4. (1) The Gujarat Local Authorities Laws (Amendment) Ordinance, 1990 is hereby repealed.

Guj. Ord.  
3 of  
1990.

(2) Notwithstanding such repeal, anything done or any action taken under the Bombay Provincial Municipal Corporations Act, 1949 as amended by the said Ordinance or, as the case may be, the Gujarat Municipalities Act, 1963 as amended by the said Ordinance shall be deemed to have been done or taken under the Bombay Act or the Gujarat Act, as amended by this Act.

Bom.  
LIX of  
1949.  
Guj. 24  
of 1963.





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## EXTRAORDINARY

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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 23rd March, 2005 is hereby published for general information.

**S. S. PARMAR,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 17 OF 2005.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 23rd March, 2005).

#### **AN ACT**

further to amend the Bombay Provincial Municipal Corporations Act, 1949,  
the Gujarat Municipalities Act, 1963 and  
the Gujarat Panchayats Act, 1993

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

1. (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 2005.

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

Short title  
and  
commence-  
ment.

Amendment  
of section 10  
of Bom.LIX of  
1949.

2. In the Bombay Provincial Municipal Corporations Act, 1949, in section 10, in sub-section (1), after clause (i), the following clause shall be inserted, namely:-

Bom. LIX  
of 1949.

"(j) has more than two children:

Provided that a person having more than two children on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2005 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:

Guj. 17 of  
2005.

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification under this clause.

*Explanation .-* For the purpose of this clause,-

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of single subsequent delivery shall be deemed to be one entity;

(ii) 'child' does not include an adopted child or children."

Amendment of  
section 11 of  
Guj. 34 of 1964.

3. In the Gujarat Municipalities Act, 1963, in section 11, in sub-section (1), after clause (g), the following clause shall be inserted, namely:-

Guj. 34 of  
1964.

"(h) who has more than two children:

Provided that a person having more than two children on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2005 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause, so long as the number of children he had on the date of such commencement does not increase:

Guj. 17 of  
2005.

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into

consideration for the purpose of disqualification under this clause.

*Explanation* .- For the purpose of this clause,-

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of single subsequent delivery shall be deemed to be one entity;

(ii) 'child' does not include an adopted child or children."

Guj. 18 of  
1993.

4. In the Gujarat Panchayats Act, 1993, in section 30, in sub-section (1), after clause (l), the following clause shall be inserted, namely:-

Amendment of  
section 30 of  
Guj. 18 of  
1993.

"(m) has more than two children:

Guj. 17 of  
2005.

Provided that a person having more than two children on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2005 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification under this clause.

*Explanation*.- For the purpose of this clause,-

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of single subsequent delivery shall be deemed to be one entity;

(ii) 'child' does not include an adopted child or children."