

## CHAPTER II CONSTITUTION

### Municipal Authorities

**Municipal  
authorities charged  
with execution of  
the Act.**

#### **4. Municipal authorities charged with execution of the Act.**

(1) The municipal authorities charged with carrying out the provisions of this Act are for each City :-

- (A) a Corporation;
- (B) a Standing Committee;
- (C) a Municipal Commissioner;

and, in the event of the Corporation establishing or acquiring a Transport Undertaking;

- (D) a Transport Committee;
- (E) a Transport Manager.

(2) The duties imposed on the Corporation in respect of primary education shall be performed in accordance with the provisions of the Bombay Primary Education Act, 1947, (Bom. LXI of 1947.) and for the purposes of the said Act the Corporation shall be deemed to be an authorised municipality within the meaning of the said Act with power to control all approved schools within the City, and to appoint an Administrative Officer.

#### **5. Constitution of Corporation.**

**Constitution of  
Corporation.**

(1) Every Corporation shall, by the name of "The Municipal Corporation of the City of.....," be a body Corporate and have perpetual succession and a common seal and by such name may sue and be sued.

<sup>1</sup>

[(2) Each Corporation shall consist of councillors chosen by direct election.

(3) Where general Election is to be held immediately after,

- (i) "a larger urban area" as specified under clause (2) of the article 243 Q of the Constitution of India, is made, or
- (ii) the census is taken under the census Act (37 of 1949) 1948 and the relevant figures of which have been published, or
- (iii) the limits of a city are altered,-

(a) the State Government shall, by notification in the official Gazette, determine the number of wards into which the city shall be divided, the number of councillors to be elected to the Corporation 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 this section, and

(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, the backward classes and women among the wards in the prescribed manner.

(4) Seats shall be reserved by the State Government for the scheduled castes and the Scheduled Tribes in every Corporation and the number

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<sup>1</sup> This Clause (2) to (8) substituted for clause 91) to (4) by Guj, 16 of 1993 S.5

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 the Corporation as the population of the scheduled castes and scheduled Tribes in city bears to the total population of the city and such seats may be allotted by rotation to different wards in the City in the prescribed manner.

(5) One-third of the total number of seats reserved under subsection(4) shall be reserved by the State Government for women belonging to the scheduled castes or, as the case may be, the Scheduled Tribes.

(6) One-tenth of the total number of seats to be filled by direct election in every corporation shall be reserved for persons belonging to backward classes and one third of the seats so reserve for backward classes shall be reserved for women belonging to the backward classes.

(7) One-third 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 the seats to be filled by direct Election in the Corporation shall be reserves for women and such, seats may be allotted by rotation to different wards in the city in the prescribed manner.

(8) The reservation of seats under sub-section (4) (5) and (6) the reservation of office of Mayour under section 19 [other than the reservation for women under sub-section (7)] shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India. provided that any person elected to any of such reserved seats shall continue as a councillor during the term of the office for which he was validly elected, notwithstanding that the reservation of seats has so ceased to have effect.

Explanation ; For the purpose of this section :-

(1) "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;

(2) "Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within such tribes 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

(3) "backward classes" means classes declared as socially and Educationally backward classes by the State Government from time to time]

<sup>2</sup>

[5A. Constitution of corporation pursuant to general election held first after in elusion of an area in city]

<sup>3</sup>

#### **[6. Duration of Corporation :**

(1) Every Corporation unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer.

#### **Duration of Corporation**

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<sup>2</sup> Section 5A deleted by Guj. 16 of 1993 s. 2(5).

<sup>3</sup> Sections 6, 6A, 6B, 6C was substituted for section -6 by Guj. 16 of 1993 s. 6.

(2) A Corporation Constituted upon the dissolution before the expiration of its duration shall continue only for the remainder of the period for which it would have continued under Sub-section (1) had it not been so dissolved.

**6A Terms of office of Councillors :**

The term of the office of the Councillors shall be co-extensive with the duration of the corporation.

**6B Election to Constitute the Corporation :•**

An election to constitute a corporation shall be completed -

(a) before the expiration of its duration specified in sub-section (1) of the section 6:

(b) before the expiration of six months form the date of its dissolution : provided that where the remainder of the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting the Corporation for such period;

**6C Transitory Provision:**

(1) Notwithstanding anything contained in Section 6-B, where the duration of the Corporation has already expired before the Commencement of the Bombay provincial Muncipal Corporation (Gujarat second Amendment) Act (Guj.'16 of 1993), 1993 (herinafter referred to as "the said Act") or is due to expire within one year from the said date, the election to constitute such Corporation shall be held in accordance with the provisions of the said amended Act and Completed within one yeas from the said date.

(2) Where the duration of existing Corporation expires after one year form the said date, the election to Constitute such Corporation shall be completed before the expiry of its duration]

**7. Resignation of office by councillor.**

Any councillor may resign his office at any time by notice in writing to the Commissioner and, on such notice being given, his office shall becomes vacant as from the date of the notice.

Resignation of office  
by councillor

<sup>4</sup>  
[7A. Provision for appointment of Administrator after expiry of normal term of office of Councillors .

Provision for  
appointment of  
Administrator after  
expiry of normal  
term of office of  
Councillors.

<sup>5</sup>  
[( 1) Where.  
(i) the duration of a Crporation has already expired or is due to expire during the transitory period as referred to in sub-section (1) of section 6C and election to constitute the Corporation not be Completed before the expiry of its duration, or  
(ii) due to unforseem circumstances such as natural calamity riots, Communal disturbance the electin to constitute Coroporation could not be completed before the expiry of its duratio n, the State government may be order published in the official Gazette appoint a person as an Adminstrator to manage the affairs of the Corporation during the period from the date specified in the order upto the date immediately preceding the date of the first meeting, after general election]

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<sup>4</sup> Section 7A was inserted, *ibid.*, s. 3.

<sup>5</sup> Sub-section (1) was substituted by Guj. 13 of 1993 s. 7.

(2) During the said period, all the powers and duties of the Municipal authorities (except the Municipal Commissioner and the Transport Manager) charged with carrying out the provisions of this Act and of the Corporation under any other law for the time being in force shall be exercised and performed by the Administrator.

(3) The Administrator may by an order in writing delegate any of the powers and duties to be exercised or performed by him under sub-section (2) to any officer for the time being serving under the Corporation.

(4) The Administrator shall receive such remuneration from the Municipal Fund as the State Government may from time to time by general or special order determine.]

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**[8. Qualifications of voters.**

(1) For every ward, there shall be a list of voters.

(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 Representation of the people Act, 1950 for the time being in force and as revised, modified, up dated and published in accordance with the provisions of sub-section (3).

(3) 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 officers as may be designated by the State Election Commission in this behalf in the prescribed manner.

(4) 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.

(5) 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 Corporation is so published.]

**Qualifications of voters**

**9. Qualification for election as councillor.**

( 1 ) Subject to the provisions of this Act, a person who is enrolled in the municipal election roll as a voter for a ward <sup>7</sup> [and has attained the age of twenty one year on the last date Fixed for making nomination for election] shall be qualified to be a councillor and to be elected either from such ward or from any other ward.

(2) Any person who ceases to be a councillor shall, if qualified under subsection (1), be eligible for re-election as such.

**10. Disqualification for being a councillor.**

(1) Subject to the provisions of sections 13, 17 and 404, a person shall be disqualified for being elected and for being a councillor if such person-

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[(a-1) has been convicted of an offence under the Protection of Civil Rights Act, 1955, (Act 22 of 1955.) unless a period of five years has elapsed, since his release from imprisonment;]

(a) has been sentenced by any court to imprisonment or whipping

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[for an offence under any other law for the time being in force] involving- moral turpitude and punishable with imprisonment for a

**Qualification for election as councillor**

**Disqualification for being a councillor**

<sup>6</sup> Section-8 was substituted by Guj. 11 of 1994 s. 2

<sup>7</sup> These words added after the words "voter for a ward" by Guj. 16 of 1993 s. 8.

8

Clause (a-1) was inserted by Guj. I of 1979, s. 3 (i).

9

These words were substituted for the words "for an offence." *ibid.*, s. 3 (ii).

term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, or to death, such sentence having been subsequently commuted to transportation or imprisonment :

Provided that, on the expiry of such sentence, the disqualification incurred under this clause shall cease :

Provided further that the expiry of such sentence shall not entitle the person to continue as a councillor or to stand for election at any by-election hold during the remainder of the current term of office of the councillors;

(b) is undischarged insolvent;

(c) holds the office of Commissioner or any other office or place of profit under the corporation;

(d) is a licensed surveyor, architect or engineer, structural designer, clerk of works or plumber or a member of a firm of which any such licensed person is a member ;

(e) holds any judicial office with jurisdiction within the limits of the City;

(f) subject to the provisions of sub-section (2), has directly or indirectly, by himself or his partner any share or interest in any contract or employment with, by or on behalf of the Corporation;

(g) having been elected a councillor is retained or employed in any professional capacity either personally or in the name of a firm in which he is a partner or whom he is engaged in a professional capacity in connection with any cause or proceeding in which the Corporation or the Commissioner or the Transport Manager is interested or concerned; or

(h) fails to pay any arrears of any kind due to the Corporation by him, otherwise than as a trustee, within three months after a special notice in this behalf has been served on him by the Commissioner.

<sup>10</sup>

[ (i) is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State :  
Provided that no person shall be disqualified on the ground that he is less than twenty- five years of age, if he has attained the age of twenty one years]

(2) A person shall not be deemed to have incurred disqualification under clause (f) of sub-section (1) by reason only of his-

(a) receiving a municipal pension;

(b) having any share or interest in-

(i) any lease, sale, exchange or purchase of land or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted;

(iv) any joint stock company or any society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925, (Bom. VII 1925) which shall contract with or be employed by the

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<sup>10</sup> This Sub-section (i) was added by Guj. 16 of 1993 s. 9

Commissioner or the Transport Manager on behalf of the Corporation;

(v) the occasional sale to the Commissioner or Transport Manager on behalf of the Corporation of any article in which he regularly trades to a value not exceeding- in the aggregate in any one official year two thousand rupees; or

(vi) the occasional letting out on hire to the Corporation or in the hiring from the Corporation of any article for an amount not exceeding in the aggregate in any one official year five hundred rupees;

(c) occupying as a tenant for the purpose of residence any premises belonging to the Corporation; <sup>11</sup> [ \* ]

(d) receiving conveyance charges as a member of the Transport Committee; <sup>12</sup> [or]

<sup>13</sup>

[(e) being a relative of a person in employment with or under or by or on behalf of the Corporation.]

<sup>14</sup>

[(3) A person who at any time during the term of his office is disqualified under the Gujarat Provisions for Disqualification of members of Local Authorities for Defection Act. 1986 (Guj. 23 of 1986) for being a councillor shall cease to hold office as such councillor.]

#### **11. Disabilities from continuing as councillor.**

**Disabilities from continuing as councillor**

A councillor shall cease to hold office as such if at any time during his term of office he-

(a) becomes disqualified for being a councillor by reason of the provisions of section.10;

(b) absents himself during three successive months from the meetings of the Corporation, except from temporary illness or other cause to be approved by the Corporation;

(c) absents himself from <sup>15</sup> [\*\*\*] the meetings of the Corporation during six successive months from any cause whatever, whether approved by the Corporation or not; or

(d) acts as a councillor or as a member of any committee of the corporation by voting on or taking part in the discussion of, or asking any question concerning any matter in which he has directly or indirectly by himself or his partner any such share or interest as in described in clause (b) of sub-section (2) of section 10 or in which he is professionally interested on behalf of a client, principal or other person.

#### **12. Questions as to disqualification to be determined by the Judge.**

( 1 ) If any doubt or dispute arises whether a councillor has ceased to hold office as such under section II, such councillor or any other councillor may, and, at the request of the Corporation, the Commissioner shall, refer the question to the Judge.

**Questions as to disqualification to be determined by the Judge.**

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<sup>11</sup>The word "or" was deleted by Guj. 17 of 1968, s. 3 (1).

<sup>12</sup>This word was added, *ibid.*, s. 3 (2).

<sup>13</sup>

Clause (e) was inserted by Guj. 17 of 1968, s. 3(3).

<sup>14</sup>

Sub-section (3) was added by Guj. 23 of 1986, s. 9

<sup>15</sup>

The words "or is unable to attend" were deleted by Guj. 1 of 1979, s. 4

(2) On a reference being made to the Judge under sub-section (1) such councillor shall not be deemed to be disqualified until the Judge after holding an inquiry in the manner provided by or under this Act determines that he has ceased to hold office.

**Liability of  
councillors to  
removal**

**13. Liability of councillors to removal.**

( 1 ) The <sup>16</sup> [State] Government may, on the recommendation of the Corporation supported by the vote of not less than three- fourths of the whole number of councillors, remove from office with effect from such date as may be specified in the order of removal any councillor elected under this Act, if it is satisfied that such councilor has been guilty of misconduct in the discharge of his duty or of any disgraceful conduct or has become incapable of performing his duties as a councillor :

Provided that no recommendation shall be made by the Corporation under this section unless the councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

(2) A person who has been removed from office under sub-section (1) shall be disqualified for being elected and for being a councillor for a period of five years from the date of his removal unless the <sup>2</sup>[State] Government relieves him of the disqualification by an order which it is hereby empowered to make.

**Election of Councillors**

<sup>17</sup>

**[14. Election by State Election Commission :**

**Election by State  
Election  
Commission**

( 1 ) The superintendence, direction and control of the preparation of electoral rolls for. and conduct of, all the election of the Corporations shall be vested in the State Election Commission.

(2) The State Election Commission shall hold the election as per rules made by the State Government.

(3) The provision of Section 7 of the Bombay General clauses Act. (Bom. I of 1904) 1904 shall not apply to anything done or suffered under the provision repealed or substituted by the Bombay provincial Municipal Corporations (Gujarat Second Amendment) Act. (Guj. 16 of 1993) 1993 (here in after referred to as "the said Act")

(4) The State Election Commissioner shall be appointed within two months of the coming into force of the said Act.

(5) 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 function conferred it by clause (1) of article 243K of the Constitution of India.

(6) The State Election Commissioner appointed immediately after the commencement of the said Act shall commence the work of delimitation of the Constituencies to be know as wards within one month from the date of his appointment as per the last published census figures.

(7) Notwithstanding anything confined in the principal Act or in any decree, order or direction of any court, the election of the corporation

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<sup>16</sup> This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.

<sup>17</sup> This Section-14 was substituted by Guj. 16 of 1993 s. 10.

shall be held in accordance with the provisions of the Constitution (seventy- fourth Amendment) Act, 1992 on Municipalities and the provisions of the Bombay provincial Municipal Corporation Act. (Bom. LIX of 1949) 1949 as amended by the said Act and the rules made by the State Government in this behalf]

**Casual vacancies  
how to be filled**

**15. Casual vacancies how to be filled.**

( 1 ) In the event of non-acceptance of office by a person elected to be a councillor, or of the death, resignation, disqualification or removal of a councilor during his term of office, there shall be deemed to be a casual vacancy in the office, and such vacancy shall be filled as soon as conveniently may be, and, in any case, within three months of the date on which it is known that such vacancy has occurred, by the election of a person thereto, who shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold it if the vacancy had not occurred:

Provided that no election shall be held for the filling of a casual vacancy if general elections are due to held within six months of the occurrence of the vacancy.

(2) The provisions of section 18 shall apply to an election held for the filling of a casual vacancy.

**16. Election petitions.**

**Election petitions**

( 1 ) If the qualification of any person declared to be elected a councillor is disputed, or if the validity of any election is questioned, whether by reason of the improper rejection by the Commissioner of a nomination or of the improper rejection or refusal of a vote. or by reason of a material irregularity in the election proceedings corrupt practice, or any other thing materially affecting the result of the election, any person enrolled in the municipal election roll may at any time within ten days after the result of the election has been declared, submit an application to the Judge for the determination of the dispute or question.

(2) The 18 [State] Government may, if it has reason to believe that an election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed, by order in writing, authorize any officer to make an application to the Judge at any time within one month after the result of the election has been declared for a declaration that the election of the returned candidate or candidates is valid.

(3) The Judge shall decide the applications made under sub-section (1) or (2) after holding an inquiry in the manner provided by or under this Act.

Explanations.- For the purpose of this section :-

(1) " practice" means one of the following practices, namely :-

(a) any gift, offer or promise by a candidate or his agent or by any person with the connivance of a candidate or his agent of any gratification, pecuniary or otherwise, to any person whomsoever, with the object, directly or indirectly of inducing a person to stand or not to stand as, or to withdraw from being, a candidate at an election or a

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<sup>18</sup> This word was substituted for the word ""Provincial" by the Adaptation of laws Order, 1950.

**Disqualification of voter for corrupt practice**

voter to vote or refrain from voting at an election or as a reward to a person for having so stood or not stood or for having withdrawn his candidature or a voter for having voted or refrained from voting;

(b) any direct or indirect interference or attempt to interfere on the part of a candidate or his agent or of any other person with the connivance of the candidate or his agent with the free exercise of any electoral right, including the use of threats of injury of any kind or the creation or attempt to create fear of divine displeasure or spiritual censure, but not including a declaration of public policy or a promise of public action or the mere exercise of a legal right without intent to interfere with a legal right;

(c) the procuring or abetting or attempting to procure by a candidate or his agent or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person whether living or dead or in a fictitious name or by a person for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other ward, he is not entitled to vote;

(d) the removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent;

(e) the publication by a candidate or his agent or by any other person with the connivance of the candidate or his agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election;

(f) any acts specified in paragraphs (a), (b), (d) and (e) when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent;

(g) the application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name when, by reason of the fact that he has already voted in the same or another ward, he is not entitled to vote; or

(h) the receipt of, or agreement to receive, any gratification of the kind described in paragraph (a) as a motive or reward for doing or refraining from doing any of the acts therein specified;

(2) a corrupt practice shall not be deemed to have been committed in the interests of a returned candidate if the Judge is satisfied that it was of a trivial and limited character which did not affect the result of the election, that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, that it was committed without the sanction or connivance or contrary to the orders of the candidate or his agents and that the candidate and his agents took all reasonable means for preventing the commission of corrupt practices at the election.

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**[17. Disqualification of voter for corrupt practice. [\* \* \*]**

**Disqualification of voter for corrupt practice**

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<sup>19</sup> Section 17 deleted by Guj. II of 1994 s. 4.

Procedure if election fails or is set aside

**18. Procedure if election fails or is set aside.**

(1) If at any general elections or an election held to fill a casual vacancy, no councillor is elected or an insufficient number of councillors are elected or the election of any or all of the councillors is set aside under this Act and there is no other candidate or candidates who can be deemed to be elected in his or their place, the <sup>21</sup> [State Election Commission] shall appoint another day for holding a fresh election and a fresh election shall be held accordingly.

(2) A councillor elected under this section shall be deemed to have been elected to fill a casual vacancy under section 15.

Mayor and Deputy Mayor

**19. Mayor and Deputy Mayor.**

(1) The Corporation shall at its first meeting after general elections and at its first meeting in the same month in each succeeding year elect from amongst the councillors one of its members to be the Mayor and another to be the Deputy Mayor.

<sup>22</sup>

[(1-A) (a) The office of the mayor in every Corporation shall be reserved by the State Government for scheduled castes, scheduled Tribes, backward classes and women in the prescribed manner.

(b) The reservation made under clause (a) shall as nearly as may be, in the same proportion as provided in their favour under Section-5.

(2) The Mayor and the Deputy Mayor shall hold office until a new Mayor and a new Deputy Mayor have been elected under subsection (1) and, in a year in which general elections have been held, shall do so notwithstanding that they have not been returned as councillors on the results of the elections.

(3) A retiring Mayor or Deputy Mayor shall be eligible for re-election to either office.

<sup>23</sup>

[provided that Mayor shall be eligible for re-election subject to the provision of Sub-section (1-A)]

(4) The Deputy Mayor may resign his office at any time by notice in writing to the Mayor and the Mayor may resign his office at any time by notice in writing to the Corporation.

(5) If any casual vacancy occurs in the office of Mayor or Deputy Mayor the Corporation shall, as soon as convenient after the occurrence of the vacancy, choose one of its members to fill the vacancy and every Mayor or Deputy Mayor so elected shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it if the vacancy had not occurred.

**19A. Honoraria, fees or allowance**

<sup>20</sup>[Honoraria, fees and allowance]

(1) With the previous sanction of the State Government, the Corporation may pay each councillor such honoraria, fees or other allowances as may be prescribed by rules made by the Corporation under this section.

(2) The Corporation shall place at the disposal of the Mayor annually such sum <sup>24</sup> [ x x x ] by way of sumptuary allowance as it may

<sup>20</sup> . This heading and section 19A were inserted by Born. 80 of 1958, s. 2.

<sup>21</sup>This word was substituted for the word "the commissioner" by Guj. 16 of 1993 s. II

<sup>22</sup>

These Sub-section were inserted by Guj. 16 of 1993 s. 12(2)

<sup>23</sup>

These proviso inserted by Guj. 16 of 1993 s. 12 (3)

<sup>24</sup>

"not exceeding Rs.3000/- deleted by Guj.3 of 1999 s.3

determine.

(3) Notwithstanding anything contained in section 10, the receipt by a councillor of any honorarium, fee or allowance as aforesaid shall not disqualify any person for being elected or being a councillor.]

#### **Standing Committee**

#### **20. Constitution of Standing Committee.**

**Constitution of** (1) The Standing Committee shall consist of twelve councillors.

**Standing Committee** (2) The Corporation shall at its first meeting after general elections appoint twelve persons out of its own body to be members of the Standing Committee.

(3) One- half of the members of the Standing Committee shall retire every succeeding year at noon on the first day of the month in which the first meeting of the Corporation mentioned in sub-section (2) was held :

Provided that all the members of the Standing Committee in office when general elections are held shall retire from office on the election of a new Committee under sub-section (2).

(4) The members who shall retire under sub-section (3) one year after their election under sub-section (2) shall be selected by lot at such time previous to the date for retirement specified in sub-section (3) and in such manner as the Chairman of the Standing Committee may determine, and in succeeding years the members who shall retire under this section shall be those who have been longest in office :  
Provided that in the case of a member who has been reappointed, the term of his office for the purposes of this sub-section shall be computed from the date of his reappointment.

(5) The Corporation shall at its meeting held in the month preceding the date of retirement specified in sub-section (3) appoint fresh members of the Standing Committee to fill the offices of those who are due to retire on the said date.

(6) Any councillor who ceases to be a member of the Standing Committee shall be eligible for reappointment.

#### **21. Appointment of Chairman of Standing Committee.**

**Appointment of**

**Standing Committee** (1) The Standing Committee shall at its first meeting after its –**Chairman of** appointment under sub-section (2) of section 20 and at its first meeting in the same month in each succeeding year appoint one of its own number to the Chariman.

(2) The Chairman shall hold office until his successor has been appointed under sub-section (1) but shall be eligible for reappointment.

(3) Notwithstanding the provisions of sub-sections (1) and (2) the Chairman shall vacate office as soon as he ceases to be a number of the Committee.

(4) If any casual vacancy occurs in the office of the Chairman, the Standing Committee shall, as soon as conveniently may be after the occurrence of the vacancy, appoint one of its members to fill such vacancy and every Chairman so appointed shall continue in office so long only as the person in whose place he is appointed would have held it if such vacancy had not occurred.

## **22. Members of Standing Committee absents himself from**

**Members of meetings to vacate seat.**

**Standing Committee**

Any member of the Standing Committee who absents himself during  
**absents himself**

two successive months from the meeting of the Committee, except on  
**from meetings to**

account of temporary illness or other cause to be approved by the **vacate seat**  
Committee, or absents himself from, or is unable to attend, the  
meetings of the Committee during four successive months from any  
cause whatever, whether approved by the Committee or not, shall  
cease to be a member of the Standing Committee and his seat shall  
thereupon be vacant.

## **23. Casual vacancies in Standing Committee how to be filled.**

**Casual vacancies in** In the event of non-acceptance of office by a councillor appointed to  
**Standing Committee** be a member of the Standing Committee or of the death or resignation  
**how to be filled**

of a member of the said Committee or of his becoming incapable of  
acting previous to the expiry of his term of office or of his seat  
becoming vacant under section 22 or on his ceasing to be a councillor,  
the vacancy shall be filled up, as soon as it conveniently may be, by  
the appointment of person thereto, who shall hold office so long only  
as the members in whose place he is appointed would have been  
entitled to hold it, if the vacancy had not occurred.

## **24. Standing Committee may delegate powers to Special**

**Standing Committee Committee or Sub-committee.**

**may delegate** (1) The Standing Committee may, from time to time, by a resolution  
**powers to Special** carried by the vote of at least two-thirds of its members present at the  
**Committee or Sub-**

**committee** meeting, delegate to any Special Committee appointed under section

30 any of its powers and duties in respect of any matter with which  
such Special Committee is competent to deal, or refer to any such  
Committee any such matter for disposal or report, and every such  
Special Committee shall conform to any instructions that may from  
time to time to given to it by the Standing Committee in this behalf :  
Provided that every such resolution shall be reported by the Standing  
Committee to the Corporation as soon as possible, and the  
Corporation may at any time cancel such resolution.

(2) The Standing Committee may, subject to the rules, by a specific  
resolution in this behalf delegate any of its powers and duties to sub-  
committees consisting of such members of the Standing Committee  
thinks fit and every such sub-committee shall conform to any  
instructions that may from time to time be given to it by the Standing  
Committee.

## **The Transport Committee**

**Appointment of**

## **25. Appointment of Transport Committee.**

**Transport**

**Committee**

(1) In the event of the Corporation acquiring or establishing a

Transport Undertaking there shall be a Transport Committee  
consisting of nine members for the purpose of conducting the said  
undertaking in accordance with the provisions of this Act and subject  
to the conditions and limitations as are contained therein.

(2) The Corporation shall at its first meeting after a Transport  
Undertaking is acquired 'or established appoint eight members of the  
Transport Committee from among persons who in the opinion of the  
Corporation have had experience of, and shown capacity in,

administration or transport or in engineering, industrial, commercial, financial or labour matters and who may or may not be councillors.

(3) A person shall be disqualified for being appointed, and for being a member of the Transport Committee if, under the provisions of this Act or any other law for the time being in force, he would be disqualified for being elected as, and for being, a councillor.

(4) The Chairman of the Standing Committee shall, be a member of the Transport Committee ex-officio.

(5) One- half of the members of the Transport Committee appointed by the Corporation shall retire in every second year on the first day of the month in which the meeting referred to in sub-section (2) was held.

(6) The members who shall retire two years after their appointment under sub- section (2) shall be selected by lot at such time previous to the first day of the month immediately preceding the date of their retirement and in such manner as the Chairman of the Transport Committee shall determine; thereafter the members of the Transport Committee who shall retire shall be the members who were longest in office:

Provided that in the case of a member who has been reappointed, the term of his office for the purpose of this sub-section shall be computed from the date of his reappointment.

(7) Vacancies caused by the retirement of members under sub-section(5) shall be filled by the appointment by the Corporation of duly qualified persons thereto at its ordinary meeting in the month immediately preceding the occurrence of the vacancies:

Provided that in a year in which general elections of councillors are held, such vacancies shall be filled by the Corporation at its first meeting after such elections if such meeting is due to be held within three months of the occurrence of the vacancies and, in such event, the members who would under sub-section (5) have retired on the date specified therein shall continue to be in office until new members have been appointed under this sub-section.

(8) A retiring member shall be eligible for re-appointment.

(9) In the event of non-acceptance of office by any, person appointed to be a member of the Transport Committee or of the death, resignation or disqualification of a member of the Committee or of his becoming incapable of acting, or of his office becoming vacant under the provisions of section 26, the vacancy shall be filled up, as soon as conveniently may be, by the appointment by the Corporation of a duly qualified person thereto, and such person shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.

**26. Disqualification of members of Transport Committee.**

(1) Any person who, having been appointed a member of the Transport Committee,-

(a) becomes disqualified for being a member of the Committee under the provisions of sub-section (3) of section 25, or

(b) acts as member of the Committee by voting or taking part in the discussion of or asking any question concerning any matter in which he has directly or indirectly, by himself or his partner, any such share

**Disqualification of  
members of  
Transport  
Committee**

or interest as is described in clause (b) of sub-section (2) of section 10 or in which he is professionally interested on behalf of a client, principal or other person, or  
(c) absents himself during two successive months from the meetings of the Committee except from temporary illness or other cause to be approved by the Committee, or  
(d) absents himself from or is unable to attend the meetings of the Committee during four successive months from any cause whatsoever, whether approved by the Committee or not, shall cease to be a member of the Committee and his office shall thereupon become vacant.

(2) If any doubt or dispute arises whether a vacancy has occurred under sub-section (1) the Commissioner shall, at the request of the Corporation, refer the question to the Judge.

**Chairman of 27. Chairman of Transport Committee.**

**Transport**

**Committee** (1) The Transport Committee shall at its first meeting after its appointment under sub-section (2) of section 25 and at its first meeting in the same month in each succeeding year appoint one of its number to be the Chairman.

(2) The Chairman shall hold office until his successor has been appointed under sub-section (1) but shall be eligible for reappointment.

(3) Notwithstanding the provisions of sub-sections (1) and (2) the Chairman shall vacate office as soon as he ceases to be a member of the Committee.

(4) In the event of the office of Chairman falling vacant previous to the expiry of his term the Committee shall, as soon as conveniently may be after the occurrence of the vacancy, appoint one of its member to fill such vacancy and the Chairman so appointed shall hold office so long only as the person in whose place he is appointed would have

**Conveyance charges** held it if such vacancy had not occurred.

**28. Conveyance charges for attendance at meetings of Transport Committee.**

**Transport** The Chairman and members of the Transport Committee shall be paid  
**Committee**

such conveyance charges for attending meetings of the Committee as may be prescribed by rules.

**29. Sub-Committees of Transport Committee.**

**Sub-Committees of** (1) The Transport Committee may from time to time appoint out of its own body sub-committees consisting of such number of persons as the  
**Committee** Transport Committee thinks fit.

(2) The Committee may by specific resolution carried by the vote of at least two-thirds of its members present at the meeting delegate any of its powers and duties to a sub-committee and may also by a like resolution define the sphere of business of such sub-committee.

(3) The Committee may refer to a sub-committee appointed under sub-section (1) for inquiry and report or for opinion any matter with which the Committee is competent to deal.

<sup>25</sup>**[29A. Constitution of wards Committee.**

(1) Where the population of the city is three lakhs or more, shall be constituted by the State Government wards committee or committees consisting of one or more wards within the territorial area of a Corporation.

(2) Each wards Committee shall consist of -

(a) Councillors of the Corporation representing a ward within territorial area of the ward Committee.

(b) Such other member, not exceeding five, having interest in civic administration, as may be nominated by the State Government Provided that a person shall be disqualified for being appointed, and for being a member of the wards committee, if under the provisions of this Act or any other law for the time being in force, he would be disqualified for being elected as and for being, a councillor.

(3) The wards committee shall as its first meeting after its constitution under sub-section ( 1 ) and at its first meeting in the same month in each succeeding years shall elect :-

Where the wards committee consists of -

(a) one ward the councillor representing that ward in the Corporation; or

(b) two or more wards, one of the councillors representing such wards in the Corporation Elected by the members of the Wards Committee, to be the chairperson of that Committee.

(4) the chairperson shall hold office until his successor has been elected and shall be eligible for re-election.

(5) The Chairperson shall vacate office as he ceases to be a councillor.

(6) In the event of the office of the chairperson falling vacant before the expiry of his term, the wards committee shall as soon as conveniently may be after the occurrence of the vacancy, elect new chairperson in accordance with sub-section (3).

provided that a chairperson so elected shall hold office so long only as the person in whose place he is elected would have it if such vacancy had not occurred.

(7) The duration of the wards committee shall be co-extensive with duration of the chairperson.

(8) The State Government shall by rules define the functions and duties of the wards committee, the territorial areas of such committee and the procedure to be adopted by such committee for transaction of its business.

(9) The chairperson and member of the wards committee shall be paid such conveyance charges for attending the meeting of the committee as may be prescribed by the rules]

**Special and Ad hoc Committees.**

**30. Special Committees of the Corporation.**

( 1 ) The Corporation may from time to time appoint out of its own body, Special Committees which shall conform to any instructions that the Corporation may from time to time give them.

**Special Committees  
of the Corporation**

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<sup>25</sup> New section 29A was inserted by GUI. 16 of 1993 s. 13

(2) The Corporation may by specific resolution passed by the vote of not less than two-thirds of the councillors present and voting at a meeting of the Corporation define the sphere of business of each Special Committee and direct that all matters and questions included in any such sphere shall in the first instance be placed before the appropriate Committee and shall be submitted to the Corporation with such Committee's recommendation; and the Corporation may also by a like resolution delegate any of its powers and duties to specified Special Committees.

(3) Every Special Committee shall appoint two of its number to its Chairman and Deputy Chairman:

Provided that no councillor shall, at the same time, be the Chairman of more than one Special Committee.

(4) The Chairman and in his absence the Deputy Chairman and, in the absence of both, such other member as may be chosen by the members of the Special Committee present at a meeting thereof shall preside at the meeting.

(5) Any member of a Special Committee who absents himself during two successive months from the meetings of such Committee, except on account of temporary illness or other cause to be approved by such Committee, or absents himself from or is unable to attend the meetings of such Committee during four successive months from any cause whatever, whether approved by such Committee or not, shall cease to be a member of such Committee and his seat shall thereupon be vacant.

(6) All the proceedings of every Special Committee shall be subject to confirmation by the Corporation :

Provided that if, in delegating any of its powers or duties to a Special Committee under sub-section (2), the Corporation directs that the decision of such Committee shall be final, then so much of the proceedings of such Committee as relates to such powers or duties shall not be subject to confirmation by the Corporation, if such decision is supported by at least half the total number of members of such Committee.

Provided further that any Special Committee may by a resolution supported by at least half the whole number of members direct that action be taken in accordance with the decision of such Committee without waiting for confirmation.. of its proceedings by the Corporation, where such confirmation is required, if such Committee considers that serious inconvenience would result from delay in taking such action; but if the Corporation does not subsequently confirm, the proceedings of such Committee such steps as may still be practicable shall be taken without delay to carry out the orders of the Corporation.

(7) The Corporation may at any time dissolve or alter the constitution of a Special Committee.

(8) The constitution of Special Committees and the conduct of business at meetings of such Committees, the keeping of minutes and the submission of reports and other matters before such Committees shall be regulated by rules

**Appointment of  
Adhoc Committees**

**31. Appointment of Adhoc Committees.**

(1) The Corporation may from time to time appoint out of its own body such adhoc Committees consisting of such number of councillors as it shall think fit, and may refer to such Committees for inquiry and report or for opinion, such special subjects relating to, the purposes of this Act as it shall think fit, and direct that the report of any such committee shall be submitted through the Standing Committee or a Special Committee constituted under section 30.

(2) An ad hoc Committee appointed under sub-section (1) may, with the previous sanction of the Corporation, co-opt not more than two persons who are not councillors but who in the opinion of the Committee possess special qualifications for serving thereon.

**Joint Committees.**

**Joint transactions  
with other local  
authorities**

**32. Joint transactions with other local authorities.**

(1) The Corporation may from time to time join with a local authority or with a combination of local authorities-

(a) in appointing a joint committee out of their respective bodies for any purpose in which they are jointly interested, and in appointing a chairman of such committee;

(b) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work, and any power which might be exercised by any of such bodies; and

(c) in framing and modifying rules for regulating the proceedings of any such committee in respect of the purpose for which the committee is appointed.

(2) Where the Corporation has requested the concurrence of any other local authority under the provisions of sub-section (1) in respect of any matter and such other local authority has refused to concur, the

<sup>26</sup>  
[State] Government may pass such orders as it deems fit requiring the concurrence of such other local authority, not being a cantonment authority, in the matter aforesaid and such other local authority shall comply with such orders.

(3) If any difference of opinion arises between the Corporation and any other local authority which has joined the Corporation under this section, the matter shall be referred to the <sup>27</sup> [State] Government whose decision thereupon shall be final and binding;

Provided that, if the local authority concerned is a cantonment authority, any such decision shall not be binding unless it is confirmed by the Central Government.

(4) The Corporation may from time to time <sup>28</sup> [in the case of any cantonment authority with the sanction of the State Government and the Officer Commanding- in-Chief, the Command, and in other cases] with" the sanction of the <sup>29</sup> [State] Government enter into an agreement with a local authority or with a combination of local authorities for the

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<sup>26</sup>This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>27</sup>Same as 26.

<sup>28</sup>

These words were inserted by Born. S of 1958, s. 2 (1) (a).

<sup>29</sup>

Same as 26.

levy of octroi or tolls <sup>30</sup> [or a tax on vehicles, boats or animals] by the Corporation on behalf of the bodies so agreeing and, in that event, the provisions of this Act shall apply in respect of such levy as if the area of the City were extended so as to include the area or areas subject to the control of such local authority or such combination of local authorities.

<sup>31</sup>

[(5) When any agreement such as is referred to in sub-section (4) has been entered into, then the total of the collection of such octroi, toll or tax made in the City and in the area or areas ordinarily subject to the control of such other local authorities & the costs thereby incurred shall be divided between the Municipal Fund & the fund or funds subject to the control of such other local authority or authorities, as the case may be, in such proportion as may have been determined by the agreement.]

**Provisions regarding validity of proceedings.**

**33. Vacancy in Corporation, etc., not to invalidate its proceedings.**

**Vacancy in Corporation, etc., not to invalidate its proceedings**

No act or proceedings of the Corporation or of any committee or sub-committee appointed under this Act shall be questioned on account of any vacancy in its body.

**34. Proceedings of Corporation etc., not vitiated by disqualification, etc. of members thereof.**

**Proceedings of Corporation etc., not vitiated by disqualification, etc. of members thereof.**

No disqualification of, or defect in, the election or appointment of any person acting as a councillor, as the Mayor or the Deputy Mayor or the presiding authority of the Corporation or as the Chairman or a member of any Committee or sub-committee appointed under this Act shall be deemed to vitiate any act or proceeding of the Corporation or of any such Committee or sub-committee, as the case & may be, in which such person has taken part, provided the majority of the persons, who were parties to such act or proceedings were entitled to act.

**35. Proceedings of meetings to be good and valid until contrary proved.**

**Proceedings of meetings to be good and valid until contrary proved**

Until the contrary is proved, every meeting of the Corporation or of a Committee or sub-committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act or the rules shall be deemed to have been duly convened and held. and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a Committee or sub-committee, such Committee or sub-Committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

**The Municipal Commissioner.**

**36. Appointment of the Commissioner.**

(1) The Commissioner shall from time to time be appointed by the

<sup>32</sup>

[State]Government.

(2) The Commissioner shall in the First instance hold office for such

**Appointment of the Commissioner**

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<sup>30</sup>These words were inserted, by bom.5 of 1958., s. 2 (1) (b).

<sup>31</sup>This sub-section was added, *ibid.*, s 2 (2).

<sup>32</sup>

This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

period not exceeding three years as the <sup>33</sup> [State] Government may fix and his appointment may be renewed from time to time for a period not exceeding three years at a time.

(3) Notwithstanding the provisions of sub-section (2) the Commissioner may at any time, if he holds a lien on the service of the <sup>34</sup>

[Government] be recalled to such service after consultation with the Corporation and may further at any time be removed from office by the <sup>35</sup> [State] Government for in capacity, misconduct or neglect of duty and shall forthwith be so removed if at a meeting of the corporation not less than five-eighths of the whole number of councillors vote in favour of a resolution requiring his removal.

**37. Salary of Commissioner.**

**Salary of  
Commissioner**

( 1 ) The Commissioner shall receive from the Municipal Fund such monthly salary and allowance as the <sup>36</sup> [State] Government may from time to time after consultation with the Corporation determine :  
Provided that the salary of the Commissioner shall not be altered to his disadvantage during the period for which his appointment has been made or renewed.

(2) The Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other law for the time being in force and shall not engage in any other profession, trade or business whatsoever :

Provided that he may with the sanction of the Corporation serve on any Committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

(3) When a salaried servant of the <sup>37</sup> [Government] is appointed as the Commissioner such contribution to his pension, leave and other allowances as may be required by the conditions of his service under the <sup>38</sup> [Government] to be made by him or on his behalf shall be paid to the <sup>39</sup> [State] Government from the Municipal Fund.

**38. Grant of leave of absence to Commissioner and leave allowance.**

**Grant of leave of  
absence to  
Commissioner and  
leave allowance**

(1) The <sup>40</sup> [State] Government may from time to time with the absent of the Standing Committee grant leave of absence to the Commissioner for such period as it thinks fit.

(2) The allowance to be paid to the Commissioner while absent on leave shall be of such amount not exceeding his salary, as shall be fixed by the <sup>41</sup> [State] Government and shall unless the Commissioner is a salaried servant of the <sup>42</sup> [Government], be paid from the Municipal Fund :

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<sup>33</sup>This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>34</sup>This word was substituted/or the word "Crown", *ibid*.

<sup>35</sup>Same as 33

<sup>36</sup>Same as 33

<sup>37</sup>Same as 34.

<sup>38</sup>Same as 34

<sup>39</sup>Same as 33

<sup>40</sup>Same as 33

<sup>41</sup>Same as 33

<sup>42</sup>Same as 34

Provided that, if the Commissioner is a salaried servant of the

<sup>43</sup>

[Government] the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowance of salaried servants of the <sup>44</sup> [Government] of his class.

**Appointment and remuneration of acting Commissioner**

**39. Appointment and remuneration of acting Commissioner.**

During the absence on leave or other temporary vacancy in the office of the Commissioner, the <sup>45</sup> [State] Government may appoint a person to act as the Commissioner and every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or any other law for the time being in force on the Commissioner and shall be subject to all the liabilities, restrictions and conditions to which the Commissioner is liable and shall receive such monthly salary not exceeding the salary for the time being payable to the Commissioner as the <sup>46</sup> [State] Government shall determine.

**Transport Manager**

**40. Appointment of Transport Manager.**

**Appointment of Transport Manager**

(1) In the event of the Corporation acquiring or establishing a Transport Undertaking the Corporation shall, subject to the approval of the <sup>47</sup> [State] Government, appoint a fit person to be the Transport Manager of the Transport Undertaking.

(2) The Transport Manager shall receive such monthly salary and allowance as the Corporation shall from time to time, with the approval of the <sup>48</sup> [State] Government determine:

Provided that the salary of the Transport Manager shall not be altered to his disadvantage during his period of office.

**41. Leave of Transport Manager.**

**Leave of Transport Manager**

(1) Leave of absence may be granted from time to time to the Transport Manager by the Transport Committee with the assent of the Corporation.

(2) The allowance to be paid to the Transport Manager whilst so absent on leave shall be of such amount, not exceeding the amount of his salary, as shall be fixed by the Corporation.

(3) During the absence on leave or other temporary vacancy in the office of the Transport Manager the Transport Committee, with the assent of the Corporation, may appoint a person to act as Transport Manager; every person so appointed shall exercise the powers and perform the duties conferred and imposed on the Transport Manager and shall be subject to the same liabilities, restrictions and conditions to which the Transport Manager is liable and shall receive such monthly salary, not exceeding the salary for the time being payable to the Transport Manager, as the Corporation shall determine.

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<sup>43</sup>This word was substituted/or the word "Crown", *ibid*.

<sup>44</sup>This word was substituted/or the word "Crown", *ibid*.

<sup>45</sup>

This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>46</sup>

Same as 45.

<sup>47</sup>

Same as 45.

<sup>48</sup>

Same as 45.

**Commissioner not to be interested in any contract etc, with Corporation**

**Disqualifications of the Commissioner**

**42. Commissioner not to be interested in any contract etc, with Corporation.**

(1) No person shall be qualified to be appointed or to be the Commissioner if he has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, the Corporation or in any employment with, by or on behalf of the Corporation other than as Commissioner.

(2) Any Commissioner who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid shall cease to be Commissioner and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of the Corporation as, under sub-clause (ii) or (iv) of clause (b) of sub-section (2) of section 10 it is permissible for a councillor to have without his being thereby disqualified for being a councillor.