

**THE GUJARAT LOCAL AUTHORITIES LAWS  
(AMENDMENT) BILL, 2023.**

**GUJARAT BILL NO. 23 OF 2023.**

***A BILL***

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

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

- 1.** (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 2023. **Short title and commencement.**
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

- Amendment of section 5 of Bom. LIX of 1949.**
- 2.** In the Gujarat Provincial Municipal Corporations Act, 1949, in section 5, in sub-section (6), -
- Bom. LIX of 1949.**
- (i) for the words “One –tenth of the total number of seats”, the words “Twenty-seven per cent. of the total number of seats” shall be substituted;
- (ii) the following proviso shall be added, namely:-
- “Provided that the reservation available to the persons belonging to the Backward Classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats.”.
- Amendment of section 6 of Guj. 34 of 1964.**
- 3.** In the Gujarat Municipalities Act, 1963, in section 6, in sub-section (3), in clause (c), -
- Guj. 34 of 1964.**
- (i) for the words “One –tenth of the total number of seats”, the words “Twenty-seven per cent. of the total number of seats” shall be substituted;
- (ii) the following provisos shall be added, namely:-
- “Provided that the reservation available to the persons belonging to the Backward Classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats:
- Provided however that one-tenth of the total number of seats shall be reserved for the persons belonging to the Backward Classes, where the population of the persons belonging to the Scheduled Castes and Scheduled Tribes categories exceeds forty per cent. of the total population and the seats for such categories shall be required to be reserved in accordance with the provisions of clause (a) above.”.
- Amendment of section 9 of Guj. 18 of 1993.**
- 4.** In the Gujarat Panchayats Act, 1993 (hereinafter referred to as “the Panchayats Act”), in section 9, in sub-section (5), in clause (a), in sub-clause (ii), -
- Guj. 18 of 1993.**

(i) for the words “one tenth of the total number of seats”, the words “twenty-seven per cent. of the total number of seats” shall be substituted;

(ii) the following provisos shall be added, namely:-

“Provided that the reservation available to the persons belonging to the socially and educationally backward classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats:

Provided however that one tenth of the total number of seats shall be reserved for the persons belonging to the socially and educationally backward classes, where the population of the persons belonging to the Scheduled Castes and Scheduled Tribes categories exceeds forty per cent. of the total population and the seats for such categories shall be required to be reserved in accordance with the provisions of sub-clause (i) above.”.

5. In the Panchayats Act, in section 10, in sub-section (5), in clause (a), in sub-clause (ii), -

**Amendment of  
section 10 of  
Guj. 18 of 1993.**

(i) for the words “One tenth of the total number of seats”, the words “Twenty-seven per cent. of the total number of seats” shall be substituted;

(ii) the following provisos shall be added, namely:-

“Provided that the reservation available to the persons belonging to the socially and educationally backward classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats:

Provided however that one tenth of the total number of seats shall be reserved for the persons belonging to the socially and educationally backward classes, where the population of the persons belonging to the Scheduled Castes and Scheduled Tribes categories exceeds forty per cent. of the total population and the seats for such categories shall be required to be reserved in accordance with the provisions of sub-clause (i) above.”.

**Amendment of  
section 11 of  
Guj. 18 of 1993.**

6. In the Panchayats Act, in section 11, in sub-section (5), in clause (a), in sub-clause (ii), -

(i) for the words “One tenth of the total number of seats”, the words “Twenty-seven per cent. of the total number of seats” shall be substituted;

(ii) the following provisos shall be added, namely:-

“Provided that the reservation available to the persons belonging to the socially and educationally backward classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats:

Provided however that one tenth of the total number of seats shall be reserved for the persons belonging to the socially and educationally backward classes, where the population of the persons belonging the Scheduled Castes and Scheduled Tribes categories exceeds forty per cent. of the total population and the seats for such categories shall be required to be reserved in accordance with the provisions of sub-clause (i) above.”.

**Amendment of  
section 51 of  
Guj. 18 of 1993.**

7. In the Panchayats Act, in section 51, in sub-section (2), in clause (a), -

(i) for the words “ten percent of the offices”, the words “twenty-seven per cent. of the offices” shall be substituted;

(ii) the following provisos shall be added, namely:-

“Provided that the reservation available to the persons belonging to the socially and educationally backward classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats:

Provided however that one tenth of the total number of offices shall be reserved for the persons belonging to the socially and educationally backward classes, where the population of the persons belonging to the Scheduled Castes and Scheduled Tribes categories exceeds forty per cent. of the total population and the seats for such

categories shall be required to be reserved in accordance with the provisions of this clause.”.

8. In the Panchayats Act, in section 63, in sub-section (2), in clause (a), -

**Amendment of section 63 of Guj. 18 of 1993.**

- (i) for the words “ten percent of the offices”, the words “twenty-seven per cent. of the offices” shall be substituted;
- (ii) the following provisos shall be added, namely:-

“Provided that the reservation available to the persons belonging to the socially and educationally backward classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats.”.

Provided however that one tenth of the total number of offices shall be reserved for the persons belonging to the socially and educationally backward classes, where the population of the persons belonging to the Scheduled Castes and Scheduled Tribes categories exceeds forty per cent. of the total population and the seats for such categories shall be required to be reserved in accordance with the provisions of this clause.”.

9. In the Panchayats Act, in section 77, in sub-section (2), in clause (a), -

**Amendment of section 77 of Guj. 18 of 1993.**

- (i) for the words “ten percent of the offices”, the words “twenty-seven per cent. of the offices” shall be substituted;
- (ii) the following provisos shall be added, namely:-

“Provided that the reservation available to the persons belonging to the socially and educationally backward classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats:

Provided however that one tenth of the total number of offices shall be reserved for the persons belonging to the socially and educationally backward classes, where the population of the persons belonging to the Scheduled Castes and Scheduled Tribes categories exceeds forty per

cent. of the total population and the seats for such categories shall be required to be reserved in accordance with the provisions of this clause.”.

## STATEMENT OF OBJECTS AND REASONS

The present Bill seeks to amend certain provisions of the Gujarat Provincial Municipal Corporation Act, 1949, the Gujarat Municipal Corporation Act, 1963 and the Gujarat Panchayat Act, 1993, so as to bring uniformity in respect of certain matters contained in the respective Acts and to facilitate the administration of local bodies.

As Per the direction of the Hon'ble Supreme Court of India in the cases of K. Krishnamurthy (Dr.) and others vs. Union of India and another, reported in (2010) 7 SCC 202; Vikas Kishanrao Gawali vs. State of Maharashtra and others, reported in (2021) 6 SCC 73; Suresh Mahajan vs. State of Madhya Pradesh and another, reported in 2022 SCC Online SC 589 and the decision dated 18th May 2022 in Writ Petition No.278 of 2022 in the case of Suresh Mahajan vs. The State of Madhya Pradesh and anr., the State of Gujarat, by resolution dated 8th July 2022, appointed retired Chief Justice of Orissa High Court, Justice K.S. Jhaveri as Chairman of the "Dedicated Commission for Reservation of Other Backward Classes in Local Bodies of Gujarat." To determine the proportion of Other Backward Classes for rural and urban local bodies and reservation seats for Other Backward Classes have been recommended accordingly by the Dedicated Commission.

In this regard, to further study of the report submitted by the Dedicated Commission, the Cabinet Sub-Committee was constituted by the Social Justice and Empowerment Department. The said committee has submitted its recommendations, and as per the decision taken by the Cabinet regarding the above recommendations, the necessary amendments are to be made in the section 5 of the Gujarat Provincial Municipal Corporations Act, 1949, section 6 of the Gujarat Municipalities Act, 1963 and sections 9, 10, 11, 51, 63 and 77 of the Gujarat Panchayats Act, 1993, to make necessary provisions for seats and posts of other backward classes in local self-government bodies, to envisages making certain quantitative amendments in the relevant Acts.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

**RUSHIKESH PATEL,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill provides for delegation of legislative powers in the following respects:-

**Clause 1.** - Sub-clause (2) of this clause empowers the State Government to appoint by notification in the Official Gazette, the date on which the Act shall come into force.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 11<sup>th</sup> September, 2023.

**RUSHIKESH PATEL.**



*ANNEXURE***EXTRACT FROM THE GUJARAT PROVINCIAL MUNICIPAL  
CORPORATIONS ACT, 1949.****( Bom. LIX of 1949 )**


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<b>5.</b>	(1) to (5)	XXX	XXX	XXX	<b>Constitution of Corporation</b>
	<p>(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 as nearly as may be one-half of the seats so reserve for backward classes shall be reserved for women belonging to the Backward Classes.</p>				
	(7) and (8)	XXX	XXX	XXX	

*ANNEXURE***EXTRACT FROM THE GUJARAT MUNICIPALITIES ACT,  
1964.****( Guj. 34 OF 1964 )**


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<b>6.</b>	(1) and (2)	XXX	XXX	XXX	<b>Municipalities to consist of elected councilors.</b>
	<p>(3) Out of the total number of seats of councilors in a municipality, there shall be reserved seats for Scheduled Castes, Scheduled Tribes, Backward Classes and Women as follows namely:-</p>				
	(a) and (b)	XXX	XXX	XXX	
	<p>(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 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.</p>				
	(d) and (e)	XXX	XXX	XXX	
	(4) to (8)	XXX	XXX	XXX	

*ANNEXURE***EXTRACT FROM THE GUJARAT PANCHAYATS ACT, 1993.****( Guj. 18 OF 1993 )**

<b>Constitution of Village Panchayats.</b>	<b>9.</b> (1) and (4)	XXX	XXX	XXX
	(5) (a) (i)	XXX	XXX	XXX
	(ii) Where in a village there is in the opinion of the State Government population of socially and educationally backward classes, there shall be reserved by the State Government for the socially and educationally backward classes one tenth of the total number of seats in a village panchayat and such seats shall be allotted by the State Election Commission by rotation to different wards in that village in the prescribed manner.			
	(b) and (c)	XXX	XXX	XXX
<b>Constitution of Taluka Panchayats</b>	<b>10.</b> (1) and (4)	XXX	XXX	XXX
	(5) (a) (i)	XXX	XXX	XXX
	(ii) One tenth of the total number of seats in a taluka panchayat shall be reserved by the State Government for socially and educationally backward classes and such seats shall be allotted by the State Election Commission by rotation to different territorial constituencies in that taluka in the prescribed manner.			
	(b) and (c)	XXX	XXX	XXX
<b>Constitution of District Panchayats</b>	<b>11.</b> (1) and (4)	XXX	XXX	XXX
	(5) (a) (i)	XXX	XXX	XXX
	(ii) One tenth of the total number of seats in a district panchayat shall be reserved by the State Government for socially and educationally backward classes and such seats shall be allotted by the State Election Commission by rotation to different territorial constituencies in that district in the prescribed manner.			
	(b) and (c)	XXX	XXX	XXX

(6) XXX XXX XXX

**51. (1)** XXX XXX XXX

(2) (a) All offices of sarpanch of village panchayats in the State shall be reserved by the State Government for the Scheduled Tribes.

**First meeting of panchayat and election of Sarpanch and Upa- Sarpanch**

Explanation - For the purposes of this clause, "village panchayat" means the village panchayat, the whole local area of which comprises of the Scheduled Areas.

(b) XXX XXX XXX

(3) to (8) XXX XXX XXX

**63. (1)** XXX XXX XXX

(2) (a) All offices of the President of the taluka panchayats in the State shall be reserved by the State Government for the Scheduled Tribes.

**First meeting of panchayat and election of President and Vice-President.**

Explanation-For the purposes of this clause, "taluka panchayat" means the taluka panchayat, the whole local area of which comprise of the Scheduled Areas.

(b) XXX XXX XXX

(3) to (8) XXX XXX XXX

**77. (1)** XXX XXX XXX

(2) (a) All offices of the President of the district panchayats in the State shall be reserved by the State Government for the Scheduled Tribes.

**First meeting of district panchayat and election of President and Vice-President.**

Explanation- For the purposes of this clause, "district panchayat" means the district panchayat, the whole local area of which comprises of the Scheduled Areas.

(b) XXX XXX XXX

(3) to (8) XXX XXX XXX





**GUJARAT LEGISLATURE SECRETARIAT**

**GUJARAT BILL NO. 23 OF 2023.**

*A BILL*

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

**[ SHRI RUSHIKESH PATEL,  
MINISTER FOR HEALTH]**

(As published in the Gujarat Government Gazette  
of 11<sup>th</sup> September, 2023)

**D.M.Patel,  
Secretary,  
Gujarat Legislative Assembly.**