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# The Gujarat Government Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

Vol. XLIX] TUESDAY, APRIL 1, 2008/CAITRA 12, 1930

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

## PART IV-B

Rules and Orders (Other than those published in Part I, I-A and I-L) made  
by the Government of Gujarat under the Gujarat Acts.

### INDUSTRIES AND MINES DEPARTMENT

#### Notification

Sachivalaya, Gandhinagar, 1st April, 2008.

### GUJARAT INDUSTRIAL DEVELOPMENT ACT, 1962

No. GHU:8/2008-GID: 102004: 1496: G: In exercise of the powers conferred by section 53 read with sections 16 and 16A of Gujarat Industrial Development Act, 1962, (Guj. XXIII of 1962) the Government of Gujarat in consultation with the Gujarat Industrial Development Corporation, hereby makes the following rules, namely:-

#### CHAPTER I PRELIMINARY

1 Short title, commencement and extent.— (1) These rules may be called the Gujarat Industrial Development (Notified Areas) Rules, 2007.

(2) They shall come into force on the date of their publication in the *Official Gazette*.

(3) They shall apply to all the notified areas declared, in respect to the industrial estates, under section 16 of Gujarat Industrial Development Act, 1962.

2. Definitions:- (1) In these rules, unless the context otherwise requires,-

- (a) "Act" means the Gujarat Industrial Development Act, 1962 (Guj. XXIII of 1962);
- (b) "Board of Management" means a Committee constituted under clause (b) of sub section (1) of section 16, for a notified area;
- (c) "Chief Officer" means an Officer not below the rank of Assistant Manager or Deputy Executive Engineer, appointed by the Corporation to carry out day to day work of the notified area and he shall function as Secretary to the Board of Management.



- (d) "Managing Director" means an Officer appointed by the State Government in the Corporation under sub-section (1) of section 12 of the Act;
- (e) "notified areas" means an industrial area in respect of which provisions relating to notified areas and any other provisions of the Gujarat Municipalities Act, 1963 is declared to be extended and be brought into force under section 16 of the Act:  
**Explanation.-** For the purpose of these rules "a larger notified area" means a notified area having land area in excess of 500 hectares and "a smaller notified area" means a notified area having land area less than 500 hectares.
- (f) "section" means a section of the Act;
- (2) The words and expressions used in these rules but not defined shall have the same meanings as assigned to them in the Act;

## CHAPTER II

### Constitution and Functions of Board of Management

3. **Constitution of Board of Management.-** (1) In every notified area there shall be a committee called "the Board of Management" appointed by the Government. The Board of Management shall consist of the following members, namely:-
- (a) the President of the Industries Association of the notified area;
  - (b) the Honorary Secretary of the Industries Association of the notified area;
  - (c) two members, other than the members specified in clauses (a) and (b), as may be nominated by the Industries Association of the notified area;
  - (d) one representative of industries as may be nominated by the Corporation;
  - (e) one representative of from amongst the local residents as may be nominated by the Board of Management;
  - (f) two officers not below the rank of Assistant Manager or Deputy Executive Engineer, as may be nominated by the Corporation;
  - (g) one officer not below the rank of Assistant Manager or Deputy Executive Engineer, shall be nominated by the Corporation as the Chief Officer, who shall be the Secretary to the Board of Management;
  - (2) While nominating representatives of the industries on the Board of Management, adequate care be exercised to ensure that industrial units located within the notified area which utilize the maximum capacity of various infrastructure such as water, drainage, etc., are not neglected due to their numerical minority.

Provided that in case of a notified area having single unit, the Board of Management shall not consist,-

- (i) more than three members, not below the rank of managerial cadre from the unit concerned;
- (ii) more than two officers, not below the rank of Assistant Manager or Deputy Executive Engineer, as may be nominated by the Corporation. From amongst the officers so nominated one officer shall be appointed as the Chief Officer, who shall be the Secretary to the Board of Management.



4. **Appointment, terms and Conditions of Chairman and Members on the Board of Management:-**

(1) The Board of Management shall elect one of its members from the members specified in rule 3 to be its Chairman.

(2) The Chairman of the Board of Management shall hold office for a period one year;

(3) The terms of members of the Board of Management shall be for a period of two years:

Provided that the members of the Board of Management shall hold office initially for a period of two years; and half of the members, as may be determined by the Government, who do not hold office by virtue of their position in the Industries Association or the Corporation shall retire after completion of third year:

Provided further that no person shall be allowed to remain on the Board of Management continuously for more than three years.

(4) A member may be allowed to be re-nominated after a gap of three years.

5. **Functions of the Board of Management:-** (1) The Board of Management shall perform its function and duties in accordance with the provisions of the Gujarat Municipalities Act, 1963 as extended to and brought into force in the Notified area under clause (a) of sub-section (1) of section 16 and shall adhere to the directions given by the Government or the Corporation or the Director of notified areas from time to time for the purpose of maintaining transparency in the management of the affairs of the notified area, maintaining financial propriety and providing efficient and cost-effective administration in the notified areas.

(2) Notwithstanding anything contained in sub-rule (1), it shall be the duty of Board of Management to make reasonable and adequate provision for the following matters within the limits of the notified area, namely :-

- (a) construction and maintenance of roads, public streets, culverts, municipal boundary marks, markets, slaughterhouse, privies, drains, sewers, drainage works, sewerage works, etc.,
- (b) Construction and maintenance of water works and adequate water supply to the residential, industrial and commercial units as and when this function is transferred by the Corporation to the notified area,
- (c) Construction and maintenance of storm water drains,
- (d) Lighting public streetlights, places and buildings and their maintenance,
- (e) Cleansing of public streets, collection, transportation and disposal of solid waste,
- (f) Cleansing of sewers, removing noxious vegetation,
- (g) Disposing of night soil ,
- (h) Extinguishing fires and protecting life and property when fire occurs,
- (i) Registration of birth and death.
- (j) Passing of building plans and revising town planning within the limits of the borough as per the law relating to town planning.
- (k) Acquiring and maintaining places for disposal of dead and disposal of carcasses of dead animals.
- (l) Construction and maintenance of public latrines and urinals.



- (m) Removing obstructions and projections in public streets or places
- (n) Naming streets and numbering of premises
- (o) Securing or removing dangerous buildings and reclaiming unhealthy localities
- (p) Introducing and maintaining the system of water closets
- (q) Paying salary, etc. for the police or guard required for the protection of municipal properties.

6. **Discretionary functions.**- The Board of Management may at its discretion take up some of the functions from among those mentioned in section 91 of the Gujarat Municipalities Act 1963, for the public welfare from its funds without adversely affecting the essential services, by levying additional tax or service charges or any charges, from the surplus funds, if any.

7. **Approval of annual budget.**- The Board of Management shall approve the annual budget of the notified area; take decisions about the taxation, levy of charges, if any, in accordance with the provisions of the Act, consolidated tax Rules and these rules.

8. **Meeting of the Board of Management.**- (1) The Board of Management shall meet at least once in a month to take decisions on the items placed on the agenda by the Chief Officer and to review the progress of the work done in the notified area.

(2) The Board of Management may suggest the new works to be undertaken and priorities to be given to various items of work.

9. **Quorum.**- No business shall be transacted at any meeting of a Board of Management unless at least five members are present thereat.

10. **Conditions of Appointment of a member.**- No member, other than the members nominated or appointed by the Corporation, shall be appointed as member of the Board of Management unless he.-

- (i) has an industry in that notified area, or
- (ii) is holding a senior management position in the industry situated in the notified area for a period not less than three years, or
- (iii) is a resident of that notified area;
- (iv) is not a defaulter in the payment of consolidated tax and
- (v) is not have been sentenced to jail for any criminal offences.

### CHAPTER III FUNCTIONS OF CHIEF OFFICER

11. **Chief Officer to work under the control and supervision of Board of Management.** (1) The Chief Officer shall work under the control, direction, guidance and supervision of the Board of Management.

(2) The Chief Officer shall execute the works as approved by the Board of Management subject to availability of finances. In case the Chief Officer is of the opinion that the decision of the Board of Management is contrary to the provisions of the Gujarat Municipalities Act, 1963 or any rules made thereunder or these rules, he shall refer the matter to the Board of Management for reconsideration of such decision.

(3) In case the Board of Management refuse to reconsider its decision, the Chief Officer shall refer the matter to the Director, notified areas. The decision of the Director of notified areas shall be final in regards to such matter.



12. **Assessment Consolidated Tax Assessment and Recovery:-** (1) For the purpose of assessment of consolidated tax and its recovery, the Chief Officer appointed by the Corporation under rule 3, shall cause to perform the following functions, namely:-
- (a) prepare a property register,
  - (b) get the measurements recorded of all the properties,
  - (c) determine the market value of land and building in respect of each property,
  - (d) make an assessment of consolidated tax as per the formula approved by the Government for each property,
  - (e) get the tax bills prepared,
  - (f) arrange for the distribution of tax bills and recovery of consolidated tax and give receipts,
  - (g) take coercive measures against the defaulters for the recovery of consolidated tax in time.

(2) The functions prescribed in sub-rule (1) may be performed as may be directed by the Director of notified areas.

13. **Appointment of Appellate Officer:-** (1) The Chief Officer may appoint, after obtaining approval of the Director of the Notified Areas, an officer including a retired officer not below the rank of Mamlatdar as Appellate Officer to hear objections against assessment of tax and the matters related therewith.

(2) Any person who is aggrieved by the decision of the appellate officer may appeal in the judicial court within a period of one month from the date of such decision.

14. **Preparation of Annual Budget for the notified area:-** (1) The Chief Officer shall cause to prepare an annual budget in the month of December taking stock of last three years' income and expenditure and estimated income in the next year. He shall then, place the budget estimates before the Board of Management for approval which shall approve the budget with or without modification considering the financial position of the notified area.

(2) The Board of Management may assess the need of additional taxation, levy of charges, etc. and ensure that the budget shows a revenue surplus.

(3) The Board of Management shall approve the budget with or without modification by the end of February and implement the same from 1st April of the ensuing financial year.

15. **Control on Finances:-** (1) The Chief Officer shall reconcile the income and expenditure of the notified area every month and ensure that the cash flows meet with the expenditure.

(2) The developmental works shall be undertaken by taking into consideration the flow of funds within the limits of budgetary allocations.

(3) In case the flow of funds does not permit the proposed developmental works, he shall allocate the works to be undertaken in different quarters of the year.

(4) He may re-appropriate the budget in the month of December with the approval of the Board of Management.

16. **Maintenance of Financial Discipline:-** For the maintenance of financial discipline, registers shall be maintained showing allotment of funds under different heads of work and before sanctioning any new work it must be verified whether budgetary allocation is available under that particular head. A note shall be kept of all the works sanctioned from time to time to keep track on expenditure and availability of funds for new works. No items shall be sanctioned by the Board of Management or the Chief Officer if there is no budgetary allocation except in emergency where funds may be sanctioned in excess of the budget by transferring funds from one head to another so that overall budgetary discipline is adhered to.



17. **Maintenance of Accounts:** -The Chief Officer is expected to maintain the accounts of all the income received by way of consolidated tax and other tax and non-tax revenues by the notified area. All the accounts of income and expenditure must be maintained on day to day basis following the commercial accounting system i.e. double entry system and a balance sheet shall be prepared each year and shall be certified by a chartered accountant. The work of maintaining the accounts may be entrusted to chartered accountant firm if Board of Management so desires.
18. **Audit of Accounts:** - In addition to the audit of accounts being carried out by chartered accountants, the Local Fund Examiner would also audit the accounts of the notified areas and the cost for the same shall be met with from the budget of the notified areas.
19. **Other Functions of Chief Officer:**- (1) The Chief Officer shall cause to ensure day to day administration of the notified area involving:-
- (a) receiving, registering of post, complaints, correspondence etc., and maintenance of records;
  - (b) resolving the complaints,
  - (c) keeping of records of all the meetings of Board of Management or otherwise held at various levels,
  - (d) monitoring the follow up action, etc.
- (2) For the construction and maintenance of roads, public streets etc. the Chief Officer shall cause to,-
- (a) identify the arterial roads having heavy traffic and other less important roads in order of priority for their construction and maintenance in consultation with various stake holders,
  - (b) assess the flow of traffic and decide width of the carpet to be laid,
  - (c) get the rough estimates prepared and work out the amount involved in the construction and maintenance of roads,
  - (d) prepare a plan for next five years for the construction, resurfacing and maintenance of the roads keeping in mind the likely budget available,
  - (e) split the five year plan into annual plan and put the annual requirement of the funds in the annual budget in the respective financial year from time to time and get the approval of Board of Management.
  - (f) obtain the approval of the Board of Management for all those works, the cost of which exceeds the financial powers that may be delegated to the Chief Officer by the Board of Management from time to time.
- (3) For the construction and maintenance of storm water drains, the Chief Officer shall cause to,-
- (a) prepare a list of areas, which do not have storm water drains,
  - (b) identify the low-lying areas, which get water logged during monsoon,
  - (c) give priority to the areas where storm water drain shall be laid,
  - (d) plan the carrying capacity of storm water drains according to the intensity of rains,
  - (e) identify the location for the discharge of rainwater through storm water drain,
  - (f) prepare the estimate for laying storm water drains during next five years consistent with the availability of funds,
  - (g) prepare annual budget estimates for construction and maintenance of storm water drains,
  - (h) incorporate the requirement of funds in the annual budget and obtain the approval of the Board Of Management
  - (i) obtain the approval of the Board Of Management for all items of works the cost of which exceeds the financial powers that may be delegated to the chief officer by the Board Of Management from time to time.
- (4) For the lighting of Public Streets, the Chief Officer shall cause to,-
- (a) prepare the list of roads and streets which do not have streetlights and where streetlights are inadequate, etc.
  - (b) prepare a list of streets in order of priority for the provision of streetlights, improvement of streetlights depending on the flow of traffic during the night and importance of roads.



- (c) provide the type of streetlights required for adequate illumination of roads such as sodium light, mercury light, tube light, incandescent bulb, etc. of various powers, taking into consideration the width of the road,
  - (d) workout the budget estimates for the provision and maintenance of streetlight, etc. in next five years and split the work in the annual plans in order of priority.
  - (e) incorporate the requirement of funds in the annual budget and obtain the approval of the Board of Management.
  - (f) obtain the approval of board of management for all items of work the cost of which exceeds the financial powers that may be delegated to the Chief Officer by the Board of Management, from time to time.
- (5) For Cleaning of public streets, collection, transportation and disposal of solid waste, the Chief Officer shall cause to,-
- (a) list out the roads and public streets having habitation or commercial or industrial activity which are required to be cleaned on a day-to-day basis and the streets and open spaces that are required to be cleaned periodically,
  - (b) measure the road lengths to be swept,
  - (c) measure the open drains to be cleaned,
  - (d) identify the location where close body container may be placed for temporary storage of waste from households, shops and establishments for onward transportation thereof to the disposal site keeping in view a yardstick for having such container at a distance not exceeding 500 running meters from each other,
  - (e) identify a site of 2 acres of land per 10000 population for the treatment and disposal of municipal solid waste. The site shall be away from habitation and suitable for treatment and disposal in terms of the Municipal Solid Waste (Management And Handling) Rules, 2000,
  - (f) workout number of beats for street sweepers as per the instructions laid down in the Solid Waste Management Manual of the Government of India , 2001 (average work to be given 500 running meters of the road length per sweeper),
  - (g) prepare an estimate of generation of waste from households at the rate of 300 grams per capita per day and the estimate of municipal solid waste generated from shops establishments and industries (other than industrial and bio-medical waste),
  - (h) provide suitable size of and adequate number of containers to be placed for the secondary storage of the waste depending on the estimated quantity of waste generated in the city,
  - (i) provide the type of bin to be kept at the site of waste storage depot and the type of vehicle proposed to be used for the transportation of the waste,
  - (j) workout the likely frequency of the containers to be filled with the waste to facilitate their clearance before the bins overflows,
  - (k) workout the need of vehicles for the transportation of waste from the bin keeping in view the number of trips the vehicle will be able to make in 8 hours shift,
  - (l) plan for using the vehicles in two shifts to keep the capital cost low and provide 25% spare vehicles to meet the situation during the breakdown and for preventive maintenance of vehicles,
  - (m) fix the site prepared for the treatment and disposal of solid waste as per these rules taking in to consideration the availability contracting mechanism,
  - (n) make provision for adequate staff, tools and equipment in accordance with the provisions of these rules and instructions given in the Manual of Solid Waste Management of the Government Of India, 2001. In case the work is to be carried out through contract, it shall be made mandatory for the contractor to adhere to the solid waste management instructions indicated above,
  - (o) prepare cost estimates for manpower, material, vehicles and equipment required for the street cleaning and collections, transportation and disposal of solid waste generated in notified area,
  - (p) make an adequate provision of funds required in this regard in the annual budget of the notified area,



- (q) obtain the approval of the Board of Management for all works the cost of which exceeds the financial powers that may be delegated to the Chief Officer by the Board of Management, from time to time.
- (6) For removing Noxious Vegetation, the Chief Officer shall cause to,-
- (a) identify and list out the locations where there is excess noxious vegetation growth,
  - (b) identify the month and days during which such growth is optimum,
  - (c) assess the manpower and budgetary requirements for cleaning such vegetation twice a year i.e. during mid-monsoon and end of the monsoon,
  - (d) workout the cost estimates and make provision of fund in the annual budget and obtain the approval of the Board of Management and workout the contracting mechanism for the cleaning of the vegetation within the budgetary limits,
  - (e) obtain the approval of the Board of Management for all works, the cost of which exceeds the financial powers that may be delegated to the Chief Officer by the Board of Management, from time to time,
- (7) For disposal of night soil, the Chief Officer shall cause to,-
- (a) identify the number of dry latrines in the notified area for their conversion to flush latrines,
  - (b) construct flush latrines by the owners of such premises within a time limit,
  - (c) adopt hygienic system for the disposal of night soil through container mechanism using appropriate pushcarts and safety measures for the workers engaged therein,
  - (d) identify the sites, with the approval of Board of Management, for disposal of night soil in an environmentally acceptable manner and make efforts to convert night soil into bio-gas or compost.

20. **Fire Safety Measures.**- The Chief Officer shall make adequate fire fighting arrangements in the Notified area. To ensure the fire safety, he shall, either,-

- (1) establish fire fighting set-up,-
- (a) **In larger Notified area.**- By having a qualified fire officer and firemen team on the establishment of the Notified area and procuring adequate fire fighting equipments maintained by the Notified areas.
- (b) **In smaller Notified areas.**- (i) By having a skeleton staff, duly trained, and to procure minimum fire fighting equipments necessary for the purpose,
- (ii) by arranging for additional support from the neighbouring city or towns having larger fire fighting manpower and equipment, in case of need to tackle the situation that may be called for. In this regard contractual arrangement may be made with the neighbouring city or town as the case may be.
- (c) to prepare a list of industries, which use raw material or processes more prone to fire,
- (d) to collect the details of "on site" and "off site" risk involved in respect of each industry and the information on the measures required to control the situation,
- (e) to equip the fire brigade with adequate fire fighting appliances to handle any situation,
- (f) to make necessary arrangements to provide periodical training to the staff and ensure that the staff is available on round the clock basis,
- (g) to familiarize the staff with district level disaster management plan.



(2) Procure fire extinguishing services from private agency.-

- (a) the Chief Officer, after obtaining approval of the Board of Management, may make contract with the private agencies engaged in fire extinguishing services having necessary expertise, adequate manpower and equipments. It must be ensured that the staff is well trained and available on round the clock basis.
- (b) such contractual arrangement shall not be made for a term of less than five years to motivate investments by private sector.

(3) By improving the existing fire-fighting set-up of Notified area having its own fire fighting equipment and manpower for fire-fighting services.

**21. Registration of births and deaths:-** (1) The Chief Officer shall make appropriate arrangements for registration of births and deaths in the notified area, and maintained record in such manner and in such form as may be specified by the Government, for this purpose. The Chief Officer shall be the Registrar of Births and Deaths for this purpose.

(2) He shall cause to communicate that each birth and death which may have occurred within the notified area shall be registered in the office of notified area within the specified period by all households, maternity homes, hospitals, nursing homes, etc., failing which they may be liable for action in accordance with the prevailing laws in this regard.

(3) The Chief Officer shall notify the place and timing for such registration.

(4) He shall have power to inspect the records from time to time, in respect of the births and deaths which may have occurred within the notified area, maintained by hospitals, nursing homes, maternity homes, crematoria etc.

(5) He shall make an arrangement to issue birth and death certificate on payment of fees, as may be determined by the Government, from time to time.

**22. Passing of Building Plans:-** (1) The Chief Officer in respect to the notified area, shall ensure compliance of town planning regulations and safety of all the buildings constructed. In case the plans need to be scrutinized by a town planner he shall,-

- (a) arrange to get the building plans approved by the Corporation or as the case may be, Urban Development Authority within whose jurisdiction the area is situated. On the recommendation of the Corporation, he may grant permissions for such building plans,
- (b) determine the fees for approval of building plans for the construction or alterations as chargeable by the Corporation.
- (c) on the advice of the Corporation and approval by the Board of Management, appoint a private agency for the notified area having expertise in town planning matters to scrutinize the plans and recommend for approval to the Chief Officer.

(2) He shall keep a vigil, within the notified area, on unauthorized construction, encroachment, etc. and give notice for removal thereof.

(3) He shall have power, within the notified area, to take appropriate actions against illegal or unauthorized constructions and encroachments on Government or public lands situated within such area..

(4) In cases where it is felt that the unauthorized construction or encroachment may cause undue hardship to the person concerned if removed, he may with the approval of Director of Notified areas regularize such constructions or, as the case may be, such encroachment on recovery of such amount as penalty as may be determined by the Director of Notified Areas.



23. **Removing Obstructions and Projections on Public Streets and Places:-** The Chief Officer shall cause to,-
- get a survey undertaken for identifying the obstructions created by the households, shops and establishments on the public streets and unauthorized projections made on the public streets or places,
  - get the measurements taken of the obstructions done or projections made,
  - issue notices to the persons who have created the obstructions or projections for removing the same in a given time,
  - get the obstructions and projections removed by force if the instructions are not complied with. If need be, police help may be taken to maintain law and order,
  - determine penalties for creating the obstructions or projections including the expenses of removal of such obstructions and projections and recover the same from the owner of the building.
24. **Disposal of dead and carcasses of dead animals:-** - The Chief Officer shall cause to,-
- identify and notify the place for cremation, burial and for the disposal of dead animals,
  - provide appropriate places for the cremation and burial, not far from the city having adequate facility of burning, shed, wood, water, and death registration, etc. , depending on the population of the Notified area and the death ratio of 8 to 10 persons per 1000 population per year,
  - provide the site for disposal of dead animal or carcasses of dead animal at appropriate places, away from the inhabitant area. It shall be as near as possible from the site identified by the Municipality for the disposal of dead animal or carcasses of dead or where the waste is generally being disposed off.
  - to make contractual arrangements for preparing deep pits for the burial of dead animals and to remove the dead animal from the Notified area and bury them in the pits.
25. **Construction and Maintenance of Public Latrines and Urinals.-** The Chief Officer shall cause to.-
- identify the areas, which are frequented by the people in the commercial and industrial areas and assess the need of public urinals and latrines,
  - identify the locations where such public conveniences may be created,
  - get the cost estimates prepared for creation of these facilities,
  - include the cost of construction and maintenance of public toilets and urinals in the annual budget and allocate funds for the same,
  - contract out the construction and maintenance of these facilities following the norms of awarding contracts.
26. **Naming the Streets and numbering of premises:-** The Chief Officer shall cause to.-
- list out all roads and streets in the notified area,
  - workout a scheme of naming or numbering the streets in consultation with the Board of Management,
  - name the streets with the names of national leaders or the persons who have contributed for the well being of the nation or of the society and adopt proper signage system to number the streets with some sequential numbers,
  - notify the names of the streets to the citizens and postal authorities to facilitate the acceptance of the name for future communications, etc.
  - introduce house-numbering system for each lane and connect the same with the street's name or number to ensure that no confusion is created in identifying any building in the notified area,
  - direct the citizens to put the number plate of a specific design at a specified location in each building or facilitate to get such plates prepared uniformly and get them affixed on each building and the lanes and recover the cost from the owner of the building.



27. **Securing or removing dangerous buildings and reclaiming unhealthy localities .-** The Chief Officer shall cause to,-
- (a) identify the buildings in each ward that appear dangerous or in a dilapidated condition needing urgent repairs,
  - (b) get the buildings so identified inspected by technical persons to suggest what type of repairs are required to make the buildings safe or whether the building needs to be demolished,
  - (c) direct the owner and occupier of the building to get the building repaired or demolished if found irreparable within given time,
  - (d) get the dangerous part of the building demolished if the instructions are not complied with and recover the cost of such demolition from the owner as arrears of consolidated tax,
  - (e) identify unhealthy localities and ascertain the causation factors for the same,
  - (f) give notice to the persons concerned for the reclaiming the unhealthy locality as per the provisions of the Gujarat Municipalities Act, 1963,
  - (g) take action against the defaulter as per the Gujarat Municipalities act, 1963, if they fail to comply.
28. **Introducing and maintaining the system of water closets. -** The Chief Officer shall cause to,-
- (a) get a survey conducted of the households, shops and establishments which do not have appropriate facility of water closets,
  - (b) serve notice to the persons concerned to construct a water closet within their premises within a specified time,
  - (c) take necessary action if they fail to comply,
  - (d) periodically inspect the maintenance of common toilet facilities situated in commercial complexes or industrial complexes,
  - (e) serve notices for proper maintenance to the concerned person if such community toilets and public conveniences are not maintained properly,
  - (f) take necessary action against those who fail to comply.
29. **Make arrangements for the protection of Notified area properties.-** The Chief Officer shall cause to,-
- (a) prepare a list of all properties owned or in possession of the notified area,
  - (b) get the site inspected at least once a year to find out whether there is any encroachment, unauthorized use or damage caused to the property,
  - (c) take necessary action to remove the encroachment or unauthorized user from the notified area premises after giving him a notice and reasonable opportunity of being heard,
  - (d) identify the person who has caused the damage to notified area property, if any,
  - (e) initiate necessary action against the defaulter and recover penalty for unauthorized use of the property or for damaging the property,
  - (f) prescribe the uniform rates for charging penalties for unauthorized use of the notified area's property,
  - (g) engage security agencies where necessary, for the protection of notified area property by regular visits of important properties or by stationing security personnel for the protection of important properties and pay for such security arrangements from the notified area funds by making budgetary provision for the same.



**30. Involvement of Community and Non-Governmental Organizations in the Development of notified areas.** (1) Whereas most of the works are required to be done through contractors under the supervision of the Corporation or the private sector, there are areas such as maintenance of public parks and gardens, city beautification, city cleaning and waste disposal, etc. where efforts may be made to involve citizens, Non-Governmental Organizations, households, commercial establishments and industrial units may be motivated to help in keeping the notified area clean by accumulating the waste at source in the domestic storage bins or institutional bins.

(2) The parks, gardens, "balwadis", public conveniences may be developed and beautified in the notified areas with the support of NGOs, industrial as well as commercial units. The Chief Officer may motivate them to contribute their might in development of such infrastructural facilities and beautification related activities. The Non-Governmental Organizations and the participating industries may be given due recognition for extending such support. The Industrial houses may be persuaded to provide litterbins and tree guards on the streets carrying their logo or name.

## CHAPTER IV

### EXECUTION OF ENGINEERING WORKS

- 31. Execution of Engineering Works.** (1) The works to be performed by the Chief Officer mainly include construction and maintenance of roads, construction and maintenance of storm water drains, provision and maintenance of streetlights, street cleaning, collection, transportation and disposal of waste, construction and maintenance of parks and gardens, etc. These works may be executed as per the directions issued by the Director of Notified Areas after approval of the Corporation. Notwithstanding such directions, the engineering works shall be executed in the following manners, namely:-
- prepare the proposals with cost estimate, for the construction and repair works,
  - obtain administrative approval and technical sanction wherever required for undertaking the work,
  - invite and finalise tenders, offers and quotations as may be necessary for the execution of the work in accordance with the existing rules, manuals or norms, if any, issued by the Government,
  - monitor the works and carry out the inspection for work progress periodically,
  - maintain records of the works carried out,
- (2) The Board of Management shall have the full powers to accord administrative approval for engineering works and purchases, subject to a sufficient provision in the Budget of the Notified Area and technical sanction for engineering works including approval of estimates, draft tender papers, etc., acceptance of tenders, excess in original estimates, excess in work, extra item, whatever up to a limit as may be specified by the Corporation and/or the Director of Notified Areas. A reference shall invariably be made to Director of Notified Areas and/or Corporation before invitation of tenders in respect of large works as may be specified by Director of Notified Areas and/or Corporation through administrative instructions from time to time.
- 32. Sanction of tenders, offers and quotations.** - All tenders, offers and quotation above the financial powers that may be delegated to the Chief Officer shall be sanctioned by the Board of Management. The Chief Officer may sanction all tenders, offers and quotations which fall within his power unless he delegates his powers in writing to his subordinate officer.
- 33. Options for Execution of Works.** - The engineering works may be executed in following manner,--
- by entrusting the work to the Corporation in the capacity of project management consultant agency,
  - by hiring private agency as project management consultants having expertise in such type of work,
  - by having engineering staff on the establishment of the notified area.
- 34. Annual Rate Contracts.** - The Chief Officer shall, after obtaining approval of the Board of Management, have power to invite tenders for the purpose of annual rate contract for each item of work specifying the work to be done. The annual rate contract may be made as per the directives issued by the Corporation or the Director of Notified Areas Notwithstanding such directives, the Chief Officer shall invite and finalise annual rate contracts in accordance with the existing rules, manuals or norms, if any, issued by the Government,



## CHAPTER V

## QUALITY CONTROL OF ENGINEERING WORKS

35. The Chief Officer shall take appropriate measures while executing any engineering works and ensure that the standard specifications are adhered to and quality control standard maintained. Any engineering work under execution shall be inspected for quality control by the Directorate of notified area. The method, procedure and follow-up of resultant observations shall be such as may be specified by the Director of Notified Area, from time to time.

## CHAPTER VI

## APPOINTMENT OF OFFICERS AND EMPLOYEES

36. Appointment of Officers and Employees to Assist the Chief Officer.- (1) To assist the Chief Officer, for carrying out his function, the the following officers and employees may be appointed, namely:-

(A) For larger notified area,-

- (a) One Deputy Executive Engineer,
- (b) Two Assistant Engineer,
- (c) Two Additional Assistant Engineer,
- (d) One Assistant,
- (e) Three Clerk cum Typists
- (f) Two Peons or Attendants

(B) For smaller notified area,-

- (a) One Assistant Engineer,
- (b) One Additional Assistant Engineer,
- (c) One Assistant,
- (d) Two Clerk cum Typists
- (e) Two Peons or Attendants

(2) The appointment of the Deputy Executive Engineer, Assistant Engineer, Additional Assistant Engineer, Assistant, Clerk cum Typists and other staff shall be made on deputation from the Corporation or Government or any other public undertaking:

Provided that the appointment of clerk cum typist, peon, attendant may be made by direct recruitment or on contractual basis with fixed remuneration by the Board of Management after the approval of the Director of Notified Area.

- (3) To regulate the recruitment and conditions of services of the persons appointed shall be as may be prescribed by the Government.

## CHAPTER VII

## DIRECTOR OF NOTIFIED AREAS

37. Appointment of Director of Notified Areas.- With a view to ensuring efficiency in services, uniformity in administration, maintaining financial discipline, regulating the recruitment and promotion in the notified areas and guiding the notified areas administration on important issues, the Managing Director shall appoint and designate an Officer of the Corporation not below the rank of General Manager as the Director of Notified Areas with powers to regulate and supervise the functioning of notified areas. The Director of notified area shall report to the Managing Director.
38. Powers, functions and Duties of Director of Notified Areas.- The Director of notified areas shall exercise the following powers:-



- (a) under section 257 of the Gujarat Municipalities Act 1963 to inspect any work in progress in the notified areas, to call for and inspect any document in possession of the notified area, etc.,
- (b) under section 262 of the Gujarat Municipalities Act 1963 to direct notified area to perform specific duty in a given time frame in the event of failure to perform such duty and powers to get the work done from another person at the cost of the notified area if the notified area fails to perform the duty in the time limit given, etc.,
- (c) to introduce working procedures and work norms for bringing uniformity in the working of notified areas,
- (d) to examine whether all the notified areas are following the working systems and procedures proposed to be established in the notified areas for improving their performance,
- (e) to transfer and take departmental action against the Chief Officer if found indulging in any financial irregularity or any other serious matter, subject to the approval of the Managing Director,
- (f) to recommend repatriation of the Chief Officer and other staff on deputation from the Corporation,
- (g) to recommend for appointing additional staff in the notified area beyond the staff strength prescribe in rule 36,
- (h) to introduce commercial accounting system in all the notified areas and to ensure the implementation thereof,
- (i) to recommend changes in the consolidated tax structure made applicable in the notified area,
- (j) to get the consolidated tax assessment made from other agency if the assessment not made by the Chief Officer and to certify the assessment list so prepared,
- (k) to recommend to sanction to spend from the notified area fund for providing services outside the notified area in special circumstances,
- (l) to grant permission to provide services to the people or property situated outside the notified area limits,
- (m) to prevent extravagance in the employment of staff similar to the powers of Director of Municipalities provided under section 260 of the Gujarat Municipalities Act 1963,
- (n) to make, alter or rescind the rules not consistent with the provisions of the Gujarat Municipalities Act 1963 or the rules, by-laws and orders made there under, similar to the powers prescribed in respect of the Municipality under sections 271 and 275 of the Gujarat Municipalities Act 1963,
- (o) to recommend, super session of the Board of Management, to the Corporation on being satisfied that the Board of Management has failed to perform its duties as per the provisions of the Gujarat Municipalities Act 1963 and these rules or has indulged in gross irregularities in the management of the affairs of the notified area.
- (p) and such other duties, powers and functions as may be specified by the Government by notification from time to time.

39. **Meeting of Expenditure and Cost.**- Each notified area shall at the beginning of each financial year remit an amount equal to half per cent of assessed Consolidated Tax of the previous year to the Director of Notified Areas to enable him to sustain his office expenditure, establishment cost and miscellaneous contingent expenditure.

40. **Indicative Institutional Structure.**- (1) To assist the Director of Notified Areas, for carrying out his function, the following officers and employees may be appointed, namely:-

- (a) One Executive Engineer,
- (b) One Assistant Manager,
- (c) Two Assistants,
- (d) One Driver,
- (e) One Peon,



(2) The appointment of the Executive Engineer, Assistant Manager, Assistants, Driver and Peon shall be made on deputation from the Corporation,

Provided that in respect of appointment of Assistant Manager, preference may be given to a person having at least five years experience in the affairs of notified area,

Provided further that the appointment of driver and peon may be made on contractual basis with fixed remuneration after the approval of the Corporation.

#### CHAPTER VIII MISCELLANEOUS

41. **Removal of difficulties.-** If any doubt or difficulty arises in giving effect to the provisions of these rules, the Government may, by order, make provision or give such direction not inconsistent with the express provisions of the Act or these rules as may appear to it, to be necessary or expedient for the removal of the doubt or difficulty; and the order of the Government, in such cases, shall be final.

By order and in the name of the Governor of Gujarat,

**R.P. Kapadia**  
Under Secretary to Government