

The Rajasthan Municipalities (Prescribing Restrictions, Limitations and Conditions on Delegations of Powers, Duties and Executive Functions) Rules, 1968

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In exercise of the powers conferred by clause (a) of sub-section (2) of section 297 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) read with sub-section (1) of section 78 thereof, the State Government hereby makes the following Rules, namely :- **1. Short title, extent and commencement.** - (1) These Rules shall be called the Rajasthan Municipalities (Prescribing restrictions, limitations and conditions on delegation of powers, duties and Executive Functions) Rules, 1968.

(2) These shall come into force after one month from the date of their publication in the Rajasthan Rajpatra.

2. Repeal and Saving. - With the commencement of these rules all powers, duties and executive functions delegated by the Board shall stand repealed to the extent they are inconsistent with the provisions of these rules :

Provided that such repeal shall not affect the validity or invalidity of anything already done or suffered or any action already taken under the said delegation.

3. Definitions. - In these rules, unless the context otherwise requires :-

- (1) 'Act' means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959);
- (2) 'Executive Officer' means the Executive Officer of the Board and includes the Commissioner of a Municipal Council and Secretary of a Board for which no Executive Officer has been appointed;
- (3) 'Municipality' means a Municipality established under the provisions of the Act;
- (4) 'Board' means a Board of a Municipality and includes a Council;
- (5) 'Authority' includes-(a) the Chairman, the Vice-Chairman, [X X X], the Chairman of any committee, the Executive Officer, the Secretary or one or more stipendiary or honorary officers of the Board to whom powers, duties and executive functions may be delegated by the Board under the provisions of the Act, and (b) the President, the Vice-President, [X X X], the Chairman of any committee, the Commissioner, the Secretary, one or more stipendiary or honorary officers of the Council to whom the powers, duties and executive functions may be delegated by the Council;
- (6) 'Government' means the Government of the State of Rajasthan.

4. Restrictions, limitations and conditions on delegation of powers, duties and executive functions of a Board. - (1) The Board, under the provisions of sub-section (1) of section 78 [X X X] shall not delegate to any authority any of its powers, duties and executive functions under the following sections of the Act.-

Sub-section (2) of Section 14, clauses (5) and (6) of the proviso (d) to section 26, 64(1)(a), sections (6), (7) and (15) of section 65, 73 sub-section (3) of sections 75, 77 [X X X], 82, 88, 89, 90, 96, 97, 104, 105, 106, 108, sub-section (2) of sections 109, 112, 113, 114, 127, 128, 129, 133, 136, 156, 159, sub-section (4) of section 162, 164, 166, 190, 191, 192, 193, 217 sub-section (2) of sections 226, 227, 233, 241, 242, 243, 244, 273, 276, 277, 278, 279, 282, proviso to sub-section (2) of section 285, 309 [and] sub-section (1) of section 310 [X X X].

(2) The Board, if it considers proper to delegate any of its powers, duties and executive functions shall delegate such powers, duties and executive functions only to the Executive Officer.-

Sub-section (3) of sections 4, 110, 111, 120, 121, 122, 123, 126, 134, 147, 149, 150, 155, 163, 170, 195, 196, 197, 198, 199, 203, 205, 206, 207, 208, 210, 211, 212, 222, 223, 226, 230, 234, 235, 253, 254 [and] 255 [X X X]

(3) The Board in case any specific condition, procedure or manner has been laid down under any of

the provisions of the Act for doing anything, passing any resolution or taking any decision shall, take action accordingly subject to the limitations of the said provisions of the Act.

(4) The Board shall not delegate any of its powers, duties and executive functions to any other authority inconsistent with the powers, duties and executive functions delegated or may be delegated by the Government to any particular authority under any Rules, Sub-rules, Regulations, Notifications, Orders and Circulars issued or to be issued by the Government under the provisions of the Act.

5. Relaxation in the restrictions, limitations and conditions prescribed by the

Government. - The Government may if in its opinion reasonable grounds exist for so doing, grant in exceptional cases such relaxation wholly or partially as it considers necessary under the provisions of these Rules in general or for a particular Board.

