

# ***The Rajasthan Certain Municipalities (Continued Existence and Constitution and Proceedings of Boards) Validating Act, 1965***

*Act No. 6 of 1965*

*RJ682*

*[Received the assent of the Governor on the 31st day of March 1965 & published in Rajasthan Gazette, Extra-ordinary, Part IV-A, dated 3-4-1965]*

An act to provide for, & validate the continued existence of, Bhinasar and Gangashahar Municipalities as separate municipalities and the constitution and proceedings of the boards thereof and of the Bikaner Municipal Council and for certain other matters connected therewith.

Be it enacted by the Rajasthan State Legislature in the Sixteenth Year of the Republic of India as follows:-

**1. Short title.** - This Act may be called the Rajasthan Certain Municipalities (Continued Existence and Constitution and Proceedings of Boards) Validating Act, 1965.

**2. Definitions.** - In this Act, unless the context otherwise requires,-

(a) "Bhinasar Municipality" or "Gangashahar Municipality" means the area constituting the Municipality by that name, as existing immediately before the 25th day of July, 1962;

(b) "the notification" means the Local Self Government Department notification No. F. 1(13) LSG/62, dated the 25-7-1962, issued under sub-section (1) of Section 4 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) and published in the Rajasthan Gazette, dated 25-7-1962, extending the jurisdiction of the Bikaner Municipality by including therein the areas constituting the Bhinasar and Gangashahar Municipalities; and

(c) words and expressions defined in the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), herein after referred to as the Municipalities Act, but not defined in this act shall wherever used herein, be construed to have the meanings respectively assigned to them by that Act.

**3. Validation of continued existence of Bhinasar and Gangashahar Municipalities and proceedings of the Boards thereof and of the Bikaner Municipal Council and certain other matters.** - Notwithstanding anything in any judgment, decree or order of any court or section 4 or 6 of the Municipalities Act, or the notification-

(a) the Bhinasar Municipality and the Gangashahar Municipality shall be deemed always to have continued to exist and shall hereafter continue as separate municipalities to all intents and purposes, and

(b) the areas constituting the aforesaid municipalities shall be deemed never to have been included in the Bikaner Municipality: as if the notification had never been issued;

and accordingly:-

(i) all actions taken, things done, appointment and transfers made and powers exercised by the State Government or by any officers or authorities subordinate to it in relation to all the three or any of the aforesaid municipalities, (hereinafter in this Act referred to as the said municipalities), or the Board or Boards thereof, treating each as a

separate municipality, shall be deemed to have been lawfully taken, done, made and exercised;

- (ii) any division into or delimitation of wards of the said municipalities made, election (including co-option) of the members of the boards thereof conducted and the boards constituted before, and existing as such immediately before the date of commencement of the notification or this Act, as the case may be, shall be deemed always to have been lawfully made, conducted and constituted and such boards shall be deemed always to have had legal existence;
- (iii) all actions taken, orders passed, proceedings commenced, taxes imposed or liabilities incurred by the municipal boards of the said municipalities or by any competent authority in the exercise of its statutory powers shall be deemed to have been validly taken, passed, commenced, imposed or incurred.

**Explanation.** - Reference in this section and section 4 to a board or member shall in the case of the Bikaner Municipality be construed as being references respectively to the Council or to a Councillor.

- 4. Court not to question validity of certain Acts and proceeding on the ground of defect in Constitution of Municipalities.** - No court shall question any actions taken, things done, appointments and transfers made and powers exercised by the State Government or by any officers or authorities subordinate to it in relation to the said municipalities or any division into or delimitation of wards, election (including co-option) of members of the Boards thereof made and the Boards constituted, or any action taken, orders passed, proceedings commenced taxes imposed or liabilities incurred by the Boards or by any competent authority, on the ground that the Bhinasar and Gan gashahar Municipalities did not exist after the issue of the notification or that the only municipality in existence was the Bikaner Municipality with its extended limits or that the notification had not been cancelled in proper manner and after satisfying the required conditions.
- 5. Cancellation of notification with retrospective effect.** - Notwithstanding anything contained in Section 4 or 6 of the Municipalities Act, the notification shall, as from the 25th day of July, 1962, be deemed to have been cancelled.
- 6. Repeal.** - The Rajasthan Certain Municipalities (Continued Existence and Constitution and Proceedings of Boards) Validating Ordinance, 1965 (Ordinance No. 1 of 1965), is hereby repealed.