

ENGLISH TRANSLATION

[*As authorised by the Rajpramukh in pursuance of Clause (3) of Article 348 of the Constitution of India*]

THE RAJASTHAN MUNICIPAL BOARDS VALIDATING ACT, 1956

(Act No. 37 of 1956)

[*Received the assent of His Highness the Rajpramukh on the 31st day of October, 1956.*]

An Act to declare certain Municipal Boards in the State of Rajasthan to have been duly constituted.

WHEREAS several Municipal Board in the State of Rajasthan have lately been pronounced, on account of lack of definition of the limits of their jurisdiction or lack or declaration of the areas comprised in such limits to be municipalities in accordance with law or of non-observance of other formalities or non-performance of other requirements of the law, not to have been properly constituted and consequently to have had no legal existence;

AND WHEREAS such pronouncements have had the effect of practically sterilising the municipal administration of the municipalities affected thereby and invalidating all actions taken and all taxes levied and recovered therein by such municipal boards;

AND WHEREAS, in the interest of Municipal administration, it is expedient, notwithstanding the aforesaid defect, to declare such municipal boards to have been duly constituted, to define, where necessary, their limits of jurisdiction and to validate all actions taken and all taxes levied so far by them;

BE it enacted by the Rajasthan State Legislature in the Seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Rajasthan Municipal Boards Validating Act, 1956.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

2. *Declaration of proper constitution and validation.*—(1) Notwithstanding anything to the contrary contained in any enactment, law or rule or in any

judgment, decree or order of any Court,—

- (a) all municipal boards constituted before, and functioning as such at the commencement of this Act shall be deemed always to have been properly constituted and to have had legal existence since the date of their constitution,
- (b) in cases where the limits of their jurisdiction have been defined, the limits of the jurisdiction of each such board shall always be deemed, from the date of such definition, to have been the limits as so defined irrespective of whether or not a formal declaration in respect of such definition has been made,
- (c) in cases where such limits have not been defined, the limits of jurisdiction of each such board shall always be deemed, from the date of its constitution till the date of any such subsequent definition, to have been the same as the recorded limits of the town after which the Municipality is named or, as the case may be, for which such board was constituted,
- (d) all taxes levied and recovered by such Municipal Boards within the aforesaid limits shall be deemed always to have been lawfully levied and recovered in pursuance of their statutory taxing powers, and
- (e) all rules and bye-laws made and other actions taken by any competent authority in the exercise of its statutory powers shall be deemed always to have been lawfully made and taken, as the case may be, and to be operative and in full force within the aforesaid limits.

EXPLANATION.—The expression “recorded limits of a town” means the limits of that town as recorded in revenue records.

(2) No such tax, rule, bye-law or other action shall be liable to be called in question nor shall be propriety or otherwise of the constitution of any Municipal Board or of the definition of its limits of jurisdiction as stated in sub-section (1) shall be challenged in any court on the ground of any error, omission or defect of form, procedure or publication.
