

# **Gujarat Panchayats And The Gujarat New Capital (Periphery) Control (Amendment) Act, 1965**

GUJARAT

India

## **Gujarat Panchayats And The Gujarat New Capital (Periphery) Control (Amendment) Act, 1965**

### **Act 1 of 1965**

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AN ACT to amend the Gujarat Panchayats Act, 1961 and the Gujarat New Capital (Periphery) Control Act, 1960 for certain purposes. It is hereby enacted in the Sixteenth Year of the Republic of India as follows:-

#### **1. Short Title :-**

This Act may be called the Gujarat Panchayats and the Gujarat New Capital (Periphery) Control (Amendment) Act, 1965.

#### **2. Amendment Of Section 142 Of Guj. Vi Of 1962 :-**

In section 142 of the Gujarat Panchayats Act, 1961 (hereinafter referred to as "the Panchayats Act") in sub-section (2), clause (b) shall be deleted.

#### **3. Insertion Of New Section 158B In Guj. Vi Of 1962 :-**

After section 158A of the Panchayats Act (Guj. VI of 1962), the following new section shall be and shall be deemed always to have been inserted, namely:- "158B. Obligation or liability of servants transferred under section 157 or 168 not affected.--The transfer or allotment of any servant to a panchayat under section 157 or 158 shall not affect--(a) any obligation or liability incurred or default committed before such transfer or allotment by such servant while acting or purporting to act in the discharge of his duties as such servant; and (b) any investigation, disciplinary action or remedy in respect of such obligation, liability or default, and any such investigation, disciplinary action or remedy may be instituted, continued or enforced in accordance with the law applicable thereto before such transfer or allotment by such authority as the State Government may by general or

special order specify in this behalf."

#### **4. Amendment Of Section 178 Of Guj. Vi Of 1962 :-**

In section 178 of the Panchayats Act, in sub-section (1), for the words "It shall be competent to a gram panchayat and a nagar panchayat to levy" the following shall be substituted, namely:- "Subject to any general or special order which the State Government may make in this behalf, it shall be competent to a gram panchayat and to a nagar panchayat to levy".

#### **5. Amendment Of Section 206A Of Guj. Vi Of 1962 :-**

In section 206A of the Panchayats Act, after sub-section (3), the following sub-section shall be inserted, namely:-- "(4) The re-allocation of an officer or servant to the State service under sub-section (1) whether made before or after the commencement of the Gujarat Panchayats and the Gujarat New Capital (Periphery) Control (Amendment) Ordinance, 1964 ( Gui. Ord. No. 2 of 1964), shall not affect-(a) any obligation or liability incurred or default committed by such officer or servant during the period of his allocation to the Panchayat Service while acting or purporting to act in the discharge of his duties as such officer or servant, and (b) any investigation, disciplinary action or remedy in respect of such obligation, liability or default, and any such investigation, disciplinary action or remedy may be instituted, continued or enforced in accordance with the law applicable thereto during the said period of allocation by such authority as the State Government may by general or special order specify in this behalf".

#### **6. Amendment Of Section 310A Of Guj. Vi Of 1962 :-**

In section 310A of the Panchayats Act, (1) to clause (ii) of sub-section (1), the following proviso shall be added, namely:-- "Provided that if the new taluka or new district is a taluka or district constituted under section 2A of the Gujarat New Capital (Periphery) Control Act, 1960 (Guj. 1960), the establishment of the taluka panchayat or, as the case may be, the district panchayat therefor may, notwithstanding anything contained in this Act, be postponed so long as the Gujarat New Capital (Periphery) Control Act, 1960, is in force or for such lesser period as the State Government may, by notification in the Official Gazette, specify." (2) in sub-section (2) for the words, brackets and figures beginning with the words "The panchayat reconstituted", and ending with the words, brackets and figures "dissolved under sub-section (1)", the following shall be substituted, namely:-- "The Panchayat reconstituted or established under the provisions of sub-section (1) shall, (a) if it be a taluka panchayat, consist of ex-officio and associate members eligible under clauses (A) and (D) of sub-section (1) of section 14 and such other members as the State Government may appoint in lieu of the elected and co-opted members referred to in clauses (B) and (C) of the said sub-section (1), and (b) if it be a district panchayat, consist of ex-officio and associate members eligible under clauses (A) and (D) of sub-section (1) of section 15 and such other members as the State Government may appoint in lieu of the elected and co-opted members referred to in clauses (B) and (C) of the said sub-section (1); and the members to be so appointed shall so far as may be practicable in the opinion of the State Government be persons who were members of the district or taluka panchayat, as the case may be, which has been dissolved under sub-section (1)."; (3) after sub-section (7), the following

sub-sections shall be inserted, namely:-(8) In the case of a new taluka and new district to which the proviso to clause (ii) of sub-section (1) applies, the provisions of sub-sections (5) and (6) shall have effect subject to the modification that-(a)the part of the fund and other property liable to be vested in and the portion of the debts and obligations liable to be transferred to the panchayat of the new taluka or, as the case may be, the new district, and(b)the rights and liabilities liable to vest in the panchayat referred to in clause (a).shall vest in, or as the case may be, be transferred to the State Government and the fund and property so vesting shall be utilised by the State Government for discharging the liability, if any, transferred to it under this sub-section and for the benefit of the inhabitants of the new taluka or, as the case may be, the new district in such manner as the State Government may think fit.(9)If before the commencement of the Gujarat Panchayats and the Gujarat New Capital (Periphery) Control (Amendment) Ordinance, 1964. (Guj. Ord. No. 2 of 1964), a district panchayat or taluka panchayat has been reconstituted or established under the provisions of this section as then existing for a new district or, as the case may be a new taluka, then notwithstanding anything contained in sub-sections (3) and (4) it shall be lawful for the State Government to further reconstitute such panchayats so as to be in conformity with the provisions of sub-section (2):Provided that the members of the panchayats as so further reconstituted shall hold office so long only as they would have held office but for the further reconstitution of the panchayat under this sub-section and on the expiry of the period of office of such members the panchayat shall be constituted under section 17.

## **7. Amendment Of Section 323 Of Guj. Vi Of 1962 :-**

In section 323 of the Panchayats Act, in sub-section (3), after the words "previous publication" the words and figure "except where the rules provide for any of the matters specified in Chapter XI" shall be inserted.

## **8. Amendment Of Section 1 Of Guj. X Of 1960 :-**

In the Gujarat New Capital (Periphery) Control Act, 1960 (hereinafter referred to as "the Capital Periphery Control Act"), to sub-section (2) of section 1, the following proviso shall be added, namely:-"Provided that where the area so within a distance of five miles is a Part of - a revenue village constituted under the Bombay Land Revenue Code, 1879 (Bom. V of 1879)this Act shall extend to the whole of the area comprising such village."

## **9. Insertion Of New Section 2A In Guj. X Of 1960 :-**

In the Capital Periphery Control Act, after section 2, the following new section shall be inserted, namely:-"2A. Formation of special taluka and district.--(1)With effect on and from such date as the State Government may by notification in the Official Gazette specify, the area to which this Act extends and the area of the new capital shall constitute a taluka and also a district consisting of the taluka so constituted within the meaning of section 7 of the Bombay Land Revenue. Code, 1879 (Bom. V of 1879), and the said Code shall have effect accordingly.(2)The taluka and the district constituted under sub-section (1) shall be known by such names as the State Government may by notification in the Official Gazette, assign thereto."

## **10. Repeal Of Guj. Ord. No. 2 Of 1864 :-**

The Gujarat Panchayats and the Gujarat New Capital (Periphery) Control (Amendment) Ordinance, 1964 (Gnj. Ord. No. 9 of 1904) is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 (Bom. I of 1904) shall apply to such repeal as if that Ordinance were an enactment.