

Gujarat Panchayats (Amendment) Act, 1962

GUJARAT

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Act 26 of 1962

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An Act to amend the Gujarat Panchayats Act, 1961. It is hereby enacted in the Thirteenth Year of the Republic of India, as follows:-* (Received the assent of the Governor on 13th August, 1962 and published in the "Gujarat Government Gazette" on the 18th August 1962)

1. Short title.- This Act may be called the Gujarat Panchayats (Amendment) Act, 1962_1.

2. Amendment of section of Guj. VI of 1962.- In section of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962) (hereinafter referred to as "the principal Act"), in sub-section (3) for the words "in such district and on such date" the words "in respect of such class of panchayats, in such district and on such dates" shall be, and shall be deemed always to have been, substituted.

3. Amendment of section 2 Guj. VI of 1962.- In section 2 of the principal Act,-

(a) in clause (3) after the word "buffaloes" the word "horses" shall be inserted; and (b) in clause (23) the words "of which the relevant figures have been published" shall be deleted.

4. Amendment of section of 10 Guj. VI of 1962.- In section 10 of the principal Act,-

(a) in clause (i), after the word "Code" the following shall be inserted, namely:-"except the area over which a district panchayat has no authority under section 8"; and (b) in clause (ii), after the word "Code" the following shall be inserted, namely:-"except the area over which a taluka panchayat has no authority under section 8".

5. Amendment of section 14 Guj. VI of 1962.- In section 14 of the principal Act,-

(1)in sub-section (1),-(a)in clause (iii) after the words "within the taluka" the words "or the area of operation of which includes the whole or a part of the area of the taluka" shall be inserted;(b)to clause (iii), the following proviso shall be, and shall be deemed always to have been, added, namely:-"Provided that in the case of the constitution of a taluka panchayat, for the first time the number of members shall be determined by the State Government;";(2)after sub-section (4), the following sub-sections shall be inserted, namely:-"(5) 'Where any ex-officio, elected, appointed or co-opted member of a taluka panchayat is also a member of Parliament, he shall cease to be such member.(6)An associate member of the panchayat shall have the right to speak and otherwise take part in the proceedings of the panchayat but shall not be entitled to vote or to be a member of any committee constituted under section 111 or 113."

6. Amendment of section 15 Guj. VI of 1962.- In section 15 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:-

"(5) An associate member of the panchayat shall have the right to speak and otherwise to take, part in the proceedings of the panchayat but shall not be entitled to vote or to be a member of any committee constituted under section 131 or 133."

7. Amendment of section 19 Guj. VI of 1962.- In section 19 of the principal Act, in clause (a) of sub-section (1), after the words "district panchayat" the words "or the competent authority until the district panchayat is duly constituted for the first time" shall be inserted.

8. Amendment of section 56 Guj. VI of 1962.- In section 56 of the principal Act, in sub-section (2) for the words a residence in the headquarters of the panchayat" the words "a residence, in the headquarters of the panchayat of with the previous sanction of the State Government at any other place in the taluka" shall be substituted.

9. Amendment of section 60 Guj. VI of 1962.- In section 60 of the principal Act,-

(1)in sub-section (1), after the word "member" the words "other than an associate member" shall be inserted;(2)in sub-section (2), after the words "then members of the panchayat" the words "other than associate members" shall be inserted.

10. Amendment of section of 62 Guj. VI of 1962.- In section 62 of the principal Act in clause (b) of sub-section (1), for the words "for four consecutive months from the meetings" the words "from four consecutive meetings" shall be substituted.

11. Amendment of section of 65 Guj. VI of 1962.- In section 65 of the principal Act,-

(1)in sub-section (1),-(a)after the words "by the election of President or Vice-President or" the words "according as the vacancy is in the, office of an elected or co-opted member, by election or co-option of a" shall be inserted;(b)after the word "elected" the words "or co-opted" shall be inserted;(c)in the first proviso, after the word "elected" where it occurs at three places, the words "or co-opted shall be inserted;(2)in sub-section (2), for the words "a President Vice-President, or member" the words "a President or Vice-President" shall be substituted;(3)in sub-section (3) for the words "such officer as the Taluka Development Officer may authorise" the, words "the Taluka Development Officer or such other officer as lie may authorise" shall be substituted.

12. Amendment of section of 68 Guj. VI of 1962.- In section 68 of the principal Act, in sub-section (2), for the words "to the use of a residence" the words "to the use of a residence, in the headquarters of the panchayat or with the previous sanction of the State Government, at any other place in the district" shall be, substituted.

13. Amendment of section of 72 Guj. VI of 1962.- In section 72 of the principal Act,-

(1)in sub-section (1), after the word "member" the words "other than an associate member" shall be inserted;(2)in sub-section (2), after the words "then members of the pancliayat" the words "other than associate members" shall be inserted.

14. Amendment of section of 74 Guj. VI of 1962.- In section 74 of the principal Act, in clause (b) of sub-section (1), for the words "for four consecutive months from the meetings" the words "from four consecutive meetings" shall be substituted.

15. Amendment of section of 77 Guj. VI of 1962.- In section 77 of the principal Act.

(1)in sub-section (1)-(a)after the words "by the election of a President or Vice-President or" the words "according as the vacancy is in the office of an elected or co-opted member by election or

co-option of a" shall be inserted;(b)air it the word "elected" the words "or co-opted" shall be inserted;(c)in the first proviso after the word "elected" where it occurs at three places, the words "or co-opted" shall be inserted:(2)in sub-section (2) for the words "a President Vice-President or member" the words "a President or Vice-President" shall be substituted;(3)in sub-section (3) for the words "such Officer as the District Development Officer may authorize" the words "District Development Officer or such other officer as he may authorize" shall be substituted;

16. Amendment of section of 103 Guj. VI of 1962.- In section 103 of the ??? for the words "the District Development Fund" the words and ??? "the District Development Fund constituted under section 199 shall 199" shall be substituted.

17. Amendment of section of 109 Guj. VI of 1962.- In section 109 of the principal Act in clause (a) of sub-section (5), for the figures "178" the ??? '317" shall be substituted.

18. Amendment of section of 138 Guj. VI of 1962.- To section 138 of the principal Act the following marginal note shall added, namely:

"Other functions of panchayats".

19. Amendment of section of 139 Guj. VI of 1962.- In section 139 of the principal Act in the proviso to sub-section (1) for the word, brackets and figure "sub-section (2)' the word, brackets and letter "clause (b)" shall be substituted.

20. Amendment of section of 157 Guj. VI of 1962.- In section 157 of the principal Act,

(1)in sub-section (1)-(a)for the words "any such functions, and duties relating to any matter as are performed" the words "any such powers, fund ions, and duties relating to any matter as are exercised or performed" shall be substituted;(b)for the words "to discharge" the words "to exercise the powers and discharge" shall be substituted;(2)in sub-section (2) for the words "such functions and duties as ale performed" the words "such powers, functions and duties as are exercised or performed" shall be substituted;(3)in sub-section (3)-(a)for the words "any functions and duties the words "any powers functions and duties" shall be substituted,(b)for the words "to discharge the functions and duties" the words "to exercise, the powers and discharge I lie functions mid duties" shall be substituted(4)in sub-section (1) for the words "any fund ions and duties" the words "any powers, functions and duties" shall be substituted.

21. Amendment of section of 17 Guj. VI of 1962.- In the proviso to section 172 of the principal Act for the words "to pay the cess" the words "to pay the land revenue" shall be substituted.

22. Amendment of section of 18 Guj. VI of 1962.- In section 183 of the principal Act, in the second proviso to sub-section (1) in clause (1)

(a)for the words "consent of the. Government concerned" the words "consent of the Government, or its the case may be, the district panchayat concerned" shall be substituted; and(b)for the words "or" the taluka panchavat or" the words "or the" shall be substituted.

23. Amendment of section of 18 Guj. VI of 1962.- In section 185 of the principal Act in the second proviso to sub-section (1) in clause (i).

(a)for the words "consent of the Government concerned" the words "consent of the Government, or as the case may be, the taluka panchayats concerned" shall be substituted;(b)the words "or district, panchayat" shall he deleted.

24. Amendment of section of 29 Guj. VI of 1962.- In section 229 of the principal Act under the heading "(a) under the Indian Penal Code" for the entry "Criminal intimidation.... 506 the entry "Criminal intimidation.... 506 first part" shall be substituted.

25. Amendment of section of 30 Guj. VI of 1962.- In section 306 of the principal Act in clause (d) for the words "panchayat" means" the words "panchayat" includes" shall be substituted.

26. Insertion of new section 310-A in Guj. VI of 1962.- In the principal Act after section 310 the following new section shall be inserted, namely:-

"310A. Power of State Government to dissolve an ??? District ??? taluka panchayats on the alteration of limits of district or taluka.- (1) When, on account, of the constitution of a new District or taluka under the Land Revenue Code, or for any other reason, the limits of a district, or as the case may be, a taluka are, during the, term of office of the members of the district panchayat or as the case may be, the taluka panchayat, ???, the State Government may, by order published in the Official Gazette dissolve such district panchayat or taluka panchayat from a date specified in the order and direct-(i)that the district panchayat, or as the case may be the taluka panchayat be reconstituted for the district or the taluka of which the district panchayat or the taluka panchayat has been dissolved, or(ii)that a district panchayat or taluka panchayat be established for a new district, or as the case may be, a new taluka which has been constituted.The members of the panchayat which has been dissolved shall vacate their offices from the date specified in the order.(2)The panchayat

reconstituted or established under the provisions of sub-section (1) shall consist of members nominated by the State Government. Such members 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 dissolved under sub-section (1). The President and Vice-President of a panchayat so reconstituted or established shall be elected in the manner provided in this Act. (3) The members of a panchayat reconstituted or established under the provisions of sub-section (1) shall hold office for such period, not exceeding four years, as the State Government shall, by order in writing, specify. (4) On the expiry of the period of office of the, members of a panchayat under the provisions of sub-section (3), the district panchayat or as the case may be, the taluka panchayat shall be constituted under section 17. (5) When a panchayat has been dissolved and reconstituted or established under the provisions of sub-section (1), so much of the fund and other property of the panchayat which has been dissolved shall vest in, and such portion of the debts and obligations shall be transferred to, the panchayat reconstituted or established under sub-section (1) as the State Government, may, by order in writing direct. (6) The rights and liabilities of the, panchayat which has been dissolved in respect, of civil and criminal proceedings, contracts, agreements and any other matter or thing arising in or relating to any part of the area subject to the authority of the panchayat reconstituted or established, shall vest in such panchayat. (7) Any notification, notice, law, order, scheme, licence, permission, rule, bye-law or form issued, imposed, granted or made by the panchayat which has been dissolved in respect of any part of the area subject to the authority of the panchayat, which has been reconstituted or established shall be deemed to have been issued imposed, granted or made by such panchayat, unless and until it is superseded by any other notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form.

27. Amendment of section of 321 Guj. VI of 1962.- In section 321 of the principal Act, in sub-section (3) the words and figures "of the first Class exercising appellate jurisdiction under section 107 of the Code of Criminal Procedure, 1898", shall be deleted.

28. Amendment of section of 325 Guj. VI of 1962.- In the principal Act, in sub-section (3) of section 325, in clause (xiii), for the words "any reference to" the words "any reference in" shall be substituted.

29. Amendment of heading of ??? of Guj. VI of 1962.- In the principal Act, in Chapter XVIII, for the heading "Miscellaneous provision" the heading "(1) Miscellaneous provisions" shall be substituted.

30. Insertion of new section 329 in Guj. VI of 1962.- In the principal Act, after section 328, following heading and section shall be inserted, namely:-

"(2) Transitioned Provisions.

329. Power a functions taluka district panchayat to performed State Government or authorised office in ??? cases.- (1) Until a taluka panchayat or district panchayat for a taluka or as the case may be district is duly constituted under this Act for the first time and its first meeting is held, its powers, functions and duties in relation to the gram panchayats and nagar panchayats in the taluka or district shall be exorcised and performed by the State Government or such officer as may be authorised by the State Government.

(2)Anything done or any action taken by the State Government or the officer so authorised in the exercise of the powers and the performance of the functions and duties under sub-section (1) shall be binding on the taluka panchayat, or, as the case, may be, district panchayat, when it is so duly constituted."