

# Gujarat Panchayats (Second Amendment) Act, 1963

GUJARAT

India

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### Act 53 of 1963

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An Act further to amend the Gujarat Panchayats Act, 1961, for certain purposes. It is hereby enacted in the Fourteenth Year of the Republic of India as follows: \* (Received the assent of the President on 2nd December, 1963 and published in the "Gujarat Government Gazette" on the 3rd December 1963)

**1. Short title.- This Act may be called the Gujarat Panchayats (Second Amendment) Act, 1963.**

**2. Amendment of section 9 of Guj. VI of 1962.- In section 9 of the Gujarat Panchayats Act, 1961 (hereinafter referred to as "the principal Act"), in sub-section (2)-**

(1) in clause (b) ??? "or" shall be added at the end; (2) after clause (b), the following clause shall be inserted, namely:-(c) having regard to clauses (a) and (b) of sub-section (1), declare the whole area ??? in a gram or the part thereof to be a nagar or two or more grams or the whole area comprised in a nagar to be a gram or two or more grams; (3) for the words "or, as the case may be, the local area shall cease to be a nagar, or gram" the words "or the local area shall cease to be a nagar or gram or, as the case may be, the area declared to be a nagar or gram shall be a nagar or gram as the case may be" shall be substituted.

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

(1) in sub-section (1)-(a) in clause (iii), the Explanation shall be deleted; (b) in clause (x), after the word "taluka" the words "or mahal and where any administrator or person has been appointed to perform the functions and exercise powers of any such municipality, such administrator or person;" shall be inserted; (2) in sub-Section (3), for the word "vacate" the words "cease to hold" shall be

substituted.

#### **4. Amendment of section 15 of Guj. VI of 1962.- In section 15 of the principal Act,-**

(1)in sub-section (1),-(a)in clause (ii), after the words "own members" the words "other than associate members" shall be inserted;(b)in clause (iii), in the second proviso, for the word "shall" the word "may" shall be substituted;(c)in clause (ix), after the words "revenue district" the words "and where any administrator or person has been appointed to perform the functions and exercise the powers of any such municipality, such administrator or person" shall be inserted;(2)in sub-section (3), for the word "vacate" the words "cease to hold" shall be substituted.

#### **5. Amendment of section 18 of Guj. VI of 1962.- In section 18 of the principal Act,-**

(1)in sub-section (1), for the words "the District Development Officer" the words "in the case of a taluka panchayat or district panchayat, the District Development Officer and in the case of a gram panchayat or nagar panchayat the Taluka Development Officer" shall be substituted;(2)in sub-section (3), for the words "by the District Development Officer in the prescribed manner" the words "in the prescribed manner in the case of a taluka panchayat or district panchayat by the District Development Officer and in the case of a gram panchayat or nagar panchayat by the Taluka Development Officer" shall be substituted.

#### **6. Insertion of sections 22A and 22B of Guj. VI of 1962.- After section 22 of the principal Act, the following sections shall be inserted, namely:-**

"22A. Restriction on ??? or double membership.- (1) No person shall, save as expressly Authorised by this Act, be a member of two or more panchayats.(2)No person while holding office in a panchayat in capacity as ex officio, elected or co-opted member, shall, save as expressly authorised by this Act, be eligible for holding office in the same panchayat in a capacity other than the capacity in which he is already holding office.(3)If any person, is simultaneously chosen as a member of two or more panchayats or as a member in different capacities in the same panchayat, then unless such membership is expressly authorised by this Act, the person shall within ten days from the date or the later of the dates on which he is so chosen, intimate to the competent authority one of the panchayats in which or, as the case maybe, one of the capacities in which he wishes to serve and thereupon his seat in the panchayat or, as the case may be, the capacity other than the one in which he wishes to serve shall become vacant.(4)Any intimation given under sub-section (3) shall be final and irrevocable.(5)In default of such intimation within the aforesaid period the competent authority shall determine the seat which he shall retain and thereupon the remaining seats from which he was chosen shall become vacant.(6)(a)Any person who holds on the date of the commencement of the Gujarat Panchayats (Second Amendment) Act, 1963 (Guj. LIII of 1933) more offices than one simultaneously and the holding of such offices is not consistent with sub-flection (1), such person shall within a period of thirty days from the said date intimate to the competent authority one of the

panchayats in which or, as the case may be, one of the capacities in which, he wishes to serve and thereupon his seat in the panchayat or, as the case may be, the capacity other than the one in which he wishes to serve shall become vacant.(b)Any intimation given under clause (a) shall be final and irrevocable.(c)In default of such intimation within the aforesaid period the competent authority shall determine the seat which he shall retain and thereupon the remaining seats from which he was chosen shall become vacant.

## **22B. Voting rights of Chairman of Co-operative Society.- In the case of an election to a taluka panchayat by the chairman of co-operative societies,-**

(a)if the same person is a chairman of two or more co-operative societies he shall have only one vote,(b)no chairman of a co-operative society which is being wound up or which is defunct shall be eligible to vote at the election or to stand as a candidate for the election."

## **7. Amendment of section 24 of Guj. VI of 1962.- In section 24 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-**

"(2A) If the validity of the election is brought in question only on the ground of any error by the officer or office if charged with carrying out the rules made under section 323, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.Explanation:-The expression "error" in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or the rules made thereunder whereby the result of the election has been materially affected."

## **8. Amendment of section 12 of Guj. XXXV of 1962.- In section 26 of the principal Act, in sub-section (1),-**

(1)for the words "elected or appointed" where they occur at two places the words "elected, appointed or co-opted" shall be substituted;(2)for the words "election or appointment" the words "election, appointment or co-optation, as the case may be" shall be substituted.

## **9. Amendment of section 26 of Guj. VI of 1962.- In section 26 of the principal Act, after the words "fresh election" the words "or co-optation" shall be inserted.**

## **10. Insertion of section 43A in Guj. VI of 1962.- After section 43 of the principal Act, the following section shall be inserted, namely:-**

"43A. circumstances in which members may be co-opted by appointed.- (1) If in the preliminary meeting held under section, 43, the required, co-opted members are not chosen, the presiding officer of the meeting shall immediately inform the competent authority as to the number of persons

necessary to make up the required number of co-opted member.(2)On receipt of the information under sub-section (1), the competent authority shall as soon as possible appoint from persons qualified to be co-opted for the respective seats such persons as are necessary to make up the required number and the persons so appointed shall be deemed to have been duly coopted by the relevant panchayat. The names of the members be appointed shall be published by the appointing authority in the prescribed manner.

**11. Amendment of section 48 of Guj. VI of 1962.- In section 48 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-**

"(1) Any member who intends to move a motion of no confidence against the Sarpanch or Upa-sarpanch or, as the case may be, the Chairman or Vice-Chairman may give notice thereof in the prescribed form to the panchayat. If the notice is supported by such number of members as may be prescribed, the motion may be moved."

**12. Amendment of section 49 of Guj. VI of 1962.- In section 49 of the principal Act, in sub-section (1), for the words "has become" the words "abuses his powers or makes persistent default in the performance of his duties and functions under this Act or has become" shall be substituted.**

**13. Amendment of section 50 of Guj. VI of 1962.- In section 50 of the principal Act, to sub-section (2), the following proviso shall be added, namely:-**

"Provided that such reference shall not be entertained if it is made after the expiry of fifteen days from the date on which the panchayat informs under sub-section (1) the member as to the vacancy."

**14. Substitution of section 54 of Guj. VI of 1962 by new sections.- For section 54 of the principal Act, the following, shall namely:-**

"54. Acts and proceedings of panchayats and committee not visited by qualification etc., of members thereof.- (1) No disqualification of or defect in the election or appointment of any person acting 88 member or as the Sarpanch or Chairman or presiding authority of a general meeting or as Chairman or member of a committee appointed under this Act shall be deemed to vitiate any act or proceeding of the panchayat or of any such committee, as the case may be, in which the person has taken part, wherever the majority of persons, parties to such act or proceeding, were entitled to act.No resolution of a panchayat or of any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any members, provided that the proceedings of the panchayat or committee were not prejudicially affected by such irregularity.(2)Until the contrary is proved, every meeting of a panchayat or of a committee appointed under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members of the meeting shall be to

deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.(3)During any vacancy in a panchayat or committee thereof the continuing members may act as if no vacancy had occurred."

**15. Amendment of section 57 of Guj. VI of 1962.- In section 57 of the principal Act, in the proviso to sub-section (i), for words "if he ceases" the words "on the expiry of his term as such chairman or if he otherwise ceases" shall be substituted.**

**16. Amendment of section 60 of Guj. VI of 1962.- In section 60 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-**

"(1) Any member who intends to move a motion of no confidence against the President on Vice-President may give a notice thereof in the prescribed form to the panchayat. If the notice is supported by such number of members as may be prescribed, the motion may be moved."

**17. Amendment of section 6 of Guj. VI of 1962.- In section 61 of the principal Act, in sub-section (1), for the words "has become" the words "abuses his powers or makes persistent, default in the performance of his duties and functions under this Act or has become" shall be substituted.**

**18. Amendment of section of Guj. VI of 1962.- In section 62 of the principal Act,-**

(1)in sub-section (1), for the words "Any member of a panchayat" the Words and brackets "Any member (other than an ex-officio or associate member) of a panchayat" shall be substituted;(2)the sub-section (2) the following proviso shall be added, namely:-"Provided that such reference shall not be entertained if it is made after the expiry of fifteen days from the date on which the panchayat informs under sub-section (1) the member as to the vacancy."

**19. Substitution of section 66 of 1962 by new section.- For section 66 of the principal Act; the following shall be "substituted, namely:-**

"66. Acts and proceedings of panchayat and Committee not vitiated by qualification etc., of members thereof.- (1) No disqualification of or defect in the election, co-optation or appointment of any person acting as member or as the President or presiding authority of a general meeting or as chairman or member of a committee appointed under this Act shall be deemed to vitiate any act or proceeding of the panchayat or, of any such committee, as the case may be, in which the person has taken part. Wherever the majority of persons, parties to such act or proceeding, were entitled to

act.No resolution of a panchayat or of any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any members, provided that the proceedings of the panchayat or committee, were not prejudicially affected by such irregularity.(2)Until the contrary is proved, every, meeting of a panchayat or of a committee appointed under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.(3)During any vacancy in a panchayat or committee thereof the continuing members may act as if no vacancy had occurred."

**20. Amendment of section 72 of Guj. VI of 1962.- In Section 72 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-**

"(1) Any member who intends to move a motion of no confidence against the President or Vice-President may give notice thereof in the prescribed form to the panchayat. If the notice is supported by such number of members as may be prescribed, the motion may be moved."

**21. Amendment of section 73 of Guj. VI of 1962.- In section 73 of the principal Act, in sub-section (1), for the words "has become" the words "abuses his powers or makes persistent default in the performance of his duties and functions under this Act or has become" shall be substituted.**

**22. Amendment of section 74 of Guj. VI of 1962.- In section 74 of the principal Act,-**

(1)in, sub-section (1), for the words "Any member of a panchayat", the Words and brackets "Any member (other than an ex-officio or associate member) of a panchayat" shall be substituted;(2)to sub-section (2), the following proviso shall be added, namely:-"Provided that such reference shall not be entertained if it is made after by expiry of fifteen days, from the date on which the panchayat informs under sub-section (1) the member as to the vacancy."

**23. Substitution of section 78 of Guj. VI of 1962 by new section.- For section 78 of the principal Act, the following shall be substituted, namely:-**

"78. Acts and proceeding of panchayat and Committee not vitiated by qualifications etc., of members thereof.- (1) No disqualification of or defect in the election, co-optation or appointment of any person acting as a member or as the President or presiding authority of a general meeting or as chairman or member of a committee appointed under this Act shall be deemed to vitiate any act or proceeding of the panchayat or of any such committee, as the case may be, in which the person has taken part, wherever the majority of persons, parties to such act or proceeding, were entitled to

act.No resolution of a panchayat or of any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any members, provided that the proceedings of the panchayat or committee were not prejudicially affected by such irregularity.(2)Until the contrary is proved, every meeting of a panchayat or of a committee appointed under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.(3)During any vacancy in a panchayat or committee thereof the continuing members may act as if no vacancy had occurred."

## **24. Amendment of section 81 of Guj. VI of 1962.- In section 81 of the principal Act,-**

(1)in sub-section (2) for the proviso the following shall be substituted;-"Provided that-(a)where the Sarpanch and Upa-Sarpanch both are members of any such Committee, the Sarpanch shall be the ex-officio Chairman of such committee and if he declines to hold the office the Upa-Sarpanch shall be the ex-officio Chairman of the committee, unless he also declines to hold the office, and(b)where only one of them is a member thereof he shall be the ex-officio Chairman of the Committee unless he declines to hold the office."(2)in sub-section (4), for the words "may resign from membership" the words "or chairman may resign from membership or chairmanship" shall be substituted;(3)after sub-section (8), the following sub-section shall be inserted, namely:-"(9) Notwithstanding the assignment of any powers, functions and duties of a panchayat to a committee thereof, any person aggrieved by a decision of a committee in such classes of cases as may be prescribed may prefer an appeal to the panchayat within a period of sixty days from the date of such decision and the panchayat after giving an opportunity to the appellant to be heard may confirm, modify or reverse the decision appealed against and pass such order as it may think proper."

## **25. Amendment of section 82 of Guj. VI of 1962.- In section 82 of the principal Act,-**

(1)in sub-section (3) for the proviso the following shall be substituted.-"Provided that-(a)where the Chairman and Vice Chairman both are member of any such committee, the Chairman shall be the ex-officio Chairman of such committee and if he declines to hold the office the Vice-Chairman shall be the ex-officio Chairman, of the Committee, unless he also declines to hold the office, and(b)where only one of them is a member thereof he shall be the ex-officio Chairman of the Committee, unless he declines to hold the office."(2)in sub-section (5), for the words "may resign from membership" the words "or chairman may resign from membership or chairmanship" shall be substituted;(3)after sub-section (9), the following sub-section shall be inserted, namely:-"(10) Notwithstanding the assignment of any powers, functions and duties of a panchayat to a committee thereof, any person aggrieved by the decision of a committee in such classes of cases as may be prescribed may prefer an appeal to the panchayat within a period of sixty days from the date of such decision and the panchayat after giving an opportunity to the appellant to be heard may confirm, modify or reverse

the decision appealed against and pass such order as it may think proper.

**26. Amendment of section of 86 Guj. VI of 1962.- In section 86 of the principal Act, the following proviso shall be added at the end, namely:-**

"Provided that in such circumstances and subject to such conditions as may be prescribed, a decision on any question before a panchayat or committee thereof may be taken by circulating the propositions therefor for the vote of members."

**27. Amendment of section of 89 Guj. VI of 1962.- In section 89 of the principal Act, for the word 'Educational' the word "education" shall be substituted.**

**28. Amendment of section of 93 Guj. VI of 1962.- In section 93 of the principal Act, to sub-section (2), the following proviso shall be added, namely:-**

"Provided that no such appeal shall be entertained if it is made after the expiry of thirty days from the date on which the refusal is communicated to the applicant."

**29. Amendment of section of 94 Guj. VI of 1962.- In section 94 of the principal Act; after sub-section (2), the following sub-section shall be inserted, namely:-**

"(2A) Nothing in sub-section (2) shall prevent this panchayat from permitting any construction referred to in clause (a) or clause (c) of sub-section (1) to stand on such terms and conditions as may be prescribed."

**30. Amendment of section of 101 Guj. VI of 1962.- In section 101 of the principal Act, in sub-section (1), the words beginning with the words "to which a survey" and ending with the words "for the time being in force" shall be deleted.**

**31. Insertion of heading after section 101 Guj. VI of 1962.- After section 101 of the principal Act, the heading "(DD) Officers and servants of panchayat" shall be inserted.**

**32. Amendment of section of 102 Guj. VI of 1962.- In section 102 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-**

"(3); the other Servants of the panchayat shall perform such functions and duties and exercise such



powers under this Act as may be ??? or conferred on them by panchayat, subject to, rules, if any, made in this behalf."

**33. Amendment of section of 104 Guj. VI of 1962.- In sub-section (2) of section (1) and in section 105 of the principal Act, for the words "refer it back the words "return it" shall be substituted.**

**34. Amendment of section of 111 Guj. VI of 1962.- In section 111 of the principal Act,-**

(1)in sub-section (3), for the Proviso the following shall be substituted.-"Provided that-(a)were the President and Vice-President both are members of any such committee, the President shall be the ex-officio Chairman of such committee and if he declines to hold, the office the Vice-President shall be the ex-officio Chairman of the committee, unless he also declines to hold the office and(b)where only one of them is a members thereof he shall be the ex-officio Chairman of the committee unless he declines to hold the office."(2)in sub-section (7), for the words "may, resign the words "or chairman may resign from membership or chairmanship" shall be Substituted.

**35. Amendment of section of 112 Guj. VI of 1962.- In section 112 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:-**

"(4) Notwithstanding the assignment of any powers, functions and duties of a panchayat to a committee thereof, any person aggrieved by the decision of a committee in such classes of cases as may be prescribed may prefer an appeal to the panchayat within a period of sixty days from the date of such decision and the panchayat after giving an opportunity to the appellant to be heard may confirm, modify, or reverse the decision appealed against and pass such as it may think proper."

**36. Amendment of section of 115 Guj. VI of 1962.- In section 115 of the principal Act, the following proviso shall be added at the end, namely:-**

"Provided that in such circumstances and subject to such condition as may be prescribed, a decision on any question before a committee may be taken by circulating the propositions therefor for the votes of members."

**37. Amendment of section of 118 Guj. VI of 1962.- In section 118, of the principal Act, in sub-section (1) for the word "educational" the word "education" shall be substituted.**

**38. Amendment of section of 122 Guj. VI of 1962.- In section 122 of the principal Act, in clause (3), be following shall be added at the end, namely:-**

"The officers and servants so appointed shall in the discharge of their function and duties, exercise such powers as may be conferred on them by the panchayat, subject to rules, if any, made in this behalf."

**39. Amendment of section of 123 Guj. VI of 1962.- In section 123 of the principal Act, in sub-section (1), in clause (a) for words "powers" the words "functions and exercise all the powers", shall be substituted.**

**40. Amendment of section of 124 Guj. VI of 1962.- In sub-section (2) of section 124 and, sub-section (1) of section 125 principle Act, in sub-section (2), for the words "refer it back" the words "return, it" shall be substituted.**

**41. Amendment of section of 131 Guj. VI of 1962.- In section 131 of the principal Act,-**

(1)in sub-section, (2), in the, proviso to clause (ii), for the words, "the Chairman of the panchayat" the words "the president of the Panchayat" shall be substituted;(2), in sub-section (3) for the proviso the following be substituted.-"Provided that-(a)where the President and the Vice-President both are members of any such committee the President shall be the ex-officio Chairman of such committee and if the declines to hold the office the Vice-President shall be the ex-officio Chairman of the committee, unless he also declines to hold the office and(b)where only one of them is a member thereof he shall be the ex-officio Chairman of the committee unless he declines to hold the office."(3)in sub-section (6), for the words "may resign from membership" the words "or chairman may resign from membership or chairmanship" shall be substituted;(4)after sub-section (10), the following sub-section shall be inserted namely:-“(11) Notwithstanding the assignment of any powers, functions and duties of a panchayat to a committee thereof any person aggrieved by the decision of a Committee in such classes of cases as may be prescribed may prefer an appeal to the panchayat within a period of sixty days from the date of such decision and the panchayat after giving an opportunity to the appellant to be heard may confirm, modify or reverse the decision appealed against and pass such order as it may think proper."

**42. Amendment of section of 132 Guj. VI of 1962.- In section 132 of the principal Act, in clause (b) of sub-section (1), after the words "of the panchayat" the words "or with the sanction of the "State Government at any other place in the district" shall be inserted.**

**43. Amendment of section of 135 Guj. VI of 1962.- In section 135 of the principal Act, the following proviso shall, be added at the end, namely:-**

"Provided that in such circumstances and subject to such conditions as may be prescribed, a decision on any question before a committee may be taken by circulating the propositions there for for the votes of members."

**44. Amendment of section of 138 Guj. VI of 1962.- In section 138 of the principal Act, in sub-section (1), for the word "educational" the word "education" shall be substituted.**

**45. Amendment of section of 142 Guj. VI of 1962.- In section 12 of the principal Act, in sub-section (3), the following shall be added at the end, namely:-**

"The officers and servants so appointed shall, in the discharge of their function and duties, exercise such powers as may be conferred on them, by the panchayat, subject to rules, if any, made in this behalf."

**46. Amendment of section of 143 Guj. VI of 1962.- In section 143 of the principal Act, in sub-section (1), in clause (a) the word "powers" the words "functions and exercise all the powers" shall be substituted.**

**47. Insertion of section 158A in Guj. VI of 1962.- In Chapter VI of the principal Act, after section 158, the following section shall be added and shall be deemed always to have been inserted, namely:-**

"158A. Transfer of rights and liabilities in respect of property transferred to panchayat.- In transferring to a district panchayat to powers, functions and duties relating to any matter exercised by the State Government or any of its officers, it shall be lawful for the State Government to transfer to the district panchayat any property belonging to the State Government and connected with such matter together with the rights and liabilities (including rights and liabilities arising out of any contract) of the State Government in respect of the property and thereupon the rights and liabilities which accrued before such transfer or which may accrue thereafter shall be the rights and liabilities of the district panchayat.

**48. Amendment of section of 160 Guj. VI of 1962.- In Section 160 of the principal Act, in sub-section (1), for the words "District Magistrate" the words "Taluka Development Officer" shall be substituted.**

**49. Amendment of section of 179 Guj. VI of 1962.- In section 179 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-**

"(3) In the case of any matter referred to the State Government under sub-section (2), the State Government may, subject to such conditions as it may think fit to impose having regard to the circumstances of the case, by order in writing direct the panchayat to stay the collection or recovery from the factory of all or any of the taxes until the State Government decides the matter under sub-section (2).".

**50. Amendment of section of 180 Guj. VI of 1962.- In section 180 of the principal Act, after the words "weekly bazars" the words "or the collecting of octroi" shall be inserted.**

**51. Amendment of section of 192 Guj. VI of 1962.- In section 192 of the principal Act, the proviso to sub-section (7) shall be deleted.**

**52. Amendment of section of 206 Guj. VI of 1962.- In section 206 of the principal Act, in sub-section (1),-**

(1)in clause (i), after the word "staff" the words "allotted of" shall be inserted;(2)after clause (i), the following clause shall be inserted, namely:-"(ia) all officers and servants of the municipalities dissolved under section 307,".

**53. Insertion of section 206A in Guj. VI of 1962.- After section 206 of the principal Act, the following section shall be inserted, namely:-**

"206A. Allocation to panchayat Service for ??? period and re-allocation of effect and servants to ???.- (1) Notwithstanding anything contained in section 206, the allocation to the Panchayat service made under section 206 of officers or servants allotted or transferred to a panchayat under section 157 or 158 shall initially be provisional and it shall be lawful for the State Government for mew their allocation within a period of three years from the 1st April, 1963 and if necessary to reallocate by an order made in that behalf any of such officers or servants to the State Service for any of the following reasons, namely:- (1)if out of the officers and servants so allocated any officers or servants are found to be surplus in any category of the Panchayat Service;(2)if in the interest of public service, it is considered necessary to recall any such, officer or servant;(3)any other reason prescribed by rules.(2)Any officer or servant, who is not re-allocated under sub-section (2) and continues in the Panchayat Service immediately before the expiry of the aforesaid period of three years shall on such expiry be deemed to be finally allocated, to the Panchayat Service.(3)The conditions, of service of an officer or servant re-allocated to the State Service shall not be less favourable than those applicable to him immediately before such reallocation."

**54. Amendment of section of 207 Guj. VI of 1962.- In section 207 of the principal Act-**

(1)in sub-section (1), after the words "services of the State" the word and figures "and such number of officers or servants allotted or transferred to a panchayat under section 157 or 168 but not allocated to the Panchayat Service under section 206" shall be inserted;(2)after sub-section (2), the following sub-section shall be inserted, namely.-"(3) Any officer or servant who was allotted or transferred to a panchayat under section 157 or 158 but not allocated to the Panchayat Service under section 206 before the date of coming into force of the Gujarat Panchayats (Second Amendment) Act, 1963 (Guj. LIII of 1963) shall be deemed to be posted under this section under the panchayat to which he was so allotted or transferred, subject, however, to such conditions and for such period as the State Government may specify by an order made within a period of six months from the said date."

**55. Amendment of section of 214 Guj. VI of 1962.- In section 214 of the principal Act, in sub-section (2), the words "which is entitled to have a Nyaya Panchayat" shall be deleted.**

**56. Amendment of section of 227 Guj. VI of 1962.- In section 227 of the principal Act, in sub-section (1)-**

(1)in clause (c), the word "and" shall be added at the end, and(2)after clause (c), the following clause shall be inserted, namely:-"(d) suits for compensation for damage caused to property by cattle-trespass,".

**57. Amendment of section of 307 Guj. VI of 1962.- In section 307 of the principal Act, in clause (k), the words "by or under a law" shall be deleted.**

**58. Substitution on of section 310 of Guj. VI of 1962 by new section.- For section 310 of the principal Act, the following section shall be substituted, namely:-**

"310. Effect of ??? version of gram; into nagar ??? of grams etc.- (1) Where by virtue of a notification issued under sub-section (2) of section 9, any gram cease to be a gram or any nagar ceases to be a nagar, and(i)the local area comprised in the gram is declared to be a or is split up into a nagar and a new gram or into two or more grams, or(ii)the local area comprised in the nagar is declared to be a gram or split up into two or more gleams,with, effect from the date on which the local area is so declared or split up (hereinafter referred to as "the said date") the following consequences shall that ensue, that is to say-(a)the panchayat constituted in respect of such local area shall stand dissolved and all the members of the panchayat shall vacate office;(b)until for the nagar or, as the case may be, the respective new gram ??? panchayat or as the case may be a grain panchayat is constituted, the State Government shall appoint an administrator or administration to exercise the powers and

perform the functions of the respective panchayat of the nagar or, as the case may be, new gram;(c)the members elected by the panchayat dissolved under clause (a) (hereinafter referred to as "the dissolved panchayat") to the Nyaya Panchayat functioning in the local area shall cease to be members of the Nyaya Panchayat and until the respective panchayat is constituted as aforesaid, the State Government shall-(i)in the case of a new gram, appoint from amongst persons qualified under section 214 a person to be a member of the Nyaya; Panchayat of the group in which such gram has been included; and(ii)in, the case of the nagar, appoint from amongst persons qualified under section 214 members of the Nagar Nyaya Panchayat of the, Nagar and a standing member of the conciliation panch of the nagar;(b)the Gram Nyaya Panchayat affected by the dissolution of a panchayat under section 9 shall continue to function in the area of the group of grams which continue within its jurisdiction after the exclusion of any area there from under section 9 unless the number of grams included in the group is rendered less than three;(e)the unexpended balance of the gram fund or, as the case may be, fund and all properties, including, arrears of rates, taxes and fees be lending to the dissolved panchayat shall, subject to all charges and liabilities affecting the same, vest in such proportion and in such manner as the State Government may direct in the repetitive panchayat of the nagar or new gram:Provided that until the respective panchayat for the nagar or new gram is constituted and it holds its first meeting under sub-section (1) of section 44, the unexpended balance of the fund and other properties, vesting in the panchayat shall be held by the administrator of the nagar or, as the case may be, new gram and shall be utilised by him for the benefit of the inhabitants of the nagar or new gram in such manner as he may think fit,(f)any appointment, notification, notice, tax, fee cess, order, scheme licence, permission, rule, by law or form made, issued, imposed or grafted in respect of the area within the jurisdiction of the dissolved panchayat and in force on the said date shall continue in force and be deemed to have been made, issued, imposed or granted it respect, of the nagar or new gram formed, out of the, said area until it is superseded or modified by any appointment Notification, notice, tax, fee, cess, order, such licence permission, rule, by-law or form made, issued, imposed or granted under the law applicable thereto;(g)all budget estimates, assessments, assessment lists, valuations or measurements the made or authenticated by the dissolved panchayat immediately become the said date shall, in so far as they relate to the nagar or, as the case may be, new gram, be deemed to have been made or authenticated in respect of the nagar or new gram;(h)all, debts and obligations incurred and all contracts made by or on behalf of the dissolved panchayat immediately before the said, date and subsisting on the said date shall in so far as they relate to the nagar or any new gram formed in the, area within the jurisdiction of the dissolved, panchayat be the debts and obligations incurred by and, the contracts made by the panchayat of the nagar or, as the case may be, new gram;(i)all officers and, servants in the employ of the dissolved panchayat immediately before the said date shall be allocated to the panchayat of the nagar or, as the case may be new gram or new grams by the State, Government in such manner as it may direct and until other provision is made in accordance with this Act, they shall receive salaries and allowances and be Subject to the conditions of service to which they were entitled or subject on the skid date;(j)all proceedings (including appeals) pending at the said date before the dissolved panchayat shall be deemed to be transferred to and continued by the panchayat of the nagar or new gram before which they would have been instituted, had the nagar or new gram been formed when the proceedings were instituted;Provided that until the panchayat for the nagar or new gram is constituted the administrator appointed for the nagar or, as the case may be, new gram may deal with such proceedings and dispose them of;(k)all, prosecutions

instituted by or on behalf, of and all suits or other legal proceedings instituted by or against the dissolved panchayat or any officer thereof and pending at the said date shall be continued by or against the panchayat of the nagar or, new gram by, on behalf of or against which they would have been instituted, had the, nagar or new gram been formed when the prosecutions, suits or legal proceedings were instituted and until such panchayat is constituted, shall be continued by or against the administrator appointed for the nagar or, as the case may be, new gram.(2)Within one year of the said date the panchayat for the respective nagar or as the case may be, new grim shall be constituted in accordance with the provisions of this Act."

**59. Insertion of section 322A in Guj. VI of 1962.- After section 322 of the principal Act, the following section shall be inserted namely:-**

"322A. Previous section for prosecution against Sarpanch, Chairman, President etc.- When any person who is or had been a Sarpanch, Upa-Sarpanch Chairman, Vice-Chairman, President or Vice-President of a panchayat is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence except with the previous sanction of the State Government or any officer authorised by the State Government in this behalf".

**60. Amendment of section of 325 Guj. VI of 1962.- In section 325 of the principal Act, in sub-section (1), after clause (vi), the following clause shall be inserted, namely:-**

"(via) the unexpended balance of the District Village Development Fund established in a district under section 133 of the Act so repealed shall be transferred to and shall form part of the District Development Fund established under section 199 of this Act, in the corresponding district".

**61. Amendment of Schedules to Guj. VI of 1962.- In the Schedules to the principal Act, for the words "village panchayats" wherever they occur, the words "gram panchayats" shall be substituted.**

**62. Amendment of Schedule III to Guj. VI of 1962.- In Part II of Schedule III to the principal Act, in the heading for that figures and brackets "131(2)" the figures and brackets "131(1)(i)" shall be substituted.**