

Commissioners (Abolition of Office) Act, 1964

GUJARAT

India

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Act 15 of 1964

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An Act to abolish the office of the Commissioner in the State of Gujarat and to make provisions consequent on such abolition. It is hereby enacted in the Fifteenth Year of the Republic of India as follows: Section 1. Short title, extent and commencement (1) This Act may be called the Gujarat Commissioners (Abolition of Office) Act, 1964. (2) It extends to the whole of the State of Gujarat. (3) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint. Section 2. Definitions In this Act, unless the context otherwise requires (1) Commissioner means the Commissioner of a division; (2) division means the territories formed as a division in the Bombay, area and the Saurashtra area of the State under section 5 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879) and in Kutch area of the State of Gujarat under section 5 of the said Code as extended to that area; (3) existing law means any enactment of a Legislature or other competent authority in relation to matters specified in Lists II and III in the Seventh Schedule to the Constitution in force in any part of the State immediately before the commencement of this Act and includes any rule, bye-law, regulation, order, notification or scheme, form or other instrument made, prescribed or issued under any such enactment. Section 3. Repeal of Bom. VIII of 1958 and consequential provisions On the commencement of this Act, the Bombay Commissioners of Divisions Act, 1957 (Bom. VIII of 1958) shall be repealed and on such repeal the following consequences shall ensue, that is to say: (1) the office of the Commissioner shall be abolished and subject to the provisions made in the Schedule, all existing laws shall, unless the context otherwise requires be construed as if the references therein to the Commissioner were references to the State Government or to such authority as the State Government may, by a general or special order, appoint; Provided that unless such general or special order otherwise directs, the State Government shall have and exercise the same power and control over the authority so appointed as it would have had and exercised over the Commissioner and the authority so appointed shall also have and exercise the same power and control over, the Collector and his subordinates as a Commissioner would have had and exercised, if this Act had not been passed; (2) all instruments or documents executed or made before the commencement of this Act under, or with reference to any existing law or any enactment specified in the Schedule shall, unless the context otherwise requires, be construed as if references therein to the Commissioner were references to the State Government or to such authority as the State Government may appoint under this section or to such other

authority as may be provided in the Schedule, as the case may be;(3)if at the commencement of this Act any legal proceedings are pending to which a Commissioner is a party, the State Government or such authority as is provided by or under the provisions of this Act shall be deemed to be substituted for the Commissioner in the said proceedings;(4)all proceedings including proceedings by way of appeals, revision or review pending under any existing law before a Commissioner immediately before the commencement of this Act shall be transferred for disposal to the State Government or such authority as the State Government may appoint in this behalf:Provided that if such proceeding is transferred for disposal to the authority appointed by the State Government, the decision of such authority shall be subject to an appeal or revision to the State Government in the same manner and to the same extent to which the decision of the Commissioner was subject under the existing law;(5)any appointment, notification, order, rule, regulation, bye-law, scheme, form, instrument or document made, prescribed, issued or executed or deemed to have been made, prescribed, issued or executed by the State Government or by the Commissioner or by any other officer or authority, before the commencement of this Act under or with reference to the provisions of any existing law and in force immediately before such commencement shall continue in operation unless and until it is superseded or modified by an authority competent under such law and in the absence of such authority by the State Government;(6)subject to the foregoing provisions of this section and section 4, the repeal shall not affect the continuance of any amendment made in any enactment specified in the Schedule to the Act so repealed and in operation at the time of such repeal.

Section 4.
Amendment of certain enactmentsThe enactments mentioned in column 1 of the Schedule shall have effect as if the provisions specified in column 2 thereof were amended to the extent and in the manner specified in the said column 2.(See sections 3 and 4).

Enactments.

1

1 The Bombay Land Revenue Code, 1879 (Bom. V of 1879).

Amendments.

2

Bombay Acts

For section 4, the following shall be substituted namely:

4. Chief Controlling authority in revenue matters.

(1) The chief controlling authority in all matters connected with the land revenue shall vest in the State Government.

(2) The State Government may, by notification in the *Official Gazette*, prescribe the territories in the State which shall form a division and may by a like notification alter the limits of the division so formed. .

2. Sections 5, 6, 6A, 6B and 6C shall be deleted.

3. In section 7, the words under the control of the Commissioner shall be deleted.

4. In section 8, the words shall be subordinate to the Commissioner of his division and shall be deleted.

5. In section 8A, the words The Additional Collector shall be subordinated to the Commissioner of his division. shall be

deleted.

6. In section Id, the words and of the Commissioner shall be deleted.

7. In Section 14, the words by the Commissioner or shall be deleted.

8. In section 17, the words and of the Commissioner shall be deleted.

9. In sections 37, 37A, 39 and 82 for the word Commissioner wherever it occurs the words State Government shall be substituted.

10. In section 152,

(1) for the word Commissioner the words State Government shall be substituted, and

(2) the words with the sanction of the State Government shall be deleted.

11. In section 159, for the word Commissioner the words State Government shall be substituted.

12. In section 183, the words the Commissioner under the orders of shall be deleted.

13. In section 204, the words by a Commissioner or shall be deleted.

The Bombay Land Revenue Code, 1879 as extended to the Kutch area of the State of Bombay, under the Part C States (Laws) Act, 1950 (XXX of 1950).

1. For section 4, the following shall be substituted, namely.

4. Chief Controlling authority in revenue matters.

(1) The chief controlling authority in all matters connected with the land revenue shall vest in the State Government.

(2) The State Government may, by notification in the *Official Gazette*, prescribe the territories in the State which shall form a division and may by a like notification alter the limits of the division so formed. .

2. Sections 5, 6, 6A, 6B and 6C shall be deleted.

3. In section 7, the words under the control of the Commissioner shall be deleted.

4. In section 8, the words shall be subordinate to the Commissioner of his division and shall be deleted.

5. In section 13, the words and of the Commissioner shall be deleted.

6. In section 14, the words by the Commissioner, or shall be

deleted.

7. In section 17, the words and, of the Commissioner shall be deleted.

8. In sections 37, 37A, 39 and 82 for the word Commissioner wherever it occurs the words State Government shall be substituted.

9. In section 152,

(1) for the word Commissioner the words State Government shall be substituted; and

(2) the words with the sanction of the State Government shall be deleted.

10. In section 159, for the word Commissioner the words State Government shall be substituted.

11. In section 183, the words the Commissioner under the orders of shall be deleted.

12. In section 204, the words by a Commissioner or shall be deleted.

The Bombay Village Police Act, 1867
(Bom. VIII of 1867).

In sections 3 and 4, for the word Commissioner wherever it occurs the words State Government shall be substituted.

The Bombay Ferries and Inland Vessels
Act, 1868 (Bom. II of 1868).

1. In section 1, clause (a) shall be deleted.

2. In sections 2, 2A, 4, 5, 5A, 5B, 5C and 6 for the word Commissioner wherever it occurs the words State Government shall be substituted.

3. In section 17, the word Commissioner shall be deleted.

The Bombay Irrigation Act, 1879.
(Bom. VII of 1879).

1. In section 11 and in sub-section (1) of section 57 for the word Commissioner the words State Government shall be substituted.

2. In section 60, for the words Collector for the information of the Commissioner of the division and likewise to the words Collector and likewise to shall be substituted.

3. In section 67, for the word Commissioner the words State Government shall be substituted.

Bombay Village Sanitation Act, 1889
(Bom. I of 1889).

1. In section 5; for the word Commissioner wherever it occurs the words State Government shall be substituted.

2. In section 6, in sub-section (1), the words of the Commissioner and shall be deleted.

3. In sections 7, 32, 41 and 42, for the word Commissioner wherever it occurs the words State Government shall be substituted.

The Bombay General Clauses Act, 1904 (Bom. I of 1904).	In section 3, clause (13) shall be deleted.
The Mamlatdar's Courts Act, 1906 (Bom. II of 1906).	<ol style="list-style-type: none"> 1. In section 4, in the marginal note to sub-section (3), the words to Commissioner shall be deleted. 2. In section 23, in sub-sections (2A) and (3), for the words Deputy Collector or Assistant Commissioner the words or Deputy Collector shall be substituted.
The Bombay Public Conveyances Act, 1920 (Bom. VII of 1920).	<ol style="list-style-type: none"> 1. In section 36, <ol style="list-style-type: none"> (a) in sub-section (1) <ol style="list-style-type: none"> (i) for the word Commissioner the words State Government shall be substituted; (ii) for the word his the word its shall be substituted; (b) in sub-sections (2) and (4), for the word Commissioner the words State Government shall be substituted. 2. In section 37, for the word Commissioner the words State Government shall be substituted.
The Bombay Agricultural Pests and Diseases Act, 1947 (Bom. XLIII of 1947).	<ol style="list-style-type: none"> 1. In section 3, the words or the Commissioner wherever they occur shall be deleted. 2. In section 6, in sub-section (1), the words and of the Commissioner shall be deleted. 3. In section 12A, in sub-section (5), the words or the Commissioner shall be deleted. 4. In section 12D, the words or the Commissioner shall be deleted.
The Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947).	<ol style="list-style-type: none"> 1. In section 31, in clause (b), for the words Commissioner, subject to the general orders of the State Government the words State Government shall be substituted. 2. In section 35, <ol style="list-style-type: none"> (a) the words or the Commissioner in respect of such matters as the State Government may by general or special order specify in this behalf and the words or himself, as the case may be, and the words or he, as the case may be, shall be deleted; (b) in the marginal note, the words or Commissioner shall be deleted.
The Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948).	<ol style="list-style-type: none"> 1. In section 72B,

(a) in sub-section (1), for the words and to the Divisional Officer if the other land is in another district, and to the State Government if the other land is in another division the words and to the State Government if the other land is in another district shall be substituted;

(b) in sub-section (2) the words or the Divisional Officer shall be deleted.

2. In section 72C

(a) in sub-section (1), for the words and to the Divisional Officer, if the other land is in another district and to the State Government if the other land is in another division the words to the State Government if the other land is in another district shall be substituted;

(b) in sub-section (2), the words or the Divisional Officer shall be deleted.

3. In section 76A, the words the Divisional Officer or shall be deleted.

Bombay Police Act, 1951 (Bom. XXII of 1951).

1. In section 2, clause (13A) shall be deleted.

2. In section 17, in sub-section (2), the words and shall be subject to the lawful orders of the Revenue Commissioner shall be deleted.

3. In section 24, in sub-section (1), the words and the Revenue Commissioner shall be deleted.

4. In section 28, in sub-section (2), the words the Revenue Commissioner and shall be deleted.

5. In section 33, in sub-section (4), for the words the Revenue Commissioner the words such authority as the State Government may appoint in this behalf shall be substituted.

6. In section 51, in sub-section (3), for the words Revenue Commissioner the words State Government shall be substituted.

7. In section 52, in sub-section (1), for the words Revenue Commissioner the words State Government shall be substituted.

8. In section 159, for the words No Revenue Commissioner, Magistrate the words No Magistrate shall be substituted.

The Bombay Cinemas (Regulation) Act, 1953 (Bom. XI of 1953.)

1. Section 8C shall be deleted.

2. In section 10, the words or the Commissioner and the words or he shall be deleted

The Bombay Lotteries (Control and Tax) and Prize Competitions (Tax) Act, 1958 (Bom. LXXXII of 1958).

In section 29, in sub-section (1), the words to the Commissioner or shall be deleted.

The Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (Bom. XCIX of 1958).

1. In section 2, clause (8) shall be deleted.
2. Insertion 104,
 - (a) in sub-section (1), for the word Commissioner the words State Government shall be substituted;
 - (b) in sub-section (2), for the word Commissioner the words State Government shall be substituted.
3. In section 110, in sub-section (1), the words the Commissioner or shall be deleted.
4. In section 126,
 - (a) the words and the Commissioner shall be deleted;
 - (b) for the words they have and exercise the words it has and exercises shall be substituted.

Central Acts.

The Land Acquisition Act, 1894 (I of 1894) in its application to the Bombay area of the State of Gujarat.

1. In section 3, in clause (c), the words or by the Commissioner shall be deleted.
2. Section 3-IA shall be deleted.
3. In section 3A, the words or the Commissioner and the words or, as the case may be, any officer authorised by the Commissioner shall be deleted.
4. In section 4,
 - (i) in sub-section (1), the words or the Commissioner shall be deleted;
 - (ii) in sub-section (2), the words or, as the case may be, by the Commissioner shall be deleted.
5. In section 5A, in sub-section (2), the words or, as the case may be, of the Commissioner where they occur at two places shall be deleted.
6. In section 6,
 - (i) in sub-section (1),
 - (a) the words or, as the case may be, the Commissioner shall be deleted;

(b) the words or, as the case may be, under the signature of the Commissioner shall be deleted;

(ii) in sub-section (3), the words or, as the case may be, the Commissioner shall be deleted.

7. In section 7, the words or, as the case may be, the Commissioner shall be deleted.

8. In section 11, in the proviso, the words, figures and brackets beginning with the words Save that the power of such approval and ending with the words and figures the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955 shall be deleted.

9. In section 17,

(i) in sub-section (1), the words or the Commissioner shall be deleted;

(ii) in sub-section (2),

(a) the words or the Commissioner shall be deleted;

(b) the words or, as the case may be, of the Commissioner shall be deleted;

(iii) in sub-section (4)

(a) the words or, as the case may be of the Commissioner where they occur at two places shall be deleted;

(b) the words or he shall be deleted.

The Glanders and Farcy Act, 1899 (XIII of 1899).

1. In section 4, in sub-section (1),

(a) the words or the Commissioner shall be deleted;

(b) the words or he at both the places where they occur shall be deleted.

2. In section 7, the words or the Commissioner at both the places where they occur shall be deleted.

3. In sections 10 and 15, the words or the Commissioner shall be deleted.

The Dourine Act, 1910 (V of 1910).

In sections 3 and 4,

(a) the words or the Commissioner shall be deleted;

(b) the Words or he shall be deleted.

Saurashtra Acts.

The Land Acquisition Act, 1894 (I of 1894) as adapted and applied to the Saurashtra area of the State of Gujarat.

1. In section 3, in clause (c), the words or by the Commissioner shall be deleted.

2. Section 3-IA shall be deleted.

3. In section 4,

(i) in sub-section (1), the words or the Commissioner shall be deleted;

(ii) in sub-section (2), the words or, as the case may be, by the Commissioner shall be deleted.

4. In section 5A, in sub-section (2), the words or, as the case may be, of the Commissioner where they occur at two places, shall be deleted.

5. In section 6,

(i) in sub-section (1),

(a) the words or, as the case may be, the Commissioner shall be deleted;

(b) the words or, as the case maybe, under the signature of the Commissioner shall be deleted;

(ii) in sub-section (3), the words or, as the case may be, the Commissioner shall be deleted.

6. In section 7, the words or, as the case may be, the Commissioner shall be deleted,

7. In section 17,

(i) in sub-section (1), the words or the Commissioner shall be deleted;

(ii) in sub-section (2),

(a) the words or the Commissioner shall be deleted;

(b) the words or, as the case may be, of the Commissioner, shall be deleted;

(iii) in sub-section (4),

(a) the words or, as the case may be, of the Commissioner where they occur at two places shall be deleted;

(b) the words or he shall be deleted.

The Saurashtra General Clauses Ordinance, 1949 (Sau. Ord. LXXI of 1949.)

In section 2, clause (13A) shall be deleted.

The Saurashtra Land Reforms Act, 1951 (Sau. Act No. XXV of 1951).

In section 63, in sub-section (3), for the words Revenue Commissioner the word Collector shall be substituted.

The Suarashtra Barkhali Abolition Act, 1951 (Sau. Act No. XXVI of 1951).

In section 40, in sub-section (3), for the words Revenue Commissioner the word Collector shall be substituted.

Saurashtra Estates Acquisition Act, 1952 (Sau. Act III of 1952).

In section 4, for the words Revenue Commissioner the word Collector shall be substituted.

Kutch Acts.

The Land Acquisition Act, 1894 (I of 1894) in its application to the Kutch

1. In section 3, in clause (c), the words or by the Commissioner shall be deleted.

area of the State of Gujarat.

2. Section 3-1A shall be deleted.

3. In section 4

(i) in sub-section (1), the words or, the Commissioner shall be deleted;

(ii) in sub-section (2), the words or, as the case may be, by the Commissioner, shall be deleted.

4. In section 5A, in sub-section (2), the words or, as the case may be, of the Commissioner where they occur at two places, shall be deleted.

5. In section 6,

(i) in sub-section (1),

(a) the words or, as the case may be, the Commissioner shall be deleted;

(b) the words or, as the case may be, under the signature of the Commissioner shall be deleted;

(ii) in sub-section (3), the words or, as the case may be, the Commissioner shall be deleted.

6. In section 7, the words or, as the case may be, the Commissioner shall be deleted.

7. In section 17,

(i) in sub-section (1), the words or the Commissioner shall be deleted;

(ii) in sub-section (2), the words or, as the case may be, of the Commissioner shall be deleted;

(iii) in sub-section (4),

(a) the words or, as the case may be, the Commissioner where they occur at two places shall be deleted;

(b) the words or he shall be deleted.

TheBombay General Clauses Act, 1904
(Bom. I of 1904) as applied to theKutch
area of the State of Gujarat by the
Kutch (Application of Laws)Order,
1949.

In section 3, clause (13) shall be deleted.

Gujarat Acts.

The Gujarat Agricultural Lands Ceiling
Act, 1960 (Guj. XXVII of 1961).

1. In section 2, clause (8) shall be deleted.

2. In section 14,

(1) in sub-section (1),

(i) clause (ii) shall be deleted, and

(ii) in clause (iii), for the word division the word district shall be substituted;

(2) in sub-section (2), the words the Commissioner, shall be deleted.

3. In section 37, the words the Commissioner or shall be deleted.

4. In section 47, the word Commissioner shall be deleted.

5. In section 48, the words the Commissioner shall be deleted.

6. In section 51, for the words the Commissioner the words any of its officers not below the rank of a Collector shall be substituted.

7. In section 52, for the words the Collectors and the Commissioners the words and the Collectors shall be substituted.

The Gujarat Diseases of Animals
(Control) Act, 1963 (Guj. XXVII of
1963).

1. In section 3, in sub-sections (1) and (2), the words or the Commissioner in his division shall be deleted.

2. In section 6,

(a) in sub-section (1),

(i) the words or the Commissioner in his division and the words or Commissioner shall be deleted;

(ii) the words or he shall be deleted;

(b) in sub-section (2),

(i) the words or Commissioner shall be deleted;

(ii) the words or, as the case may be, into the division at both the places where they occur shall be deleted.

3. In section 7, in sub-section (1), the words or the Commissioner in his division shall be deleted.

4. In section 13,

(a) in sub-section (1), for the words Commissioner of the division the words State Government shall be substituted;

(b) in sub-section (2), for the word Commissioner the words State Government shall be substituted;

(c) in sub-section (3),

(i) for the word Commissioner the, words State Government shall be substituted;

(ii) for the words he shall the words it shall shall be substituted;

(d) in sub-section (4),

(i) for the word Commissioner the words State Government shall be substituted;

(ii) for the words on his own motion the words on its own motion and for the words submitted to him the words submitted to it shall be substituted;

(e) in sub-section (7), for the word Commissioner the words State Government shall be substituted.

The Gujarat Court of Wards Act, 1963
(Guj. XXXVII of 1963).

1. In section 10, for the words Commissioner, where such Courts of Wardsexercise jurisdiction within his division, and the State Government in any other case the words State Government shall be substituted.

2. In sections 14, 16, 17 and 25 for the word Commissioner wherever it occurs, the words State Government shall be substituted.

3. In section 41, in sub-section (1),

(i) in clause (a), the words a Commissioner or shall be deleted;

(ii) in clause (b), for the word Commissioner the words State Government shall be substituted.

4. In section 42,

(i) the words the Commissioner and at both the places where they occur shall be deleted; and

(ii) the words he or shall be deleted.