

Gujarat Panchayats (Amendment) Act, 1976

GUJARAT

India

Gujarat Panchayats (Amendment) Act, 1976

Act 1 of 1976

- Published on 25 February 1976
- Not commenced
- [This is the version of this document from 25 February 1976.]
- [Note: The original publication document is not available and this content could not be verified.]

An Act further to amend the Gujarat Panchayats Act, 1961. It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows:-* (Received the assent of the Governor on 25th February, 1976 and published in the "Gujarat Government Gazette" on the 4th March, 1976)

1. Short title.- This Act may be called the Gujarat Panchayats (Amendment) Act, 1976.

2. Amendment of section 12 of Guj. 6 of 1962.- In the Gujarat Panchayats Act, 1961 (hereinafter referred to as 'the principal Act'), in section 12, in sub-section (5), for clause (a), the following clause shall be substituted, namely:-

"(a) for women, two seats;"

3. Amendment of section 13 of Guj. 6 of 1962.- In the principal Act, in section 13, in sub-section (3), for clause (a), the following clause shall be substituted, namely:-

"(a) for women, two seats;"

4. Amendment of section 14 of Guj. 6 of 1962.- In the principal Act, in section 14.-

(1) after sub-section (1), the following sub-section shall be inserted, namely:- "(1A) The elected members of a taluka panchayat shall consist of-(a) members elected from amongst the qualified voters of the taluka concerted, and (b) members elected by the Sarpanchas of all gram panchayats

within the taluka from amongst themselves,";(2)for sub-section (2), the following sub-section shall be substituted, namely:-"(2) A taluka panchayat shall have a President and a Vice-President elected by its elected members from amongst members referred to in clause (a) of sub-section (1A).";(3)in sub-section (3),-(i)after the words "The number of elected members' the words, brackets, letters and figure "referred to in clause (a) of sub-section (1A)" shall be inserted;(ii)the words "and such members shall be elected from amongst the qualified voters of the taluka concerned" shall be deleted;(4)in sub-section (4), for clause (c) excluding the provisos, the following clause shall be substituted, namely:-"(c) for women.-(i)two seats, where the total number of seats is either fifteen or, as the case may be, nineteen;(ii)three seats in any other case;"(5)after sub-section (4), the following sub-section shall be inserted, namely:-"(4A) The number of elected members of a taluka panchayat referred to in clause (b) of sub-section (1A) shall be such as may be determined by the State Government so however that the number so determined shall be, as early as possible, one third of the total number of seats specified in sub-section (3)";(6)in sub-section (5), after clause (ii), the following clause shall be inserted, namely:-"(iia) Chairmen of all nagar panchayats within the taluka, and where a person has been appointed under clause (a) of sub-section (4) of section 297 to exercise the powers and perform the duties of any such nagar panchayat, such person, or where an officer is empowered under section 303C to exercise the powers and perform the duties of the Chairman of any such nagar panchayat, such officer;"(7)after sub-section (5), the following sub-section shall be inserted, namely:-"(5A) Where any elected member of a taluka panchayat is elected as a member of the Gujarat Legislative Assembly and thereby becomes an associate member of the taluka panchayat under sub-section (5), he shall cease to be elected member of the panchayat but shall continue as an associate member of the panchayat."

5. Amendment of section 15 of Guj. 6 of 1962.- In the principal Act, in section 15,-

(1)in sub-section (1), for the words "elected and associate members", the words "ex-officio, elected and associate members" shall be substituted;(2)for sub-section (2), the following sub-sections shall be substituted, namely:-"(2) A district panchayat shall have a President and a Vice-President elected by its ex-officio and elected members from amongst its elected members.(2A)The President of all the taluka panchayats in the district shall be ex-officio members of a district panchayat.";(3)in sub-section (4), for clause (c) excluding the provisos, the following clause shall be substituted, namely:-"(c) for women,-(i)three seats where the total number of seats is either thirty one or, as the case may be, thirty five;(ii)four seats where the total number of seats is either thirty nine or, as the case may be, forty three;(iii)five seals where the total number of seats is either forty seven or as the case may be, fifty one;"(4)after sub-section (5), the following sub-section shall be inserted, namely:-"(5A) Where any ex-officio or elected member of a district panchayat is elected as a member of the House of the People, the Council of States or the Gujarat Legislative Assembly and thereby becomes an associate member of the district panchayat under sub-section (5), he shall cease to be an ex-officio or elected member of the panchayat but shall continue as an associate member of the panchayat"

6. Amendment of section 22A of Guj. 6 of 1962.- In the principal Act, in section 22A, in sub-sections (2) and (2A), for the words "as elected or co-opted member", the words "as ex-officio, elected or co-opted member" shall be substituted.

7. Amendment of section 57 of Guj. 6 of 1962.- In the principal Act, in section 57, to sub-section (1), the following proviso shall be added, namely:-

"Provided that a Sarpanch who has been elected as a member of a taluka panchayat shall, on ceasing to be a Sarpanch, cease to be a member of that panchayat."

8. Insertion of new sections 303A, 303B and 303C in Guj. 6 of 1962.- In the principal Act, after section 303, the following sections shall be inserted, namely:-

"303A. Power of State Government to appoint officers to carry on the administration of panchayats in certain circumstances.- (1) Notwithstanding anything contained in this Act or the rules or by-laws made thereunder, if at any time, the State Government is satisfied that a situation exists by reason of dissensions among the members of a panchayat or disturbances in the whole or any part of the State of Gujarat, whereby-(i)the administration of the affairs of a panchayat cannot be carried on in accordance with the provisions of this Act or the rules or by-laws made thereunder, or(ii)it is not possible or expedient to hold elections for the re-constitution of a panchayat on the expiry of its term,the State Government may, by notification in the Official Gazette, make a declaration to that effect.(2)A notification issued under sub-section (1) in relation to any panchayat shall remain in force for such period, not exceeding six months, as may be specified therein:Provided that if the State Government is of the opinion that it is necessary so to do, it may, by order and for reasons to be mentioned therein, extend, from time to time, the period so specified; so, however, that the notification shall not in any case remain in force for more than one year in the aggregate.(3)On the issue of & notification under sub-section (1) in relation to any panchayat,-(a)all the members of such panchayat shall vacate their office as such members;(b)all the powers and duties of such panchayat shall, during the period when such notification is in force, be exercised and performed by such officer of the State Government as it may, by order, specify in that behalf.(4)The State Government shall, before the expiry of the period specified in the notification issued under sub-section (1), or extended under the proviso to sub-section (2), as the case may be, take steps for the purpose of reconstituting the panchayat in the manner provided in this Act.

303B. Power of State Government to appoint officer to exorcise and perform the powers and duties of panchayat when elections could not be held for reconstituting it.- (1) Notwithstanding anything contained in this Act or the rules of by-laws made thereunder, if, in respect of any panchayat, the State Government is satisfied, at any time before or after the date on which it is or

has become liable to be reconstituted on account of the expiry of its term or otherwise, that it is not possible to hold elections for the reconstitution of that panchayat, by reason of any of the matters connected with the holding of election of members set out in sections 20 and 21 or ??? where in this Act or any rules made thereunder not having been completed and not being likely to be completed within a reasonable period, the State Government may, by notification in the Official Gazette, make a declaration to that effect.

(2)A notification issued under sub-section (1) in relation to any panchayat shall remain in force for such period, not exceeding six months, as may be specified therein; Provided that if the State Government is of the opinion that it is necessary so to do, it may, by order and for reasons to be mentioned therein, extend, from time to time, the period so specified; so, however, that the notification shall not in any case remain in force for more than one year in the aggregate.(3)On the issue of a notification under sub-section (1) in relation to any panchayat, with effect from such date (not being earlier than the date on which the panchayat is or has become liable to be reconstituted) as the State Government may, by order, specify and so long as that notification remains in force, all the powers and duties of the panchayat shall be exercised and performed by such officer of the State Government as may be specified in the said order.(4)The State Government shall, before the expiry of the period specified in the notification issued under sub-section (1) or extended under the proviso to sub-section (2), as the case may be, take steps for the purpose of reconstituting the panchayat in the manner provided in this Act.

303C. Power of State Government to empower officer to exercise and perform the powers and duties of Sarpanch, etc. in certain cases.- Where a notification has been issued under sub-section (1) of section 303A or sub-section (1) of section 303B in relation to any panchayat the State Government may, notwithstanding anything contained in this Act or the rules or by-laws made thereunder, by order, empower such officer of the State Government as it may think fit, to exercise and perform, all the powers and duties conferred or imposed on a Sarpanch, Chairman or, as the case may be President or any Committee of that panchayat under this Act and upon the issue of such order the Sarpanch, Chairman or, as the case may be, President shall cease to carry on the current duties of his office."

9. Substitution of section 314C of Guj. 6 of 1962.- In the principal Act, for section 314C, the following section shall be substituted, namely:-

"314C. Gandhinagar district panchayat. (1) Notwithstanding anything contained in section 15, -(a)the elected members of the district panchayat for the district of Gandhinagar (hereinafter in this section referred to as "Gandhinagar district panchayat") shall consist of-(i)thirty one members elected from

amongst the qualified voters of the district of Gandhinagar, and(ii)ten members elected by the Sarpanchas of all gram panchayats within the district of Gandhinagar from amongst themselves;and accordingly reference to the expression "the total number of seats specified in sub-section (3)" in sub-section (4) of section 15 shall, in relation to the Gandhinagar district panchayat, be construed as a reference to the aforesaid thirty one seats;(b)the Gandhinagar district panchayat shall have a President and a Vice-President elected by its elected members from amongst members referred to in sub-clause (i) of clause (a).(2)A Sarpanch who has been elected as a member of the Gandhinagar district panchayat shall, on ceasing to be a Sarpanch, cease to be a member of such panchayat."

10. Saving.- Nothing in the principal Act as amended by sections 2 to 7 and 9 of this Act shall operate to invalidate the constitution and functioning of any panchayat or of any committee thereof validly constituted under the principal Act before the coming into operation of the Gujarat Panchayats (Amendment) Ordinance, 1975 (Guj. Ord. No. 3 of 1975) and functioning immediately before the commencement of this Act and every such panchayat or committee shall, subject to the provisions of the principal Act, continue to function after such commencement until the expiry of its term as if this Act had not been enacted.

11. Repeal of President's Acts No. 8 of 1974 and No. 1 of 1975 and Guj. Ord. No. 3 of 1975.- The Gujarat Panchayats (Amendment) Act, 1974 (President's Act No. 8 of 1974), the Gujarat Panchayats (Amendment) Act, 1975 (President's Act No. 1 of 1975) and the Gujarat Panchayats (Amendment) Ordinance, 1975 (Guj. Ord. No. 3 of 1975) are 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 the said Acts and Ordinance were enactments.