

Gujarat Panchayats (Amendment) Act, 1965

GUJARAT

India

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Act 7 of 1965

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An Act to amend the Gujarat Panchayats Act, 1961 for certain purposes. It is hereby enacted in the Sixteenth Year of the Republic of India as follows:-* (Received the assent of the Governor on 31st March, 1965 and published in the "Gujarat Government Gazette" on the 31st March 1965)

1. Short title and commencement.- (1) This Act may be called the Gujarat Panchayats (Amendment) Act, 1965.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 14 of Guj. VI of 1962.- In section 14 of the Gujarat Panchayats Act, 1961 (hereinafter referred to as "the principal Act") in sub-section (3) after the words "ex-officio member of the taluka panchayat" the following words shall be added, namely:-

"and the continuance of such ex-officio membership shall not be affected by reason of the expiry of the term of the gram panchayat or, as the case may be, nagar panchayat of which he is a member, if in the election held by reason of such expiry he is re-elected as a member of the gram panchayat or, as the case may be, nagar panchayat".

3. Amendment of section 22A of Guj. VI of 1962.- In section 22A of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

"(2A) Where a person while being a member of one panchayat intends to stand as a candidate for membership of another panchayat or while holding office in a panchayat as ex-officio, elected or co-opted member intends to stand as a candidate for membership in the same panchayat in a

capacity other than the capacity in which he is already holding office, he may stand as a candidate for such membership, notwithstanding anything contained in sub-section (1) or (2): Provided that if he is chosen for the seat for which he stood as a candidate, the seat already held by him shall become vacant on the date on which he is so chosen,".

4. Amendment of section 22B of Guj. VI of 1962.- In section 22B of the principal Act, in clause (b) after the words "no chairman of a co-operative society" the words "which has failed to call its annual-general meeting within the period prescribed by law or" shall be inserted.

5. Amendment of section 23 of Guj. VI of 1962.- In section 23 of the principal Act, in clause (g) for the words "under any panchayat" the words "under the panchayat or any panchayat subordinate thereto" shall be substituted.

6. Amendment of section 24 of Guj. VI of 1962.- In section 24 of the principal Act, after sub-section (1) the following sub-section shall be inserted, namely:-

(1A) An applicant shall not join as respondents to his application persons except those mentioned in the following clauses, namely:- (a) where the applicant in addition to challenging the validity of the election of all or any of the returned candidates, claims a further relief that he himself or any other candidate has been duly elected, all the contesting candidates other than the applicant and where no such further relief is claimed, all the returned candidates, and (b) any other candidate against whom allegations of any corrupt practice are made in the application,".

7. Amendment of section 47 of Guj. VI of 1962.- In section 47 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) Notwithstanding anything contained in clause (d) of sub-section (2), no money shall be withdrawn from the fund of the panchayat except with the signature of the Sarpanch or, as the case may be, the Chairman and any one of the two other members of the panchayat authorised in that behalf by the panchayat".

8. Amendment of section 63 of Guj. VI of 1962.- In sub-section (2) of section 53 of the principal Act, the following shall be added at the end, namely:-

"and the election shall be held in the same manner in which the election of a Sarpanch or Upa-Sarpanch or Chairman or Vice-Chairman is held under section 44 and the provisions of that section shall, so far as may be, apply in respect of such election.".

9. Amendment of section 67 of Guj. VI of 1962.- In section 57 of the principal Act, in the proviso to sub-section (1), after the words "as such Chairman" the Words "unless he is re-elected as a Chairman of the co-operative society" shall be inserted.

10. Amendment of section 65 of Guj. VI of 1962.- In sub-section (2) of section 65 of the principal Act, the following shall be added at the end namely:-

"and the election shall be held in the same manner in which the election of a President or Vice-President is held under section 55 and the provisions of that section shall, so far as may be, apply in respect of such election."

11. Amendment of section 68 Guj. VI of 1962.- In section 68 of the principal Act,

(1)after sub-section (3) the following sub-section (3A) shall be and shall be deemed always to have been inserted, namely:-"(3A) The President of the panchayat shall be paid a conveyance allowance or permanent travelling allowance or both at such rates and upon such conditions as the State Government may by order determine from time to time and any such order may be made so as to be retrospective to any date not earlier than the 1st April, 1963;"(2)in sub-section (4)-(a)for the words "The President, Vice-President" the words "The Vice-President" shall be and shall be deemed always to have been substituted;(b)after the words "of the panchayat" the words, brackets, figures and letter "and in a case not covered by an order made under sub-section (3A), the President of the panchayat" shall be and shall be deemed always to have been substituted.

12. Amendment of section 77 of Guj. VI of 1962.- In sub-section (2) of section 77 of the principal Act, the following shall be added at the end, namely:-

"and the election shall be held in the same manner in, which the election of a President or Vice-President is held under section 67 and the provisions of that section shall, so far as may be, apply in respect of such election."

13. Amendment of section 99 of Guj. VI of 1962.- In section 99 of the principal Act, in sub-section (2)-

(1)in clause (g), after the words "District Development Fund" the words "or otherwise" shall be inserted;(2)clause (j) shall be deleted.

14. Amendment of section 178 of Guj. VI of 1962.- In section 178 of the principal Act, in sub-section (1), after clause (xv), the following clauses shall be and shall be deemed always to have been inserted, namely:-

"(xva) a drainage tax;(xvb)a lighting tax;",

15. Amendment of section 308 of Guj. VI of 1962.- In section 308 of the principal Act, the proviso to sub-section (5) shall be deleted.

16. Amendment of section 316 of Guj. VI of 1962.- In section 316 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely:-

"(5) The term of office of the member elected by the Members of the Gujarat Legislative Assembly shall expire on the expiry of his term as the Member of the Gujarat Legislative Assembly or if he otherwise ceases to be such member.(6)Any elected or nominated member of the Council may resign from the membership by tendering his resignation in writing to the Chairman and the resignation shall take effect from the date on which it is received by the Chairman who shall give intimation of the vacancy-(a)to the State Government in the case of the resignation of a nominated member, and(b)to the Secretary to the Gujarat Legislative Assembly in the case of the resignation of a member elected by that Assembly."