

**GUJARAT COMMISSIONERS (ABOLITION OF OFFICE) ACT,  
1964**

**15 of 1964**

**[2nd. May, 1964]**

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**GUJARAT COMMISSIONERS (ABOLITION OF OFFICE) ACT,  
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**[2nd. May, 1964]**

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 :

**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.

**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 Bombay Land Revenue Code, 1879 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.

### **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 VIII of 1958) shall be repealed and on such repeal the following consequences shall ensue, that is to say :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 has 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 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 if 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, 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 provision 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.

#### **4. Amendment of certain enactments. :-**

The 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.

#### **SCHEDULE 1**

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