

Gujarat Panchayats (Amendment) Act, 1966

7 of 1966

[20 April 1966]

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Gujarat Panchayats (Amendment) Act, 1966

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An Act further to amend the Gujarat Panchayats Act, 1961 for certain purposes. It is hereby enacted in the Seventeenth Year of

the Republic of India as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Gujarat Panchayats (Amendment) Act, 1966.

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

2. Amendment Of Section 18 Of Guj. Vi Of 1962 :-

In section 18 of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962) (hereinafter referred to as the principal Act), in sub-section (1).-

(1) in the proviso, after the words "expiry of the term" the words "except with the sanction of the State Government in that behalf," shall be inserted;

(2) after the proviso, the following further proviso shall be inserted, namely:-

"Provided further that any such sanction may be given so as to have retrospective effect.".

3. Amendment Of Section 56 Of Guj. Vi Of 1962 :-

In section 56 of the principal Act,-

(1) in sub-section (1), for the words "The taluka panchayat" the words "Subject to the provisions of this Act, the taluka panchayat" shall be substituted;

(2) in sub-section (4), for the words "Vice-President and members of the panchayat" the words "Vice-President, members of the panchayat and members co-opted to the Education Committee of the panchayat" shall be substituted and shall be deemed always to have been substituted.

4. Insertion Of New Section 56A In Guj. Vi Of 1962 :-

After section 56 of the principal Act, the following section shall be inserted, namely:-

"56A. Payment of honorarium to President during leave or absence.--

(1) Subject to the provisions of sub-section (2), where the President of a taluka panchayat remains absent or on leave for a continuous period exceeding fifteen days, he shall not be entitled to any honorarium under sub-section (1) of section 56 for such period.

(2) Where the President remains absent on ground of illness duly certified by such medical authority as the State Government may by general or special order specify, the President shall be entitled to an honorarium under sub-section (1) of section 56 during the period of such absence in so far as such period does not exceed ninety days during any year.

(3) Nothing in sub-section (1) shall apply to the absence of the President on account of his touring on public business".

5. Amendment Of Section 68 Of Guj. Vi Of 1962 :-

In section 68 of the principal Act, in sub-section (1), for the words "The district panchayat" the words "Subject to the provisions of this Act, the district panchayat" shall be substituted.

6. Insertion Of New Section 68A In Guj. Vi Of 1962 :-

After section 68 of the principal Act, the following section shall be inserted, namely:-

"68A. Payment of honorarium to President during leave or absence.--

(1) Subject to the provisions of sub-section (2), where the President of a district panchayat remains absent or on leave for a continuous period exceeding fifteen days, he shall not be entitled to any honorarium under sub-section (1) of section 68 for such period.

(2) Where the President remains absent on ground of illness duly certified by such medical authority as the State Government may by general or special order specify, the President shall be entitled to an honorarium under sub-section (1) of section 68 during the period of such absence in so far as such period does not exceed ninety days during any year.

(3) Nothing in sub-section (1) shall apply to the absence of the President on account of his touring on public business.".

7. Amendment Of Section 100 Of Guj. Vi Of 1962 :-

In section 100 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:-

"(1a) Any surplus funds in the hands of a pauchayat which may not be required for current charges may be invested in such manner as may be prescribed.".

8. Amendment Of Section 102 Of Guj. Vi Of 1962 :-

In section 102 of the principal Act, in sub-section (1), for clause (b), the following clause shall be substituted, namely: -

"(b) a gram panchayat or as the case may be, nagar panchayat shall have such other servants as may be determined under section 203. Such servants shall be appointed by such authority and their conditions of service shall be such as may be prescribed:".

9. Amendment Of Section 111 Of Guj. Vi Of 1962 :-

In section 111 of the principal Act, in sub-section (1), for the words "A taluka panchayat" the words and figures "Subject to the provisions of section 112, a taluka panchayat" shall be substituted.

10. Amendment Of Section 121 Guj. Vi Of 1962 :-

In section 121 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely: -

"(1a) Any surplus funds in the hands of a panchayat which may not be required for current charges may be invested in such manner as may be prescribed.".

11. Amendment Of Section 122 Of Guj. Vi Of 1962 :-

In section 122 of the principal Act, for clause (3), the following clause shall be substituted, namely:-

"(3) a taluka panchayat shall have such other officers and servants as may be determined under section 203. Such officers and servants shall be appointed by such authority and their conditions of service shall be such as may be prescribed. The officers and servants so appointed shall in the discharge of their functions and duties exercise such powers as may be conferred on them by the panchayat, subject to rules, if any, made in this behalf.".

12. Amendment Of Section 141 Of Guj. Vi Of 1962 :-

In section 141 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:-

"(1a) Any surplus funds in the hands of a panchayat which may not be required for current charges may be invested in such manner as may be prescribed.".

13. Amendment Of Section 142 Of Guj. Vi Of 1962 :-

In section 142 of the principal Act, for clause (3), the following

clause shall be Substituted; namely:-

"(3) a district panchayat shall have such other officers and servants as may be determined under section 203. Such officers and servants shall be appointed by such authority and their conditions of service shall be such as may be prescribed. The officers and servants so appointed shall in the discharge of their functions and duties exercise such powers as may be conferred on them by the panchayat, subject to rules, if any, made in this behalf."

14. Amendment Of Section 161 Of Guj. Vi Of 1962 :-

In section 161 of the principal Act, in sub-section (1), the following proviso shall be inserted at the end, namely:-

"Provided that in absence of adequate and special reasons to the contrary to be mentioned in the judgment of the court,-

(i) for a first offence, such fine shall not be less than one hundred rupees, and

(ii) for a second or subsequent offence, such fine shall not be less than two hundred and fifty rupees."

15. Amendment Of Section 178 Of Guj. Vi Of 1962 :-

In section 178 of the principal Act,

(1) in sub-section (1), after clause (xvii), the following clause shall be inserted, namely:-

"(xviii) in lieu of any two or more separate taxes specified in clauses (i), (vii), (viii) and (xvb), a consolidated tax on buildings or lands or both situated within the limits of the gram or, as the case may be, nagar.";

(2) in sub-section (3), for the word, brackets and figure "clause (i)" the words, brackets and figures "clauses (i) and (xviii)" shall be substituted.

16. Insertion Of New Section 182A In Guj. Vi Of 1962 :-

After section 182 of the principal Act, the following section shall be inserted, namely:-

"182A. Recovery of cost of watch and ward.--If under clause (a) of item 4 of Schedule I, a gram panchayat or nagar panchayat incurs any expenditure on watch and ward of the gram or as the case may be, nagar and of the crops therein the cost of such Watch and ward shall be levied and recovered by the panchayat from such persons and in such manner (including the levying of a fee) as may be

prescribed."

17. Amendment Of Section 203 Of Guj. Vi Of 1962 :-

In section 203 of the principal Act,

(1) after sub-section (2), the following sub-sections shall be inserted, namely:-

"(2A) (a) The cadres referred to in sub-section (2) may consist of district cadres, taluka cadres and local cadres.

(b) A servant belonging to a district cadre shall be liable to be posted whether by promotion or transfer to any post in any taluka in the district.

(c) A servant belonging to a taluka cadre shall be liable to be posted, whether by promotion or transfer to any post in any gram or nagar in the same taluka.

(d) A servant belonging to a local cadre shall be liable to be posted whether by promotion or transfer to any post in the same gram or, as the case may be, nagar.

(2B) In addition to the posts in the cadres referred to in sub-section (2A), a panchayat may have such other posts of such classes as the State Government may by general or special order determine. Such posts shall be called "deputation posts" and shall be filled in accordance with the provisions of section 207."

(2) in sub-section (3), for the words "powers of panchayats" the word "powers" shall be substituted.

18. Amendment Of Section 206A Of Guj. Vi Of 1962 :-

In section 206A of the principal Act;

(1) in sub-section (1)-

(a) for the words "three years" the words "four years" shall be substituted; and shall be deemed always to have been substituted.

(b) clauses (1), (2) and (3) shall be renumbered as clauses (i), (ii) and (iii) respectively and after clause (ii) as so renumbered, the following clause shall be inserted, namely:-

"(iia) if in pursuance of any information called for in this behalf by or on behalf of the State Government at any time after the 1st April 1963, any such officer or servant has preferred to revert to the State Service and after taking into consideration the exigencies of service in the panchayat organisation and also of service under the State Government, the State Government thinks fit to recall such officer or servant;"

(2) in sub-section (2), for the words "three years" the words "four

years" shall be substituted and shall be deemed always to have been substituted.

19. Amendment Of Section 207 Of Guj. Vi Of 1962 :-

In section 207 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) Notwithstanding anything contained in sub-section (1) if in the opinion of the State Government, it is necessary so to do in the public interest, it shall be lawful for the State Government to post by an order in writing any servant of class III services of the State under such panchayat and for such period and subject to such conditions as may be specified in the order and accordingly the servant specified in the order shall be posted under such panchayat and the provisions of sub-section (2) shall apply to such servant as they apply to an officer posted in accordance with sub-section (1).".

20. Amendment Of Section 217 Of Guj. Vi Of 1962 :-

In section 217 of the principal Act,-

(1) for the word, "elect" the word "choose" shall be substituted;

(2) the following proviso shall be inserted, namely:-

"Provided that in the event of any dispute in choosing the chairman, the competent authority shall nominate one of the members of the Nyaya Panchayat to be the Chairman.".

21. Amendment Of Section 287 Of Guj. Vi Of 1962 :-

In section 287 of the principal Act, in clause (2), after the words "the State policy in general" the words "and shall give effect to such general or special directions as the State Government may from time to time by order in writing issue in that behalf shall be inserted.

22. Amendment Of Section 292 Of Guj. Vi Of 1962 :-

Section 292 of the principal Act, shall be numbered as sub-section (1) of that section, and

(1) in sub-section (1) as so numbered,-

(i) for the words "by any panchayat" the words "by any subordinate panchayat" shall be substituted;

(ii) after the words "under its direction" the following shall be inserted, namely:-

"and also to enter the office of any such panchayat and inspect any

record, register or other document kept therein and such panchayat shall comply with the inspection notes, if any, made by the person making such inspection";

(2) after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:-

"(2) The taluka panchayat, if so empowered by the State Government, may authorise its President, Vice-President or Secretary to enter on and inspect, or cause to be entered on and inspected, at all reasonable times any immovable property occupied by any subordinate panchayat or any work in progress under its direction and also to enter the office of any such panchayat and inspect any record, register or other document kept therein and such panchayat shall comply with the inspection notes, if any, made by the person making such inspection."

23. Insertion Of New Section 292A In Guj. Vi Of 1962 :-

After section 292 of the principal Act, the following section shall be inserted, namely;-

"292A. Powers of officer of State Government regarding inspection.--An officer authorised by the State Government in this behalf by a general or special order may enter on and inspect or cause to be entered on and inspected, at all reasonable times any immovable property occupied by any panchayat or any work in progress under its direction and also enter the office of any panchayat and inspect any record, register or other document kept therein and the panchayat shall comply with the inspection note, if any, made by such officer.

24. Amendment Of Section 303 Of Guj. Vi Of 1962 :-

In section 303 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) Where a panchayat, after its being liable to be reconstituted by reason of the expiry of its term or otherwise under the provisions of this Act continues to function as before and the members thereof continue to hold their office, it shall be lawful for the State Government to take action under sub-section (1) in respect of such panchayat as if it were a panchayat not validly constituted under this Act."

25. Amendment Of Section 310A Of Guj. Vi Of 1962 :-

In section 310A of the principal Act, after sub-section (9), the following sub-section shall be inserted, namely:-

"(10) Nothing in the foregoing provisions of this section shall apply or shall be deemed ever to have applied to the alteration of the limits of a district or taluka by reason of the inclusion in or exclusion from the district or taluka of any area as a result of the alteration of the limits of a municipal borough or conversion of a municipal borough into a gram or nagar or the establishment of or the alteration of the limits of a cantonment.

Explanation-"Municipal borough" means a municipal borough constituted or deemed to be constituted under the Gujarat Municipalities Act, 1963

26. Amendment Of Section 318 Of Guj. Vi Of 1962 :-

In section 318 of the principal Act, in sub-section (1), the words "on an application from a panchayat" shall be deleted.

27. Amendment Of Section 324 Of Guj. Vi Of 1962 :-

In section 324 of the principal Act, in sub-section (2), after clause (xiii), the following clause shall be inserted, namely:-

"(xiv) for the regulation of any matter specified in Schedule I by the issue of licences or permits or in any other manner."

28. Amendment Of Section 327 Of Guj. Vi Of 1962 :-

In section 327 of the principal Act, in sub-section (2), in clause (a), for the words "two years" the words "four years" shall be and shall be deemed always to have been substituted.