



**The Gujarat Panchayats (Suspension of Provisions and Reconversion of
Certain Local Areas Into Municipal Districts) Act, 1962**

Act 9 of 1963

Keyword(s):

Municipal Act, Municipal District, Principal Act, Proclamation of Emergency

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.



The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. IV]

TUESDAY, FEBRUARY 5, 1963/MAGHA 16, 1884

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

CONTENTS

	PAGES.
GUJARAT ACT No. IX OF 1963—An Act to suspend the operation of certain provisions of the Gujarat Panchayats Act, 1961 and to reconvert certain local areas declared as nagars or grams into municipal districts	23—28

The following Act of the Gujarat Legislature, having been assented to by the President on the 2nd February 1963, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. IX OF 1963.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 5th February 1963).

An Act to suspend the operation of certain provisions of the Gujarat Panchayats Act, 1961 and to reconvert certain local areas declared as nagars or grams into municipal districts.

It is hereby enacted in the Thirteenth year of the Republic of India as follows :—

Short title. 1. This Act may be called the Gujarat Panchayats (Suspension of Provisions and Reconversion of certain local areas into Municipal Districts) Act, 1962.

Definitions 2. In this Act, unless the context otherwise requires—

(1) "Municipal Act" means—

(i) in the Bombay area of the State of Gujarat, the Bombay District Municipal Act, 1901, and Bom.
III of
1901.

(ii) in the Saurashtra area of the State of Gujarat, the Bombay District Municipal Act, 1901 as adapted and applied to that area; Bom.
III of
1901.

(2) "municipal district" means a municipal district within the meaning of the municipal Act;

(3) "principal Act" means the Gujarat Panchayats Act, 1961; Guj.
VI of
1962.

(4) "Proclamation of Emergency" means the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution on the 26th October 1962;

(5) "relevant notification" means a notification, issued under section 9 of the principal Act, specified in the Schedule;

(6) "Schedule" means the Schedule appended to this Act.

Suspension of provisions of principal Act. 3. Notwithstanding anything contained in the principal Act, the operation of those provisions of the principal Act which have been brought into force before the commencement of this Act shall be suspended for the period during which the Proclamation of Emergency is in force and thereafter for such period not exceeding six months as the State Government may by notification in the *Official Gazette* appoint in this behalf.

Certain local areas to cease to be such and consequences hereof. 4. (1) Notwithstanding anything contained in the principal Act, every local area which has been declared to be a nagar or gram under a relevant notification and was wholly or partly within a municipal district immediately before the issue of any such notification shall, along with any area included therein after the issue of such notification but before the date of the commencement of this Act, cease to be such nagar or, as the case may be, gram.

(2) Notwithstanding anything contained in the principal Act, the Municipal Act or any other law for the time being in force, in the case of each local area to which sub-section (1) applies, with effect on and from the date of the commencement of this Act the following consequences shall ensue namely :—

(i) so much area of the local area as was included in a municipal district (hereinafter referred to as "the municipal area") immediately before the date of issue of the relevant notification shall constitute a municipal district to be known, by the same name by which it was known before the issue of the notification and the municipality or, as the case may be, the appointment of an administrator subsisting under the Municipal Act immediately before the issue of such notification shall stand revived;

(ii) all persons holding office as members of the interim panchayat in respect of the municipal area under section 307 of the principal Act immediately before the date of commencement of this Act (hereinafter referred to as "the said date") shall be deemed to hold office as councillors of the municipality so revived and the persons holding office as *Sarpanch* or Chairman and as *Upa-Sarpanch* or Vice-Chairman of the interim panchayat immediately before the said date shall be deemed respectively to be the President and Vice-President of the municipality; the councillors, President and Vice-President so holding office shall continue to hold office for the period for which they would have held office under the Municipal Act had the interim panchayat not been constituted under section 307 of the principal Act;

(iii) if in respect of the municipal area, the appointment of an administrator has been made or continued under the principal Act, such appointment shall be deemed to have been made and continued under the Municipal Act and shall be subject to the provisions of that Act;

(iv) the unexpended balance of the gram fund, or as the case may be, nagar fund and property (including arrears of rates, taxes and fees) belonging to the interim panchayat and all rights and powers which before the said date vested in the interim panchayat shall subject to all charges and liabilities affecting the same, vest in the municipality so revived respectively as the municipal fund and property;

(v) any appointment, notification, notice, tax, fee, cess, order, scheme, licence, permission, rule, by-law or form made, issued, imposed or granted or deemed to have been made, issued, imposed or granted in respect of the municipal area under the principal Act shall be deemed to have been made, issued, imposed or granted under the Municipal Act and shall continue in force until it is superseded or modified by any other appointment, notification, notice, tax, fee, cess, order, scheme, licence, permission, rule, by-law or form made, issued, imposed or granted under the Municipal Act;

(vi) all budget estimates, assessments, assessment lists, valuations or measurements made or authenticated or deemed to have been made or authenticated under the principal Act, in respect of the municipal area shall be deemed to have been made or authenticated under the Municipal Act;

(vii) all debts and obligations, incurred or deemed to have been incurred and all contracts made or deemed to have been made by or on behalf of the interim panchayat in respect of the municipal area and subsisting on the said

date shall be deemed to have been incurred and made by or on behalf of the municipality so revived in exercise of the powers conferred on it by or under the Municipal Act;

(viii) all officers and servants in the employ of the interim panchayat immediately before the said date shall be officers and servants in the employ of the municipality so revived under the Municipal Act and shall receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject immediately before the said date:

Provided that it shall be competent to the municipality, subject however to the previous sanction of the State Government, to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the service of the municipality, after giving such officer or servant such notice as is required to be given by the terms of his employment, and every officer or servant whose services are discontinued shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalided out of service as if the interim panchayat, in the employ of which he was, had not ceased to exist;

(ix) all proceedings from the municipal area pending at the said date before the interim panchayat shall be deemed to be transferred to, and continued by the municipality so revived;

(x) all appeals from the municipal area pending at the said date before the interim panchayat shall be disposed of as if the local area had been included in the municipal district when they were filed;

(xi) all prosecutions, suits and other legal proceedings from the municipal area instituted or continued by or on behalf of or against the interim panchayat and pending on the said date shall be continued by or on behalf of or against the municipality so revived as if the municipal area had been included in the municipal district when such prosecutions, suits and proceedings were instituted; and any suit, prosecution or other legal proceeding instituted or continued by or against any member, officer or servant of the interim panchayat in his capacity as such and pending on the said date, shall be continued by or against him as if such suit, prosecution or proceeding were instituted by or against him in his corresponding capacity under the Municipal Act;

(xii) in the case of a municipality so revived any proceeding commenced under the Municipal Act during its existence before the issue of the relevant notification in respect of the affairs of the municipality or in respect of any member, officer or servant thereof which had not been completed until the issue of such notification, and any proceeding (including any legal proceedings) which could have been instituted or pursued, had the municipality not ceased to exist, may be instituted or continued, and completed, as if the municipality

had not ceased to exist, or as the case may be, the member, officer or servant had not ceased to be such member, officer or servant, and the period between the date of the issue of the relevant notification and the said date shall be excluded in computing the period of limitation, if any;

(xiii) in respect of the area which is not included in the municipal area as aforesaid, if there be any assets and property belonging to the interim panchayat, the same shall vest in the State Government to be utilised for the benefit of the inhabitants of the area as the State Government thinks fit and any proceeding pertaining to the area and pending before the interim panchayat at the said date and any other proceeding pertaining to the area instituted by or against the interim panchayat and pending at the said date shall be transferred to, and disposed of by such authority as the State Government may by order in writing specify;

(xiv) any law other than the principal Act or any rule, or by-law, notification or order issued under such law, which was applicable to and in force in any local area immediately before the declaration of such local area as a nagar or gram under a relevant notification shall be deemed never to have ceased to apply to or to be in force in such local area merely by reason of such declaration and shall be deemed to have always continued to apply and to be in force in such local area, notwithstanding that no provision or insufficient provision in that behalf was made in the principal Act;

(xv) anything done or any action taken under the principal Act and any proceeding in connection therewith for which no specific provision has been made in the foregoing clauses of this section shall not be affected and, as far as may be, shall be deemed to have been done or taken under the corresponding provision of the Municipal Act.

5. If any difficulty arises in giving effect to the provisions of section 4, the State Government may, as occasion requires, by order do anything which appears to it to be necessary for the purpose of removing the difficulty. Removal of difficulty.

SCHEDULE

(See section 4)

Notifications issued under section 9 of the Gujarat Panchayats Act, 1961.

Sr. No.	Number and date of the notification	By whom issued
		3
1.	D. IL GPA. 2(5), dated the 17th August 1962.	Commissioner, Rajkot Division.
2.	D. II. GPA. 2(5), dated the 24th August 1962.	—do—
3.	VP/DDD-Baroda, dated the 22nd August 1962.	Commissioner, Baroda Division.
4.	VP/DDD-Baroda, dated the 22nd August 1962.	—do—
5.	VP/Noti./1, dated the 24th August 1962.	Commissioner, Ahmedabad Division.
6.	VP/Noti /2, dated the 24th August 1962.	—do—
7.	VP/Noti /3, dated the 24th August 1962.	—do—
8.	VP/Noti./4, dated the 24th August 1962.	—do—
9.	VP/Noti /5, dated the 24th August 1962.	—do—
10.	VP/Noti./6, dated the 24th August 1962.	—do—
11.	VP/Noti./7, dated the 24th August 1962.	—do—
12.	VP/Noti./8, dated the 24th August 1962.	—do—