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PART IV

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

PANCHAYATS, RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 21st November, 2016.

GUJARAT ORDINANCE NO. 4 OF 2016.

AN ORDINANCE

further to amend the Gujarat Panchayats Act, 1993.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action

Guj. 18 of 1993. to amend the Gujarat Panchayats Act, 1993;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. *Short title and commencement.*-(1) This Ordinance may be called the Gujarat Panchayats (Amendment) Ordinance, 2016.

(2) It shall come into force at once.

2. *Guj. 18 of 1993 to be temporarily amended.*-During the period of operation of this Ordinance, the Gujarat Panchayats Act, 1993 (hereinafter *Guj. 18 of 1993.* referred to as "the Principal Act") shall have effect subject to the amendments specified in sections 3 and 4.

3. *Amendment of section 262 of Guj. 18 of 1993.*- In the principal Act, in section 262, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) Within four months of the said date, a panchayat for the amalgamated village shall be constituted in accordance with the provisions of this Act and such constituted panchayat, unless sooner dissolved under this Act, shall continue for five years from the date appointed for its first meeting and no longer.".

4. *Amendment of section 263 of Guj. 18 of 1993.*- In the principal Act, in section 263, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) Within four months of the said date, a panchayat for the respective new village shall be constituted in accordance with the provisions of this Act and such constituted panchayat, unless sooner dissolved under this Act, shall continue for five years from the date appointed for its first meeting and no longer.".

STATEMENT

Sections 262 and 263 of the Gujarat Panchayats Act, 1993 provide for the effect of amalgamation of villages and effect of division of villages, respectively.

Sub-section (2) of section 262 of the said Act provides that a panchayat for the amalgamated village shall be constituted within four months of the said date and its duration shall be for such period as the State Government may, having regard to the remainder of the period for which village panchayats in the District in which the amalgamated village is situated, by notification in the *Official Gazette*, specify.

Sub-section (1) of section 263 of the said Act *inter alia* provides that when any village is split up into two or more villages, then, with effect from the date on which the village is so split, the panchayat constituted in respect of such local area shall stand dissolved. Sub-section (2) of the said section 263 provides that a panchayat for a new village shall be constituted within four months of the said date and its duration shall be for such period as the State Government may, having regard to the remainder of the period for which village panchayats in the District in which the respective new villages are situated, by notification in the *Official Gazette*, specify.

It thus appears from the above said provisions that in case of a new village or in case of an amalgamated village, the duration of such panchayat shall be such as may be notified by the State Government taking into consideration the remainder of the period of other village panchayats situated in the concerned district. However, such is not the case with the municipality when a municipality is split up into two or more municipalities as the duration of such reconstituted municipality is five years as provided in section 266 of the Gujarat Municipalities Act, 1963. The Government is of the view that when the amalgamated village or a new village under sections 262 and 263, respectively is constituted, its duration should also be of five years in view of the fact that such panchayats are constituted as a result of the election held for

the purpose of constituting the panchayat. The Government is also of the view that the duration of such panchayats should be on the same lines as in the case of split up municipalities.

Sub-section (2) of section 262 and sub-section (2) of section 263 are therefore, amended suitably in order that the amalgamated village or a new village, when constituted, shall have duration of five years.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid object.

O. P. KOHLI,

Dated the 18th November, 2016.

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

Raj Gopal,

Principal Secretary to Government.