

Extra No. 18

वार्षिक खर्चमनो दर रु. ३५००/-



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LVIII]

WEDNESDAY, MARCH 22, 2017/CAITRA 1, 1939

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

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PANCHAYATS (SECOND AMENDMENT) BILL, 2017.

GUJARAT BILL NO. 18 OF 2017.

A BILL

further to amend the Gujarat Panchayats Act, 1993.

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Panchayats (Second Amendment) Act, 2017.

Short title and commencement.

(2) It shall come into force at once.

Amendment of
section 32 of
Guj. 18 of 1993.

2. In the Gujarat Panchayats Act, 1993, (hereinafter referred to as "the principal Act"), in section 32, in sub-section (1), for the word and figures "section 30", occurring at two places, the words, brackets and figures "sub-section (1) of section 30" shall be substituted.

Guj. 18 of 1993.

Amendment of
section 55 of
Guj. 18 of
1993.

3. In the principal Act, in section 55, in sub-section (4), for the words "Sarpanch and any one of the two other members of the panchayat authorised in that behalf by the panchayat", the words "Sarpanch or a member of the panchayat authorized in that behalf by the panchayat, and the Secretary" shall be substituted.

Amendment
of section 145
of Guj. 18 of
1993.

4. In the principal Act, in section 145, in sub-section (1), for clause (vii), the following clauses shall be substituted, namely:-

"(vii) A Committee for production, co-operation and irrigation.

(viii) A Committee for woman and child development and youth activities."

Amendment
of section 222
of Guj. 18 of
1993.

5. In the principal Act, in section 222, sub-sections (3) and (4) shall be deleted.

STATEMENT OF OBJECTS AND REASONS

Sections 30 and 32 of the Gujarat Panchayats Act, 1993 provide for the disqualifications of a member of the panchayat and disability from continuing as members, respectively.

Clauses (a) and (b) of sub-section (1) of section 32 of the said Act provide that if any elected member of a panchayat who incurs any of the disqualifications mentioned in section 30 at the time of his election or who incurs any disqualifications mentioned in section 30 during the term for which he has been elected, shall be disabled from continuing to be the member, and his office shall become vacant.

However, there are two sub-sections in section 30 of the said Act. Sub-section (1) of the said section 30 provides disqualifications of a member of a panchayat whereas sub-section (2) of section 30 disqualifies any member, under the Gujarat Provision for Disqualification of Members of Local Authorities for Defection Act, 1986, for being a member of a Taluka panchayat or a district panchayat. Hence, said sub-section (2) would not apply to the member who shall be disabled from continuing to be the member of the panchayat, under the Gujarat Panchayats Act, 1993. Sub-section (1) of section 32 is proposed to be amended accordingly.

Sub-section (4) of section 55 of the Gujarat Panchayats Act, 1993 restricts withdrawal of money from the fund of the panchayat except with the signature of the Sarpanch and any one of the two other members of the panchayat authorised in that behalf by the panchayat. Considering the recommendation of Gujarat State Second Finance Commission and to curb the financial irregularities, it is necessary that the cheques should be issued with the signature of Sarpanch or a member of the panchayat authorised in that behalf by the panchayat, and the Secretary of the village panchayat instead of Sarpanch and one member of village panchayat. Sub-section (4) of section 55 is proposed to be amended accordingly.

Section 145 of the of the said Act is also proposed to be amended so as to incorporate the provision relating to constitution of the committee for production, co-operation and irrigation as also the committee for woman and child development and youth activities.

Sub-section (1) of section 222 of the said Act provides for establishment of the District Village Encouragement Fund by the district panchayat in each district which can be utilized by the district panchayat for making incentive grants to village panchayats to encourage them to raise their income by levying taxes and fees leviable by them under the said Act. This fund can not be utilized for granting loans to village panchayats in accordance with the rules and for payments of interest on contributions made by the said panchayats. It is, therefore, considered necessary to delete sub-sections (3) and (4) of said section 222.

This Bill seeks to amend the said Act of 1993 to achieve the aforesaid objects.

Dated the 22nd March, 2017.

JAYANTIBHAI KAVADIYA.

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

K. M. LALA,

Gandhinagar,

Secretary to the Government of Gujarat,

Dated the 22nd March, 2017.

Legislative and Parliamentary Affairs Department.