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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 (AMENDMENT) BILL, 2017.

GUJARAT BILL NO. 3 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 (Amendment) Act, 2016.
- (2) It shall be deemed to have come into force on the 21st November, 2016.

Short title
and
commencement.

**Amendment
of section 262
of Guj. 18 of
1993.**

2. In the Gujarat Panchayats Act, 1993, (hereinafter referred to as “the principal Act”), in section 262, for sub-section (2), the following sub-section shall be substituted, namely:-

**Guj. 18
of 1993.**

“(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.”.

**Amendment
of section 263
of Guj. 18 of
1993.**

3. 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.”.

**Repeal
and
savings.**

4. (1) The Gujarat Panchayats (Amendment) Ordinance, 2016 is hereby repealed.

**Guj. Ord.
4 of 2016.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

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 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 Gujarat Panchayats Act, 1993 *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 sections 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 are constituted, their 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-sections (2) of sections 262 and 263 are therefore, proposed to be 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 was not in session, at that time, the Gujarat Panchayats (Amendment) Ordinance, 2016 was promulgated on the 21st November, 2016 to amend the said Act to achieve the aforesaid object. This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

Dated the 13th February, 2017.

JAYANTIBHAI KAVADIYA.

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

Gandhinagar
Dated the 13th February, 2017

K. M. Lala,
Secretary to the Government of Gujarat
Legislative and Parliamentary Affairs Department.