

Extra No. 22



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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 14th September, 2015.

GUJARAT ORDINANCE NO. 2 OF 2015.

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 to amend the Gujarat Panchayats Act, 1993;

Guj. 18 of 1993.

NOW, THEREFORE, in exercise of the powers conferred 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, 2015.

(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 shall have effect subject to the amendment specified in section 3.

Guj. 18 of 1993.

3. **Amendment of section 15 of Guj. 18 of 1993.**- In the Gujarat Panchayats Act, 1993, in section 15, for sub-section (1), the following sub-section shall be substituted, namely:-

Guj. 18 of 1993.

“(1) Subject to the provisions of section 13, the election of the members to a panchayat shall be held on such date as the State Election Commission may appoint in that behalf.”.

STATEMENT

Article 243E of the Constitution of India provides for the duration of Panchayats. The provisions of the said article *inter alia* provide that an election to constitute a panchayat shall be completed before the expiry of its duration and in case where a panchayat is dissolved, election shall be completed before the expiration of a period of six months from the date of its dissolution. Exact provisions to this effect have also been made under section 13 of the Gujarat Panchayats Act, 1993. However, section 15 of the said Act, provides for the election to be held not before two months or later than fifteen days in either case of reconstitution of panchayat on account of its expiry or on account of its dissolution. However, there is no such provision for holding election within such stipulated period either in the Gujarat Provincial Municipal Corporations Act, 1949 or the Gujarat Municipalities Act, 1963. It is, therefore, considered necessary to remove the provisions as regards the stipulated period within which the election to a panchayat should be held so as to bring parity with the provisions of above said two Acts and accordingly necessary amendment has been carried out in section 15 of the Gujarat Panchayats Act, 1993.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to amend the Gujarat Panchayats Act, 1993, to achieve the aforesaid object.

Gandhinagar,

Dated the 12th September, 2015.

O. P. Kohli,

Governor of Gujarat.

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

B. B. SWAIN,

Principal Secretary to Government.