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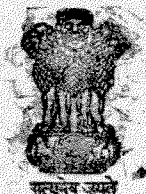
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SECRET



# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

FRIDAY, SEPTEMBER 23, 1960 / ASVINA 1, 1882.

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.

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The following Act of the Gujarat Legislature, having been assented to by the President on the 17th September 1960, is hereby published for general information.

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

#### GUJARAT ACT No. X OF 1960

*(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 23rd September 1960.)*

An Act to provide for controlling and regulating development in the periphery of the new capital of the State of Gujarat.

It is hereby enacted in the Eleventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat New Capital (Periphery) Control Act, 1960.

Short title,  
extent and  
commence-  
ment.



The Gujarat Government Gazette  
**EXTRAORDINARY**  
 PUBLISHED BY AUTHORITY

Vol. VI]

FRIDAY, MARCH 12, 1965/PHALGUNA 21, 1886

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.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 10th March 1965 is hereby published for general information.

AKBAR S. SARELA,  
 Secretary to the Government of Gujarat,  
 Legal Department.

**GUJARAT ACT NO. 1 OF 1965.**

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 12th March 1965).

**AN ACT**

to amend the Gujarat Panchayats Act, 1961 and the Gujarat New Capital (Periphery) Control Act, 1960 for certain purposes.

It is hereby enacted in the Sixteenth Year of the Republic of India as follows :—

1. This Act may be called the Gujarat Panchayats and the Gujarat New Capital (Periphery) Control (Amendment) Act, 1965. Short title.

2. In section 142 of the Gujarat Panchayats Act, 1961 (hereinafter referred to as "the Panchayats Act") in sub-section (2), clause (b) shall be deleted.

Amendment  
 of section  
 142 of Gwj.  
 VI of 1962.

3. After section 158A of the Panchayats Act, the following new section shall be and shall be deemed always to have been inserted, namely :—

Insertion of  
 new section  
 158B in Gwj.  
 VI of 1962.

IV-Extra-2 (Lino)

Obligation or liability of servants transferred under section 157 or 158 not affected.

"158B. The transfer or allotment of any servant to a panchayat under section 157 or 158 shall not affect—

(a) any obligation or liability incurred or default committed before such transfer or allotment by such servant while acting or purporting to act in the discharge of his duties as such servant; and

(b) any investigation, disciplinary action or remedy in respect of such obligation, liability or default,

and any such investigation, disciplinary action or remedy may be instituted, continued or enforced in accordance with the law applicable thereto before such transfer or allotment by such authority as the State Government may by general or special order specify in this behalf."

Amendment of section 178 of Guj. VI of 1962.

4. In section 178 of the Panchayats Act, in sub-section (1), for the words "It shall be competent to a gram panchayat and a nagar panchayat to levy" the following shall be substituted, namely :—

"Subject to any general or special order which the State Government may make in this behalf, it shall be competent to a gram panchayat, and to a nagar panchayat to levy".

Amendment of section 206 A of Guj. VI of 1962.

5. In section 206A of the Panchayats Act, after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) The re-allocation of an officer or servant to the State service under sub-section (1) whether made before or after the commencement of the Gujarat Panchayats and the Gujarat New Capital (Periphery) Control (Amendment) Ordinance, 1964, shall not affect—

Guj.  
Ord.  
No. 2  
of  
1964.

(a) any obligation or liability incurred or default committed by such officer or servant during the period of his allocation to the Panchayat Service while acting or purporting to act in the discharge of his duties as such officer or servant, and

(b) any investigation, disciplinary action or remedy in respect of such obligation, liability or default,

and any such investigation, disciplinary action or remedy may be instituted, continued or enforced in accordance with the law applicable thereto during the said period of allocation by such authority as the State Government may by general or special order specify in this behalf."

Amendment of section 310A of Guj. VI of 1962.

6. In section 310A of the Panchayats Act,

(1) to clause (ii) of sub-section (1), the following proviso shall be added, namely :—

Guj.  
X of  
1960.

"Provided that if the new taluka or new district is a taluka or district constituted under section 2A of the Gujarat New Capital (Periphery) Control Act, 1960, the establishment of the taluka panchayat or, as the case may be, the district panchayat therefor may, notwithstanding anything contained in this Act, be postponed so long as the Gujarat New Capital (Periphery) Control Act, 1960, is in force or for such lesser period as the State Government may, by notification in the *Official Gazette*, specify."

(2) in sub-section (2) for the words, brackets and figures beginning with the words "The panchayat reconstituted" and ending with the words, brackets and figures "dissolved under sub-section (1)", the following shall be substituted, namely :—

"The Panchayat reconstituted or established under the provisions of sub-section (1) shall,

(a) if it be a taluka panchayat, consist of *ex-officio* and associate members eligible under clauses (A) and (D) of sub-section (1) of section 14 and such other members as the State Government may appoint in lieu of the elected and co-opted members referred to in clauses (B) and (C) of the said sub-section (1), and

(b) if it be a district panchayat, consist of *ex-officio* and associate members eligible under clauses (A) and (D) of sub-section (1) of section 15 and such other members as the State Government may appoint in lieu of the elected and co-opted members referred to in clauses (B) and (C) of the said sub-section (1);

and the members to be so appointed shall so far as may be practicable in the opinion of the State Government be persons who were members of the district or taluka panchayat, as the case may be, which has been dissolved under sub-section (1).";

(3) after sub-section (7), the following sub-sections shall be inserted, namely :—

"(8) In the case of a new taluka and new district to which the proviso to clause (ii) of sub-section (1) applies, the provisions of sub-sections (5) and (6) shall have effect subject to the modification that—

(a) the part of the fund and other property liable to be vested in and the portion of the debts and obligations liable to be transferred to the panchayat of the new taluka or, as the case may be, the new district, and

(b) the rights and liabilities liable to vest in the panchayat referred to in clause (a),

shall vest in, or as the case may be, be transferred to the State Government and the fund and property so vesting shall be utilised by the State Government for discharging the liability, if any, transferred to it under this sub-section and for the benefit of the inhabitants of the new taluka or, as the case may be, the new district in such manner as the State Government may think fit.

(9) If before the commencement of the Gujarat Panchayats and the Gujarat New Capital (Periphery) Control (Amendment) Ordinance, 1964, a district panchayat or taluka panchayat has been reconstituted or established under the provisions of this section as then existing for a new district or, as the case may be a new taluka, then notwithstanding anything contained in sub-sections (3) and (4) it shall be lawful for the State Government to further reconstitute such panchayats so as to be in conformity with the provisions of sub-section (2):

Provided that the members of the panchayats as so further reconstituted shall hold office so long only as they would have held office but for the further reconstitution of the panchayat under this sub-section and on the expiry of the period of office of such members the panchayat shall be constituted under section 17."

Amendment of section 323 of Guj. VI of 1962. 7. In section 323 of the Panchayats Act, in sub-section (3), after the words "previous publication" the words and figures "except where the rules provide for any of the matters specified in Chapter XI" shall be inserted.

Amendment of section 1 of Guj. X of 1960. 8. In the Gujarat New Capital (Periphery) Control Act, 1960 (hereinafter referred to as "the Capital Periphery Control Act"), to sub-section (2) of section 1, the following proviso shall be added, namely:—

"Provided that where the area so within a distance of five miles is a part of a revenue village constituted under the Bombay Land Revenue Code, 1879 this Act shall extend to the whole of the area comprising such village."

Insertion of new section 2A in Guj. X of 1960. 9. In the Capital Periphery Control Act, after section 2, the following new section shall be inserted, namely:—

Formation of special taluka and district. "2A. (1) With effect on and from such date as the State Government may by notification in the *Official Gazette* specify, the area to which this Act extends and the area of the new capital shall constitute a taluka and also a district consisting of the taluka so constituted within the meaning of section 7 of the Bombay Land Revenue Code, 1879, and the said Code shall have effect accordingly.

(2) The taluka and the district constituted under sub-section (1) shall be known by such names as the State Government may by notification in the *Official Gazette*, assign thereto."

Repeal of Guj. Ord. No. 2 of 1964. 10. The Gujarat Panchayats and the Gujarat New Capital (Periphery) Control (Amendment) Ordinance, 1964 is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if that Ordinance were an enactment.

(2) It shall extend to the area adjacent to and within a distance of five miles on all sides from the outer boundary of the new capital of the State of Gujarat.

(3) It shall come into force at once.

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

(a) "agriculture" includes horticulture and the planting and upkeep of an orchard;

(b) "building" shall include any hut, shed or other enclosure, whether used as a human dwelling or for any other purpose, and shall also include walls including compound walls and fencing, verandahs, fixed platforms, plinths, doorsteps and the like;

(c) "the new capital" means the site of the permanent capital of the State of Gujarat, comprising such areas as the State Government may, from time to time, by notification in the *Official Gazette*, specify in this behalf;

(d) "Collector" means the Collector of the District and includes any person for the time being appointed by the State Government, by notification in the *Official Gazette*, to perform all or any of the functions of the Collector under this Act;

(e) "Commissioner" means the Commissioner of the Division and includes any person for the time being appointed by the State Government, by notification in the *Official Gazette*, to perform all or any of the functions of the Commissioner under this Act;

(f) "erect a building" means —

(1) newly to erect a building, or

(2) to re-erect —

(i) any building of which more than three quarters of the cubical contents above the level of the plinth have been pulled down, or

(ii) any masonry walled building of which more than three quarters of the superficial area of the external walls above the level of the plinth has been pulled down, or

(iii) any frame-building of which more than three quarters of the number of posts have been pulled down, or

(3) to convert into a dwelling house any building not originally constructed for human habitation, or

(4) to convert into more than one dwelling house a building originally constructed as one dwelling house only;

(g) "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "road" means a metalled or un-metalled road, whether a thoroughfare or not, accessible to the public and maintained by the State Government or by a local authority.

3. (1) The State Government may, by notification in the *Official Gazette*, declare the whole or any part of the area to which this Act extends to be a controlled area for the purposes of this Act. Declaration of controlled area.

(2) Not less than one month before making a declaration under sub-section (1) the State Government shall cause to be published in the *Official Gazette*, and in at least two newspapers printed in the regional language, a notification stating that it proposes to make such a declaration, and copies of the notification or of the substance thereof shall be published by the Collector in such manner as may be prescribed at his office and in the area desired to be controlled.

4. (1) The Collector shall within three months of the declaration under sub-section (1) of section 3 deposit, at his office and at such other places as he considers necessary, plans showing the area declared to be a "controlled area" for the purposes of this Act indicating therein the nature of the restrictions applicable to the controlled area. Publication of plans of controlled area.

(2) The plans so deposited shall be available for inspection by the public free of charge at all reasonable times.

5. Except as hereinafter provided, no person shall erect any building or make or extend any excavation, or lay out any means of access to a road, in the controlled area, save in accordance with the plans and restrictions referred to in section 4 and save with the previous permission of the Collector in writing. Restrictions in controlled area.

6. (1) Every person desiring to obtain the permission referred to in section 5 shall make an application in writing to the Collector in such form and containing such information in respect of the building, excavation or means of access to which the application relates as may be prescribed. Applications for permission and grant or refusal of such permission.

(2) On receipt of such application, the Collector after making such enquiry as he considers necessary, shall, by order in writing, either —

(a) grant the permission, subject to such conditions, if any, as may be specified in the order; or

(b) refuse to grant such permission.

(3) When the Collector grants permission subject to conditions or refuses to grant permission under sub-section (2), the conditions imposed or the grounds of refusal shall be such as are reasonable having regard to the circumstances of the case and the interests of the general public.

(4) The Collector shall not refuse permission to the erection of a building if such building is required for purposes subservient to agriculture, nor shall the permission to erect any such building be made subject to any conditions other than those which may be necessary to ensure that the building will be used solely for agricultural purposes.

(5) The Collector shall not refuse permission to the erection of a building which was in existence on the date on which the notification under sub-section (2) of section 3 was made, nor shall he impose any conditions in respect of such erection unless he is satisfied that there is a probability that the building will be used for a purpose or is designed in a manner other than that for which it was used or designed on the date on which the said declaration was made.



(6) If at the expiration of a period of three months after an application under sub-section (1) has been made to the Collector, no order in writing has been passed by the Collector, permission shall be deemed to have been given subject to the restrictions indicated in the plans under section 4.

(7) The Collector shall maintain a register as may be prescribed with sufficient particulars of all cases in which permission is given or deemed to have been given or refused by him under this section, and the said register shall be available for inspection without charge by all persons interested and every such person shall be entitled to take extracts therefrom.

Appeal.

7. (1) Any person aggrieved or affected by an order of the Collector under sub-section (2) of section 6 granting permission subject to conditions or refusing permission, may within sixty days from the date of such order, prefer an appeal to the Commissioner.

(2) The Commissioner, may, after hearing the appeal, vary or reverse the order appealed against and may pass such orders as he deems fit.

(3) The order of the Commissioner under sub-section (2) shall be final.

Compensation.

8. A person whose application has been refused or whose application has been granted subject to conditions under sub-section (2) of section 6 shall be entitled to claim compensation within three months of the order of the Collector under section 6 or the order of the Commissioner under section 7, if any, as the case may be, for any injury, loss or damage actually suffered on account of the order, in the manner hereinafter provided.

Arbitration for compensation.

9. (1) An application for compensation shall lie to an arbitrator appointed by the State Government in this behalf.

(2) Such arbitrator shall be a person who is or has been a District Judge and he shall have all the powers of an arbitrator under the Arbitration Act, 1940, and the provisions of the said Act shall, so far as may be, apply in relation to proceedings before him. X of 1940.

(3) In computing the compensation to be awarded regard shall not be had to any consideration for advantages to be gained or improvements to be made in any land or building in the controlled area, with reference to the development or intended development in the future, or to increase in value as a result of the development, of the new capital.

(4) The arbitrator shall have power to reject the application, after due enquiry, or to make an award for compensation.

Savings.

10. Nothing in this Act shall affect the power of the Government or any other authority to acquire land or to impose restrictions upon the use and development of land comprised in the controlled area under any other law for the time being in force, or to permit the settlement of a claim arising out of the exercise of powers under this Act by mutual agreement.

Prohibition on use of land.

11. (1) No land within a controlled area shall, except with the permission of the State Government, be used for purposes other than those for which it was used on the date of notification under sub-section (2) of section 3; and no land shall be used for the purposes of a charcoal-kiln, pottery-kiln, lime-kiln or brick-field or brick-kiln, except under, and in accordance with the conditions of a licence from the Collector on payment of such fees and under such conditions as may be prescribed.

(2) The renewal of such licence may be made annually on payment of such fees as may be prescribed.

(3) No person shall be entitled to claim compensation for any injury, loss or damage caused or alleged to have been caused by the refusal to issue or renew a licence for a kila under sub-section (1) or (2), except in a case where such kila was in existence at the time of the notification under sub-section (2) of section 3 and where an application for compensation shall lie to the arbitrator within three months of the order of refusal in the manner provided in section 9.

12. (1) Any person who —

(a) erects any building or makes or extends any excavation or lays out any means of access to a road in contravention of the provisions of section 5 or in contravention of any conditions imposed by an order under section 6 or section 7, or

(b) uses any land in contravention of the provisions of sub-section (1) of section 11,

shall, on conviction, be punished with fine which may extend to five hundred rupees and, in the case of a continuing contravention, with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.

(2) Without prejudice to the provisions of sub-section (1), the Collector may order any person who has committed a breach of the provisions of the said sub-section to restore to its original state or to bring into conformity with the conditions imposed, as the case may be, any building or land in respect of which a contravention such as is described in the said sub-section has been committed; and if such person fails to do so, within three months of the order, the Collector may himself take such measures as may appear to him to be necessary to give effect to the order and the cost of such measures shall be recoverable from such person as an arrear of land revenue.

13. No court inferior to that of a Magistrate of the first class shall be competent to try any offence punishable under this Act.

14. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

15. Nothing in this Act shall apply to —

(a) any buildings for residential purposes or for purposes subservient to agriculture in the village site area of any village as defined in the revenue records;

(b) the erection of a building constituting a place of worship or a tomb or cenotaph or a wall enclosing a graveyard, place of worship, cenotaph or Samadhi on land which is, at the time of the notification under sub-section (2) of section 3, occupied by or for the purposes of such place of worship, tomb, cenotaph, graveyard or Samadhi;

(c) excavations (including wells) or other operations made in the ordinary course of agriculture;

(d) the construction of an unmetalled road intended to give access to land solely for agricultural purposes.

Offences and penalties.

Trial of offences.

Indemnity.

Exemption.

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ake rules

16. (1) The State Government may, by notification in the *Official Gazette* and subject to the condition of previous publications, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form in which the plans under section 4 are to be displayed and the matters to be contained therein ;

(b) the form in which applications under sub-section (1) of section 6 shall be made and the information to be furnished in such applications ;

(c) the form of the register to be maintained under sub-section (7) of section 6 ;

(d) the regulation of the laying out of means of access to roads ;

(e) the fees to be charged for the grant and renewal of licences under section 11 and the conditions governing such licences ;

(f) principles and conditions under which applications for permission under this Act may be granted or refused.

(3) All rules made under this Act shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following. The modifications so made shall be published in the *Official Gazette* and shall take effect on and from the date of their publication.

Repeal of  
Gujarat  
Ordinance  
No. VII of  
1960.

17. The Gujarat New Capital (Periphery) Control Ordinance, 1960 is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if that Ordinance were an enactment.

Bom.  
I of  
1904.



The Gujarat Government Gazette  
**EXTRAORDINARY**  
 PUBLISHED BY AUTHORITY

Vol. VI] MONDAY DECEMBER 13, 1965/AGRAHAYANA 22, 1887

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.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 9th December 1965 is hereby published for general information.

SUMANT M. VIDYARTHI,  
 Secretary to the Government of Gujarat,  
 Legal Department.

**GUJARAT ACT NO. 30 OF 1965.**

(First published after having received the assent of the Governor in the *Gujarat Government Gazette* on the 13th December 1965.).

An Act to amend the Gujarat New Capital (Periphery) Control Act, 1960 for certain purposes.

It is hereby enacted in the Sixteenth Year of the Republic of India as follows:—

1. This Act may be called the Gujarat New Capital (Periphery) Control (Amendment) Act, 1965. Short title.

Guj. X of 1960. 2. In section 6 of the Gujarat New Capital (Periphery) Control Act, 1960, for sub-section (4), the following sub-section shall be substituted, namely:— Amendment of section 6 of Guj. X of 1960.

“(4) The Collector shall not refuse permission to the erection of a building if such building is required for purposes subservient to agriculture :

Provided that the erection of such building shall be in accordance with the plans and restrictions referred to in section 4 and subject to such other conditions, if any, as the Collector may impose under clause (a) of sub-section (2)”.  
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# The Gujarat Government Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLIV | MONDAY, MARCH 3, 2003/PHALGUNA 12, 1924

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.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 1<sup>st</sup> March, 2003 is hereby published for general information.

V. M. KOTHARE,  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 1 OF 2003.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 3<sup>rd</sup> March, 2003).

#### AN ACT

to repeal the Gujarat New Capital (Periphery) Control Act, 1960.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :—

- |                      |  |                               |
|----------------------|--|-------------------------------|
|                      | 1. (1) This Act may be called the Gujarat New Capital (Periphery) Control (Repeal) Act, 2003 | Short title and commencement. |
|                      | (2) It shall be deemed to have come into force on the 1 <sup>st</sup> July, 2002.            |                               |
| Guj. X of 1960.      | 2. The Gujarat New Capital (Periphery) Control Act, 1960 is hereby repealed.                 | Repeal of Guj. X of 1960.     |
| Guj. Ord. 1 of 2003. | 3. The Gujarat New Capital (Periphery) Control (Repeal) Ordinance, 2003 is hereby repealed.  | Repeal.                       |