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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 TENANCY AND AGRICULTURAL LANDS LAWS (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 19 OF 2019.

### A BILL

*further to amend the Gujarat Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958.*

It is hereby enacted in the Seventieth year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019.

Short title and  
Commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment  
of section  
63AA of  
Bom. LXVII  
of 1948.

2. In the Gujarat Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the Gujarat Tenancy and Agricultural Lands Act), in section 63AA,-

Bom. LXVII  
of 1948.

(1) in sub-section (3), in clause (b), for the words "such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Act, direct", the words "after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct" shall be substituted;

(2) in sub-section (4), in clause (b), for the existing third proviso, the following proviso shall be substituted, namely:-

"Provided also that such aggregate period of seven years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government from time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.";

(3) in sub-section (4B), -

(a) after clause (ii), the following clauses shall be inserted, namely:-

"(ii-a) the purchaser shall commence production of goods or providing of services on the land purchased by him within such period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks as the State Government may, by notification in the *Official Gazette*, specify;

(ii-b) after successfully commissioning of production of goods or providing of services to the satisfaction of the Collector, for a period of three years from the date of

approval for putting land to *bonafide* industrial use or establishing industrial park, the restrictions of this section shall not apply.”;

(b) for clause (vi), the following clause shall be substituted, namely:-

“(vi) the purchaser shall not be entitled to sale or transfer the land for the first three years from the date of grant of approval for establishing industrial park and in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the condition and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land for other *bonafide* industrial purpose and the Collector shall there upon grant such permission to sale only upon payment of,

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.”;

(4) the following Explanation shall be added at the end, namely:-

“*Explanation.* – For the purposes of this section, the expression “*bonafide* industrial purpose” includes and shall always be deemed to have included the establishment of the industrial park.”.

Amendment  
of section  
63AC of  
Bom. LXVII  
of 1948.

3. In the Gujarat Tenancy and Agricultural Lands Act, in section 63AC, in sub-section (1), for the portion beginning with the words “such institution shall be entitled to make an application” and ending with the words “to Collector for conversion of such land into non-agricultural purpose”, the following portion shall be substituted, namely:-

“such institution working in the field of religious, health, education and social sector shall be entitled to make an application within one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non-agricultural purpose.”.

Amendment  
of section  
54B of Sau.  
Ord. XLI of  
1949.

4. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 (hereinafter referred to as “the Saurashtra Ordinance”), in section 54B, in sub-section (1), for the portion beginning with the words “such institution shall be entitled to make an application” and

Sau. Ord. XLI  
of 1949.

ending with the words “to the Collector for conversion of such land into non-agricultural purpose”, the following portion shall be substituted, namely:-

Guj. of 2019. “such institution working in the field of religious, health, education and social sector shall be entitled to make an application within one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non-agricultural purpose.”.

5. In the Saurashtra Ordinance, in section 55, -

(1) in sub-section (2), -

(a) after clause (a), the following clause shall be inserted, namely:-

“(aa) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agricultural assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.”;

(b) in clause (b), for the existing third proviso, the following proviso shall be substituted, namely:-

“Provided also that such aggregate period of seven years may, on application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.”;

(2) in sub-section (3B),-

**Amendment  
of section 55  
of Sau. Ord.  
XLI of 1949.**

(a) after clause (ii), the following clauses shall be inserted, namely:-

“(ii-a) the purchaser shall commence production of goods or providing of services on the land purchased by him within such period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks as the State Government may, by notification in the *Official Gazette*, specify;

(ii-b) after successfully commissioning of production of goods or providing of services to the satisfaction of the Collector, for a period of three years from the date of approval for putting land to *bonafide* industrial use or establishing industrial park, the restrictions of this section shall not apply.”;

(b) for clause (vi), by the following clause shall be substituted, namely:-

“(vi) the purchaser shall not be entitled to sale or transfer the land for the first three years from the date of grant of approval for establishing industrial park and in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the condition and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land for other *bonafide* industrial purpose and the Collector shall there upon grant such permission to sale only upon payment of,-

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-

section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.

(3) the following Explanation shall be added at the end, namely:-

*“Explanation.* – For the purposes of this section, the expression *“bonafide industrial purpose”* includes and shall always be deemed to have included the establishment of the industrial park.”.

6. In Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act”), in section 89A, -

(1) in sub-section (3), in clause (b), for the words “such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Act, direct”, the words “after one month from the date of such purchase, such

fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct” shall be substituted;

(2) in sub-section (4), for the existing third proviso, the following proviso shall be substituted, namely:-

“Provided also that such aggregate period of seven years may, on application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.”;

(3) in sub-section (4B), -

(a) after clause (ii), the following clauses shall be inserted, namely:-

“(ii-a) the purchaser shall commence production of goods or providing of services on the land purchased by him within such period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks as the State Government may, by notification in the *Official Gazette*, specify;

(ii-b) after successfully commissioning of production of goods or providing of services to the satisfaction of the Collector, for a period of three years from the date of approval for putting land to *bonafide* industrial use or establishing industrial park, the restrictions of this section shall not apply.”;

(b) for the existing clause (vi), the following clause shall be substituted, namely:-



“(vi) the purchaser shall not be entitled to sale or transfer the land for the first three years from the date of grant of approval for establishing industrial park and in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the condition and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land for other *bonafide* industrial purpose and the Collector shall there upon grant such permission to sale only upon payment of,

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.”;

(4) the following Explanation shall be added at the end, namely:-

**“Explanation.** – For the purposes of this section, the expression “*bonafide* industrial purpose” includes and shall always be deemed to have included the establishment of the industrial park.”.

Amendment  
of section  
89C of Bom.  
XCIX of  
1958.

7. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, in section 89C, in sub-section (1), for the portion beginning with the words “such institution shall be entitled to make an application” and ending with the words “to the Collector for conversion of such land into non-agricultural purpose”, the following portion shall be substituted, namely:-

“such institution working in the field of religious, health, education and social sector shall be entitled to make an application within one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non -agricultural purpose.”.

Guj. of 2019.

### STATEMENT OF OBJECTS AND REASONS

At present there are three different tenancy laws in operation in the State. In the Bombay area of the State of Gujarat, the Gujarat Tenancy and Agricultural Lands Act, 1948, is in force, in the Kutch area of the State of Gujarat, the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, is in force, whereas in the Saurashtra area of the State of Gujarat, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 is in force.

The State Government considers it necessary that the purchaser shall commence production of goods or providing of services on the land purchased by him within the specified period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks. It is also proposed that such provision shall not apply in cases where the production of goods or providing services commenced within three years from the date of certificate issued by Collector. Necessary amendment is proposed in all the three aforesaid Acts. Sub-clause (3) of clause 2, sub-clause (2) of clause 5 and sub-clause (3) of clause 6 provide for the same.

The provisions for establishment of industrial park are also proposed to be amended particularly with regard to the conditions to be fulfilled by the purchaser, transfer or sale of such land or portion of such land. Necessary amendment is proposed in all the three aforesaid Acts. Sub-clause (3) of clause 2, sub-clause (2)(b) of clause 5 and sub-clause (3) of clause 6 of the Bill provides for the same.

The provisions for sale of land for bonafide industrial purpose permitted in certain cases are also proposed to be amended so as to extend the aggregate period of seven years may, on application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years. Necessary amendment is

proposed in all the three aforesaid Acts. Sub-clause (2) of clause 2, sub-clause (1) (b) of clause 5 and sub-clause (2) of clause 6 provide for the same.

It is also proposed that where the land is sold for bonafide industrial purpose and if the purchaser fails to send the notice and other particulars to the Collector within a period of thirty days, he shall be liable to pay in addition to the non-agricultural assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct. Necessary amendment is proposed in all the three aforesaid Acts. Sub-clause (1) of clause 2, sub-clause (1) (a) of clause 5 and sub-clause (1) of clause 6 provide for the same.

The provisions relating to the conversion of land for non-agricultural purpose if the land in question is purchased on or before the 30<sup>th</sup> June, 2015, by such institutions as specified therein so as to entitle such institutions including an institution working in the field of religious, education, health and social sector registered for charitable purpose to make an application within the time limit of one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non -agricultural purpose. Necessary amendment is proposed in all the three aforesaid Acts. Clause 3, clause 4 and clause 7 provide for the same.

This Bill seeks to amend the said three Tenancy Acts to achieve the aforesaid objects.

**KAUSHIK PATEL,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respects:-

- Clause 1-** Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which this Act shall come into force.
- Clause 2-** New clause (ii-a) in sub-section (4B) of section 63AA of the Gujarat Tenancy and Agricultural Land Act, 1948, proposed to be inserted by sub-clause (3) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the period within which the purchaser shall commence production of goods or providing of services on the land purchased by him from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks.
- Clause 5-** New clause (ii-a) in sub-section (3B) of section 55 of the Saurashtra Gharkhed, Tenancy Settle and Agricultural Lands Ordinance, 1949, proposed to be inserted by sub-clause (2) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the period within which the purchaser shall commence production of goods or providing of services on the land purchased by him from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks.
- Clause 6-** New clause (ii-a) in sub-section (4B) of section 89A of the Gujarat Tenancy and Agricultural Lands (Vidarbh Region and Kutch Area) Act, 1948, proposed to be inserted by sub-clause (3) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the period within which the purchaser shall commence

production of goods or providing of services on the land purchased by him from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 18<sup>th</sup> July, 2019.

**KAUSHIK PATEL.**

By order and in the name of the Government of Gujarat.

Gandhinagar,  
Dated the 18<sup>th</sup> July, 2019.

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