

**THE GUJARAT PROHIBITION OF TRANSFER OF IMMOVABLE
PROPERTY AND PROVISION FOR PROTECTION OF TENANTS
FROM EVICTION FROM PREMISES IN THE DISTURBED AREAS
(AMENDMENT) BILL, 2021.**

GUJARAT BILL NO. 9 OF 2021.

A BILL

*further to amend the Gujarat Prohibition of Transfer of Immovable Property
and Provision for Protection of Tenants from Eviction from premises in
Disturbed Areas Act, 1991.*

It is hereby enacted in the Seventy-second Year of the Republic of India
as follows:-

1. (1) This Act may be called the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas (Amendment) Act, 2021.
- (2) It shall be deemed to have come into force on the 15th October, 2020.

**Short title and
commencement.**

**Amendment
of section
16B of Guj.
12 of 1991.**

2. In the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in Disturbed Areas Act, 1991 (hereinafter referred to as "the principal Act"), in section 16B,-

**Guj. 12 of
1991.**

(1) in sub-section (1), for the words "in the specified area", the words "in the disturbed area" shall be substituted;

(2) in sub-section (2), for the words "in the specified area", the words "in the disturbed area" shall be substituted;

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

(a) for the words and figures "the Indian Registration Act, 1908", the words and figures "the Registration Act, 1908", shall be substituted;

XVI of 1908.

(b) for the words "in the specified area", the words "in the disturbed area" shall be substituted.

**Amendment
of section
16D of Guj.
12 of 1991.**

3. In the principal Act, in section 16D, in the Schedule, at Sr. No. 1, in column (2), for the words and figures "The Indian Registration Act, 1908", the words and figures "The Registration Act, 1908", shall be substituted.

XVI of 1908.

XVI of 1908.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Prohibition of Transfer of Immovable Property and Provisions for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 prohibits the transfer of immovable property in the disturbed areas of the State. During the implementation of the said Act in the State, it was experienced that in many cases properties are transferred in contravention of the provisions of the Act and unscrupulous persons come in illegal possession thereby. In order to curb such illegal transfers of immovable property, and to protect the interest of the lawful owners, it was considered necessary to amend the aforesaid Act and for that purpose, the said Act of 1991 has been amended vide the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas (Amendment) Act, 2019 (Guj. 17 of 2020). New section 16B has been inserted vide the said amending Act of 2020. In the said section 16B, in sub-sections (1), (2) and (4), the words "specified area" have been mentioned instead of the words "disturbed area". This may create ambiguity and is therefore, required to be suitably amended. Accordingly, necessary amendments have been made in said section 16B. *Clause 2* of the Bill provides for the same. It is also considered necessary to amend sub-section (4) of section 16B and the Schedule appended to section 16D so as to omit the word "Indian" from the short title of the Central Act No. XVI of 1908 *i.e.* Registration Act, 1908. *Clause 3* of the Bill provides for the same.

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

Dated the 12th March, 2021.

KAUSHIK PATEL.

ANNEXURE

**EXTRACT FROM THE GUJARAT PROHIBITION OF TRANSFER
OF IMMOVABLE PROPERTY AND PROVISION FOR
PROTECTION OF TENANTS FROM EVICTION FROM PREMISES
IN THE DISTURBED AREAS ACT, 1991**

(Guj. 12 of 1991)

**Additional
Provisions.**

16B. Notwithstanding anything contained in –

(1) the Gujarat Co-operative Societies Act, 1961, the persons seeking to register a co-operative housing society or Chairman or Secretary of the society shall, when a person before transferring his right, title or interest in his holding in a cooperative society in the specified area, along with the application for registration of such society, or as the case may be, before transferring his right, title or interest in his holding in such society shall file a self-declaration that no breach of section 4 or 5 shall take place due to registration of the co-operative housing society or transfer of right, title or interest in his holding in such society;

**Guj. 10
of 1962.**

(2) the Gujarat Provincial Municipal Corporations Act, 1949, the person shall, at the time of applying for the permission for getting building use of immovable property situated in the specified area, file a self-declaration that occupation of houses on getting permission to use the building shall not invite any breach of the provisions of sections 4 or 5;

**Bom.
LXI of
1962.**

(3) XXX XXX XXX

(4) the Indian Registration Act, 1908, the registering authority shall not accept or register any document relating to immovable property situated in the specified area which is required to be compulsorily registered unless the order granting previous sanction of the Collector under section 5 is produced along with the document sought to be registered.

**XVI of
1908.**

SCHEDULE

(See section 16D)

Sr. No.	Short Title	Extent of Amendment.	
1	2	3	
1.	The Indian Registration Act, 1908. (XVI of 1908)	<p>Amendment of section 17 of XVI of 1908.</p>	<p>In the Registration Act, 1908 in its application to the State of Gujarat, in section 17, in sub section (1), -</p> <p>(i) to clause (e), after the existing proviso, the following proviso and Explanation thereunder shall be inserted, namely:-</p> <p>“Provided further that the registering authority shall not accept or register any document relating to immovable property situated in the disturbed area which is required to be compulsorily registered unless the order granting previous sanction of the Collector under section 5 of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991 is produced along with the document sought to be registered.</p> <p><i>Explanation.</i> - For the purpose of this sub-section, the expression “disturbed area” shall have the meaning as assigned to it in the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991.</p>

SCHEDULE

(For section 147)

Extent of Amendment	Short Title	Section
<p>In the Registration Act, 1956 in its application to the State of Gujarat, in section 14, in sub-section (1) -</p> <p>(i) to clause (c) after the words "proceeding" and "proceedings" shall be inserted the words -</p> <p>"proceeding under the provisions of section 147 and proceedings for the purpose of registration of a document relating to immovable property situated in the district and which is required to be compulsorily registered under the said provisions of section 147 of the Gujarat Registration Act, 1956 and provisions for protection of tenants from eviction from premises in the District Area Act, 1951 is included along with the documents sought to be registered.</p> <p>Explanation - For the purpose of this sub-section the expression "district area" shall have the meaning assigned to it in the Gujarat Registration Act, 1956 and immovable property and provisions for protection of tenants from eviction from premises in the District Area Act, 1951.</p>	<p>Amendment of section 14 of 1956</p>	<p>The Gujarat Registration Act, 1956 (XXVI of 1956)</p>

GUJARAT LEGISLATURE SECRETARIAT

GUJARAT BILL NO. 2 OF 2011

A BILL

to amend the Gujarat Land Revenue Act, 1957
in relation to the provisions of sections 10 and 11
of the said Act.

(SHRI KANSHI PATEL)

MINISTER FOR REVENUE

(As passed by the Gujarat Government
on 15th March 2011)

DEBATED

in the
Gujarat Legislative Assembly

Government of Gujarat, Gandhinagar

GUJARAT LEGISLATURE SECRETARIAT

GUJARAT BILL NO. 9 OF 2021.

A BILL

*further to amend the Gujarat Prohibition of
Transfer of Immovable Property and Provision
for Protection of Tenants from Eviction from
premises in Disturbed Areas Act, 1991.*

[SHRI KAUSHIK PATEL,

MINISTER FOR REVENUE]

**(As published in the Gujarat Government
Gazette of 15th March, 2021)**

D.M.PATEL,
Secretary,
Gujarat Legislative Assembly.
