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PART V

Bills introduced in the Gujarat Legislative Assembly

The Following Bill Which was introduced on the 3rd March, 2023 by Shri Pravinkumar Mali, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

THE GUJARAT DEVASTHAN AREA DEVELOPMENT AUTHORITY BILL, 2023.

GUJARAT BILL NO. 12 OF 2023.

A BILL

to provide for the establishment of Devasthan Area Development Authority for the development of Government managed devasthan and certain areas round about it for the purpose of planning, co-ordinating and supervising the proper, orderly and rapid development of these areas in which several local authorities are at present separately dealing with such matter within their respective jurisdictions and to provide for matters connected with the aforesaid purpose.

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

1. (1) This Act may be called the Gujarat Devasthan Area Development Authority Act, 2023.
- (2) It extends to whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Short title,
extent and
commencement.**

2. In this Act, unless the context otherwise requires, -

Definitions.

- (a) "amenity" includes Bhojanalaya, lockers, eating house, temporary shelters, road, bridge, means of communication, transport, supply of water and electricity, any other source of energy, street lighting, institute of teachings, drainage, sewerage and conservancy and any other amenities as the State Government, in consultation with the Authority, may from time to time, by notification in the *Official Gazette*, specify to be an amenity for the pilgrims and local residents of the area;

- (b) “Devasthan area” means the area of Temple Trust specified in Schedule and other local area as may be notified by the State Government from time to time;
- (c) “Development” means carrying out of building, engineering, making material in any building or temple area and includes redevelopment and project or schemes for development for the welfare of pilgrims and local residents;
- (d) “Government managed devasthan” means any devasthan to which provision of Chapter VII-A of the Gujarat Public Trust Act, 1950, applies;
- (e) “rule” means a rule made under this Act;
- (f) “regulation” means a regulation made under this Act.

**Bom. 29 of
1951.**

**Establishment
and
constitution of
Authority.**

- 3.** (1) The State Government shall by notification in the *Official Gazette*, establish for the purpose of this Act, an Authority to be called “The Gujarat Devasthan Area Development Authority”.
- (2) The Authority shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose property both movable and immovable:

Provided that the aforesaid power with regard to property shall be subject to sanction of Charity Commissioner under the provisions of Gujarat Public Trust Act, 1950.

**Bom.29 of
1951.**

- (3) The Devasthan Area Development Authority shall be deemed to a local authority within the meaning of the term ‘local authority’ as defined in the Bombay General Clauses Act, 1904.

**Constitution
of Authority.**

- 4.** The Devasthan Area Development Authority shall consist of the following members, namely :-

- (i) Minister for devasthan, Pilgrimage development;
- (ii) Minister for Urban Development;
- (iii) Minister for Panchayats;
- (iv) President of District Panchayat of the concerned Devasthan Area;
- (v) Member of Parliament of concerned area;
- (vi) Member of Legislative Assembly of the respective constituency where the Devasthan is situated;
- (vii) Two women member to be nominated by the State Government;
- (viii) Two devotees or trustees of Public Trust who are active in development activities of the trust, to be nominated by the State Government;
- (ix) District Collector of concerned district;
- (x) Two members to be nominated by the State Government who are experts in different development in the devasthan area, particularly having vision for development of amenities for pilgrims.

- (2) The Minister for Devasthan Pilgrimage Development shall be the Chairman of the Authority who shall exercise such power and perform such duties as are conferred on him under this Act and by regulations.

**Funds of
Authority.**

- 5.** (1) The State Government, in consultation with the Board of Trustees of the Devasthan and after prior sanction of the Charity Commissioner, may put funds at the disposal of the Authority from the surplus income of the Trust.

- (2) The State Government may also make provisions in the Annual Budget of the State for different development works in the Devasthan area for the welfare of pilgrims and local residents and sanctioned amount shall be put at the disposal of the Authority.
- (3) The Authority may accept donations with such terms and conditions as it may deem fit.
- 6.** (1) The Authority shall meet at least once in three month, at such place and at such time as the Chairman may decide and shall observe such rules of procedures in regard to the transaction of business, at its meeting as may be laid down by regulations. **Meetings of Authority.**
- (2) A member of the Authority, who has or acquires, directly or indirectly, any share or pecuniary or other interest in any contract, loan, arrangement or proposal entered into or proposed to be entered into, by or on behalf of the Authority, shall cease to be a member of the Authority.
- (3) If any question arises whether a member of the Authority has become subject to the disqualification aforesaid, the decision of the State Government shall be final.
- 7.** The Authority shall have the following functions :- **Functions of Authority.**
- (1) To prepare or review the project or scheme for the development of the Devasthan area;
- (2) Execute projects and schemes;
- (3) Obtains sanction and financial provision for a project or scheme from the State Government;
- (4) Provide for alternative accommodation for rehabilitation of persons displaced by any project or schemes;
- (5) Do all such other acts and things as may be necessary for or incidental to the development;
- 8.** Notwithstanding anything contained in any law for the time being in force, no Authority or person shall undertake any development within the Devasthan area which is likely to adversely affect the overall development. **Restriction of development.**
- 9.** The State Government may makes rules for all or any purpose of the Act. **Power to make rules.**
- 10.** The Area Development Authority may, from time to time subject to administrative approval of the State Government, make regulations for all or any of the matters to be provided under this Act for discharge of its functions. **Power to make regulations.**

SCHEDULE

- 1 Shree Ambaji Temple Trust, Ambaji;
- 2 Shri Bahucharaji Temple Trust, Bahucharaji;
- 3 Shri Dwarikadhish Temple Trust, Dwarka;
- 4 Other Devasthans shown under the management of State Government and entered as such in the Public Trust Register maintained by the Charity Commissioner.

STATEMENT OF OBJECTS AND REASONS

There are many holy places and center of religious faith in the State of Gujarat, management of which vests with the State Government as provided under Chapter VII-A (special provisions in relation to Government Managed Trusts) of the Gujarat Public Trust Act, 1950.

For all round development of such pilgrim centers, and also with a view to provide basic amenities to the people visiting such places and also with an object to have overall development of surrounding areas, it is considered necessary to establish a Devasthan Area Development Authority.

Hence this Bill.

Gandhinagar,
Dated the 7th February, 2023.

PRAVINKUMAR MALI,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 1:- Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 4:- Sub-clause (2) of this clause empowers the Chairman of Authority to exercise such powers and perform such duties as conferred on him under this Act and by regulations.

Clause 6:- Sub-clause (1) of this clause empowers the Authority to observe such rules of procedure in regard to the transaction of business at its meeting as may be laid down by regulations.

Gandhinagar,
Dated the 7th February, 2023.

PRAVINKUMAR MALI,
M.L.A.

FINANCIAL MEMORANDUM

For the implementation of the provisions of this Bill and for efficient functioning of the Devasthan Development Authority, financial provisions of a recurring expenditure of rupees fifty lacs is estimated from the Consolidated Fund of the State.

Moreover, it is not possible to give exact of expenditure on development activities in the Devasthan area in cases where the State Government may provide for finance.

Gandhinagar,
Dated the 7th February, 2023.

PRAVINKUMAR MALI,
M.L.A.

Dated the 3rd March, 2023
Gandhinagar.

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

