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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

## 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, 2011.

### GUJARAT BILL NO. 12 OF 2011.

#### A BILL

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

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

1. This Act may be called the *Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2011*. **Short title.**

**Amendment of section 63 of Bom. LXVII of 1948.** 2. In the Bombay Tenancy and Agricultural Lands Act, 1948, in section 63, after sub-section (1), the following sub-section shall be inserted, namely:-

Bom.  
LXVII of  
1948.

“(1A) The State Government may, by notification in the *Official Gazette*, exempt from the provisions of sub-section (1), for the transfer of any agricultural land to any public trust established for the charitable purpose and which is non-profitable in nature, for the use of such land in the field of health and education, subject to such conditions as may be specified therein.”

**Amendment of section 54 of Sau. Ord. XLI of 1949.** 3. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949, in section 54, after sub-section (1), the following sub-section shall be inserted, namely:-

Sau. Ord.  
XLI of  
1949.

“(1A) The State Government may, by notification in the *Official Gazette*, exempt from the provisions of sub-section (1), for the transfer of any agricultural land to any public trust established for the charitable purpose and which is non-profitable in nature, for the use of such land in the field of health and education, subject to such conditions as may be specified therein.”

**Amendment of section 89 of Bom. XCIX of 1958.** 4. In the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, in section 89, after sub-section (1), the following sub-section shall be inserted, namely:-

Bom.  
XCIX of  
1958.

“(1A) The State Government may, by notification in the *Official Gazette*, exempt from the provisions of sub-section (1), for the transfer of any agricultural land to any public trust established for the charitable purpose and which is non-profitable in nature, for the use of such land in the field of health and education, subject to such conditions as may be specified therein.”

**SATATEMENT OF OBJECTS AND REASONS**

At present there are three different Tenancy Laws in operation in the State. In the Bombay area of the State, the Bombay Tenancy and Agricultural Lands Act, 1948 is in force, in the Kutch area of the State, the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 is in force, whereas in the Saurashtra area of the State, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949, is in force. As provided under all the three said Acts, there is prohibition against the sale of agricultural land by an Agriculturist to a non-agriculturist without the prior permission of the Collector. With a view to encouraging the public trusts established for the charitable purpose and which are non-profitable in nature, to use the land in the field of health and education. It is, therefore, proposed to amend the said three Acts so as to empower the State Government to exempt, by notification in the *Official Gazette*, the transfer of agricultural land for the use of such land in the field of health and education by such public charitable trusts, subject to such conditions as may be specified therein.

This Bill seeks to amend the said three tenancy Acts to achieve the aforesaid object.

**ANANDIBEN PATEL,**

## MEMORANDUM REGARDING DELEGATED LEGISLATION

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

**Clause 2.**- New sub-section (1A) proposed to be inserted in section 63 by this clause empowers the State Government, by notification in the *Official Gazette*, to exempt from the provisions of sub-section (1) of section 63 of the *Bombay Tenancy and Agricultural Lands Act, 1948*, for the transfer of agricultural land to any public trust established for the charitable purpose and which is non-profitable in nature, for the use of such land in the field of health and education, subject to such conditions as may be specified therein.

**Clause 3.**- New sub-section (1A) proposed to be inserted in section 54 by this clause empowers the State Government to exempt the provisions of sub-section (1) of section 54 of the *Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949*, for the transfer of agricultural land to any public trust established for the charitable purpose and which is non-profitable in nature, for the use of such land in the field of health and education, subject to such conditions as may be specified therein.

**Clause 4.**- New sub-section (1A) proposed to be inserted in section 89 by this clause empowers the State Government to exempt the provisions of sub-section (1) of section 89 of the *Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958* for the transfer of agricultural land to any public trust established for the charitable purpose and which is non-profitable in nature, for the use of such land in the field of health and education, subject to such conditions as may be specified therein.

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

**ANANDIBEN PATEL.**

Gandhinagar,  
Dated the 7<sup>th</sup> March, 2011.

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

**C.J. GOTHI,**

Gandhinagar,  
Dated the 7<sup>th</sup> March, 2011.

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