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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 1274 of the Gujarat Legislative Assembly Rules :-

THE BOMBAY PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF HOLDINGS (GUJARAT AMENDMENT) BILL, 2011.

GUJARAT BILL NO. 8 OF 2011.

A BILL

*further to amend the Bombay Prevention of Fragmentation and Consolidation of
Holdings Act, 1947.*

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

1. (1) This Act may be called the Bombay Prevention of Fragmentation and Consolidation of Holdings (Gujarat Amendment) Act, 2011. 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 2 of Bom.
LXII of 1947.

2. In the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (hereinafter referred to as "the principal Act"), in section 2, in clause (3A), for the words and figures "the Bombay Co-operative Societies Act, 1925", the words and figures "the Gujarat Co-operative Societies Act, 1961" shall be substituted.

Bom. LXII of
1947.

Bom. VII of
1925.
Guj. 10 of
1962.

Amendment of
section 7 of
Bom. LXII of
1947.

3. In the principal Act, in section 7,-

- (i) for sub-section (1) except the proviso, the following sub-section and the proviso shall be substituted, namely:-

"(1) Any fragment in respect of which a notice has been given under sub-section (2) of section 6 may be transferred to any agriculturalist as defined in relevant tenancy law:

Provided that if such fragment is transferred to the owner of a contiguous survey number or recognised sub-division of a survey number, then such fragment shall be consolidated:";

- (ii) in the existing proviso to sub-section (1), for the words "Provided that", the words "Provided further that" shall be substituted.

Amendment of
section 9 of
Bom. LXII of
1947.

4. In the principal Act, in section 9, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) The owner of any land so transferred or partitioned shall be liable to pay the fine of rupees five thousand or ten per cent. of the market value of the land, whichever is more, for the urban area as the Collector may direct; and rupees two thousand or ten per cent. of the market value of the land, whichever is more, for the remaining area. Such fine shall be recoverable as an arrears of land revenue."

Amendment of
section 10 of
Bom. LXII of
1947.

5. In the principal Act, in section 10, in sub-section (1), the portion beginning with "but no such fragment" and ending with "payment of such compensation" shall be deleted.

Amendment of
section 14 of
Bom. LXII of
1947.

6. In the principal Act, in section 14, for the words "the owner of a contiguous survey number or recognized sub-division of a survey number", the words "any agriculturalist as defined in relevant tenancy law" shall be substituted.

Amendment of
section 27 of Bom.
LXII of 1947.

7. In the principal Act, in section 27, in clause (a), in sub-clause (i), for the words and figures "the Bombay Co-operative Societies Act, 1925", the

Bom. VII of
1925.

Guj. 10 of 1962. words and figures "the Gujarat Co-operative Societies Act, 1961" shall be substituted.

8. In the principal Act, for section 31, the following shall be substituted, namely:-
- Substitution of section 31 of Bom.LXII of 1947.
- "31. Notwithstanding anything contained in any law for the time being in force, no holding allotted under this Act shall be transferred contrary to the provisions of section 8 of this Act."
- Restrictions on alienation and sub-division of consolidated holdings.
9. In the principal Act, in section 37, in sub-section (2), clause (n) shall be deleted.
- Amendment of section 37 of Bom. LXII of 1947.

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, the agriculturists are experiencing hardships in sale and purchase of fragmented land. The State Government had constituted a State Level Committee in that connection to examine the issues with regard to hardships being experienced by the agriculturalists and make recommendations to remove the same. The Committee in its report has made certain recommendations and suggested amendments in the provisions of the said Act. The State Government has considered the recommendations of the said Committee and accordingly proposes to amend certain provisions of the said Act as under.

1. It is proposed to amend sub-section (1) of section 7 so that the any fragment in respect of which a notice has been given under sub-section (2) of section 6 of the Act can be transferred to an agriculturalist. It is also provided that if such fragment is transferred to the owner of a contiguous survey number or recognised sub-division of a survey number, the same shall be consolidated. *Clause 3* of the Bill provides for the same.

2. Sub-section (2) of section 9 provides for the fine for transfer or partition of any land contrary to the provisions of the said Act. It is proposed to increase the existing amount of fine for such breach. Accordingly, the owner of any land so transferred or partitioned shall be liable to pay the fine of rupees five thousand or ten per cent. of the market value of the land, whichever is more, for the urban area, which may be directed by the Collector; and rupees two thousand or ten per cent. of the market value of the land, whichever is more, for the remaining area. *Clause 4* of the Bill provides for the same.

3. Section 31 provides for certain restrictions on alienation and sub-division of consolidated holdings. It is proposed to substitute this section so as to remove these restrictions relating to obtaining the permission of the Collector and it is provided that no holdings allotted under this Act shall be transferred contrary to the provisions of section 8. Thus, if the transfer of holdings allotted under the said Act does not create a fragment, the same can be transferred. *Clause 8* of the Bill provides for the same. Certain other consequential amendments in sections 2, 10, 14 and 27 are also made.

This Bill seeks to achieve the aforesaid object.

ANANDIBEN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in following respect :-

Clause 1.- Sub-clause (2) 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.

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

Gandhinagar,
Dated the 18th February, 2011.

ANANDIBEN PATEL.

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

Gandhinagar,
Dated the 18th February, 2011.

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