



सत्यमेव जयते

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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 AGRICULTURAL LANDS CEILING (AMENDMENT)

BILL, 2015.

GUJARAT BILL NO. 28 OF 2015.

*A BILL*

*further to amend the Gujarat Agricultural Lands Ceiling Act, 1960.*

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

1. This Act may be called the Gujarat Agricultural Lands Ceiling (Amendment) Act, 2015. Short title.

Guj. XXVII  
of 1961.

2. In the Gujarat Agricultural Lands Ceiling Act, 1960 (hereinafter referred to as "the principal Act"), in the preamble, after the words "for ensuring the full and efficient use thereof", the words "or for the allotment for

Amendment to  
preamble of  
Guj. XXVII of  
1961.

industrial purpose or for the development thereof or for any public purpose” shall be inserted.

Amendment  
of section 29  
of Guj. XXVII  
of 1961.

3. In the principal Act, in section 29,-

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

(i) after the words “occupancy price payable therefor”, the words “in so far as clauses (ii), (iii) and (iv) are concerned,” shall be inserted;

(ii) after clause (iv), the following clauses shall be added, namely :-

“(v) any urban local body, for public purpose, when the land is situated within the areas of such local body;

(vi) any person, for industrial purpose or for the purpose of development thereof, when the land is situated outside the areas of the urban local body:”;

(2) to sub-section (3), the following proviso shall be inserted, namely :-

“Provided that nothing in this sub-section shall apply in case where the land is allotted either under clause (v) or clause (vi) of sub-section (1).”;

(3) after sub-section (3), the following sub-sections shall be added, namely :-

“(4) Where any urban local body is allotted any land in pursuance of clause (v) of sub-section (1) of this section, such urban local body shall further allot such land for any public purpose in the manner and subject to such conditions as may be prescribed.

(5) Before any land is allotted to a person under clause (vi) of sub-section (1), such person, if he is an agriculturist or not, shall, in lieu of the land to be allotted to him, make available equivalent quantum of agricultural land in the nearby vicinity in the manner and subject to such conditions as may be prescribed, to the State Government, which shall vest in the State Government free from all encumbrances.

(6) The land so vested in the State Government under sub-section (5), shall be deemed to have been vested under section 21 or 26, under which the land to be allotted was originally vested in the State Government, as the case may be.”.

4. In the principal Act, after section 30, the following section shall be inserted, namely :-

Insertion of new section 30A in Guj. XXVII of 1961.

Land allotted to urban local body or any person shall be of old tenure.

“30A. Notwithstanding anything contained in section 30, any land allotted either under clause (v) or (vi) of sub-section (1) of section 29, to any urban local body or any person respectively shall be of old tenure.” .

**STATEMENT OF OBJECTS AND REASONS**

The Gujarat Agricultural Lands Ceiling Act, 1960 was enacted way back in the year 1960 for the purposes, among others, to secure the distribution of agricultural land as best to subserve the common good and allotment of surplus agricultural land to the persons who are in need of lands for agriculture. Therefore, the State Government is required to allot the surplus land as provided in section 29 of the Act.

However, with the rapid industrialisation and urbanisation which have taken place in the State of Gujarat in the recent years, the need for allotment of such land, besides the purposes for which the surplus land can be allotted at present, for the industrial purpose as also for the purpose of development thereof or for any public purpose can hardly be overlooked. Sometimes, the surplus agricultural land which vests in the State Government under section 21 or 26 is also found to be included in the residential, industrial or commercial zones in the final development plan sanctioned under the Gujarat Town Planning and Urban Development Act, 1976 for the areas of urban local bodies. It is, therefore, proposed to amend the provisions of sub-section (1) of section 29 suitably whereby the State Government may, in addition to the present purposes as envisaged under the Act, allot the land vested in it under the Act for the aforesaid purposes in order of priority. A provision is also proposed to be inserted that whenever the land is allotted to any person, he shall be required to make available equivalent quantum of agricultural land in *lieu* of the land to be allotted to him and such land shall be deemed to have been vested in the State Government. When the land is allotted to any urban local body, such local body shall further allot such land in the manner and subject to such conditions as prescribed by the rules. It is also proposed to make certain other consequential amendments in the said Act.

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

**NITIN PATEL,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

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

**Clause 3.-** (i) sub-section (4) proposed to be inserted in section 29 of the Act, by sub-clause (3) of this clause, empowers the State Government to prescribe by rules, the manner in which and the conditions subject to which the land shall be further allotted by the urban local bodies;

(ii) sub-section (5) proposed to be inserted in section 29 of the Act, by this clause, empowers the State Government to prescribe by rules, the manner in which and the conditions subject to which a person who is an agriculturist or non-agriculturist, shall, in *lieu* of the land to be allotted to him make available the equivalent quantum of agricultural land.

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

Dated the 21<sup>st</sup> August, 2015.

**NITIN PATEL.**

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

**C. J. GOTHI,**

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

Gandhinagar,  
Dated the 21<sup>st</sup> August, 2015.