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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

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 LAND REVENUE (AMENDMENT) BILL, 2016.

GUJARAT BILL NO. 2 OF 2016.

A BILL

further to amend the Gujarat Land Revenue Code, 1879.

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

1. (1) This Act may be called the Gujarat Land Revenue (Amendment) Act, 2016. 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 48 of Bom. V of 1879.** 2. In the Gujarat Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), in section 48,- **Bom. V of 1879.**
- (1) in sub-section (1), for clause (e), the following clause shall be substituted, namely:-
- “(e) for any other purpose or for other different non-agricultural purposes.”;
- (2) in sub-section (2), for the words “any other purpose, or is used for any other purpose”, the words “any other purpose or purposes, or is used for any other purpose or different purposes” shall be substituted;
- (3) in sub-section (3), after the words “any other purpose”, the words “or different purposes” shall be inserted.
- Amendment of section 65 of Bom. V of 1879.** 3. In the principal Act, in section 65,-
- (i) in sub-section (1), in the paragraph one, after the words “any other purpose”, the words “or for other different purposes” shall be inserted;
- (ii) in the marginal note of paragraph one, after the words “any other purpose”, the words “or for other different non-agricultural purposes” shall be added.
- Amendment of section 65A of Bom. V of 1879.** 4. In the principal Act, in section 65A,-
- (i) after the words “any other non-agricultural purpose”, the words “or for other different non-agricultural purposes” shall be inserted;
- (ii) in the marginal note, after the words “another non-agricultural purpose”, the words “or for other different non-agricultural purposes” shall be added.
- Amendment of section 65B of Bom. V of 1879.** 5. In the principal Act, in section 65B, in sub-section (1), in clause (b), in sub-clause (I), in paragraph (b), in the second proviso to item (vi), for the words “State Government may exempt, by notification in the *Official Gazette*”, the words “Collector may exempt” shall be substituted.
- Amendment of section 67A of Bom. V of 1879.** 6. In the principal Act, in section 67A,-
- (1) in sub-section (1),-
- (i) in clause (a), after the words “for any other purpose”, the words “or for other different purposes” shall be inserted;
- (ii) in clause (b), after the words “for any other purpose”, the words “or for other different purposes” shall be inserted;

(2) in sub-section (2),-

- (i) after the words “non-agricultural purpose”, wherever they occur, the words “or other different non-agricultural purposes” shall be inserted;
- (ii) in clause (b), for the words, brackets and figures “in column (3) or (4)”, the words, brackets and figures “in column (3) or (4) or (5)” shall be substituted;

(3) in sub-section (2A),-

- (i) after the words “non-agricultural purpose” wherever they occur, the words “or other different non-agricultural purposes” shall be inserted;
- (ii) for the words “column of the Table below”, the words, brackets and figures “column (3) or (5) of the Table below” shall be substituted;

(4) in sub-section (3), for the existing Table, the following shall be substituted. namely:-

| No. | situated | when land is to be used for temporary non-agricultural purpose or for residential purpose or for charitable purpose. | when land is to be used for industrial purpose or for any other purpose. | when land is to be used for other different non-agricultural purposes. |
|-----|--|--|--|--|
| 1 | 2 | 3 | 4 | 5 |
| 1. | Villages, Municipal boroughs, notified areas and cities having population not exceeding one lakh as per the last census. | Rs. 2.00 | Rs. 6.00 | Rs. 8.00 |
| 2. | Municipal boroughs, notified areas and cities with a population exceeding one lakh as per the last census. | Rs. 10.00 | Rs. 30.00 | Rs. 40.00”. |

STATEMENT OF OBJECTS AND REASONS

Section 65 of the Gujarat Land Revenue Code, 1879 *inter alia* provides for the procedure where the occupant wishes to apply his agricultural land to any other purpose. Section 65A of the said Act, *inter alia* provides for the procedure in case where the occupant wishes to apply his land from one non-agricultural purpose to another non-agricultural purpose. It has been experienced that at present whenever the occupant wishes to change the purpose of his non-agricultural land to another non-agricultural purpose, he is required to undergo the same procedure as provided in section 65 and as a result of which the occupant faces many difficulties as also much delay is caused in obtaining permission for the use of land for another non-agricultural purpose. To obviate this, it is proposed to amend the provisions of section 65 of the said Act providing thereby granting permission for use of agricultural land into more than one different non-agricultural purposes and similarly, it is also proposed to amend the provisions of section 65A providing thereby granting permission for use of non-agricultural land into more than one different non-agricultural purposes. This would result into the simplification of the procedure for changing the purpose of the use of the land and lessen the difficulties of the occupant.

Section 65B of the said Act, which relates to the use of certain lands for *bonafide* industrial purpose, empowers the State Government to exempt the use of land for *bonafide* industrial purpose for the fulfillment of the condition with regard to the land being not situated within five kilometers of the *periphery* of the area within the jurisdiction of any development authority constituted under the Gujarat Town Planning and Urban Development Act, 1976. It is proposed to amend section 65B so as to entrust such powers of exemption to the Collector. Certain consequential amendments have also been carried out.

Section 67A of the said Act provides for the payment of conversion tax by occupant for change of use of land in certain areas. Since non-agricultural permission is proposed to be given for more than one non-agricultural purposes, as also the rates of existing conversion tax are proposed to be enhanced, the existing table is proposed to be substituted.

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 power in the 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.

Dated the 18th February, 2016.

NITIN PATEL.

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

Gandhinagar

Dated the 18th February, 2016

C. J. Gothi,

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