



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 REGULARISATION OF UNAUTHORISED DEVELOPMENT (AMENDMENT) BILL, 2023.

#### GUJARAT BILL NO. 2 OF 2023.

#### A BILL

*further to amend the Gujarat Regularisation of Unauthorised Development Act, 2022.*

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

1. This Act may be called the Gujarat Regularisation of Unauthorised Development (Amendment) Act, 2023. **Short title.**
2. In the Gujarat Regularisation of Unauthorised Development Act, 2022, in section 5, after sub-section (2), the following sub-section shall be inserted, namely:- **Amendment in section 5 of Guj. 1 of 2023.**

“(2A) Notwithstanding anything contained in sub-section (2), the State Government may extend, by notification in the *Official Gazette*, the period for making an application for regularisation of any unauthorised development, in such circumstances and on such terms and conditions as may be specified in the said notification.”

### STATEMENT OF OBJECTS AND REASONS

The State of Gujarat has enacted the Gujarat Regularisation of Unauthorised Development Act, 2022 to regularise the unauthorised development in the Municipal Corporation areas, Nagarpalika areas and development areas in the State.

Sub-section (2) of section 5 of the said Act provides that any applicant, desiring to get the unauthorised development regularized, may make an application to the Designated Authority for regularisation of such unauthorised development within a period of four months from the commencement of this Act. Now, the said Act has been brought into force on the 17<sup>th</sup> October, 2022 by promulgating an Ordinance *i.e.* the Gujarat Regularisation of Unauthorised Development Ordinance, 2022 (Gujarat Ordinance No. 3 of 2022). Hence, the said period of four months has expired on the 16<sup>th</sup> February, 2023. In view of that, the Designated Authority are unable to receive new applications for regularisation of any unauthorised development.

After promulgation of the said Ordinance, Model Code of Conduct was brought into force for the purpose of State Legislative Assembly election. Hence, very few applications to regularize the unauthorised developments were received during that period.

And therefore, the State Government finds it insufficient time to carry out the object of the said Act and considers it necessary to extend the said period of four month for making an application to regularize an authorized development. A suitable amendment is proposed in section 5 of the said Act. *Clause 2* of the Bill provides for the same.

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

**RUSHIKESH PATEL,**

### MEMORENDUM REGARDING DELEGATED LEGISLATION

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

**Clause 2.-** New sub-section (2A) of section 5, proposed to be inserted by this clause empowers the State Government to extend, by notification in the *Official Gazette*, the period for making an application for regularisation of any unauthorised development; it also empowers the State Government to specify in the said notification, the circumstances in which and the terms and conditions subject to which the period for making an application to regularize an unauthorised development shall be extended.

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

Dated the 20<sup>th</sup> February, 2023.

**RUSHIKESH PATEL.**

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

Gandhinagar

**K. M. LALA,**

Dated the 20<sup>th</sup> February, 2023.

Secretary to the Government of Gujarat,

Legislative and Parliamentary Affairs Department.

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