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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

The Following Bill Which was introduced on the 3rd March, 2023 by Shri Imran Khedawala, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 5 OF 2023.

THE GUJARAT PROHIBITION OF TRANSFER OF IMMOVABLE PROPERTY AND PROVISION FOR PROTECTION OF TENANTS FROM EVICTION FROM PREMISES IN DISTURBED AREAS (REPEAL) BILL, 2023.

A BILL

to repeal the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 in its application to the State of Gujarat.

It is hereby enacted in the Seventy-Fourth year of the Republic of India as follows:-

- (1) This Act may be called the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas (Repeal) Act, 2023. **Short title and commencement.**
- (2) It shall come into force at once.
- The Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 is hereby repealed. **Repeal of Guj. 12 of 1991.**

STATEMENT OF OBJECTS AND REASONS

The Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 has been enacted by the State Legislature with a view to declare certain transfer of Immovable Properties in the disturbed Areas of the State to be void and to prohibit temporarily the transfers of Immovable Properties in such areas. Originally, the aforesaid provision had been made by the Act of 1986 as the riots had then occurred in certain areas of the State during the period of March, 1985 with a result that mob belonging to one community resorted to riot and violence and thereby had rendered many residential houses and shop belonging to another community unfit for human habitation. Consequently many immovable properties had been transferred under the fear of insecurity in the disturbed areas at a low price. The 1986 Act was therefore, enacted with a view to making such transfers of immovable properties as void and prohibiting such transfers temporarily. Looking to the statement of objects and reasons appended to the 1986 Bill and the debates in the House on the Bill on 13th August, 1986, it is quite clear that this legislation was specifically enacted in 1986 in view of there large scale transfers of immovable properties under the fear of insecurity which was caused in the general public in the disturbed areas during that specific period of riots, disturbances and mob violence. The Act of 1991 has repealed the Act of 1986 and has enacted a permanent legislation to give power to the State Government to declare disturbed areas and prohibit transfer as and when such occasion arises.

The permanent legislation on the subject has created many hardships to the public at large. Under Section 3 of the aforesaid Act each and every person has to approach the collector office for obtaining previous sanction of the Collector for transfer of property and if the Collector after holding an inquiry for a longer time rejects the application, the person concerned has to file an appeal before the State Government. This created much hardships. Wastage of time and money, Due to this legislation, even genuine transfers are also very much adversely affected. This has also become an instrument for wide-spread corruption and mal-practices in the Administration. Each and every transfer has to pass through a clumsy and lengthy process. Due to the provisions of the Act, so many cases of transfers are lying at the Collector Office or at the Secretariat for a very long-period and thereby the Government also loses a sizable revenue due to imposition of such restriction. Moreover, section 3 of the Act delegates the power of declaring the disturbed areas to the State Government. This delegation is not proper as the State Government can thereby declare the disturbed areas at any time by issuing just a notification and put the public at large of the area in a very much hardship even if there is no riot, disturbances or mob violence. There have been instances of the State Government publishing such a notification and declaring disturbed areas even if the whole State has remained very much peaceful.

To avoid the misuse by the authorities, the hardships and inconvenience to the Public at large and the wide-spread corruption and malpractices in the administration, the aforesaid Act is proposed to be repealed with immediate effect.

Hence this Bill.

**Gandhinagar,
Dated the 6th February, 2023.**

**Dated the 3rd March, 2023
Gandhinagar.**

**IMRAN KHEDAWALA,
M.L.A.**

**D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.**

