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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 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PROHIBITION (AMENDMENT) BILL, 2024.

GUJARAT BILL NO. 11 OF 2024.

A BILL

further to amend the Gujarat Prohibition Act, 1949.

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

1. (1) This Act may be called the Gujarat Prohibition (Amendment) Act, 2024.

Short title and commencement.

- (2) It shall be deemed to have come into force on the 31st July, 2024.

Bom. XXV of 1949.

2. In the Gujarat Prohibition Act, 1949, in section 98, in sub-section (2), for the words “but it shall not be released on bond or surety till the final judgment of the Court where the quantity of the seized liquor is exceeding the quantity as may be prescribed by the rules”, the words “and the vehicle so confiscated may be auctioned before the final judgment in the manner as may be prescribed, with the permission of the Court where the quantity of the seized liquor exceeds such quantity as may be prescribed; and in such cases the Deputy Superintendent of Police shall be the competent authority for such auction” shall be substituted.

Amendment of Section 98 of Bom. XXV of 1949.

STATEMENT OF OBJECTS AND REASONS

Existing provision of sub-section (2) of section 98 of the Gujarat Prohibition Act, 1949 provides for the confiscation of things such as animals, carts, vessels or other conveyances carrying any intoxicant, hemp, mhowra flowers, etc. shall not be released on bond or surety till the final judgment of the Court where the quantity of the seized liquor exceeds the quantity as prescribed by rules. In view of this, the vehicles so confiscated cannot be returned to the owners and they remain unused in the police station or in the court compound till the final judgment of the case and in these circumstances, the condition of the vehicles becomes deteriorated.

To overcome this situation, the State Government considers it necessary to amend said sub-section (2) so as to dispose of such vehicles by way of auction. *Clause 2* of the Bill provides for the same.

As the Legislative Assembly of the State of Gujarat was not in session, the Gujarat Prohibition (Amendment) Ordinance, 2024 was promulgated to achieve the aforesaid objects. Therefore, the Bill seeks to replace the said Ordinance by an Act of the State Legislature.

HARSH SANGHAVI,

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 1.- Sub-section (2) of section 98 proposed to be amended by this clause empowers the State Government to prescribe by rules, the manner in which confiscated vehicles may be auctioned by the Deputy Superintendent of Police before the final judgment, with the permission of the Court, where the quantity of the seized liquor exceeds the quantity as prescribed by the rules; it also empowers the State Government to prescribe by rules, the quantity of seized liquor exceeding for which the vehicle shall be confiscated.

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

Dated the 14th August, 2024.

HARSH SANGHAVI.

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

K. M. LALA,

Secretary to the Government of Gujarat,

Legislative and Parliamentary Affairs Department.

Gandhinagar,

Dated the 14th August, 2024.

