

Extra Ordinary Part - IV /1995

Extra No.	Date	Department
Extra No.1	11-01-1995	Urban Development & Urban Housing Department
Extra No.2	30-03-1995	Legislative & Parliamentary Affairs Department
Extra No.3	30-03-1995	Legislative & Parliamentary Affairs Department
Extra No.4	06-04-1995	Legislative & Parliamentary Affairs Department
Extra No.5	06-04-1995	Legislative & Parliamentary Affairs Department
Extra No.6	04-07-1995	Legislative & Parliamentary Affairs Department
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Extra No.8	28-07-1995	Legislative & Parliamentary Affairs Department
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Extra No.13	29-07-1995	Legislative & Parliamentary Affairs Department
Extra No.14	29-07-1995	Legislative & Parliamentary Affairs Department
Extra No.15	29-07-1995	Legislative & Parliamentary Affairs Department
Extra No.16	28-08-1995	Legal Department
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Extra No.18	09-09-1995	Legislative & Parliamentary Affairs Department
Extra No.19	25-09-1995	Other
Extra No.20	16-11-1995	Legal Department
Extra No.21	16-11-1995	Ports & Fisheries Department
Extra No.22	16-11-1995	Legislative & Parliamentary Affairs Department



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WEDNESDAY, JANUARY 11, 1995/PAUSA 21, 1916

Separate paging is given to this Part in order that it
 may be filed as a separate compilation.

PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 11th January, 1995.

GUJARAT ORDINANCE NO. 1 OF 1995.

AN ORDINANCE

further to amend the Gujarat Town Planning and Urban Development Act, 1976.

WHEREAS, the Legislative Assembly of the State of Gujarat is not in session ;

President's
Act No. 27
of 1976.

AND, WHEREAS, the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Town Planning and Urban Development Act, 1976;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Town Planning and Urban Development (Amendment and Validation) Ordinance, 1995.

(2) It shall come into force at once.

President's
Act No. 27
of 1976.

2. *President's Act No. 27 of 1976 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Town Planning and Urban Development Act, 1976 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 9.

3. *Amendment of section 7 of President's Act No. 27 of 1976.*—In the principal Act, in section 7,—

- (1) in sub-section (I),—
 (a) for the words "The functions of", the words "The powers and functions of" shall be substituted;
 (b) after clause (iv), the following clause shall be and shall be deemed always to have been inserted, namely:—

"(iv-a) to levy and collect such scrutiny fees for scrutiny of documents submitted to the appropriate authority for permission for development as may be prescribed by regulations;"

- (c) after clause (vi), the following clause shall be inserted, namely:—

"(vi-a) to levy and collect such fees for the execution of works referred to in clause (vi) and for provision of other services and amenities as may be prescribed by regulations;"

- (2) in sub-section (2), for the words "any of its functions", the words "any of its powers and functions" shall be substituted.

4. *Amendment of section 9 of President's Act No. 27 of 1976.*—In the principal Act, in section 9, in sub-section (I), after the words and figure "under section 5", the words, brackets and figures "or a local authority is designated as the area development authority under sub-section (I) of section 6," shall be inserted.

5. *Amendment of section 23 of President's Act No. 27 of 1976.*—In the principal Act, in section 23,—

- (1) in sub-section (1),—

(a) for the words "The functions of", the words "The powers and functions of" shall be substituted;

(b) after clause (v), the following clause shall be and shall be deemed always to have been inserted, namely:—

"(v-a) to levy and collect such scrutiny fees for scrutiny of documents submitted to the appropriate authority for permission for development as may be prescribed by regulations;"

- (c) after clause (vi), the following clause shall be inserted, namely:—

"(vi-a) to levy and collect such fees for the execution of works referred to in clause (vi) and for provision of other services and amenities as may be prescribed by the regulations;"

- (2) in sub-section (2), for the words "any of its functions", the words "any of its powers and functions" shall be substituted.

6. *Amendment of section 26 of President's Act No. 27 of 1976.*—In the principal Act, in section 26, after the words "development charge", the words "and scrutiny fees" shall be inserted.

7. *Amendment of section 91 of President's Act No. 27 of 1976.*—In the principal Act, in section 91, in sub-section (I), in clause (a), for the words "advances or otherwise", the words "advances, fees, development charges or otherwise" shall be substituted.

8. *Amendment of section 119 of President's Act No. 27 of 1976.*—In the principal Act, in section 119, in sub-section (2),—

- (1) after clause (c), the following clause shall be and shall be deemed always to have been inserted, namely:—

"(ci) regulations prescribing fees to be levied and collected under clause (iv-a) of sub-section (I) of section 7;"

(2) after clause (ci) as so inserted, the following clause shall be inserted, namely:—

“(cii) regulations prescribing fees to be levied and collected under clause (vii-a) of sub-section (1) of section 7;”;

(3) after clause (cii) as so inserted, the following clause shall be and shall be deemed always to have been inserted, namely:—

“(ciii) regulations prescribing fees to be levied and collected under clause (v-a) of sub-section (1) of section 23;”;

(4) after clause (ciii) as so inserted, the following clause shall be inserted, namely:—

“(c-iv) regulations prescribing fees to be levied and collected under clause (vi-a) of sub-section (1) of section 23;”.

9. *Validation of levy and collection of scrutiny fees under principal Act.*—Notwithstanding anything contained in any judgement, decree or order of any court or any other authority—

(a) any regulation made or purported to have been made before the commencement of this Ordinance by any appropriate authority under the principal Act for levy of scrutiny fee for scrutiny of documents submitted to the appropriate authority for permission for development shall be and shall be deemed always to have been validly made under the principal Act as amended by this Ordinance as if the principal Act as amended by this Ordinance had been in force at all material times when such regulation was made; and

(b) any scrutiny fees for scrutiny of documents submitted to the appropriate authority for permission for development, levied or levied and collected or purported to have been levied or levied and collected under any such regulation before the commencement of this Ordinance shall be and shall be deemed always to have been validly levied or levied and collected; and

any such regulation made or purported to have been made or scrutiny fees levied or levied and collected or purported to have been levied or levied and collected under any such regulation shall not be called in question in any court or before any authority whatsoever merely on the ground that the making of such regulation or levy and collection of such scrutiny fees, by the appropriate authority, was not authorised under the principal Act and any such scrutiny fees levied before the commencement of this Ordinance but not collected before such commencement, may be collected in accordance with provisions of the principal Act as amended by this Ordinance and regulation made thereunder.

STATEMENT

The levy and collection of scrutiny fees (formerly known as development fees) by the Ahmedabad Urban Development Authority was declared as illegal in the judgment of the Supreme Court in Civil Appeal No. 10111 of 1983 (Ahmedabad Urban Development Authority vs Sharadkumar) reported in AIR 1992 SC 2038 on the ground that the regulations under which they were levied were *ultra vires* the provisions of the Gujarat Town Planning and Urban Development Act, 1976. It is considered necessary to amend the said Act to confer power on an area development authority or urban development authority to make regulation for levy and collection of scrutiny fees and to levy and collect the same according to the regulations so made and to validate the aforesaid levy and collection of scrutiny fees by an area development authority or an urban development authority under the regulations made by them. Opportunity is also taken—

(i) to confer power on the area development authority or urban development authority to levy and collect fees for execution of certain works and provisions of services and amenities and to make regulations therefor;

(ii) to make provisions of section 9 applicable to case where a local authority is designated as area development authority; and

(iii) to amend section 26 with a view to prohibiting carrying out any development of a building or land without obtaining certificate from appropriate authority to the effect that scrutiny fees have been paid.

For this purpose, a Bill called the Gujarat Town Planning and Urban Development (Amendment and Validation) Bill, 1994 (Gujarat Bill No. 28 of 1994) was published with a view to introduce in the last session of the Gujarat Legislative Assembly but could not be taken up for consideration by the House for want of time. Therefore, as the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid objects.

Gandhinagar,
Dated the 11th January, 1995.

SARUP SINGH,
Governor of Gujarat

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

P. V. SWAMINATHAN,
Additional Chief Secretary to Government.



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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th March, 1995 is hereby published for general information.

KUM. H. K. JHAVERI,

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

GUJARAT ACT NO. 1 OF 1995

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 30th March, 1995).

AN ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1995.

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

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 1995.
2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of one thousand three hundred thirteen crores, seventy-four lakhs, sixty-three thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 1995, in respect of the services and purposes specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Short title.

Issue of
Rs. 13,13,
74,63,000
from and
out of the
Consoli-
dated
Fund of the
State of
Gujarat
for the
financial
1994-95.

Appro-
priation.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote/ Appro- priation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
		Rs.	Rs.	Rs.
2	Agriculture	Revenue 8,000	1,07,29,000	1,07,37,000
3	Minor Irrigation Soil Conservation and Area Development	Revenue 3,64,70,000	..	3,64,70,000
4	Animal Husbandry and Dairy Development	Revenue 6,51,74,000	3,00,000	6,54,74,000
		Capital 10,63,87,000	..	10,63,87,000
5	Fisheries	Revenue 32,78,000	85,000	33,63,000
		Capital 50,52,000	..	50,52,000
6	Co-operation	Revenue 23,53,000	..	23,53,000
		Capital 13,85,55,000	..	13,85,55,000
7	Other Expenditure pertaining to Agricul- ture, Co-operation and Rural Development Department	Capital 53,52,000	..	53,52,000
8	Education Department	Revenue 6,20,000	..	6,20,000
9	Education	Revenue 79,57,61,000	15,35,64,000	94,93,25,000
10	Other Expenditure pertaining to Education Department	Revenue 32,27,000	..	32,27,000
		Capital 4,61,29,000	..	4,61,29,000
11	Energy and Petro-chemicals Department	Revenue 5,60,000	..	5,60,000
13	Energy Projects	Revenue 5,02,88,00,000	..	5,02,88,00,000
		Capital 37,78,00,000	..	37,78,00,000
14	Other Expenditure pertaining to Energy and Petro-chemicals Department	Capital 2,73,000	..	2,73,000
15	Finance Department	Revenue 12,25,000	..	12,25,000
16	Tax Collection charges (Finance Department)	Revenue 1,000	..	1,000
17	Treasury and Accounts Administration	Revenue 55,54,000	1,000	55,55,000
18	Pensions and other retirement benefits	Revenue 81,08,50,000	..	81,08,50,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
		Rs.	Rs.	Rs.
19	Other Expenditure pertaining to Finance Department	Revenue 1,000	..	1,000
		Capital 1,37,76,91,000	..	1,37,76,91,000
20	Repayment of Debt pertaining to Finance Department and its Servicing.	Revenue ..	7,42,91,000	7,42,91,000
		Capital ..	3,000	3,000
21	Food and Civil Supplies Department	Revenue 22,50,000	..	22,50,000
22	Civil Supplies	Revenue 28,89,000	..	28,89,000
		Capital 2,31,000	..	2,31,000
23	Food	Revenue 1,09,37,000	..	1,09,37,000
		Capital 10,62,000	..	10,62,000
24	Other Expenditure pertaining to Food and Civil Supplies Department	Capital 10,55,000	..	10,55,000
26	Forests	Revenue 2,62,62,000	3,86,000	2,66,48,000
		Capital 24,00,000	..	24,00,000
27	Environment	Revenue 1,000	..	1,000
28	Other Expenditure pertaining to Forest and Environment Department	Revenue ..	63,000	63,000
		Capital 17,65,000	..	17,65,000
29	Governor	Revenue ..	12,91,000	12,91,000
30	Council of Ministers	Revenue 1,13,75,000	..	1,13,75,000
31	Elections	Revenue 31,37,49,000	..	31,37,49,000
32	Public Service Commission	Revenue ..	8,90,000	8,90,000
33	General Administration Department	Revenue 33,61,000	..	33,61,000
34	Economic Advice and Statistics	Revenue 43,12,000	..	43,12,000
35	Other Expenditure pertaining to General Administration Department	Revenue 20,00,01,000	..	20,00,01,000
		Capital 30,60,000	..	30,60,000

No. of Vote/ Appro- priation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
		Rs.	Rs.	Rs.
37	Loans and Advances to Government servants in Gujarat Legislature Secretariat	Capital 4,72,000	..	4,72,000
38	Health and Family Welfare Department	Revenue 13,18,000	..	13,18,000
39	Medical and Public Health	Revenue 20,99,86,000	1,63,000	21,01,49,000
40	Family Welfare	Revenue 2,69,24,000	..	2,69,24,000
41	Water Supply	Revenue 1,06,00,000	82,000	1,06,82,000
		Capital 11,18,35,000	..	11,18,35,000
42	Other Expenditure pertaining to Health and Family Welfare Department	Revenue 5,17,09,000	1,38,000	5,18,47,000
		Capital 1,02,65,000	..	1,02,65,000
43	Home Department	Revenue 40,80,000	..	40,80,000
44	Police	Revenue 50,55,08,000	2,98,000	50,58,06,000
45	Jails	Revenue 2,75,95,000	35,000	2,76,30,000
46	Transport	Revenue 2,000	..	2,000
47	Other Expenditure pertaining to Home Department	Revenue 2,000	2,97,000	2,99,000
		Capital 4,98,18,000	..	4,98,18,000
48	Industries and Mines Department	Revenue 6,00,000	..	6,00,000
49	Stationery and Printing	Revenue 43,78,000	..	43,78,000
50	Industries	Revenue 11,31,47,000	2,000	11,31,49,000
		Capital 12,77,52,000	..	12,77,52,000
52	Other Expenditure pertaining to Industries and Mines Department	Revenue 33,60,000	8,000	33,68,000
		Capital 13,24,000	..	13,24,000
53	Information, Broadcasting and Tourism Department	Revenue 4,75,000	..	4,75,000
55	Tourism	Revenue 1,000	..	1,000
56	Other Expenditure pertaining to Information, Broadcasting and Tourism Department	Capital 7,65,000	..	7,65,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
		Rs.	Rs.	Rs.
59	Other Expenditure pertaining to Labour and Employment Department	Capital 17,36,000	..	17,36,000
61	Administration of Justice	Revenue ..	23,35,000	23,35,000
62	Other Expenditure pertaining to Legal Department.	Capital 7,81,000	..	7,81,000
63	Legislative and Parliamentary Affairs Department	Revenue 55,000	..	55,000
65	Narmada and Water Resources Department	Revenue 2,30,000	..	2,30,000
67	Irrigation and Soil Conservation	Revenue 11,74,50,000 Capital ..	41,99,000 1,17,03,000	12,16,49,000 1,17,03,000
68	Other Expenditure pertaining to Narmada and Water Resources Department	Revenue 25,000 Capital 51,12,000	1,53,50,000 ..	1,53,75,000 51,12,000
69	Panchayats and Rural Housing Department.	Revenue 16,67,000	..	16,67,000
70	Community Development	Revenue 1,58,65,000	3,000	1,58,68,000
71	Rural Housing	Revenue 1,60,60,000	5,57,81,000	7,18,41,000
72	Compensations and Assignments	Revenue 3,52,72,000	..	3,52,72,000
73	Other Expenditure pertaining to Panchayats and Rural Housing Department	Revenue 1,77,90,000 Capital 91,77,000		1,77,90,000 91,77,000
74	Revenue Department	Revenue 60,55,000	..	60,55,000
75	Tax collection charges (Revenue Department)	Revenue ..	2,000	2,000
76	District Administration	Revenue 4,96,15,000	..	4,96,15,000
77	Relief on account of Natural Calamities	Revenue 38,93,00,000 Capital 10,00,00,000		38,93,00,000 10,00,00,000
78	Danga District	Revenue 54,96,000	..	54,96,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund.	Total
1	2	3		
		Rs.	Rs.	Rs.
79	Compensation and Assignments	Revenue 5,22,70,000	2,000	5,22,72,000
80	Other Expenditure pertaining to Revenue Department	Capital 44,26,000	..	44,26,000
82	Non-residential Buildings	Revenue 3,21,38,000	..	3,21,38,000
		Capital 69,93,000	1,71,000	71,64,000
83	Residential Buildings	Revenue ..	51,000	51,000
		Capital ..	54,000	54,000
84	Roads and Bridges	Revenue 27,80,000	65,26,000	93,06,000
		Capital 45,60,70,000	20,11,000	45,80,81,000
86	Gujarat Capital Construction Scheme	Capital ..	12,65,000	12,65,000
87	Other Expenditure pertaining to Roads and Buildings Department	Revenue 32,40,000	2,19,98,000	2,52,38,000
		Capital 1,25,77,000	..	1,25,77,000
88	Social Welfare and Tribal Development Department	Revenue 10,91,000	..	10,91,000
89	State Excise.	Revenue 20,75,000	..	20,75,000
90	Social Security and Welfare	Revenue 15,12,59,000	44,14,000	15,56,73,000
91	Welfare of Scheduled Tribes	Revenue 9,55,000	..	9,55,000
92	Other Expenditure pertaining to Social Welfare and Tribal Development Department	Capital 21,13,000	..	21,13,000
93	Special Component Plan for Scheduled Castes	Capital 1,53,08,000	..	1,53,08,000
94	Tribal Area Sub-Plan	Revenue 3,000	56,86,000	56,89,000
		Capital 2,23,41,000	51,68,000	2,75,09,000

No. of Vote/ Appro- priation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund.	Total
1	2	3		
		Rs.	Rs.	Rs.
95	Urban Development and Urban Housing Department	Revenue 3,00,000	..	3,00,000
96	Urban Housing	Revenue ..	4,80,19,000	4,80,19,000
		Capital 1,58,59,000	..	1,58,59,000
97	Urban Development	Revenue 48,97,000	..	48,97,000
		Capital 47,66,40,000	..	47,66,40,000
98	Compensation Assignment and Tax collection charges	Revenue 1,34,00,000	..	1,34,00,000
99	Other Expenditure pertaining to Urban Development and Urban Housing Department.	Capital 9,43,000	..	9,43,000
101	Youth Services and Cultural Activities	Revenue 23,75,000	..	23,75,000
102	Other Expenditure pertaining to Youth Services and Cultural Activities Department	Capital 4,13,000	..	4,13,000
Total :		Revenue 9,21,03,67,000	40,71,89,000	9,61,75,56,000
		Capital 3,49,95,32,000	2,03,75,000	3,51,99,07,000
Grand		Total 12,70,98,99,000	42,75,64,000	13,13,74,63,000



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PART-IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th March, 1995 is hereby published for general information.

KUM. H. K. JHAVERI,

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

GUJARAT ACT NO. 2 OF 1995

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 30th March, 1995).

AN ACT

to authorise withdrawal of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of a part of the financial year ending on the thirty-first day of March, 1996.

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

1. This Act may be called the Gujarat Appropriation (Vote on Account) Act, 1995.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of three thousand three hundred twenty-seven crores, eighty-six lakhs, three thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1995-96.

Withdrawal of Rs. 33,27,86,03,000 from and out of the Consolidated Fund of the State of Gujarat for the financial year 1995-96.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote/ Appropriation.	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
			Rs.	Rs.	Rs.
1	Agriculture, Co-operation and Rural Development Department	Revenue	84,16,000	..	84,16,000
2	Agriculture	Revenue	97,31,48,000	..	97,31,48,000
		Capital	1,68,34,000	..	1,68,34,000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	8,46,81,000	..	8,46,81,000
		Capital	30,83,000	..	30,83,000
4	Animal Husbandry and Dairy Development	Revenue	11,13,71,000	..	11,13,71,000
		Capital	1,33,000	..	1,33,000
5	Co-operation	Revenue	6,43,75,000	..	6,43,75,000
		Capital	4,95,77,000	..	4,95,77,000
6	Other Expenditure pertaining to Agriculture, Co-operation and Rural Development Department	Capital	2,33,40,000	..	2,33,40,000
7	Education Department	Revenue	48,38,000	..	48,38,000
8	Education	Revenue	5,81,66,50,000	15,90,33,000	5,97,56,83,000
		Capital	1,65,000	..	1,65,000
9	Other Expenditure pertaining to Education Department	Revenue	1,63,54,000	..	1,63,54,000
		Capital	28,68,17,000	..	28,68,17,000
10	Energy and Petro-chemicals Department	Revenue	19,67,000	..	19,67,000
11	Tax collection charges (Energy and Petro-chemicals Department)	Revenue	1,02,00,000	..	1,02,00,000
12	Energy Projects	Revenue	1,65,00,000	..	1,65,00,000
13	Other Expenditure pertaining to Energy and Petro-chemicals Department	Capital	18,40,000	..	18,40,000
14	Finance Department	Revenue	98,83,000	..	98,83,000
		Capital	1,35,000	..	1,35,000

No. of Vote/ Appropriation.	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
15	Tax collection charges (Finance Department)	Revenue	Rs. 10,64,87,000	Rs. ..	Rs. 10,64,87,000
16	Treasury and Accounts Administration	Revenue	6,89,73,000	..	6,89,73,000
17	Pension and other retirement benefits	Revenue	1,15,09,17,000	3,33,000	1,15,12,50,000
18	Other Expenditure pertaining to Finance Department	Revenue	1,36,01,77,000	..	1,36,01,77,000
		Capital	2,19,32,000	34,000	2,19,66,000
19	Repayment of debt pertaining to Finance Department and its Servicing	Revenue	..	4,01,08,03,000	4,01,08,03,000
		Capital	..	2,18,76,24,000	2,18,76,24,000
20	Food and Civil Supplies Department	Revenue	1,10,14,000	..	1,10,14,000
21	Civil Supplies	Revenue	7,73,96,000	..	7,73,96,000
		Capital	34,000	..	34,000
22	Food	Revenue	2,27,27,000	..	2,27,27,000
		Capital	7,90,000	..	7,90,000
23	Other Expenditure pertaining to Food and Civil Supplies Department	Capital	38,10,000	..	38,10,000
24	Forests and Environment Department	Revenue	22,06,000	..	22,06,000
25	Forests	Revenue	18,01,06,000	..	18,01,06,000
		Capital	13,80,07,000	..	13,80,07,000
26	Environment	Revenue	36,00,000	..	36,00,000
27	Other Expenditure pertaining to Forests and Environment Department	Capital	77,80,000	..	77,80,000
28	Governor	Revenue	..	29,31,000	29,31,000
29	Council of Ministers	Revenue	94,92,000	..	94,92,000
30	Elections	Revenue	1,63,10,000	..	1,63,10,000
31	Public Service Commission	Revenue	7,33,000	46,71,000	54,04,000

No. of Vote/ Appropriation.	Services and purposes	Sums not exceeding			Total
		Voted	Charged on the Consolidated Fund		
1	2	3			
		Rs.	Rs.	Rs.	
32.	General Administration Department	Revenue	3,42,66,000	..	3,42,66,000
33.	Economic Advice and Statistics	Revenue	1,46,35,000	..	1,46,35,000
34.	Other Expenditure pertaining to General Administration Department	Revenue	22,48,97,000	..	22,48,97,000
		Capital	1,85,80,000	..	1,85,80,000
35.	State Legislature	Revenue	1,40,18,000	1,34,000	1,41,52,000
36.	Loans and Advances to Government servants in Gujarat Legislature Secretariat.	Capital	19,74,000	..	19,74,000
37.	Health and Family Welfare Department	Revenue	69,76,000	..	69,76,000
38.	Medical and Public Health	Revenue	1,05,40,92,000	..	1,05,40,92,000
39.	Family Welfare	Revenue	22,54,26,000	..	22,54,26,000
40.	Water Supply	Revenue	32,41,22,000	..	32,41,22,000
		Capital	59,16,67,000	..	59,16,67,000
41.	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	12,65,02,000	..	12,65,02,000
		Capital	4,12,54,000	..	4,12,54,000
42.	Home Department	Revenue	64,57,000	..	64,57,000
43.	Police	Revenue	1,17,90,82,000	..	1,17,90,82,000
44.	Jails	Revenue	3,96,22,000	..	3,96,22,000
45.	Transport	Revenue	4,34,82,000	..	4,34,82,000
		Capital	3,33,33,000	..	3,33,33,000
46.	Other Expenditure pertaining to Home Department	Revenue	7,81,42,000	50,000	7,81,92,000
		Capital	4,90,33,000	..	4,90,33,000
47.	Industries and Mines Department	Revenue	40,92,000	..	40,92,000
48.	Stationery and Printing	Revenue	7,75,37,000	..	7,75,37,000
49.	Industries	Revenue	26,96,42,000	..	26,96,42,000
		Capital	13,62,92,000	..	13,62,92,000
50.	Mines and Minerals	Revenue	3,30,03,000	..	3,30,03,000
51.	Other Expenditure pertaining to Industries and Mines Department	Revenue	29,17,000	..	29,17,000
		Capital	88,70,000	..	88,70,000

No. of Vote/ Appro- priation.	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
			Rs.	Rs.	Rs.
52	Information, Broadcasting and Tourism Department	Revenue	11,40,000	..	11,40,000
53	Information and Publicity	Revenue	4,39,72,000	..	4,39,72,000
54	Tourism	Revenue	1,00,13,000	..	1,00,13,000
		Capital	8,33,000	..	8,33,000
55	Other Expenditure pertaining to Information, Broadcasting and Tourism Department	Revenue	50,37,000	..	50,37,000
		Capital	33,60,000	..	33,60,000
56	Labour and Employment Department	Revenue	24,14,000	..	24,14,000
57	Labour and Employment	Revenue	16,73,35,000	..	16,73,35,000
		Capital	33,000	..	33,000
58	Other Expenditure pertaining to Labour and Employment Department	Capital	84,20,000	..	84,20,000
59	Legal Department	Revenue	34,68,000	..	34,68,000
		Capital	8,000	..	8,000
60	Administration of Justice	Revenue	13,28,57,000	1,84,97,000	15,13,51,000
61	Other Expenditure pertaining to Legal Department	Revenue	52,85,000	..	52,85,000
		Capital	60,05,000	..	60,05,000
62	Legislative and Parliamentary Affairs Department	Revenue	28,32,000	..	28,32,000
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	8,90,000	..	8,90,000
64	Narmada and Water Resources Department	Revenue	71,75,000	..	71,75,000
65	Narmada Development Scheme	Capital	3,01,32,45,000	..	3,01,32,45,000
66	Irrigation and Soil Conservation	Revenue	1,84,40,98,000	..	1,84,40,98,000
		Capital	57,92,90,000	..	57,92,90,000
67	Other Expenditure pertaining to Narmada and water Resources Department	Revenue	4,97,000	..	4,97,000
		Capital	3,64,62,000	..	3,64,62,000

IV-Ex.-3-2

No. of Vote/ Appropriation.	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
		Rs.	Rs.	Rs.
68	Panchayats and Rural Housing Department	Revenue 48,28,000	..	48,28,000
69	Community Development	Revenue 31,81,97,000	..	31,81,97,000
70	Rural Housing	Revenue 11,21,87,000	18,52,03,000	29,73,90,000
		Capital 1,31,33,000	..	1,31,33,000
71	Compensations and Assignments	Revenue 6,84,76,000	..	6,84,76,000
72	Other Expenditure pertaining to Panchayats and Rural Housing Department	Revenue 3,61,43,000	..	3,61,43,000
		Capital 8,90,06,000	..	8,90,06,000
73	Fisheries	Revenue 4,07,61,000	..	4,07,61,000
		Capital 68,50,000	..	68,50,000
74	Ports	Capital 4,66,33,000	..	4,66,33,000
75	Other Expenditure pertaining to Ports and Fisheries Department	Revenue 12,96,000	..	12,96,000
		Capital 27,10,000	..	27,10,000
76	Revenue Department	Revenue 1,13,12,000	..	1,13,12,000
77	Tax collection charges (Revenue Department)	Revenue 10,51,04,000	..	10,51,04,000
78	District Administration	Revenue 10,38,62,000	..	10,38,62,000
79	Relief on account of Natural Calamities	Revenue 26,58,33,000	..	26,58,33,000
		Capital 1,75,00,000	..	1,75,00,000
80	Dangs District	Revenue 4,76,30,000	..	4,76,30,000
81	Compensations and Assignments	Revenue 3,14,53,000	9,07,000	3,23,60,000
		Capital 19,67,000	7,66,000	27,33,000
82	Other Expenditure pertaining to Revenue Department	Revenue 17,43,000	1,000	17,44,000
		Capital 1,92,49,000	..	1,92,49,000
83	Roads and Buildings Department	Revenue 81,40,000	..	81,40,000
84	Non-Residential Buildings	Revenue 32,86,70,000	1,04,000	32,87,74,000
		Capital 12,24,58,000	..	12,24,58,000
85	Residential Buildings	Revenue 13,84,32,000	..	13,84,32,000
		Capital 2,65,37,000	..	2,65,37,000
86	Roads and Bridges	Revenue 79,64,02,000	..	79,64,02,000
		Capital 18,85,67,000	..	18,85,67,000

No. of Vote/ Appropriation.	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund.	Total
1	2	3		
		Rs.	Rs.	Rs.
87	Gujarat Capital Construction Scheme	Revenue 90,48,000 Capital 2,35,00,000		90,48,000 2,35,00,000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue 2,29,70,000 Capital 1,89,63,000		2,29,70,000 1,89,63,000
89	Social Welfare and Tribal Development Department	Revenue 37,80,000	..	37,80,000
90	State Excise	Revenue 93,60,000	..	93,60,000
91	Social Security and Welfare	Revenue 25,52,24,000 Capital 44,47,000	10,00,000 ..	25,62,24,000 44,47,000
92	Welfare of Scheduled Tribes	Revenue 9,85,61,000 Capital 18,72,000		9,85,61,000 18,72,000
93	Other Expenditure pertaining to Social Welfare and Tribal Development Department.	Capital 72,95,000	..	72,95,000
94	Special Component Plan for Scheduled Castes	Revenue 40,72,15,000 Capital 1,89,35,000		40,72,15,000 1,89,35,000
95	Tribal Area Sub-Plan	Revenue 93,92,95,000 Capital 25,50,06,000		93,92,95,000 25,50,06,000
96	Urban Development and Urban Housing Department	Revenue 25,07,000	..	25,07,000
97	Urban Housing	Revenue 2,84,22,000 Capital 1,78,10,000	4,53,55,000 ..	7,37,77,000 1,78,10,000
98	Urban Development	Revenue 18,88,39,000 Capital 3,12,00,000		18,88,39,000 3,12,00,000
99	Compensations, Assignment and tax collection charges	Revenue 10,00,00,000	2,33,68,000	12,33,68,000
100	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue 34,73,000 Capital 30,55,000		34,73,000 30,55,000
101	Youth Services and Cultural Activities Department	Revenue 11,74,000	..	11,74,000
102	Youth Services and Cultural Activities	Revenue 3,16,04,000	..	3,16,04,000

No. of Vote/ Appropriation.	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
		Rs.	Rs.	Rs.
103	Other Expenditure pertaining to Capital Youth Services and Cultural Activities Department	17,75,000	..	17,75,000
Total				
	Revenue	20,63,54,95,000	4,45,23,90,000	25,08,78,85,000
	Capital	6,00,22,94,000	2,18,84,24,000	8,19,07,18,000
Grand Total		26,63,77,89,000	6,64,08,14,000	33,27,86,03,000



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THURSDAY, APRIL 6, 1995/CAITRA 16, 1917

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 may be filed as a Separate Compilation.

PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th April, 1995 is hereby published for general information.

KUM H. K. JHAVERI,

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

GUJARAT ACT NO. 3 OF 1995

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*" on the 6th April, 1995).

AN ACT

further to amend the Gujarat Town Planning and Urban Development Act, 1976.

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

(1) This Act may be called the Gujarat Town Planning and Urban Development (Amendment and Validation) Act, 1995.

Short title
and
commencement.

(2) It shall be deemed to have come into force on the 11th January, 1995.

President's
Act No. 27
of 1976.

2. In the Gujarat Town Planning and Urban Development Act, 1976 (hereinafter referred to as "the principal Act"), in section 7,—

Amendment of
section 7
of
President's
Act No. 27
of
1976.

(1) in sub-section (1),—

(a) for the words "The functions of", the words "The powers and functions of" shall be substituted;

(b) after clause (iv), the following clause shall be and shall be deemed always to have been inserted, namely:—

"(iv-a) to levy and collect such scrutiny fees for scrutiny of documents submitted to the appropriate authority for permission for development as may be prescribed by regulations;" ;

(c) after clause (vii), the following clause shall be inserted, namely:—

“(vii-a) to levy and collect such fees for the execution of works referred to in clause (vii) and for provision of other services and amenities as may be prescribed by regulations;”;

(2) in sub-section (2), for the words “any of its functions”, the words “any of its powers and functions” shall be substituted.

Amend-
ment of
section 9
of Presi-
dent's Act
No. 27 of
1976.

3. In the principal Act, in section 9, in sub-section (1), after the words and figure “under section 5”, the words, brackets and figures “or designation of a local authority as the area development authority under sub-section (1) of section 6,” shall be inserted.

Amend-
ment of
section 23
of Preside-
nt's Act
No. 27
of 1976.

4. In the principal Act, in section 23,—

(1) in sub-section (1),—

(a) for the words “The functions of”, the words “The powers and functions of” shall be substituted;

(b) after clause (v), the following clause shall be and shall be deemed always to have been inserted, namely:—

“(v-a) to levy and collect such scrutiny fees for scrutiny of documents submitted to the appropriate authority for permission for development as may be prescribed by regulations;”;

(c) after clause (vi), the following clause shall be inserted, namely:—

“(vi-a) to levy and collect such fees for the execution of works referred to in clause (vi) and for provision of other services and amenities as may be prescribed by regulations;”;

(2) in sub-section (2), for the words “any of its functions”, the words “any of its powers and functions” shall be substituted.

Amend-
ment of
section 26
of Pre-
sident's
Act No. 27
of 1976.

5. In the principal Act, in section 26, after the word “charge” occurring at two places, the words “and scrutiny fees” shall be inserted.

Amend-
ment of
section 27
of Presi-
dent's Act
No. 27 of
1976.

6. In the principal Act, in section 27, the following shall be and shall be deemed always to have been added at the end, namely:—

“and by such scrutiny fees as may be prescribed by regulations”.

7. In the principal Act, in section 28, in sub-section (1), after the words "as may be prescribed", the words "and by such scrutiny fees as may be prescribed by regulations" shall be and shall be deemed always to have been inserted.

Amendment of section 28 of President's Act No. 27 of 1976.

8. In the principal Act, in section 29, in sub-section (1), after the words "development charge", the words "and scrutiny fees" shall be inserted.

Amendment of section 29 of President's Act No. 27 of 1976.

9. In the principal Act, in section 34, in sub-section (1), after the words "together with the prescribed particulars", the words "and with such scrutiny fees as may be prescribed by regulations" shall be and shall be deemed always to have been inserted.

Amendment of section 34 of President's Act No. 27 of 1976.

10. In the principal Act, in section 49, in sub-section (1), in clause (a), the following shall be and shall be deemed always to have been added at the end, namely:—

"and on payment of such scrutiny fees as may be prescribed by regulations".

Amendment of section 49 of President's Act No. 27 of 1976.

11. In the principal Act, in section 91, in sub-section (1), in clause (a), for the words "advances or otherwise", the words "advances, fees, development charges or otherwise" shall be substituted.

Amendment of section 91 of President's Act No. 27 of 1976.

12. In the principal Act, in section 119, in sub-section (2),—

(1) after clause (c), the following clause shall be and shall be deemed always to have been inserted, namely:—

"(ci) regulations prescribing fees to be levied and collected under clause (iv-a) of sub-section (1) of section 7;";

(2) after clause (ci) as so inserted, the following clause shall be inserted, namely:—

"(cii) regulations prescribing fees to be levied and collected under clause (vii-a) of sub-section (1) of section 7;";

(3) after clause (cii) as so inserted, the following clause shall be and shall be deemed always to have been inserted, namely:—

"(ciii) regulations prescribing fees to be levied and collected under clause (v-a) of sub-section (1) of section 23;";

(4) after clause (ciii) as so inserted, the following clause shall be inserted, namely:—

"(civ) regulations prescribing fees to be levied and collected under clause (vi-a) of sub-section (1) of section 23;";

Amendment of section 119 of President's Act No. 27 of 1976.

(5) after clause (c-iv) as so inserted, the following clause shall be and shall be deemed always to have been inserted, namely:—

“(c-v) regulations prescribing scrutiny fees under section 27 or, as the case may be, sub-section (1) of section 28;”;

(6) after clause (e), the following clause shall be and shall be deemed always to have been inserted, namely:—

“(e-i) regulations prescribing scrutiny fees under sub-section (1) of section 34 or, as the case may be, clause (a) of sub-section (1) of section 49;”.

Validation
of levy
and colle-
ction of
scrutiny
fees under
principal
Act.

13. (1) Notwithstanding anything contained in any judgment, decree or order of any court or any other authority—

(a) any regulation made or purported to have been made before the commencement of this Act by any appropriate authority under the principal Act for levy of scrutiny fees for scrutiny of document submitted to the appropriate authority for permission for development shall be and shall be deemed always to have been validly made under the principal Act as amended by this Act as if the principal Act as amended by this Act had been in force at all material times when such regulation was made; and

(b) any scrutiny fees for scrutiny of documents submitted to the appropriate authority for permission for development, levied or levied and collected or purported to have been levied or levied and collected under any such regulation before the commencement of this Act shall be and shall be deemed always to have been validly levied or levied and collected; and accordingly—

(i) any such regulation made or purported to have been made or scrutiny fees levied or levied and collected or purported to have been levied or levied and collected under any such regulation shall not be called in question in any court or before any authority whatsoever merely on the ground that the making of such regulation or levy and collection of such scrutiny fees, by the appropriate authority, was not authorised under the principal Act;

(ii) no suit or other proceedings shall be maintained or continued in any court or before any authority whatsoever against the State Government or an appropriate authority or any officer or other authority whatsoever for the refund of such scrutiny fees paid under the principal Act ;

(iii) no court shall enforce any decree or order directing refund of such scrutiny fees paid under the principal Act ; and

(iv) any such scrutiny fees levied before the commencement of this Act but not collected before such commencement, may be collected in accordance with provisions of the principal Act as amended by this Act and regulation made thereunder.

(2) For the removal of doubt, it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person—

(a) from questioning in accordance with the principal Act as amended by this Act and rules and regulations made thereunder any levy or collection of scrutiny fees; or

(b) from claiming any refund of scrutiny fees paid by him in excess of the amount due from him under the principal Act as amended by this Act and the rules and regulations made thereunder.

14. (1) The Gujarat Town Planning and Urban Development [(Amendment and Validation) Ordinance, 1995 is hereby repealed.

Guj. Ord.
1 of 1995.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the Governor on the 6th April, 1995 is hereby published for general information.

KUM. H. K. JHAVERI,

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

GUJARAT ACT NO. 4 OF 1995

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*" on the 6th April, 1995).

AN ACT

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948.

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

1. This Act may be called the Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1995. **Short title.**

2. In the Bombay Tenancy and Agricultural Lands Act, 1948, in section 2, in sub-section (6),—

(1) for the portion beginning with the words "being land, the entire area" and ending with the words "one compact block" shall be deleted;

(2) the Explanation III shall be deleted.

**Amend-
ment of
section 2
of Bom.
LXVII
of 1948.**

**Bom.
LXVII of
1948.**

5-1

IV—Extra—5-1

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
 Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 3rd July, 1995 is hereby published for general information.

KUM. H. K. JHAVERI,

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

GUJARAT ACT NO. 5 OF 1995

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 4th July, 1995).

AN ACT

further to amend the Gujarat Tribal Development Corporation Act, 1972.

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

1. This Act may be called the Gujarat Tribal Development Corporation (Amendment) Act, 1995.

Short title.

Guj. 5 of
1972.

2. In the Gujarat Tribal Development Corporation Act, 1972, in section 5, in sub-section (1), for the words "fifteen crores of rupees", where they occur at three places, the words "twenty crores of rupees" shall be substituted.

Amend-
ment of
section 5
of Guj. 5 of
1972.



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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 3rd July, 1995 is hereby published for general information.

KUM. H. K. JHAVERI,

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

GUJARAT ACT NO. 6 OF 1995

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 4th July, 1995).

AN ACT

further to amend the Bombay Land Revenue Code, 1879.

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

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Amendment) Act, 1995.

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.

Bom. V of 1879.

2. In the Bombay Land Revenue Code, 1879, for section 157, the following section shall be substituted, namely:—

Substitution of section 157 of Bom. V of 1879.

"157. (1) At any time after an arrear becomes due, the defaulter (not being an agriculturist from whom such arrear in respect of his occupancy is due) may be arrested and detained in custody for ten days in the office of the Collector or of a Mamlatdar unless the revenue dues together with the penalty or interest and the cost of arrest and of notice of demand, if any, and the cost of his subsistence during detention is sooner paid :

Arrest and detention of defaulter.

Provided that no such arrest shall be made unless the default is wilful and the defaulter is given an opportunity to show cause against his arrest and detention.

(2) If, on the expiry of ten days the amount due by the defaulter is not paid, then, or if the Collector deems fit on any earlier day, he may be sent by the Collector with a warrant, in the form of Schedule O for imprisonment in the civil jail of the district:

Provided that no defaulter shall be detained in imprisonment for a longer period than the time limited by law in the case of the execution of a decree of civil court for a debt equal in amount to the arrear of revenue due by such defaulter."

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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may be filed as a separate compilation.

PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor
on the 28th July, 1995 is hereby published for general information.

KUM H. K. JHAVERI,

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

GUJARAT ACT NO. 7 OF 1995.

(First published, after having received the assent of the Governor in the "Gujarat
Government Gazette" on the 28th July, 1995).

AN ACT

further to amend the Gujarat Medical Council Act, 1967.

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

1. This Act may be called the Gujarat Medical Council (Amendment) Act, 1995. Short title.

Guj. 10 of 1968. 2. In the Gujarat Medical Council Act, 1967 (hereinafter referred to as "the principal Act"), in section 16, in sub-section (3), for the words "a fee of fifty rupees", the words "the prescribed fee" shall be substituted. Amendment of section 16 of Guj. 10 of 1968.

3. In the principal Act, in section 17, in sub-section (2), for the words "a fee of fifty rupees", the words "the prescribed fee" shall be substituted. Amendment of section 17 of Guj. 10 of 1968.

4. In the principal Act, in section 19, in sub-section (1), for the words "a fee of five rupees", the words "the prescribed fee" shall be substituted. Amendment of section 19 of Guj. 10 of 1968.

Amendment of
section 23 of
Guj. 10. of
1968.

5. In the principal Act, in section 23,—

(1) in clause (b), for the words "a fee of rupees two", the words "the prescribed fee" shall be substituted;

(2) in clause (c), in the proviso, for the words "a fee of rupees five", the words "the prescribed fee" shall be substituted.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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Separate paging is given to this Part in order that it
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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29th July, 1995 is hereby published for general information.

KUM H. K. JHAVERI,

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

GUJARAT ACT NO. 8 OF 1995.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 29th July, 1995).

AN ACT

further to amend the Gujarat Sales Tax Act, 1969.

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

1. (1) This Act may be called the Gujarat Sales Tax (Amendment) Act, 1995.

Short title and
commence-
ment.

(2) It shall come into force on such date as the State Government, may by notification in the *Official Gazette*, appoint.

Guj. 1
of 1970.

2. In the Gujarat Sales Tax Act, 1969 (hereinafter referred to as "the principal Act"), in section 12, for the words "six months", wherever they occur, the words "twelve months" shall be substituted.

Amendment of
section 12 of
Guj. 1 of 1970.

Amendment of
section 13 of
Guj. 1 of 1970.

3. In the principal Act, in section 13, for the words "six months", wherever they occur, the words "twelve months" shall be substituted.

Amendment of
section 16 of
Guj. 1 of 1970.

4. In the principal Act, in section 16, for sub-section (5), the following sub-section shall be substituted, namely:-

"(5) Where a dealer is liable to pay tax under this section, the sales tax levied or leviable under clause (aa) of sub-section (1) or clause (aa) of sub-section (2) of section 12, or the purchase tax levied or leviable under section 15A shall be set-off against the purchase tax payable under this section."

Amendment of
section 41 of
Guj. 1 of 1970.

5. In the principal Act, in section 41, in sub-section (3), in the second proviso, in clause (a), for the words "five lakhs", the words "ten lakhs" and for the words "five thousand", the words "ten thousand" shall be and shall be deemed always to have been substituted with effect from 1st April, 1995.

Insertion of new
section 41AA in
Guj. 1 of 1970.

6. In the principal Act, after section 41, the following new section shall be inserted, namely:-

"41AA. (1) Notwithstanding anything contained in sub-sections (2) and (3) of section 41,-

Special provi-
sion for deemed
assessment for
the period prior
to 1st April,
1994.

where any dealer has furnished the declarations or returns in respect of any specified period by such dates as prescribed therefor and paid the amount of tax due according to such declaration or return within the time prescribed by or under the Act -

- (a) in the case of a dealer, to whom a notice is issued under sub-section (3) of section 41 and whose turnover of purchases or turnover of specified sales or turnover of sales during the specified period to which the declaration or return relates does not exceed five lakhs rupees and the tax payable for the specified period does not exceed five thousand rupees, the amount of tax due from the dealer in respect of such declaration or return shall be deemed to have been assessed, if the dealer at his option makes payment of two hundred fifty rupees for each specified period in the Government treasury on or before 31st March, 1996;
- (b) in the case of a dealer whose turnover of purchases or turnover of specified sales or turnover of sales during the specified period to which the declaration or return relates does not exceed fifteen lakhs rupees and the tax payable for the specified period does not exceed twenty-five thousand rupees, the amount of tax due from such dealer in respect of such declaration or return shall, irrespective of whether a notice under sub-section (3) of section 41 is issued or not, be deemed to have been assessed, if the dealer at his option makes payment of rupees five hundred for each specified period in the Government treasury on or before 31st March, 1996;
- (c) in the case of a dealer whose turnover of purchases or turnover of specified sales or turnover of sales during the specified period to which the declaration or return relates exceeds fifteen lakhs rupees but does not exceed twenty-five lakhs rupees and the tax payable for the specified period does not exceed twenty-five thousand rupees, the amount of tax due from such dealer in

respect of such declaration or return shall, irrespective of whether a notice under sub-section (3) of section 41 is issued or not, be deemed to have been assessed, if the dealer at his option makes payment of one thousand rupees for each specified period in the Government treasury on or before 31st March, 1996.

(2) The payment made by a dealer under clause (a), (b), or (c), of sub-section (1) shall be construed,—

(a) as if the dealer had furnished revised declaration or revised return under sub-section (3) of section 40, and

(b) as payment made under sub-section (3) of section 47 towards the liability of the dealer to pay tax under such revised declaration or revised return.

(3) Nothing in this section shall apply to a dealer whose books of accounts, registers, or documents have been seized under sub-section (4) of section 59.

Explanation.—For the purposes of this section, the words "specified period" means—

(a) in relation to a dealer who maintains regular books of accounts, any year or part of the year prior to 1st April, 1994, by reference to which the accounts are maintained by him; and

(b) in relation to any other dealer, any financial year or part of the financial year prior to the said date."

7. In the principal Act, in section 47, in sub-section (4A), in the proviso, after clause (v), the following shall be inserted, namely:—

Amendment of section 47 of Guj. 1 of 1970.

"(vi) in the case where in assessing the amount of tax from any dealer under this Act in respect of any period, the time taken for making an order of assessment exceeds thirty-six months from the date of expiry of the time prescribed for payment of tax under sub-section (1), (2), or (3) of section 47, in respect of the period exceeding thirty-six months."

8. In the principal Act, in section 55B, after the word "Shamiyana", the words "electrical fans, electrical goods, furnitures or utensils" shall be inserted.

Amendment of section 55B of Guj. 1 of 1970.

9. In the principal Act, in Schedule I,—

Amendment of Schedule I to Guj. 1 of 1970.

(1) in the entry at serial No. 14, in column 2, for the brackets and words "(but excluding cotton seeds), other oil cakes and de-oiled cakes", the brackets and words "(but excluding cotton seeds, other oil cakes and de-oiled cakes) shall be substituted;

(2) in the entry at serial No. 37, in column 2, for the words "one hundred rupees", the words "one hundred and fifty rupees" shall be substituted;

(3) in the entry at serial No. 41, in column 2, for the words "Ghamelas and Tagaras", the words "Ghamelas and Tagaras made of G.P. sheets and C. R. sheets" shall be substituted;

(4) in the entry at serial No. 49, in column 2, for the letters and word "Rs. forty", the words "rupees fifty" shall be substituted;

(5) the entry at serial No. 83 shall be deleted;

(6) in the entry at serial No. 89, in column 2, for the word "Toys", the words "Toys other than electronic toys" shall be substituted.

Amendment of
Schedule II to
Guj. 1 of 1970.

10. In the principal Act, in Schedule II,—

(A) in Part-A,—

(1) for the entry at serial No. 31, the following shall be substituted, namely:—

1.	2.	3.	4.
"31.	Hosiery goods	two paise in the rupee	two paise in the rupee";

(2) after the entry at serial No. 31, the following new entry shall be inserted, namely:—

1.	2.	3.	4.
"31A.	<i>Isabgul</i>	three paise in the rupee	three paise in the rupee";

(3) for the entry at serial No. 66, the following shall be substituted, namely:—

1.	2.	3.	4.
"66.	<i>Agarbatti, padi, dhoop, dhoop- batti and loban.</i>	two paise in the rupee	two paise in the rupee";

(4) in the entry at serial No. 78, in columns 3 and 4, for the words "Twelve paise in the rupee", the words "Four paise in the rupee" shall be substituted;

(5) in the entry at serial No. 97, in sub-entry (D), in item (9), in column 2, after the words "electronic games" occurring at two places, the words "electronic toys" shall be inserted;

(6) in the entry at serial No. 121, in columns 3 and 4, for the words "four paise in the rupee", the words "twenty paise in the rupee" shall be substituted;

(7) for the entry at serial No. 127, the following shall be substituted, namely:—

1.	2.	3.	4.
"127	Mosquito repellents in any form including its equipments and devices.	four paise in the rupee	four paise in the rupee";

(8) in the entry at serial No. 128, in sub-entry (6), in column 2, for the words "tyres and tubes", the words "tyres, tubes and flaps" shall be substituted;

(9) in the entry at serial No. 134, in columns 3 and 4, for the words "six paise in the rupee" the words "four paise in the rupee" shall be substituted;

(10) in the entry at serial No. 151, in columns 3 and 4, for the words "five paise in the rupee", the words "four paise in the rupee" shall be substituted;

(11) for the entry at serial No. 152, the following shall be substituted, namely:-

1.	2.	3.	4.
"152	(1) Spectacles, Ophthalmic lenses, Contact lenses, frames, spare parts and accessories thereof, and rough blanks.	four paise in the rupee	four paise in the rupee
	(2) Goggles and Sun-glasses	twelve paise in the rupee	twelve paise in the rupee";

(12) in the entry at serial No. 165, in sub-entry (ii), in columns 3 and 4, for the words "seven paise in the rupee", the words "four paise in the rupee" shall be substituted;

(13) in the entry at serial No. 180, in columns 3 and 4, for the words "fourteen paise in the rupee", the words "four paise in the rupee", shall be substituted;

(14) in the entry at serial No. 182, in sub-entry (i), in columns 3 and 4, for the words "one paise in the rupee", the words "two paise in the rupee" shall be substituted;

(15) in the entry at serial No. 183, in columns 3 and 4, for the words "twelve paise in the rupee", the words "four paise in the rupee" shall be substituted;

(16) after the entry at serial No. 184B, the following new entry shall be inserted, namely:-

1.	2.	3.	4.
"184C.	(i) <i>Variali</i> (eni seeds), (ii) <i>Jira</i> (cumin seeds), (iii) <i>Methi</i> (fenugru seeds), (iv) <i>Ajma</i> (ajwa), (v) <i>Kalingada</i> seeds, (vi) <i>Asalia</i> .	three paise in the rupee	three paise in the rupee.";

(17) in the entry at serial No. 192, in sub-entry (ii), in columns 3 and 4, for the words "fourteen paise in the rupee" the words "four paise in the rupee" shall be substituted;

(18) in the entry at serial No. 193, in columns 3 and 4, for the words "seven paise in the rupee", the words "four paise in the rupee" shall be substituted;

(B) in Part-B, entries at serial Nos. 3, 4, 5 and 6 shall be deleted.

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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29th July, 1995 is hereby published for general information.

KUM. H. K. JHAVERI,

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

GUJARAT ACT NO. 9 OF 1995.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 29th July, 1995).

AN ACT
further to amend the Bombay Land Revenue Code, 1879.

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

1. (1) This Act may be called the Bombay Land Revenue (Gujarat Second Amendment) Act, 1995.

(2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), in Chapter XB, for the words "village accountant" wherever they occur, the words "competent authority" shall be substituted.

3. In the principal Act, in Chapter XB, after the heading "OF THE AGRICULTURIST PASS BOOK" but before section 135M, the following new section shall be inserted, namely:—

Short
title and
commen-
cement.

Amend-
ment of
Chapter
XB of
Bom. V
of 1879.

Insertion
of new
section
135 LL
in Bom.
V of 1879.

Bom.
V of
1879.

Applica-
tion.

"135LL. (1) This chapter shall apply to such taluka in a district as the State Government may, by notification in the *Official Gazette*, specify.

(2) This chapter shall cease to apply to such taluka in a district as the State Government may, by notification in the *Official Gazette*, specify.

(3) This chapter shall re-apply to such taluka in a district as the State Government may, by notification in the *Official Gazette*, specify."

Amend-
ment of
section
135M of
Bom. V of
1879.

4. In the principal Act, in section 135M,—

(1) in sub-section (1), for the words "for which a village accountant is appointed", the words, brackets and figures "in a taluka to which this Chapter is applied under sub-section (1) or re-applied under sub-section (3) of section 135LL and for which a competent authority is appointed" shall be substituted;

(2) for sub-section (2), the following shall be substituted, namely:—

"(2)(a) The agriculturist pass-book shall be supplied to the agriculturist holding land in a taluka to which this Chapter is applied under sub-section (1) or re-applied under sub-section (3) of section 135LL.

(b) The pass-book shall be supplied under clause (a)—

(i) within such period from the date on which this Chapter is applied or re-applied to the taluka as the State Government may, by notification in the *Official Gazette*, specify; and

(ii) on payment of such fees as may be prescribed by rules made under this Act.

(c) The duplicate agriculturist pass-book shall be retained by the competent authority."

Amend-
ment of
section
135N of
Bom. V of
1879.

5. In the principal Act in section 135N, in the Explanation,—

(1) for the words, figures and letter "and section 135O", the words, figures and letters "and sections 135O and 135R" shall be substituted;

(2) in clause (iv), after the figures "1970", the words, brackets and figures "or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980" shall be inserted,

40 of
1980.

(3) after clause (ix), the following clauses shall be inserted, namely:—

"(ixa) a co-operative society registered under the Gujarat Co-operative Societies Act, 1961;

Guj. 10
of 1962.

(ixb) a panchayat constituted under the Gujarat Panchayats Act, 1993."

Guj. 18
of 1993.

Insertion
of new
sections
135 OO
and 135 OOO
in Bom.
V of 1879.

6. In the principal Act, after section 135 O, the following new sections shall be inserted, namely:—

"135 00. (1) No document of transfer of any agricultural land by sale, purchase, gift, mortgage whether with or without possession, exchange, partition, lease, surrender or otherwise shall be registered by any registering authority in a taluka to which this Chapter is applied under sub-section (1) or re-applied under sub-section (3) of section 135 LL unless such document is accompanied by the agriculturist pass-book relating to such land.

(2) The registering authority shall after registering such document make necessary entries in the agriculturist pass-book of the agriculturist and thereafter return the pass-book to the agriculturist.

(3) The registering authority shall make a report in writing of such registration to the competent authority.

135 000. The competent authority shall be responsible to keep, the agriculturist pass-book and the duplicate agriculturist pass-book retained by it, up-to-date by making necessary entries therein as provided in sections 135P and 135Q, respectively."

7. In the principal Act, for section 135P, the following shall be substituted, namely:—

"135P. Whenever entries are transferred from the register of mutations to the record of rights under section 135D, the competent authority shall call for the agriculturist pass-book from the concerned agriculturist and thereupon the agriculturist shall produce the agriculturist pass-book before the competent authority within such period as may be prescribed by rules made under this Act and on such production of pass-book, the competent authority shall make entries therein, corresponding to those in the record of rights and keep such pass-book up-to-date."

8. In the principal Act, for section 135R including the Explanation thereunder, the following shall be substituted, namely:—

"135R. A certified copy of any entry not being an entry made by a bank or registering authority in—

(a) the duplicate agriculturist pass-book maintained by the competent authority, or

(b) the agriculturist pass-book of the agriculturist,

shall in all legal proceedings be received as *prima facie* evidence of the existence of such entry and shall be admitted as evidence of the matters, transactions and accounts therein recorded to the same extent as the original entry itself in the record of rights but not further or otherwise."

9. In the principal Act, in Chapter XB, after section 135R, the following sections and Explanation shall be added, namely:—

Document for registration of transfer of agricultural land to accompany the agriculturist pass-book.

Responsibility of competent authority.

Substitution of section 135P of Bom. V of 1879.

Agriculturist pass-book to be kept up-to-date.

Substitution of section 135R of Bom. V of 1879.

Mode of proof of entries in agriculturist pass-book.

Insertion of new sections and Explanation in Chapter XB of Bom. V of 1879.

Penalty
for
contraven-
tion of
section
135P.

"135S. Any agriculturist who contravenes the provision of section 135P shall be punished with fine which may extend to two hundred rupees.

Penalty
for
unauthori-
sed alter-
ation in
pass-
book or
furnish-
ing false
infor-
mation.

135T. Any person who unauthorisely makes, alters or deletes any entry in the pass-book or furnishes false information to the competent authority in relation to the pass-book shall be punished with fine which may extend to one thousand rupees.

Explanation.—For the purposes of this Chapter,—

(i) the expression 'agriculturist' means land holder who holds land for the purpose of agriculture;

(ii) the expression 'competent authority' means such revenue officer as the State Government may, by notification in the *Official Gazette*, appoint;

(iii) the expression 'registering authority' means the registering officer appointed under the Registration Act, 1908.

XVI
of 1908

Amend-
ment of
section
214 of
Bom. V.
of 1879.

10. In the principal Act, in section 214, in sub-section (2), after clause (v) the following clause shall be added, namely:—

"(v) regulating the supply of agriculturist pass-book."



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PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 28th July, 1995 is hereby published for general information.

KUM H. K. JHAVERI,

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

GUJARAT ACT NO. 10 OF 1995.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 29th July, 1995).

AN ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 1996.

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

1. This Act may be called the Gujarat Appropriation Act, 1995.
2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of seven thousand seven hundred eighty-four crores, twenty-one lakhs, eighteen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1995-96, in respect of the services and purposes specified in column 2 of the schedule.

Withdrawal of	Rs.
77,84,21,18,000	from and out of the Consolidated Fund of the State of Gujarat for the financial year 1995-96.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote/ Appropri- ation	Services and purposes	Sum's not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
1	Agriculture, Co-operation and Rural Development Department	Revenue 1,68,32,000	..	1,68,32,000
2	Agriculture	Revenue 2,61,87,26,000	..	2,61,87,26,000
		Capital 3,36,66,000	..	3,36,66,000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue 28,37,90,000	..	28,37,90,000
		Capital 61,67,000	..	61,67,000
4	Animal Husbandry and Dairy Development	Revenue 28,35,76,000	..	28,35,76,000
		Capital 2,67,000	..	2,67,000
5	Co-operation	Revenue 12,86,85,000	..	12,86,85,000
		Capital 10,54,89,000	..	10,54,89,000
7	Education Department	Revenue 96,77,000	..	96,77,000
8	Education	Revenue 11,68,80,73,000	31,80,67,000	12,00,61,40,000
		Capital 3,55,000	..	3,55,000
9	Other Expenditure pertaining to Education Department	Revenue 3,34,76,000	..	3,34,76,000
10	Energy and Petrochemicals Department	Revenue 39,33,000	..	39,33,000
11	Tax collection charges (Energy and Petrochemicals Department)	Revenue 2,04,00,000	..	2,04,00,000
12	Energy Projects	Revenue 2,62,94,40,000	..	2,62,94,40,000
		Capital 2,14,33,00,000	..	2,14,33,00,000
13	Other Expenditure pertaining to Energy and Petro- Chemicals Department	Capital 2,00,00,000	..	2,00,00,000
14	Finance Department	Revenue 2,02,17,000	..	2,02,17,000
		Capital 2,71,000	..	2,71,000

No. of Vote/ Appropri- ation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
15	Tax collection charges. (Finance Department)	Revenue 21,29,73,000	..	21,29,73,000
16	Treasury and Accounts Administration	Revenue 13,79,46,000	..	13,79,46,000
17	Pensions and other Retirement Benefits	Revenue 2,30,18,33,000	6,67,000	2,30,25,00,000
18	Other Expenditure pertain- ing to Finance Department	Revenue 4,29,68,53,000 Capital 16,67,000	.. 66,000	4,29,68,53,000 17,33,000
19	Repayment of Debt pertain- ing to Finance Department and it's servicing	Revenue .. Capital ..	8,02,16,06,000 4,37,52,47,000	8,02,16,06,000 4,37,52,47,000
20	Food and Civil Supplies Department	Revenue 2,20,28,000	..	2,20,28,000
21	Civil Supplies	Revenue 1,21,97,92,000 Capital 67,000		1,21,97,92,000 67,000
22	Food	Revenue 4,74,69,000 Capital 35,95,000		4,74,69,000 35,95,000
24	Forest and Environment Department	Revenue 44,13,000	50,000	44,63,000
25	Forests	Revenue 39,01,32,000 Capital 28,30,73,000		39,01,32,000 28,30,73,000
26	Environment	Revenue 1,25,00,000	25,000	1,25,25,000
28	Governor	Revenue ..	60,80,000	60,80,000
29	Council of Ministers	Revenue 1,89,83,000	..	1,89,83,000
30	Elections	Revenue 18,33,71,000	..	18,33,71,000
31	Public Service Commission	Revenue 29,67,000	93,44,000	1,23,11,000
32	General Administration Department	Revenue 7,10,54,000	52,000	7,11,06,000
33	Economic Advice and Statistics	Revenue 3,33,65,000	..	3,33,65,000

No. of Vote/ Appropri- ation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
34	Other Expenditure pertaining to General Administration Department	Revenue 20,98,08,000	..	20,98,08,000
35	State Legislature	Revenue 2,80,36,000	2,67,000	2,83,03,000
37	Health and Family Welfare Department	Revenue 1,39,51,000	..	1,39,51,000
38	Medical and Public Health	Revenue 2,29,74,39,000	1,16,000	2,29,75,55,000
39	Family Welfare	Revenue 45,08,52,000	4,48,000	45,13,00,000
40	Water Supply	Revenue 38,92,43,000 Capital 1,16,50,51,000		38,92,43,000 1,16,50,51,000
41	Other Expenditure pertain- ing to Health and Family Welfare Department	Revenue 44,46,53,000	..	44,46,53,000
42	Home Department	Revenue 1,31,58,000	..	1,31,58,000
43	Police	Revenue 2,37,10,63,000	..	2,37,10,63,000
44	Jails	Revenue 8,24,95,000	..	8,24,95,000
45	Transport	Revenue 58,69,65,000	..	58,69,65,000
46	Other Expenditure pertain- ing to Home Department	Revenue 15,62,85,000 Capital 7,97,42,000	1,00,000 ..	15,63,85,000 7,97,42,000
47	Industries and Mines Department	Revenue 81,85,000	..	81,85,000
48	Stationery and Printing	Revenue 16,52,73,000	..	16,52,73,000
49	Industries	Revenue 60,11,13,000 Capital 1,51,59,83,000		60,11,13,000 1,51,59,83,000
50	Mines and Minerals	Revenue 6,97,07,000	..	6,97,07,000
51	Other Expenditure pertain- ing to Industries and Mines Department	Revenue 58,33,000 Capital 50,00,000		58,33,000 50,00,000
52	Information, Broadcasting	Revenue 22,80,000	..	22,80,000

No. of Vote/ Appropri- ation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
53	Information and Publicity	Revenue 11,19,43,000	..	11,19,43,000
		Capital 20,00,000	..	20,00,000
54	Tourism	Revenue 2,15,27,000	..	2,15,27,000
		Capital 17,67,000	..	17,67,000
55	Other Expenditure pertaining to Information, Broadcasting and Tourism Department	Revenue 1,04,39,000	..	1,04,39,000
56	Labour and Employment Department	Revenue 48,29,000	..	48,29,000
57	Labour and Employment	Revenue 37,76,57,000	..	37,76,57,000
		Capital 67,000	..	67,000
59	Legal Department	Revenue 69,37,000	..	69,37,000
		Capital 17,000	..	17,000
60	Administration of Justice	Revenue 27,20,47,000	4,06,10,000	31,26,57,000
61	Other Expenditure pertaining to Legal Department	Revenue 1,05,70,000	..	1,05,70,000
62	Legislative and Parliamentary Affairs Department	Revenue 56,63,000	..	56,63,000
64	Narmada and Water Resources Department	Revenue 1,43,50,000	..	1,43,50,000
65	Narmada Development Scheme	Capital 6,03,80,39,000	..	6,03,80,39,000
66	Irrigation and Soil Conservation	Revenue 3,75,42,86,000	10,86,000	3,75,53,72,000
		Capital 1,22,84,26,000	18,75,000	1,23,03,01,000
67	Other Expenditure pertaining to Narmada and Water Resources Department	Revenue 9,95,000	19,31,000	29,26,000
68	Panchayats and Rural Housing Department	Revenue 96,57,000	..	96,57,000

No. of Vote/ Appropri- ation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund 3	Total
1	2				
69	Community Development	Revenue	59,52,95,000	..	59,52,95,000
70	Rural Housing	Revenue	22,43,73,000	37,04,07,000	59,47,80,000
		Capital	3,39,67,000	..	3,39,67,000
71	Compensation and Assignments	Revenue	13,69,52,000	..	13,69,52,000
72	Other Expenditure per- taining to Panchayats and Rural Housing Department	Revenue	7,22,87,000	..	7,22,87,000
73	Fisheries	Revenue	8,15,23,000	..	8,15,23,000
		Capital	1,37,00,000	..	1,37,00,000
74	Ports	Capital	4,80,17,000	..	4,80,17,000
75	Other Expenditure pertain- ing to Ports and Fisheries Department	Revenue	25,91,000	..	25,91,000
76	Revenue Department	Revenue	2,26,23,000	..	2,26,23,000
77	Tax collection charges (Revenue Department)	Revenue	21,42,53,000	..	21,42,53,000
78	District Administration	Revenue	21,42,73,000	4,50,000	21,47,23,000
79	Relief on account of natural calamities	Revenue	1,05,19,67,000	..	1,05,19,67,000
		Capital	3,50,00,000	..	3,50,00,000
80	Dang District	Revenue	9,52,60,000	..	9,52,60,000
81	Compensation and Assignments	Revenue	6,29,07,000	18,13,000	6,47,20,000
		Capital	39,33,000	15,34,000	54,67,000
82	Other Expenditure pertaining to Revenue Department	Revenue	34,85,000	..	34,85,000
		Capital	6,80,000	..	6,80,000
83	Roads and Buildings Department	Revenue	1,62,80,000	..	1,62,80,000
84	Non-residential Buildings	Revenue	67,38,35,000	2,08,000	67,40,43,000
		Capital	44,92,31,000	76,000	44,93,07,000

No. of Vote/ Appropri- ation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
85	Residential Buildings	Revenue 27,72,39,000 Capital 11,85,20,000	24,000 ..	27,72,63,000 11,85,20,000
86	Roads and Bridges	Revenue 1,65,45,29,000 Capital 41,96,56,000	3,55,000 ..	1,65,48,84,000 41,96,56,000
87	Gujarat Capital Construction Scheme	Revenue 1,80,97,000 Capital 4,70,00,000		1,80,97,000 4,70,00,000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue 4,59,41,000 Capital 33,33,000	4,03,000 ..	4,63,44,000 33,33,000
89	Social Welfare and Tribal Development Department	Revenue 77,60,000	..	77,60,000
90	State Excise	Revenue 1,87,20,000	..	1,87,20,000
91	Social Security and Welfare	Revenue 71,17,38,000 Capital 1,84,03,000	20,00,000 ..	71,37,38,000 1,84,03,000
92	Welfare of Scheduled Tribes	Revenue 20,28,84,000 Capital 37,43,000		20,28,84,000 37,43,000
94	Special Component Plan for Scheduled Castes	Revenue 97,77,13,000 Capital 8,02,70,000		97,77,13,000 8,02,70,000
95	Tribal Area Sub Plan	Revenue 2,34,50,05,000 Capital 72,59,84,000	2,16,000 ..	2,34,52,21,000 72,59,84,000
96	Urban Development and Urban Housing Department	Revenue 50,13,000	..	50,13,000
97	Urban Housing	Revenue 5,68,45,000 Capital 3,56,20,000	9,07,10,000 ..	14,75,55,000 3,56,20,000
98	Urban Development	Revenue 47,95,67,000 Capital 13,24,00,000		47,95,67,000 13,24,00,000
99	Compensation, Assignments and Tax Collection Charges	Revenue 20,29,00,000	4,67,35,000	24,96,35,000
100	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue 1,00,15,000	..	1,00,15,000

No. of Vote/ Appropri- ation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
101	Youth Services and Cultural Activities Department	Revenue	23,49,000	..	23,49,000
102	Youth Services and Cultural Activities	Revenue	7,21,22,000	..	7,21,22,000
Total :		Revenue	49,74,60,84,000	8,91,37,70,000	58,65,98,54,000
		Capital	14,80,34,66,000	4,37,87,98,000	19,18,22,64,000
Grand Total			64,54,95,50,000	13,29,25,68,000	77,84,21,18,000



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SATURDAY, JULY 29, 1995/SRAVANA 7, 1917

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 may be filed as a separate compilation.

PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29th July, 1995 is hereby published for general information.

KUM. H. K. JHAVERI,

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

GUJARAT ACT NO. 11 OF 1995.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 29th July, 1995).

AN ACT

further to amend the Gujarat Entertainments Tax Act, 1977.

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

Short
title and
com-
mence-
ment.

1. (1) This Act may be called the Gujarat Entertainments Tax (Amendment) Act, 1995.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amend
ment of
section 2
of Guj.
16 of
1977.

2. In the Gujarat Entertainments Tax Act, 1977 (hereinafter referred to as 'the principal Act'), in section 2, for clause (i), the following shall be substituted, namely:—

"(i) 'prescribed officer' means such officer as may be prescribed;".

Guj. 16 of
1977.

Amendment
of section 6B
of Guj. 16 of
1977.

3. In the principal Act, in section 6B, for sub-sections (1) and (2), the following shall be substituted, namely :--

"(1) Notwithstanding anything contained in section 3, 4, 6 or 6A of this Act, where the proprietor provides entertainment by way of maintenance or operation of cable connections, there shall be levied and paid by every proprietor, to the State Government, for exhibition of films or moving pictures or series of pictures or serials or any other programme with the aid of any type of antenna or cable television, a tax at the following rates, namely :—

	For urban area.	For other area.
(a) in case of such cable connections not exceeding one hundred.	Rs. 600 per month	Rs. 300 per month.
(b) in case of such cable connections exceeding one hundred.	Rs. 600 plus Rs. 300 for every additional fifty connections or any part thereof, per month	Rs. 300 plus Rs. 150 for every additional fifty connections or any part thereof, per month.

(2) Where such numbers of cable connections increase in any quarter during the financial year, the proprietor shall be liable to pay the tax at the rates specified under sub-section (1) for such quarter."

Amendment
of section 6C
of Guj. 16 of
1977.

4. In the principal Act, in section 6 C,---

(1) for the word "Collector of Entertainments Tax", occurring at three places, the words "prescribed officer" shall be substituted;

(2) in sub-section (3), the words "of the district where the place of entertainment is situate" shall be deleted.

Amendment
of section
6D of Guj.
16 of 1977.

5. In the principal Act, in section 6D, for the words "Collector of Entertainments Tax", the words "prescribed officer" shall be substituted.

Amendment
of section 12
of Guj. 16 of
1977.

6. In the principal Act, in section 12, in sub-section (1), for the words "Collector of Entertainments Tax", the words "prescribed officer" shall be substituted.



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 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29th July, 1995 is hereby published for general information.

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,

Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 12 OF 1995.

(First published after having received the assent of the Governor in the *Gujarat Government Gazette* on the 29th July, 1995).

AN ACT

further to amend the Bombay Court-fees Act, 1959.

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

1. (1) This Act may be called the Bombay Court-fees (Gujarat Amendment) Act, 1995.

Short title
and commence-
ment.

- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

- B o m . 2. In the Bombay Court-fees Act, 1959 (hereinafter referred to as "the principal
XXXVI Act"). in section 6, in clause (iv), in sub-clause (j), for the words "thirty rupees",
of 1959 the words "two hundred rupees" shall be substituted.

Amendment of
section 6 of
Bom. XXXVI
of 1959.

3. In the principal Act, in Schedule I,—

- (1) for Article 1, the following shall be substituted, namely:—

Amendment of
Schedule I to
Bom. XXXVI
of 1959.

1	2	3
"1. Plaint or memorandum of appeal (not otherwise provided for in this Act) or of cross objection presented to any Civil or Revenue Court.	..	As per rate specified in the Table annexed at the end of this Schedule.";

(2) in Article 15, in column 3, for the words "fifteen rupees", the words "fifty rupees" shall be substituted;

(3) in Article 16, in column 3, for the words "fifty rupees", the words "two hundred rupees" shall be substituted;

(4) in Article 17, in column 3, for the words "fifty rupees", the words "two hundred rupees" shall be substituted;

(5) for the existing Table appearing after Article 17, the following shall be substituted, namely :-

TABLE
(See Article 1 of Schedule I)
Table of rates of *ad valorem* fees leviable on institution of suits, etc.

When the amount or value of the subject matter in dispute exceeds	But does not exceed	Proper court fee.
(1)	(2)	(3)
Rs.	Rs.	Rs.
...	15,000	2.5% On claim amount.
15,000	15,500	1135
15,500	16,000	1170
16,000	16,500	1205
16,500	17,000	1240
17,000	17,500	1275
17,500	18,000	1310
18,000	18,500	1345
18,500	19,000	1380
19,000	19,500	1415
19,500	20,000	1450
20,000	21,000	1495
21,000	22,000	1540
22,000	23,000	1585
23,000	24,000	1630
24,000	25,000	1675
25,000	26,000	1720
26,000	27,000	1765
27,000	28,000	1810
28,000	29,000	1855
29,000	30,000	1900

(1)	(2)	(3)
30,000	32,000	1960
32,000	34,000	2020
34,000	36,000	2080
36,000	38,000	2140
38,000	40,000	2200
40,000	42,000	2260
42,000	44,000	2320
44,000	46,000	2380
46,000	48,000	2440
48,000	50,000	2500
50,000	55,000	3300
55,000	60,000	3600
60,000	65,000	3900
65,000	70,000	4200
70,000	75,000	4500
75,000	80,000	5200
80,000	85,000	5525
85,000	90,000	5850
90,000	95,000	6175
95,000	1,00,000	6500
1 lakh	2 lakhs	15,000
2 lakhs	3 lakhs	22,500
3 lakhs	4 lakhs	30,000
4 lakhs	5 lakhs	37,500
5 lakhs	6 lakhs	45,000
6 lakhs	7 lakhs	52,500
7 lakhs	8 lakhs	60,000
8 lakhs	9 lakhs	67,500
9 lakhs	10 lakhs	75,000
10 lakhs	11 lakhs	77,000
11 lakhs	12 lakhs	84,000
12 lakhs	13 lakhs	91,000
13 lakhs	14 lakhs	98,000
14 lakhs	15 lakhs	1,05,000
15 lakhs	16 lakhs	1,12,000
16 lakhs	17 lakhs	1,19,000
17 lakhs	18 lakhs	1,26,000
18 lakhs	19 lakhs	1,33,000
19 lakhs	20 lakhs	1,40,500
20 lakhs	21 lakhs	1,41,000
21 lakhs	22 lakhs	1,43,000
22 lakhs	23 lakhs	1,49,500
23 lakhs	24 lakhs	1,56,000
24 lakhs	25 lakhs	1,62,500
25 lakhs	26 lakhs	1,69,000
26 lakhs	27 lakhs	1,75,500
27 lakhs	28 lakhs	1,82,000
28 lakhs	29 lakhs	1,88,500
29 lakhs	30 lakhs	1,95,000
30 lakhs	31 lakhs	1,95,300
31 lakhs	32 lakhs	1,96,800
32 lakhs	33 lakhs	1,98,000
33 lakhs	34 lakhs	2,04,000
34 lakhs	35 lakhs	2,10,000
35 lakhs	36 lakhs	2,16,000

(1)	(2)	(3)
36 lakhs	37 lakhs	2,22,000
37 lakhs	38 lakhs	2,28,000
38 lakhs	39 lakhs	2,34,000
39 lakhs	40 lakhs	2,40,000
40 lakhs	41 lakhs	2,41,900
41 lakhs	42 lakhs	2,43,600
42 lakhs	43 lakhs	2,45,100
43 lakhs	44 lakhs	2,46,400
44 lakhs	45 lakhs	2,47,500
45 lakhs	46 lakhs	2,53,000
46 lakhs	47 lakhs	2,58,500
47 lakhs	48 lakhs	2,64,000
48 lakhs	49 lakhs	2,69,500
49 lakhs	50 lakhs	2,75,000
50 lakhs	51 lakhs	2,75,400
51 lakhs	52 lakhs	2,75,600
52 lakhs	53 lakhs	2,78,250
53 lakhs	54 lakhs	2,80,800
54 lakhs	55 lakhs	2,83,250
55 lakhs	56 lakhs	2,85,600
56 lakhs	57 lakhs	2,87,850
57 lakhs	58 lakhs	2,90,000
58 lakhs	59 lakhs	2,95,000
59 lakhs	60 lakhs	3,00,000
60 lakhs	61 lakhs	3,01,950
61 lakhs	62 lakhs	3,03,800
62 lakhs	63 lakhs	3,05,550
63 lakhs	64 lakhs	3,07,200
64 lakhs	65 lakhs	3,08,750
65 lakhs	66 lakhs	3,10,200
66 lakhs	67 lakhs	3,11,550
67 lakhs	68 lakhs	3,12,800
68 lakhs	69 lakhs	3,13,950
69 lakhs	70 lakhs	3,15,000
70 lakhs	71 lakhs	3,15,950
71 lakhs	72 lakhs	3,16,800
72 lakhs	73 lakhs	3,17,550
73 lakhs	74 lakhs	3,18,200
74 lakhs	75 lakhs	3,18,750
75 lakhs	76 lakhs	3,19,200
76 lakhs	77 lakhs	3,19,550
77 lakhs	78 lakhs	3,19,800
78 lakhs	79 lakhs	3,19,950
79 lakhs	80 lakhs	3,20,000
80 lakhs	81 lakhs	3,22,380
81 lakhs	82 lakhs	3,25,540
82 lakhs	83 lakhs	3,27,850
83 lakhs	84 lakhs	3,29,250
84 lakhs	85 lakhs	3,31,500
85 lakhs	86 lakhs	3,33,680
86 lakhs	87 lakhs	3,35,820
87 lakhs	88 lakhs	3,37,040
88 lakhs	89 lakhs	3,38,200
89 lakhs	90 lakhs	3,40,200
90 lakhs	91 lakhs	3,42,160

(1)	(2)	(3)
91 lakhs	92 lakhs	3,44,080
92 lakhs	93 lakhs	3,45,960
93 lakhs	94 lakhs	3,47,800
94 lakhs	95 lakhs	3,48,650
95 lakhs	96 lakhs	3,49,440
96 lakhs	97 lakhs	3,50,170
97 lakhs	98 lakhs	3,52,800
98 lakhs	99 lakhs	3,53,430
99 lakhs	One crore	3,55,000

and thereafter the court fees shall be increased at the rate of rupees two thousand for every additional one lakh rupees or part thereof.

4. In the principal Act, in the schedule II,—

Amendment of
Schedule II to
Bom. XXXVI
of 1959.

(1) in Article 1, in column 3,—

(a) for the words "Twenty naye paise", the words "One rupee" shall be substituted;

(b) for the words "Thirty-five naye paise", the words "One rupee" shall be substituted;

(c) for the words "Sixty-five naye paise", the words "Two rupees" shall be substituted;

(d) for the words "One rupee", the words "Five rupees" shall be substituted;

(e) for the words "Two rupees fifty naye paise", the words "Five rupees" shall be substituted;

(f) for the words "Fifty rupees", the words "Five hundred rupees" shall be substituted;

(g) for the words "Twenty rupees", the words "Two hundred rupees" shall be substituted;

(h) for the words "Five rupees", the words "Fifty rupees" shall be substituted;

(2) in Article 2, in column 3, for the words "Ten rupees", the words "Fifty rupees" shall be substituted;

(3) in Article 3, in column 3, for the words "Two rupees", the words "Five rupees" shall be substituted;

(4) in Article 4, in column 3, for the words "Fifty naye paise", the words "One rupee" shall be substituted;

(5) in Article 7, in column 3, for the words "One rupee", the words "Five rupees" shall be substituted;

V of (6) in Article 9,—
1898.

2 of (a) in column 1, for the words and figures "Code of Criminal Procedure,
1974. 1898", the words and figures "Code of Criminal Procedure, 1973" shall be
substituted;

(b) in column 3; for the words "One rupee twenty-five naye paise", the words
"Two rupees" shall be substituted.

(7) in Article 10, in column 3, for the words "Twenty-five naye paise", the words
"One rupee" shall be substituted;

(8) in Article 11, in column 3, for the words "One rupee twenty-five naye paise",
the words "Three rupees" shall be substituted;

(9) in Article 12, in column 3,—

(a) for the words "One rupee", the words "Two rupees" shall be substituted;

(b) for the words "Two rupees", the words "Three rupees" shall be sub-
stituted;

(c) for the words "Four rupees", the words "Five rupees" shall be substituted;

(10) in Article 13, in column 3,—

(a) for the words "One rupee", the words "Two rupees" shall be substituted;

(b) for the words "Two rupees and fifty naye paise", the words "Ten rupees"
shall be substituted;

(c) for the words "Five rupees", the words "Fifteen rupees" shall be sub-
stituted;

(11) in Article 14, in column 3,—

(a) for the words "Ten rupees", the words "Twenty rupees" shall be sub-
stituted;

(b) for the words "Twelve rupees fifty naye paise", the words "Fifty rupees"
shall be substituted;

(12) in Article 15, in column 3, for the words "Fifty naye paise", the words "One
rupee" shall be substituted;

(13) in Article 16, in column 3,—

(a) for the words "Five rupees", the words "Ten rupees" shall be substituted;

(b) for the words "One rupee", the words "Five rupees" shall be substituted;

(14) in Article 17, in column 3, for the words "Thirty-seven rupees fifty naye paise",
the words "Fifty rupees" shall be substituted;

(15) in Article 18, in column 3,—

(a) for the words "Fifteen rupees", the words "Fifty rupees" shall be sub-
stituted;

- (b) for the words "Two rupees fifty naye paise", the words "Five rupees" shall be substituted;
- (c) for the words "Six rupees twenty-five naye paise", the words "Ten rupees" shall be substituted;
- (d) for the words "Twelve rupees fifty naye paise" occurring at three places, the words "Twenty rupees" shall be substituted;
- (16) in Article 20, in column 3, for the words "Thirty-seven rupees fifty naye paise", the words "Forty rupees" shall be substituted;
- (17) in Article 21, in column 3, for the words "Thirty-seven rupees fifty naye paise", the words "Forty rupees" shall be substituted;
- (18) in Article 22, in column 3, for the words "Two rupees", the words "Five rupees" shall be substituted;
- (19) in Article 23, in column 3,--
- (a) for the words "Thirty-seven rupees fifty naye paise" occurring at four places, the words "Forty rupees" shall be substituted;
- (b) for the words "Eighteen rupees seventy-five naye paise", the words "Twenty rupees" shall be substituted;
- (c) for the words "Thirty rupees", the words "Two hundred rupees" shall be substituted;
- (20) in Article 24, in column 3,--
- (a) for the words "One rupee", the words "Two rupees" shall be substituted;
- (b) for the words "Two rupees", the words "Five rupees" shall be substituted;
- (21) in Article 25, in column 3,--
- (a) for the words "Two rupees", the words "Five rupees" shall be substituted;
- (b) for the words "Three rupees", the words "Five rupees" shall be substituted;
- (c) for the words "Six rupees", the words "Ten rupees" shall be substituted;
- (22) in Article 26, in column 3, for the words "One rupee twenty-five naye paise", the words "Two rupees" shall be substituted;
- (23) in Article 27, in column 3, for the words "Sixty-five naye paise", the words "One rupee" shall be substituted;
- (24) in Article 28, in column 3, for the words "Two rupees", the words "Five rupees" shall be substituted;
- (25) in Article 29, in column 3, for the words "One rupee", the words "Two rupees" shall be substituted;

(26) in Article 30, in column 3, for the words "One rupee", the words "Two rupees" shall be substituted;

(27) in Article 31, in column 3, for the words "One rupee", the words "Two rupees" shall be substituted;

(28) in Article 32,--

IV of 1939.
59 of 1988.

(a) in column 1, for the words, letters and figures "Chapter IV of the Motor Vehicles Act, 1939" the words, letter and figures "Chapter V of the Motor Vehicles Act, 1988" shall be substituted:

(b) in column 3, for the words "Five rupees", the words "Ten rupees" shall be substituted;

(29) in Article 33,--

(a) in column 1, the brackets and words "(of Ahmedabad)" shall be deleted;

(b) in column 3,--

(i) for the words "Ten rupees", the words "Fifty rupees" shall be substituted;

(ii) for the words "Fifty rupees", the words "One hundred rupees" shall be substituted;

(iii) for the words "One hundred rupees", the words "Five hundred rupees" shall be substituted;

(30) in Article 34, in column 3,--

(a) for the words "Fifty rupees", the words "One hundred rupees" shall be substituted;

(b) for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

(31) in Article 35, in column 3,--

(a) for the words "Two rupees fifty naye paise" occurring at two places, the words "Ten rupees" shall be substituted;

(b) for the words "Five rupees", the words "Ten rupees" shall be substituted;

(c) for the words "One rupee", the words "Ten rupees" shall be substituted;

(32) in Article 36, in column 3, for the words "Five rupees", the words "Twenty rupees" shall be substituted;

(33) in Article 37,--

(a) in column 1, for the words and figures "Code of Criminal Procedure Code, 1898", the words and figures "Criminal Procedure Code, 1973" shall be substituted; V of 1898.
2 of 1974.

(b) in column 3, for the words "One rupee", the words "Ten rupees" shall be substituted;

(34) after Article 38, the following new Article shall be added, namely :—

1	2	3
"39. Application for adjournment presented to the Court in any proceedings.	..	Five rupees".

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Separate paging is given to this Part in order that it
 may be filed as a separate compilation.

PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29th July, 1995 is hereby published for general information.

KUM H. K. JHAVERI,

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

GUJARAT ACT NO. 13 OF 1995.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 29th July, 1995).

AN ACT

further to amend the Bombay Motor Vehicles Tax Act, 1958.

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

Short title and commencement. 1. (1) This Act may be called the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 1995.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 2 of Bombay LXV of 1958. 2. In the Bombay Motor Vehicles Tax Act, 1958 (hereinafter referred to as "the principal Act"), in section 2,—

B o m .
 LXV of
 1958.

(1) after clause (2), the following new clause shall be inserted, namely:—

"(2A) 'half year' means a period of six months commencing on the first day of the month in which a motor vehicle is registered or a new registration mark is assigned to it under the Motor Vehicles Act, 1988 and the term 'half yearly' shall be construed accordingly;" 59 of 1988.

(2) for clause (4), the following shall be substituted, namely:-

"(4) 'quarter' means a period of three months commencing on the first day of the month in which a motor vehicle is registered or a new registration mark is assigned to it under the Motor Vehicles Act, 1988 and the term 'quarterly' shall be construed accordingly;" 59 of 1988.

(3) for clause (9), the following shall be substituted, namely:—

"(9) 'year' in relation to a fleet owner, means the financial year and in any other case, a period of twelve months commencing on the first day of the month in which a motor vehicle is registered or a new registration mark is assigned to it under the Motor Vehicles Act, 1988;" 59 of 1988.

Amendment of
section 3A of
Bom. LXV of
1958.

3. In the principal Act, in section 3A,—

(1) in sub-section (1), for the Table, the following shall be substituted namely :-

TABLE	
Description of Designated omnibuses	Annual rate of tax
1. (a) Ordinary designated omnibuses permitted to be carried not more than twenty passengers.	Rs. 2000 per passenger permitted to be carried.
(b) Ordinary designated omnibuses permitted to be carried more than twenty passengers.	Rs. 3000 per passenger permitted to be carried.
2. (a) Luxury or tourist designated omnibuses permitted to be carried not more than twenty passengers.	Rs. 3600 per passenger permitted to be carried.
(b) Luxury or tourist designated omnibuses permitted to be carried more than twenty passengers.	Rs. 4000 per passenger permitted to be carried.

(2) in sub-section (3), in clause (a),—

(a) for the letters and figures "Rs. 72", the letters and figures "Rs. 144" shall be substituted;

(b) for the letters and figures "Rs. 108", the letters and figures "Rs. 160" shall be substituted;

(3) in sub-section (5), in clause (a), for sub-clauses (i) and (ii), the following shall be substituted namely :-

(i) five hundred and one rupees per passenger permitted to be carried, in the case of an ordinary designated omnibus permitted to be carried not more than twenty passengers.

(ii) seven hundred fifty rupees per passenger permitted to be carried, in the case of an ordinary designated omnibus permitted to be carried more than twenty passengers.

(iii) nine hundred rupees per passenger permitted to be carried, in the case of a luxury or tourist designated omnibus permitted to be carried not more than twenty passengers.

(iv) one thousand rupees per passenger permitted to be carried, in the case of a luxury or tourist designated omnibus permitted to be carried more than twenty passengers.

Amend
ment of
section
4 of
B o m .
LXV of
1958.

4. In the principal Act, in section 4,—

(1) in sub-section (1), for the words "of such motor vehicles", the words, brackets, figure and letters "of such motor vehicles to which sub-section (1AA) does not apply" shall be substituted;

(2) after sub-section (1A), the following new sub-section shall be inserted, namely:—

"(1AA) Notwithstanding anything contained in sub-section (1), the tax leviable under section 3 shall be paid in advance by every registered owner or any person having possession or control, of the following categories of vehicles, in the manner specified below, namely:—

Description of vehicles.	Manner of payment.
(a) the motor vehicles specified in clause III, under the heading 'A. Motor vehicles fitted solely with pneumatic tyres', in Part I, or a motor vehicle of like description falling in Part II, of the First Schedule.	Annually or in the case of half yearly, at the rate equal to one-half of the annual rate plus ten percentum thereof.
(b) the motor vehicles licensed to carry in all upto six passengers specified in clause IV, under the heading 'A. Motor vehicles fitted solely with pneumatic tyres', in Part-I, or a motor vehicle of like description falling in Part-II, of the said Schedule.	Annually."

Amend
ment of
F i r s t
Sche-
dule to
B o m .
LXV of
1958.

5. In the principal Act, in the First Schedule, in Part-I, under the heading "A. Motor vehicles fitted solely with pneumatic tyres,—

(1) in clause III,—

(a) against entry (e), for the figures "1500", the figures "1700" shall be substituted;

(b) against entry (g), for the letters and figures "Rs. 125", the letters and figures "Rs. 150" shall be substituted;

(2) in clause VI, after entry (e), the following entry shall be inserted, namely :—

"(f) (i) Tractors whether or not fitted with any equipment such as rigs, cranes, compressors or projectors, exceeding 2250 KG. in weight.	Rs. 1500 plus Rs. 200 for every additional 250 KG or part thereof, in excess of 2250 KG.
---	--

- (ii) any motor vehicles exceeding 2250 KG in weight, unladen which are not intended to carry any passenger, goods or other load, and which are fitted with any equipment such as rigs, cranes, compressors or projectors, and are used for any special services or purposes".

Amendment
of Second
Schedule to
Bom. LXV of
1958.

6. In the principal Act, in the Second Schedule, in Part-I, under the heading "A. Motor vehicles fitted solely with pneumatic tyres",—

(1) in clause I, for entries (c), (d) and (e), the following shall be substituted, namely :—

"(c)	cycles exceeding 100 KG in weight, unladen.	3500
(d)	Tricycles	3500
(e)	Cycles or tricycles used for drawing a trailer or side-car	1000 in addition to the rates specified above.";

(2) in clause III, for entries (a), (b) and (c), the following shall be substituted, namely :—

"(a)	Vehicles not exceeding 750 KG in weight, unladen	7000
(b)	Vehicles exceeding 750 KG in weight, unladen but not exceeding 1200 KG in weight, unladen.	12000
(c)	Vehicles exceeding 1200 KG in weight, unladen but not exceeding 2250 KG in weight, unladen.	20000".

Amendment of
Third Schedule
to Bom. LXV
of 1958.

7. In the principal Act, in the Third Schedule, in Part-I, under the heading "A. Motor vehicles fitted solely with pneumatic tyres.",—

(1) for clause I, the following shall be substituted, namely :—

"I. Motor cycles and tricycles (including motor-scooters and cycles with attachment for propelling the same by mechanical power)—

(i) owned by an individual, a local authority, a public trust, a University or an educational or social welfare institution —

Maximum rate of lump sum tax

	Cycles not exceeding 50 KG in weight, unladen.	Cycles exceeding 50 KG in weight, unladen, but not exceed- ing 100 KG in weight unladen.	Cycle excee- ding 100 KG in weight, unladen..	Tri cyc- les.	Cycles and Tricycles used for drawing trailer or side-car.
	Rs. (a)	Rs. (b)	Rs. (c)	Rs. (d)	Rs. (e)
If the vehicle is already registered and its age from the month of registration is--					In addition to the rates specified in column (a), (b), (c) or (d)--
(i) not more than 2 years.	550/- 1400/-	3290/-	3290/-	960/-	
(ii) more than 2 years but not more than 3 years.	500/- 1300/-	3080/-	3080/-	920/-	
(iii) more than 3 years but not more than 4 years.	450/- 1200/-	2870/-	2870/-	880/-	
(iv) more than 4 years but not more than 5 years.	400/- 1100/-	2660/-	2660/-	840/-	
(v) more than 5 years but not more than 6 years.	350/- 1000/-	2450/-	2450/-	800/-	
(vi) more than 6 years but not more than 7 years.	300/- 900/-	2240/-	2240/-	760/-	
(vii) more than 7 years but not more than 8 years.	250/- 800/-	2030/-	2030/-	720/-	
(viii) more than 8 years but not more than 9 years.	200/- 700/-	1820/-	1820/-	680/-	
(ix) more than 9 years but not more than 10 years.	150/- 600/-	1610/-	1610/-	640/-	

(x) more than 10 years but not more than 11 years.	100/-	500/-	1400/-	1400/-	600/-
(xi) more than 11 years but not more than 12 years.	60/-	400/-	1190/-	1190/-	560/-
(xii) more than 12 years but not more than 13 years.	60/-	300/-	980/-	980/-	520/-
(xiii) more than 13 years but not more than 14 years.	60/-	200/-	770/-	770/-	480/-
(xiv) more than 14 years.	60/-	100/-	560/-	560/-	440/-
(ii) owned by a person other than an individual, a local authority, a public trust, a University or an educational or social welfare institution.				Twice the rates specified above.";	
(2) for clause III, the following shall be substituted, namely:--					

"III. Motor vehicles other than those liable to tax under the foregoing provisions of this Schedule--

(i) owned by an individual, a local authority, a public trust, a University, or an educational or social welfare institution.

Maximum rate of lump sum tax

Vehicles not exceeding 750 KG in weight, unladen.	Vehicles exceeding 750 KG in weight, unladen but not exceeding 1200 KG in weight, unladen.	Vehicles exceeding 1200 KG in weight, unladen but not exceeding 2250 KG in weight, unladen.
Rs. (a)	Rs. (b)	Rs. (c)

If the vehicle is already registered and its age from the month of registration is---

(i) not more than 2 years.	6610	11400	19000
(iii) more than 2 years but not more than 3 years.	6220	10800	18000
(iii) more than 3 years but not more than 4 years.	5830	10200	17000
(iv) more than 4 years but	5440	9600	16000

	not more than 5 years.			
(v)	more than 5 years but not more than 6 years.	5050	9000	15000
(vi)	more than 6 years but not more than 7 years.	4660	8400	14000
(vii)	more than 7 years but not more than 8 years.	4270	7800	13000
(viii)	more than 8 years but not more than 9 years.	3880	7200	12000
(ix)	more than 9 years but not more than 10 years.	3490	6600	11000
(x)	more than 10 years but not more than 11 years.	3100	6000	10000
(xi)	more than 11 years but not more than 12 years.	2710	5400	9000
(xii)	more than 12 years but not more than 13 years.	2320	4800	8000
(xiii)	more than 13 years but not more than 14 years.	1930	4200	7000
(xiv)	more than 14 years.	1540	3600	6000
(ii)	owned by a person other than an individual, a local authority, a public trust, a University, or an educational or social welfare institution.		Twice the rates specified above."	



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PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29th July, 1995 is hereby published for general information.

KUM. H. K. JHAVERI,

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

GUJARAT ACT NO. 14 OF 1995.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 29th July, 1995).

AN ACT

to provide for levy of tax on luxury commodities in the State of Gujarat.

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

Short title, extent and commencement.

1. (1) This Act may be called the Gujarat Tax on Luxury Commodities Act, 1995.

(2) It extends to the whole of the State of Gujarat.

(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(1) "appointed day" means the date on which the remaining provisions of this Act shall come into force under sub-section (3) of section 1;

(2) "Commissioner" means a person appointed to be the Commissioner of Luxury Commodities Tax under section 6;

(3) "importer" means a person who brings any of the luxury commodities into the State either on his own account or on account of others or to whom any of the luxury commodities are despatched from any place outside the State;

(4) "luxury commodities" means the commodities of luxury specified in the Schedule;

15-1

(5) "manufacturer" means a person who manufactures in the State any of the luxury commodities;

(6) "prescribed" means prescribed by rules made under this Act;

(7) "registered stockist" means a stockist registered under section 7;

(8) "rules" means rules made under this Act;

(9) "Schedule" means the Schedule appended to this Act;

(10) "stock" means stock of any of the luxury commodities;

(11) "stockist" means an importer or a manufacturer who, in the course of his business, possesses or controls a stock;

(12) "the State" means the State of Gujarat;

(13) "tax" means the tax on luxury commodities levied under this Act;

(14) "Tribunal" means the Gujarat Sales Tax Tribunal constituted under section 28 of the Gujarat Sales Tax Act, 1969, and discharging the functions of the Tribunal assigned to it by or under this Act; Guj. 1 of 1970.

(15) "value of stock" means—

(i) in relation to a stockist who is a manufacturer, the value of a stock of luxury commodities manufactured by him derived by aggregating the amount determined by ex-factory price of such commodities prevailing at the time of their receipt or entry in his stock and the amounts of excise duty and of transport and insurance charges, if any, paid or payable by him,

(ii) in relation to a stockist who is an importer, the value of stock of luxury commodities imported by him derived by aggregating the amount determined by the price mentioned in consignor's bill, invoice or consignment note or such other document in respect of such import, and the amounts of central sales tax and other taxes and of transport and insurance charges, if any, paid or payable by him in respect of such import;

(16) "year" means—

(i) in relation to any stockist who maintains regular books of accounts, the year by reference to which the accounts are maintained by him, and

(ii) in relation to any other stockist, a financial year:

Provided that a registered stockist shall not be entitled to vary the year by reference to which he maintains the books of accounts, except with the consent of the Commissioner and upon such conditions as the Commissioner may determine.

Incidence of tax.

3. (1) Every stockist who during the year commencing on the first day of the year within which the appointed day falls, has from time to time in his possession or control the stock, the aggregate value of which has exceeded or exceeds Rs. 50,000 shall, until such liability ceases under sub-section (3), be liable to pay tax under this Act in respect of the stock received by him on or after the appointed day :

Provided that where the aggregate value of stock in his possession or control first exceeds Rs. 50,000 after the appointed day, he shall not be liable to pay tax in respect of the stocks

received by him upto the time when the aggregate value of stock in which the appointed day falls, first exceeds Rs. 50,000.

(2) Every stockist who during any year being an year subsequent to the year mentioned in sub-section (1) has from time to time in his possession or control the stock, the aggregate value of which first exceeds Rs. 50,000 shall, until such liability ceases under sub-section (3), be liable to pay tax under this Act with effect on and from the first day of the year :

Provided that the stockist shall not be liable to pay tax in respect of stock received by him, during the period commencing on the first day of any such year upto the time when the aggregate value of stock as computed from the said first day, first exceeds Rs. 50,000.

(3) Every stockist who has become liable to pay tax under this Act shall continue to be so liable until his registration is duly cancelled, and upon such cancellation his liability to pay tax other than the tax already levied or leviable shall until the aggregate value of stock in his possession or control again first exceeds Rs. 50,000, cease :

Provided that where the stockist becomes liable to pay tax again in the same year in which he has ceased to be liable as aforesaid, then, in respect of such receipts as take place during the period commencing on the date of the cessation of liability to pay tax upto the time when the aggregate value of stock in his possession or control first exceeds Rs. 50,000, no tax shall be payable.

Explanation — For the purposes of this section and section 5, a stockist who is a manufacturer shall be deemed to have received the stock of any of the luxury commodities manufactured by him upon the entry of such manufacture made in his books of accounts.

Tax payable by stockist. 4. Subject to the provisions of this Act, and any rules made thereunder, there shall be paid by every stockist, who is liable to pay tax under this Act, the tax leviable under the provisions of this Act.

Levy of tax on the stock of commodities of luxury. 5. There shall be levied on the stock of any of the luxury commodities received by a stockist during a year, a tax at the rate of five per cent. of the aggregate value of such stock.

Authorities for implementation of the Act. 6. (1) For carrying out the purposes of this Act, the State Government may appoint an officer to be the Commissioner of Luxury Commodities Tax for the whole of the State of Gujarat who shall have and exercise all the powers and perform all the duties conferred or imposed on the Commissioner by or under this Act.

(2) To assist the Commissioner in execution of the functions under this Act, the State Government may appoint—

(a) one or more officers to be the Additional Commissioners of Luxury Commodities Tax, as the State Government may think necessary;

(b) such number of Deputy Commissioners of Luxury Commodities Tax, Assistant Commissioners of Luxury Commodities Tax and Luxury Commodities Tax Officers and other officers and persons (with such designations), as the State Government may think necessary.

(3) An officer appointed under clause (a) or (b) of sub-section (2) shall, within the limits of such area as the State Government may, by notification in the *Official Gazette*, specify, to be within his jurisdiction, exercise such powers and perform such duties of the Commissioner by or under the Act, as may be conferred or imposed upon him, in the case of the officer appointed under clause (a) of sub-section (2), by the State Government and in the case of the officer appointed under clause (b) of sub-section (2), by the Commissioner.

(4) The superintendence and control for the proper execution of the provisions of this Act, and the rules made thereunder relating to the levy and collection of the tax shall vest in the Commissioner.

(5) The Tribunal constituted under section 28 of the Gujarat Sales Tax Act, 1969, shall be Guj. the Tribunal for the purposes of hearing appeals and revision applications and discharging other 1970. functions of the Tribunal under this Act, and accordingly the provisions of that Act relating to the Tribunal including section 28, and the regulations (subject to such amendments as may be made therein in their application to the Tribunal for the purposes of this Act) made thereunder, shall apply to or in relation to such Tribunal for the purposes of this Act :

Provided that the Tribunal may with the previous sanction of the State Government, make separate regulations for the purposes of regulating its procedure and the disposal of its business, under this Act and the regulations so made shall be published in the *Official Gazette*.

Registration.

7. (1) No stockist shall while being liable to pay tax under section 3 hold any stock in the State unless he possesses a valid certificate of registration :

Provided that the provisions of this section shall not be deemed to have been contravened, if the stockist having applied for such registration within the prescribed period, holds stock.

(2) Every stockist required by sub-section (1) to possess a certificate of registration shall apply to such authority (hereinafter referred to as "the prescribed authority"), in such form, with in such period and in such manner as may be prescribed.

(3) If the prescribed authority, after making such inquiry as it thinks fit, is satisfied that an application for registration is in order, it shall grant a certificate of registration in such form as may be prescribed.

(4) The prescribed authority may on an application or otherwise amend the certificate of registration from time to time.

(5) Where the liability of a stockist, to whom a certificate of registration is granted under sub-section (3), to pay tax under section 3 has ceased, such certificate may on the application of the stockist be cancelled by the prescribed authority in such manner as may be prescribed.

(6) A certificate of registration granted to a stockist under sub-section (3) may be cancelled by the prescribed authority after due notice to such stockist, if it is satisfied that he has failed to pay tax, penalty or interest payable under this Act :

Provided that the certificate of registration may be restored if the stockist to whom the certificate was granted pays the arrears of tax, penalty and interest.

Returns.

8. (1) Every registered stockist shall furnish returns of stocks to such authority, in such manner, for such period and by such date, as may be prescribed.

(2) If the Commissioner has reason to believe—

(a) that the stockist is likely to have possession or control of stock, the aggregate value of which, would exceed Rs. 50,000/-; or

(b) that the stockist has during any year, in his possession or control of stock, the aggregate value of which has exceeded Rs.50,000/-

he may, by notice served in such manner as may be prescribed require such stockist to furnish returns as if he were a registered stockist but no tax shall be payable by such stockist unless he has in his possession or control of stock, the aggregate value of which exceeds Rs.50,000/-.

(3) If any stockist having furnished returns under sub-section (1) or (2) discovers any omission or incorrect statement therein, he may furnish revised returns before the expiry of three months next following the last date prescribed for furnishing the original returns.

Assessment of
taxes.

9. (1) The amount of tax due from a registered stockist shall be assessed separately for each year during which he is liable to pay the tax.

(2) If the Commissioner is satisfied that the returns furnished are correct and complete, he shall assess the amount of tax due from the stockist on the basis of such returns.

(3) If the Commissioner is not satisfied that the returns furnished are correct and complete, and he thinks it necessary to require the presence of the stockist or the production of further evidence, he shall serve on such stockist in such manner as may be prescribed a notice requiring him on a date and at a place specified therein, either to attend and produce or cause to be produced all evidence on which such stockist relies in support of his returns, or to produce such evidence as is specified in the notice.

(4) On the date specified in the notice, or as soon as may be thereafter, the Commissioner shall, after considering all the evidence which may be produced, assess the amount of tax due from the stockist.

(5) If a stockist fails to comply with the terms of any notice issued under sub-section (3), the Commissioner shall assess to the best of his judgment the amount of tax due from him.

(6) If a stockist liable to pay tax under this Act fails to furnish returns in respect of any period by prescribed date, the Commissioner shall, after giving the stockist a reasonable opportunity of being heard, assess to the best of his judgment the amount of tax, if any, due from him.

(7) If the Commissioner has reason to believe that a stockist is liable to pay tax in respect of any period, but has failed to apply for registration within the period prescribed therefor, the Commissioner shall, after giving him a reasonable opportunity of being heard, assess to the best of his judgment, the amount of tax, if any, due from the stockist in respect of such period and any period subsequent thereto.

(8) Any assessment made under this section shall be without prejudice to any penalty or prosecution for offence under this Act.

Reassessment
of stock escap-
ing assessment.

10. If the Commissioner has reason to believe that any stock liable to tax under this Act has escaped assessment or has been underassessed in respect of any period in any order of assessment under section 9, then the Commissioner may,--

(a) where he has reason to believe that the stockist has concealed stocks received or any material particulars thereto or has knowingly furnished incorrect returns, at any time within eight years, and

(b) in any other case, at any time within five years

of the end of the period to which receipt of stocks relate, serve on the stockist liable to pay tax in respect of such receipts, a notice containing all or any of the requisitions which may be included in a notice in such manner as may be prescribed and assess not later than three years from the date of service of the notice, the amount of tax due from such stockist to the best of his judgment :

Provided that where in respect of such assessment, proceedings are pending in appeal or revision, the appropriate appellate or revisional authority under this Act may on its own motion or on the report of the Commissioner, after giving to the stockist a reasonable opportunity of being heard, pass such order as it deems fit.

Imposition of
penalty in cer-
tain cases.

11. Where any stockist liable to pay tax under this Act,—

- (a) fails to apply for registration under sub-section (2) of section 7,
- (b) fails without sufficient cause or neglects to furnish returns required by sub-section (1) or (2) of section 8,
- (c) fails without sufficient cause to comply with the terms of notice served to him under sub-section (3) of section 9,
- (d) while furnishing a return under sub-section (1) of section 8 fails without sufficient cause or neglects to pay into a Government treasury the whole amount of tax due from him according to such return, as required by section 12;
- (e) fails to maintain proper accounts as required by section 14, or
- (f) has concealed particulars of any transaction or deliberately furnished inaccurate particulars of any transaction liable to tax,

the Commissioner may impose upon the stockist by way of penalty, in addition to any tax assessed under section 9, a sum not less than ten thousand rupees and not more than fifty thousand rupees.

Payment of tax.

12. (1) The tax shall be paid in the manner herein provided and at such intervals as may be prescribed.

(2) A registered stockist furnishing returns as required by section 8 shall first pay into the Government treasury, in such manner as may be prescribed, the whole amount of tax due from him according to such return along with the penalty payable by him under section 11.

(3) Where a registered dealer furnishes a revised return in accordance with sub-section (3) of section 8 and such revised return shows that an amount of tax in addition to the tax already paid is payable, he shall first pay into a Government treasury the additional amount of tax.

(4) (a) The amount of tax—

- (i) due where returns have been furnished without full payment therefor,
- (ii) assessed or reassessed for any period under section 9 or 10 less any sum already paid by the stockist in respect of such period,

(b) the amount of penalty, if any, levied under section 11, or

(c) the amount of interest, if any, under section 13

shall be paid by the stockist liable therefor into a Government treasury by such date as may be specified in a notice issued by the Commissioner for this purpose, being a date not earlier than fifteen days from the date of service.

(5) Any tax, penalty or interest which remains unpaid after the date for payment specified in the notice under sub-section (4) shall be recoverable as arrears of land revenue.

Liability of
stockist to pay
interest.

13. (1) Where a stockist does not pay the amount of tax within the time prescribed for its payment under sub-section (1) or (2) of section 12, there shall be paid by the stockist for the period commencing on the date of expiry of the aforesaid period and ending on the date of payment of the amount of tax, simple interest at the rate of twenty-four per cent. per annum on the amount of tax not so paid or any less amount thereof remaining unpaid during such period.

(2) Where the amount of tax assessed or reassessed for any period under section 9 or 10, subject to revision, if any, under section 17 exceeds the amount of tax already paid by a stockist for that period, there shall be paid by such stockist for the period commencing from the date of expiry of the time prescribed for payment of tax under sub-section (1) or (2) of section 12 and ending on the date of assessment, reassessment or, as the case may be, revision, simple interest at the rate of twenty-four per cent. per annum on the amount of tax not so paid or any less amount thereof remaining unpaid during such period.

Accounts.

14. (1) Every stockist liable to pay tax under this Act and every other stockist who is required so to do by the Commissioner by notice served on him in such manner, as may be prescribed, shall maintain regularly in the course of his business correct and complete books of accounts.

(2) If the Commissioner considers that the accounts kept are not sufficiently clear or intelligible to enable him to determine whether or not a stockist is liable to pay tax during any period or are so kept as not to enable proper scrutiny of returns furnished, the Commissioner may require such stockist by notice in writing to keep such accounts in such form or manner as in his opinion is necessary for the purpose of proper assessment.

Production and inspection of books of accounts and documents, and search of premises.

15. (1) The Commissioner may, subject to such conditions as may be prescribed, require any stockist to produce before him any books of accounts or documents, or to furnish any information relating to stock or any other information relating to his business, as may be necessary for the purposes of this Act.

(2) All books of accounts, registers and documents relating to stock and all stock kept at any place of business of the stockist, shall at all reasonable times be open to inspection by the Commissioner, and the Commissioner may take or cause to be taken such copies or extracts therefrom or may place or cause to be placed such marks of identifications thereon, as appear necessary for the purposes of this Act.

(3) The Commissioner may, for the purposes of this Act, impound and retain in his custody for such period as he considers necessary any books of accounts, or other documents produced before him in any proceeding under this Act.

(4) If the Commissioner has reason to believe that any stockist has evaded or is attempting to evade the payment of any tax due from him, he may, for the reasons to be recorded in writing, seize such books of accounts, registers or documents of the stockist as may be necessary and shall grant a receipt for the same, and shall retain the same for so long as may be necessary, in connection with any proceeding under this Act or for a prosecution.

(5) For the purposes of sub-section (2) or sub-section (4), the Commissioner may enter and search any place of business of any stockist, or any other place where the Commissioner has reason to believe that the stockist keeps or is for the time being keeping any accounts, registers or documents of his business or stock and make a note or an inventory of any articles or things found in the course of any search which in his opinion will be useful for, or relevant to any proceeding under this Act, or for a prosecution.

(6) The provisions of the Code of Criminal Procedure, 1973 relating to searches shall apply, 2 of 1974. so far as may be, to a search made under sub-section (5).

Appeal.

16. (1) Any stockist aggrieved by the order of the prescribed authority cancelling his certificate of registration under sub-section (6) of section 7, or by an order of assessment or reassessment made under section 9 or 10 or by an order imposing penalty under section 11 may, within three months from the date of receipt of the order make appeal to—

(a) the Assistant Commissioner, if the order is made by Luxury Commodities Tax Officer,

- (b) the Commissioner, if the order is made by an Assistant Commissioner,
- (c) the Tribunal, if the order is made by Deputy Commissioner or Additional Commissioner or Commissioner.

(2) In the case of an order passed in appeal by an Assistant Commissioner, a second appeal shall lie to the Tribunal.

(3) (a) Subject to provisions of clause (b), no appeal shall be entertained unless it is filed within sixty days from the date of communication of the order appealed against.

(b) In computing the period specified in clause (a), the provisions of sections 4, 5 and 12 of the Limitation Act, 1963 shall, so far as may be, apply.

36 of 1963.

(4) On receipt of an appeal under sub-section (1) or second appeal under sub-section (2), the appellate authority may, subject to such rules of procedure as may be prescribed, pass such order on appeal or, as the case may be, second appeal as it deems just and proper.

Revision.

17. (1) Subject to any rules which may be made in this behalf—

(a) the Commissioner on his own motion within three years or on an application made to him within one year from the date of any order passed by any officer subordinate to him, may call for and examine the record of any such order and pass such order thereon as he thinks just and proper within twelve months from the date of service of notice of revision,

(b) the Tribunal, on application made to it against an order of the Commissioner (not being an order passed under sub-section (2) of section 16 in second appeal or under clause (a) in revision on an application) within four months from the date of communication of the order, may call for and examine the record of any such order and pass such order thereon as it thinks just and proper.

(2) Where an appeal lies under section 16 and no appeal has been filed, no proceeding in revision under this section shall be entertained upon an application.

(3) No order shall be passed under this section which adversely affects any person unless such person has been given a reasonable opportunity of being heard.

(4) Where the Commissioner or the Tribunal rejects any application for revision under this section, the Commissioner or, as the case may be, the Tribunal shall record the reasons for such rejection.

Court fee on ap- 18. Notwithstanding anything contained in the Bombay Court-fees Act, 1959, an appeal XXX-
 peal and applica- preferred under section 16 and an application for revision under section 17 shall bear a court VI of 1959.
 tion for revision. fee stamp of such value as may be prescribed.

Refund:

19. (1) The Commissioner shall refund to a stockist the amount of tax, penalty and interest if any, paid by him in excess of the amount due from him.

(2) The refund may be either by cash payment or at the option of the stockist by deduction of such excess from the amount of tax, penalty or interest due in respect of any other period :

Provided that the Commissioner shall first apply such excess towards recovery of any amount due in respect of which notice under sub-section (4) of section 12 has been issued and shall then refund the balance, if any.

Remission of tax or interest.

20. Subject to such conditions as it may impose, the State Government may, if it is necessary so to do—

(i) in public interest, or

(ii) for the purpose of granting relief in case of double taxation, or

(iii) for the purpose of redressing an inequitable situation

remit by an order either generally or specially the whole or any part of the tax or interest or of both payable by any stockist or class of stockists in respect of any period.

Offences.

21. (1) Whoever—

(a) carries on business as a stockist without being registered in contravention of section 7, or

(b) knowingly furnishes a false return, or

(c) fails when directed so to do under section 14 to keep any accounts or records in accordance with the direction, or

(d) fails to comply with any requirement made of him under section 15, or

(e) knowingly produces false accounts, registers or documents or knowingly furnishes false information, or

(f) obstructs any officer making an inspection or search under section 15, or

(g) aids or abets any person in commission of any acts specified in clauses (a) to (f),

shall on conviction, be punished with simple imprisonment which may extend to six months or with fine not exceeding twenty thousand rupees or with both and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the period of the continuance of the offence.

(2) No prosecution for an offence under this Act shall be instituted in respect of the same facts on which a penalty has been imposed by the Commissioner under the provisions of this Act.

Offences by companies.

22. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means a body corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

Cognizance of offences.

23. No court shall take cognizance of an offence under section 21 except with the previous sanction of the Commissioner.

Compounding of offences. 24. (1) The Commissioner may, either before or after the institution of proceedings, for any offence punishable under section 21 accept from any person charged with such offence by way of composition of the offence a sum not exceeding—

(i) two thousand rupees, where the offence charged is under clause (d) or (g) of sub-section (1) of section 21,

(ii) double the amount of tax which would have been payable on the receipts of stock to which the offence relates, where the offence charged is under any of the other clauses of sub-section (1) of section 21.

(2) On payment of such sum as may be determined by the Commissioner under sub-section (1), no further proceedings shall be taken against the accused person in respect of the same offence.

Powers of Tribunal and Commissioner. 25. (1) In discharging their functions under this Act, the Tribunal and the Commissioner shall have all the powers of a civil court for the purposes of—

(a) proof of facts by affidavit;

(b) summoning and enforcing the attendance of any person and examining him on oath or affirmation;

(c) compelling the production of documents; and

(d) issuing commissions for the examination of witnesses.

(2) In the case of any affidavit to be made for the purpose of this Act, any officer appointed by the Tribunal or the Commissioner, may administer the oath to the deponent.

Bar of jurisdiction of civil courts. 26. (1) (a) No civil court shall have jurisdiction to deal with or decide any question which the Tribunal, the Commissioner or any officer appointed to assist him is empowered to deal with or decide by or under this Act and no injunction shall be granted by any civil court in respect of any action taken or to be taken in pursuance of any power by or under this Act;

(b) no assessment made and no order passed under this Act or the rules made there under by the Tribunal, the Commissioner or any officer appointed to assist him shall be called in question in any civil court.

Power to transfer proceedings. 27. The Commissioner may, after due notice to the parties, by order in writing transfer any proceedings or class of proceedings under any provisions of this Act from himself to any other officer and he may likewise transfer any such proceedings (including a proceeding already transferred under this section) from one such officer to another or to himself.

Persons appointed under section 6 to be public servant. 28. The Commissioner and all officers and persons appointed under section 6 to assist the Commissioner shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 48 of 1860.

Indemnity. 29. No suit, prosecution or other legal proceeding shall lie against any servant of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Power to make rules. 30. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the authority to which, the form in which, the period within which and the manner in which an application for certificate of registration shall be made under sub-section (2) of section 7;
- (b) the form in which the certificate of registration shall be granted under sub-section (3) of section 7;
- (c) the manner in which a certificate of registration shall be cancelled by the prescribed authority under sub-section (5) of section 7;
- (d) the authority to which, the manner in which, the period for which and the date by which, a registered stockist shall furnish the returns of stock under sub-section (1) of section 8;
- (e) the manner in which a notice shall be served under sub-section (2) of section 8;
- (f) the manner in which a notice shall be served by the Commissioner on a stockist under sub-section (3) of section 9;
- (g) the manner in which a notice shall be served on a stockist under section 10;
- (h) the intervals at which the tax shall be paid under sub-section (1) of section 12;
- (i) the manner in which a registered stockist shall first pay into a Government treasury the whole amount of tax due from him under sub-section (2) of section 12;
- (j) the manner in which a notice shall be served by the Commissioner on every other stockist under sub-section (1) of section 14;
- (k) the conditions subject to which the Commissioner may require any stockist to produce before him any books of accounts or documents or to furnish any information relating to stock or any other information relating to his business under sub-section (1) of section 15;
- (l) the rules of procedure subject to which the appellate authority may pass an order on appeal or second appeal under sub-section (4) of section 16;
- (m) the rules subject to which the Commissioner or, as the case may be, the Tribunal may call for and examine the record of an order under sub-section (1) of section 17;
- (n) the value at which an appeal and application for revision shall bear a court-fee stamp under section 18;
- (o) any other matter which is required to be or may be prescribed under this Act.

(3) In making any rules under this section, the State Government may direct that a breach thereof shall be punishable with fine not exceeding five thousand rupees, and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the continuance of the offence.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication :

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rules to be made under this section.

SCHEDULE

(See clause (4) of section 2)

1. Cheroots.
2. Cigarettes.
3. Cigars.
4. Smoking mixtures for pipes and cigarettes.

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Separate paging is given to this Part in order that it
may be filed as a separate compilation.

PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

LEGAL DEPARTMENT

Sachivalaya, Gandhinagar, dated the 28th August, 1995.

GUJARAT ORDINANCE NO. 2 OF 1995.

AN ORDINANCE

further to amend the Bombay Court-fees (Gujarat Amendment) Act, 1995.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

Guj. 12 of 1995.

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bombay Court-fees (Gujarat Amendment) Act, 1995;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Bombay Court-fees (Gujarat Amendment) Amending Ordinance, 1995.

(2) It shall come into force at once.

Guj. 12 of 1995. 2. *Guj. 12 of 1995 to be temporarily amended.*—During the period of operation of this Ordinance, the Bombay Court-fees (Gujarat Amendment) Act, 1995 (hereinafter referred to as "the amending Act") shall have effect subject to the amendment specified in section 4.

Bom. XXXVI of 1959. 3. *Rescission of Notification dated 3rd August, 1995.*—The Government Notification in the Legal Department No. GK/19/95/CFA/1002/1205/I dated the 3rd August, 1995 issued under sub-section (2) of section 1 of the amending Act shall be and shall be deemed always to have been rescinded and on such rescission the express insertion and substitution made in the Bombay Court-fees Act, 1959 (hereinafter referred to as "the principal Act") by the amending Act shall cease to have effect and the provisions in the principal Act existing immediately before such insertion or substitution shall stand revived and shall have the same force and effect as they had immediately before such amendments.

4. *Amendment of section 1 of Guj. 12 of 1995.*—In the amending Act, in section 1, for sub-section (2), the following sub-section shall be substituted, namely :—

" (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint."

STATEMENT

In the larger public interest and in view of exigencies, it is considered necessary to suspend the operation of the Bombay Court-fees (Gujarat Amendment) Act, 1995 with immediate effect. For that purpose, it is necessary to amend the said amending Act.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the Bombay Court-fees (Gujarat Amendment) Act, 1995 to achieve the aforesaid object.

Camp at Delhi,
Dated the 26th August, 1995.

NARESH CHANDRA
Governor of Gujarat.

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

P. J. DHOLAKIA,
Secretary to Government.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

PORTS AND FISHERIES DEPARTMENT

Sachivalaya, Gandhinagar Dated the 8th September, 1995.

GUJARAT ORDINANCE NO. 3 OF 1995.

AN ORDINANCE

further to amend the Gujarat Maritime Board Act, 1981.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that the circumstances exist
Guj. 30 of 1981. which render it necessary for him to take immediate action to amend the Gujarat Maritime
Board Act, 1981;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of
article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make
and promulgate the following Ordinance, namely :—

IV-Ex-17-1

1. *Short title and commencement.*--(1) This Ordinance may be called the Gujarat Maritime Board (Amendment) Ordinance, 1995.

(2) It shall come into force at once.

Guj. 30 of
1981.

2. *Guj. 30 of 1981 to be temporarily amended.*--During the operation of this Ordinance, the Gujarat Maritime Board Act, 1981 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 19.

3. *Amendment of section 3 of Guj. 30 of 1981.*--In the principal Act, in section 3, for sub-section (4), the following shall be substituted, namely :--

" (4) The Board shall consist of such number of members, not being less than five and not more than twelve, who shall be appointed by the State Government as follows, namely :--

(a) three members appointed by virtue of their office amongst officers of the State Government, of whom --

(i) one shall be a representative of the Department in-charge of the administration of minor ports in the State,

(ii) one shall be Commissioner of Fisheries, and

(iii) one shall be a representative of the Finance Department.

(b) the other members appointed from amongst the persons who are, in the opinion of the State Government, having expertise or experience in or capable of representing any one or more of the interests of shipping, navigation, ports, sailing vessels, fisheries, trade, commerce, finance, industry, workers of minor ports and such other interests as, in the opinion of the State Government, ought to be represented on the Board."

4. *Amendment of section 8 of Guj. 30 of 1981.*--In the principal Act, in section 8, in sub-section (1), for the words, brackets and figure "sub-section (5)", the words, brackets and figure "sub-section (6)" shall be substituted.

5. *Amendment of section 10 of Guj. 30 of 1981.*--In the principal Act, in section 10, in sub-section (4), the portion beginning with the words "and no business" and ending with the words "such meeting" shall be deleted.

6. *Substitution of section 15 of Guj. 30 of 1981.*--In the principal Act, for section 15, the following shall be substituted, namely :—

Delegation of
powers.

"15. The Board may, with the approval of the State Government, direct that such of the powers and duties conferred or imposed upon the Board by or under this Act as may be specified in such direction, may also be exercised or performed by the Chief

Executive Officer subject to such conditions and restrictions as may be specified in such directions :

Provided that the Chief Executive Officer shall exercise the powers and perform the duties specified in the direction subject to the supervision and the control of the Board."

7. *Substitution of section 17 of Guj. 30 of 1981.*--In the principal Act, for section 17, the following shall be substituted, namely :—

Chief Execu-
tive Officer
and other of-
ficers and ser-
vants of the
Board.

"17. (1)(a) The State Government shall appoint such person as it may think fit to be the Chief Executive Officer of the Board.

(b) The terms and conditions of service of the Chief Executive Officer shall be such as may be prescribed by the rules.

(2)(a) The Board shall appoint such person, as it may think fit, to be the Financial Controller-cum-Chief Accounts Officer with the previous sanction of the State Government. The State Government may sanction such appointment on such terms and conditions as it thinks fit.

(3) The Board may create such other posts and appoint such other officers and employees as it considers necessary for the efficient performance of the functions of the Board and determine by regulations their conditions of appointment and service and the remuneration payable to them :

Provided that no person shall be appointed as a pilot at any port who is not for the time being authorised by the State Government under the Indian Ports Act, 1908 to pilot vessels at that port. ^{15 of 1908.}

(4) The Board shall from time to time prepare and sanction a Schedule of the officers and employees of the Board for whom it deems necessary, adequate and proper to maintain for the purpose of this Act and such Schedule shall indicate therein the designation and grades of officers and employees and the salaries, fees and allowances which are proposed to be paid to them."

8. *Deletion of section 18 of Guj. 30 of 1981.*--In the principal Act, section 18, shall be deleted.

9. *Substitution of section 19 of Guj. 30 of 1981.*--In the principal Act, for section 19, the following shall be substituted, namely :—

Disciplinary
control over
officers and
employees by
Board.

"19. (1) Subject to any regulations the power of granting extension of service to, granting leave to, suspending, reducing, removing or dismissing or of disposing of any other question relating to the services of the officers and employees of the Board, including the power of dispensing with the service of any such employee otherwise than by reason of the misconduct of such employee, shall be exercised by the Board or such authority as may be prescribed by regulations.

(2) Any officer or employee of the Board aggrieved by an order involving his reduction in rank, removal or dismissal may, within such time and in such manner as may be provided for by regulations, prefer an appeal--

(a) to the State Government, where such order is passed by the Chairman;

(b) to the Chairman, where such order is passed by any such authority as may be prescribed by regulations."

10. *Amendment of section 24 of the Guj. 30 of 1981.*—In the principal Act, in section 24,—

(1) in clause (a), for the word "Chairman," the words "Chief Executive Officer" shall be substituted;

(2) for clause (b), the following shall be substituted, namely :—

"(b)(i) No contract for leasing of Waterfront, jetty, waterway and corresponding infrastructural facilities thereof for a term exceeding five years shall be made unless it is previously approved by the State Government, on such terms and conditions as it may think fit.

(ii) Subject to clause (i) of this clause, no contract for the acquisition or sale of immovable property or for the lease of any such property for a term exceeding thirty years shall be made unless it is previously approved by the State Government, on such terms and conditions as it may think fit."

11. *Amendment of section 74 of Guj. 30 of 1981.*—In the principal Act, in section 74, in sub-section (2), in clause (a), after the figures "1970", the words "or in any corporation or financial institution controlled and managed by the State Government" shall be inserted.

12. *Amendment of section 80 of Guj. 30 of 1981.*—In the principal Act, in section 80, for the word "Chairman" where it occurs at two places, the words "Chief Executive Officer" shall be substituted.

13. *Amendment of section 82 of Guj. 30 of 1981.*—In the principal Act, in section 82, in sub-section (2), for the word "Chairman" where it occurs at three places, the words "Chief Executive Officer" shall be substituted.

14. *Amendment of section 87 of Guj. 30 of 1981.*—In the principal Act, in section 87, in sub-section (2), for the word "Chairman", the words "Chief Executive Officer" shall be substituted.

15. *Amendment of section 92 of Guj. 30 of 1981.*—In the principal Act, section 92 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following new sub-section shall be inserted, namely :—

"(2) The State Government shall cause every annual Administration Report to be laid for not less than thirty days before the State Legislature as soon as may be after such report is received by the Government."

16. *Amendment of section 107 of Guj. 30 of 1981.*—In the principal Act, in section 107, for the word "member", the words "member or officer" shall be substituted.

17. *Amendment of section 108 of Guj. 30 of 1981.*—In the principal Act, in section 108, for the word "member", the words "member or officer" shall be substituted.

18. *Amendment of section 109 of Guj. 30 of 1981.*—In the principal Act, section 109,—

(1) in sub-section (2), after clause (a), the following clause shall be inserted, namely :—

"(aa) the terms and conditions of service of Chief Executive Officer under sub-section (1) of section 17;"

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

"Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with previous publication of any rule to be made under this section."

19. *Amendment of section 110 of Guj. 30 of 1981.*—In the principal Act, in section 110, in sub-sections (2), (3) and (6), for the word "employees", the words "officers and employees" shall be substituted.

STATEMENT

The existing provisions of sub-section (4) of section 3 of the Gujarat Maritime Board Act, 1981 are found, at times, to leave no room for flexibility in the matter of appointment of members on the Board from amongst persons who are specified in clauses (b) to (h) of the said sub-section (4). It is, therefore, considered necessary to amend the said sub-section (4) to provide that the Board shall consist of not less than five and not more than twelve members, as the State Government thinks fit to appoint and to take power to the Government to appoint members other than *ex-officio* from amongst persons who are, in the opinion of the Government having expertise or experience in or capable of representing one or more of the interests of shipping, navigation, ports, sailing vessels, fisheries, trade, commerce, industry, workers of minor ports and such other interests as ought to be represented on the Board. Clause (a) of the said sub-section (4) provides for appointment of two members from amongst officers one of whom is a representative of the department of the State Government in-charge of the administration of minor ports and the other representative of the Finance Department. It is considered necessary also to have the Commissioner of Fisheries as a member of the Board. Clause (a) of sub-section (4) of the said section 3 is proposed to be amended to provide accordingly.

As per existing provisions of sub-section (4) of section 10, the business of meeting cannot be transacted for want of requisite quorum throughout the meeting. This requirement is proposed to do away with a view to transact business without quorum throughout, at a meeting.

In order to enable the Chairman to devote more time in framing the policy for the effective working of the Board, it is considered necessary to relieve him from the burden of the executive work of the Board and to entrust such work to the Chief Executive Officer. It is, therefore, proposed to confer the power of the Board on the Chief Executive Officer by amending sections 15, 24, 80, 82 and 87 of the Act.

Under the existing section 17, a person having experience of civil works, operation and administration of ports can be appointed as a Chief Executive Officer of the Board. On gaining experience, it is found that suitable person of such experience is not available for being appointed as Chief Executive Officer. Hence, it is proposed to do away with such requirement of experience.

The existing provisions of sections 17 and 18 provide for creation of posts and appointment of the persons to such posts by the Board or by the State Government. It is proposed to give all powers of creation of posts and appointment except that of Chief Executive Officer to the Board. In case of the appointment of Chief Financial Controller prior consultation of Government is stipulated.

The existing section 24 provides that where the term of contract exceeds thirty years, the approval of the State Government is required to be obtained before the contract is made by the Board. The said limit is proposed to be reduced to five years in cases of contract for leasing of jetties, waterfront, waterways and corresponding infrastructural

facilities with a view to have a proper check and control over the Board in respect of such contracts to be executed by the Board.

Section 74 of the Act is proposed to be amended so as to enable the Board to deposit moneys standing at the credit of the Board in any corporation or financial institution controlled and managed by the State Government.

There is no provision in section 92 for laying the report relating to the administration of the Board before the State Legislature. It is, therefore, proposed to make such provision in this section.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid objects.

Gandhinagar,
Dated the 8th September, 1995.

NARESH CHANDRA,
Governor of Gujarat.

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

(A. D. DESAI)
Secretary to the Government.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 9th September, 1995.

GUJARAT ORDINANCE NO. 4 OF 1995.

AN ORDINANCE

*further to amend the Gujarat Legislative Assembly Members (Removal of Disqualifications)
 Act, 1960.*

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

Guj. 1 of
 1960.

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Ordinance, 1995.

(2) It shall come into force at once.

Guj. 1 of
 1960.

2. *Guj. 1 of 1960 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960 (hereinafter referred to as "the principal Act") shall have effect subject to the amendment specified in section 3.

3. *Amendment of Schedule to Guj. 1 of 1960.*—In the principal Act, in the Schedule, after entry 30, the following entry shall be added, namely :—

"31. The office of Chairman or Director of Sardar Sarovar Narmada Nigam Limited."

STATEMENT

Sardar Sarovar Narmada Nigam Limited requires able hands experienced in the fields of trade, commerce, industry, finance, management or public life to man it efficiently. This is particularly so with regard to this company which deals directly with the implementation of Sardar Sarovar Project which is crucial for the economic growth of the State of Gujarat. Sometimes, some members of the Gujarat Legislative Assembly are found suitable for the purpose but on account of the provision of disqualification in clause (1) of article 191 of the Constitution of India, a doubt arises whether acceptance of the post of a Chairman or Director of such company by a member of the Gujarat Legislative Assembly would disqualify him on the ground of holding an office of profit under the Government. It is, therefore, considered necessary to remove the disqualification that might be incurred by such members on being appointed as Chairman or Director of the Sardar Sarovar Narmada Nigam Limited by adding entry 31 in the Schedule to the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to amend the Schedule to the said Act to achieve the aforesaid object.

Gandhinagar,
Dated the 9th September, 1995.

NARESH CHANDRA
Governor of Gujarat.

Kum. H. K. JHAVERI
Secretray to Government.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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Separate paging is given to this Part in order that it
may be filed as a separate compilation.

PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

**BY THE MANAGER GOVERNMENT CENTRAL PRESS
GANDHINAGAR**

Corrigendum

In Gujarat Ordinance No. 4 of 1995 published in Gujarat Government Gazette, Part IV
Ex. Ordinary No. 18 dated 9th September, 1995 on page No. 18-2

Add the words "By order and in the name of the Governor of Gujarat,"

At the end of Ordinance for the words

"Kum. H. K. JHAVERI,
Secretary to Government."

Read the words

"Kum. H. K. JHAVERI,
Secretary to Government."

Dated 25th September, 1995.

M. R. PATEL,
Manager,
Government Central Press,
Gandhinagar.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

LEGAL DEPARTMENT

Sachivalaya, Gandhinagar, dated the 16th November, 1995.

GUJARAT ORDINANCE NO. 5 OF 1995.

AN ORDINANCE

further to amend the Bombay Court-fees (Gujarat Amendment) Act, 1995.

WHEREAS the Governor of Gujarat has promulgated the Bombay Court-fees (Gujarat Amendment) Amending Ordinance, 1995 on the 28th August, 1995;

Guj.
Ord. 2 of
1995.

AND WHEREAS the session of the Gujarat Legislative Assembly was summoned to meet on the 7th October, 1995 and was prorogued on the same day;

AND WHEREAS the said Ordinance could not be replaced by an Act of the State Legislature in that session;

AND WHEREAS the said Ordinance would cease to operate after the 17th November, 1995, the date on which the period of six weeks from the date of the reassembly of the Gujarat Legislative Assembly expires;

AND WHEREAS it is expedient to continue the operation of the said Ordinance by law;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*— (1) This Ordinance may be called the Bombay Court-fees (Gujarat Amendment) Amending (Second) Ordinance, 1995.

(2) It shall be deemed to have come into force on the 28th August, 1995.

2. *Guj. 12 of 1995 to be temporarily amended.*— During the period of operation of this Ordinance, the Bombay Court-fees (Gujarat Amendment) Act, 1995 (hereinafter referred to as "the amending Act") shall have effect subject to the amendment specified in section 4.

3. *Rescission of Notification dated 3rd August, 1995 and revival of provisions of principal Act.*— The Government Notification in the Legal Department No. GK/19/95/CFA/1002/1205/1 dated the 3rd August, 1995 issued under sub-section (2) of section 1 of the amending Act shall be and shall be deemed always to have been rescinded and on such rescission, the express insertion and substitution made in the Bombay Court-fees Act, 1959 (hereinafter referred to as "the principal Act") by the amending Act shall cease to have effect and the provisions of the principal Act existing immediately before such insertion or substitution shall stand revived and shall have the same force and effect as they had immediately before such amendments.

4. *Amendment of section 1 of Guj. 12 of 1995.*— In the amending Act, in section 1, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint."

5. *Repeal and savings.*— (1) The Bombay Court-fees (Gujarat Amendment) Amending Ordinance, 1995 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the provisions of this Ordinance.

Guj. Ord.
2 of
1995.

STATEMENT

In the larger public interest and in view of exigencies, it was considered necessary to suspend the operation of the amendments made to the Bombay Court-fees Act, 1959 by the Bombay Court-fees (Gujarat Amendment) Act, 1995 and to revive the relevant provisions of the principal Act existing immediately before such amendments. For that purpose, it was considered necessary to amend the said amending Act. As the Gujarat Legislative Assembly was not in session at that time, the Bombay Court-fees (Gujarat Amendment) Amending Ordinance, 1995 was promulgated on the 28th August, 1995 to achieve the aforesaid object.

The said Ordinance was laid before the Gujarat Legislative Assembly in its session which was summoned to meet on the 7th October, 1995 and prorogued on the same day. Therefore, the said Ordinance could not be replaced by an Act of State Legislature in that session. By virtue of sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said Ordinance would cease to operate after the 17th November, 1995, the date on which the period of six weeks from the date of reassembly of the Gujarat Legislative Assembly expires. It is expedient to take immediate action to continue the operation of the provisions of the said Ordinance. Therefore, as the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Camp Delhi,
Dated the 15th November, 1995.

NARESH CHANDRA,
Governor of Gujarat.

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

P. J. DHOLAKIA,
Secretary to Government.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

PORTS AND FISHERIES DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 16th November, 1995.

GUJARAT ORDINANCE NO. 6 OF 1995.

AN ORDINANCE

further to amend the Gujarat Maritime Board Act, 1981.

WHEREAS the Governor of Gujarat has promulgated the Gujarat Maritime Board (Amendment) Ordinance, 1995 on the 8th September, 1995;

**Guj. Ord. 3
 of 1995.**

AND WHEREAS the session of the Gujarat Legislative Assembly was summoned to meet on the 7th October, 1995 and was prorogued on the same day;

AND WHEREAS the said Ordinance could not be replaced by an Act of the State Legislature in that session;

AND WHEREAS the said Ordinance would cease to operate after the 17th November, 1995, the date on which the period of six weeks from the date of the reassembly of the Gujarat Legislative Assembly expires;

AND WHEREAS it is expedient to continue the operation of the provisions of the said Ordinance by law;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

21-1

EX.-IV-21-1

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Maritime Board (Amendment) (Second) Ordinance, 1995.

(2) It shall be deemed to have come into force on the 8th September, 1995.

2. *Guj. 30 of 1981 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Maritime Board Act, 1981 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 19.

Guj. 30
of 1981.

3. *Amendment of section 3 of Guj. 30 of 1981.*—In the principal Act, in section 3, for sub-section (4), the following shall be substituted, namely:—

"(4) The Board shall consist of such number of members, not being less than five and not more than twelve, who shall be appointed by the State Government as follows, namely:—

(a) three members appointed by virtue of their office amongst officers of the State Government, of whom—

(i) one shall be a representative of the department in-charge of the administration of minor ports in the State,

(ii) one shall be the Commissioner of Fisheries, and

(iii) one shall be a representative of the Finance Department;

(b) the other members appointed from amongst the persons who are, in the opinion of the State Government, having expertise or experience in or capable of representing any one or more of the interests of shipping, navigation, ports, sailing vessels, fisheries, trade, commerce, finance, industry, workers of minor ports and such other interests as, in the opinion of the State Government, ought to be represented on the Board."

4. *Amendment of section 8 of Guj. 30 of 1981.*—In the principal Act, in section 8, in sub-section (1), for the words, brackets and figure "sub-section (5)", the words, brackets and figure "sub-section (6)" shall be substituted.

5. *Amendment of section 10 of Guj. 30 of 1981.*—In the principal Act, in section 10, in sub-section (4), the portion beginning with the words "and no business" and ending with the words "such meeting" shall be deleted.

6. *Substitution of section 15 of Guj. 30 of 1981.*—In the principal Act, for section 15, the following shall be substituted, namely:—

Delegation
of powers.

"15. The Board may, with the approval of the State Government, direct that such of the powers and duties conferred or imposed upon the Board by or under this Act as may be specified in such direction, may also be exercised or performed by the Chief Executive Officer subject to such conditions and restrictions as may be specified in such direction :

Provided that the Chief Executive Officer shall exercise the powers and perform the duties specified in the direction subject to the supervision and the control of the Board."

7. *Substitution of section 17 of Guj. 30 of 1981.*—In the principal Act, for section 17, the following shall be substituted, namely:—

"17. (1) (a) The State Government shall appoint such person, as it may think fit, to be the Chief Executive Officer of the Board.

Chief Executive Officer and other officers and servants of the Board.

(b) The terms and conditions of service of the Chief Executive Officer shall be such as may be prescribed by the rules.

(2) (a) The Board shall appoint such person, as it may think fit, to be the Financial Controller-cum-Chief Accounts Officer with the previous sanction of the State Government. The State Government may sanction such appointment on such terms and conditions as it thinks fit.

(3) The Board may create such other posts and appoint such other officers and employees as it considers necessary for the efficient performance of the functions of the Board and determine by regulations their conditions of appointment and service and the remuneration payable to them :

Provided that no person shall be appointed as a pilot at any port who is not for the time being authorised by the State Government under the Indian Ports Act, 1908 to pilot vessels at that port.

15 of 1908

(4) The Board shall from time to time prepare and sanction a Schedule of the officers and employees of the Board for whom it deems necessary, adequate and proper to maintain for the purposes of this Act and such Schedule shall indicate therein the designation and grades of such officers and employees and the salaries, fees and allowances which are proposed to be paid to them."

8. *Deletion of section 18 of Guj. 30 of 1981.*—In the principal Act, section 18 shall be deleted.

9. *Substitution of section 19 of Guj. 30 of 1981.*—In the principal Act, for section 19, the following shall be substituted, namely:—

"19. (1) Subject to any regulations, the power of granting extension of service to, granting leave to, suspending, reducing, removing or dismissing or of disposing of any other question relating to the services of the officers and employees of the Board, including the power of dispensing with the service of any such officer and employee otherwise than by reason of the misconduct of such officer and employee, shall be exercised by the Board or such authority as may be prescribed by regulations.

Disciplinary control over officers and employees by Board.

(2) Any officer or employee of the Board aggrieved by an order involving his reduction in rank, removal or dismissal may, within such time and in such manner as may be provided for by regulations, prefer an appeal—

(a) to the State Government, where such order is passed by the Chairman;

(b) to the Chairman, where such order is passed by any such authority as may be prescribed by regulations."

10. *Amendment of section 24 of Guj. 30 of 1981.*—In the principal Act, in section 24,—

(1) in clause (a), for the word "Chairman," the words "Chief Executive Officer" shall be substituted;

(2) for clause (b), the following shall be substituted, namely:—

"(b) (i) No contract in respect of leasing of waterfront, jetty, waterway and corresponding infrastructural facilities thereof for a term exceeding five years shall be made unless it is previously approved by the State Government, on such terms and conditions as it may think fit.

(ii) Subject to sub-clause (i) of this clause, no contract for acquisition or sale of immovable property or for the lease of any such property for a term exceeding thirty years shall be made unless it is previously approved by the State Government, on such terms and conditions as it may think fit."

11. *Amendment of section 74 of Guj. 30 of 1981.*—In the principal Act, in section 74, in sub-section (2), in clause (a), after the figures "1970", the words "or in any corporation or financial institution controlled and managed by the State Government" shall be inserted.

12. *Amendment of section 80 of Guj. 30 of 1981.*—In the principal Act, in section 80, for the word "Chairman" where it occurs at two places, the words "Chief Executive Officer" shall be substituted.

13. *Amendment of section 82 of Guj. 30 of 1981.*—In the principal Act, in section 82, in sub-section (2), for the word "Chairman" where it occurs at three places, the words "Chief Executive Officer" shall be substituted.

14. *Amendment of section 87 of Guj. 30 of 1981.*—In the principal Act, in section 87, in sub-section (2), for the word "Chairman", the words "Chief Executive Officer" shall be substituted.

15. *Amendment of section 92 of Guj. 30 of 1981.*—In the principal Act, section 92 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:—

"(2) The State Government shall cause every annual Administration Report to be laid for not less than thirty days before the State Legislature as soon as may be after such report is received by the Government."

16. *Amendment of section 107 of Guj. 30 of 1981.*—In the principal Act, in section 107, for the word "member", the words "member or officer" shall be substituted.

17. *Amendment of section 108 of Guj. 30 of 1981.*—In the principal Act, in section 108, for the word "member", the words "member or officer" shall be substituted.

18. *Amendment of section 109 of Guj. 30 of 1981.*—In the principal Act, in section 109,—

(1) in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

"(aa) the terms and conditions of service of the Chief Executive Officer under sub-section (1) of section 17;"

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

"Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with previous publication of any rule to be made under this section."

19. *Amendment of section 110 of Guj. 30 of 1981.*—In the principal Act, in section 110, in sub-sections (2), (3) and (6), for the word "employees", the words "officers and employees" shall be substituted.

20. *Repeal and savings.*—(1) The Gujarat Maritime Board (Amendment) Ordinance, 1995 is hereby repealed.

Guj. Ord.
3 of 1995.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

STATEMENT

The provisions of sub-section (4) of section 3 of the Gujarat Maritime Board Act, 1981 existing immediately before the commencement of the Gujarat Maritime Board (Amendment) Ordinance, 1995 were found, at times, to leave no room for flexibility in the matter of appointment of members on the Board from amongst persons specified in clauses (b) to (h) of the said sub-section (4). It was, therefore, considered necessary to amend the said sub-section (4) to provide that the Board shall consist of not less than five and not more than twelve members, as the State Government thinks fit, to appoint and to take power to the Government to appoint members other than *ex-officio* from amongst persons who are, in the opinion of the Government, having expertise or experience in or capable of representing one or more of the interests of shipping, navigation, ports, sailing vessels, fisheries, trade, commerce, industry, workers of minor ports and such other interests as ought to be represented on the Board. Clause (a) of the said sub-section (4) provides for appointment of two members from amongst officers, one of whom is a representative of the department of the State Government in-charge of the administration of minor ports and the other representative of the Finance Department. It was considered necessary also to have the Commissioner of Fisheries as a member of the Board. Sub-section (4) of the said section 3 was proposed to be amended to provide accordingly.

As per provisions of sub-section (4) of section 10 existing immediately before the commencement of the said Ordinance, the business at meeting cannot be transacted for want of requisite quorum throughout the meeting. This requirement was proposed to do away with a view to transacting business without quorum throughout, at a meeting.

In order to enable the Chairman to devote more time in framing the policy for the effective working of the Board, it was considered necessary to relieve him from the burden of the executive work of the Board and to entrust such work to the Chief Executive Officer. It was, therefore, proposed to confer the powers of the Board on the Chief Executive Officer by amending sections 15, 24, 80, 82 and 87 of the Act.

Under section 17 existing immediately before the commencement of the said Ordinance, a person having experience of civil works, operation and administration of ports can be appointed as a Chief Executive Officer of the Board. On gaining experience, it was found that suitable person of such experience was not available for being appointed as Chief Executive Officer. Hence it was proposed to do away with such requirement of experience.

The provisions of sections 17 and 18 existing immediately before the commencement of the said Ordinance provide for creation of posts and appointment of the persons to such posts by the Board or by the State Government. It was proposed to give all powers of creation of posts and appointment except that of Chief Executive Officer to the Board. In case of the appointment of Financial Controller, -cum- Chief Accounts officer, prior consultation of Government is stipulated.

Section 24 existing immediately before the commencement of the said Ordinance provides that where the term of contract exceeds thirty years, the approval of the State Government is required to be obtained before the contract is made by the Board. The said limit was proposed to be reduced to five years in respect of contract for leasing of waterfront, jetties, waterways and corresponding infrastructural facilities with a view to having a proper check and control over the Board.

Section 74 existing immediately before the commencement of the said Ordinance proposed to be amended so as to enable the Board to deposit moneys standing at the credit of the Board in any corporation or financial institution controlled and managed by the State Government.

IV-Ex-21-2

There was no provision in section 92 existing immediately before the commencement of the said Ordinance for laying the report relating to the administration of the Board before the State Legislature. It was, therefore, proposed to make such provision in this section.

As the Gujarat Legislative Assembly was not in session at that time, the Gujarat Maritime Board (Amendment) Ordinance, 1995 was promulgated on the 8th September, 1995 to achieve the aforesaid objects.

The said Ordinance was laid before the Gujarat Legislative Assembly in its session which was summoned to meet on the 7th October, 1995 and prorogued on the same day. Therefore, the said Ordinance could not be replaced by an Act of State Legislature in that session. By virtue of sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said Ordinance would cease to operate after the 17th November, 1995, the date on which the period of six weeks from the date of re-assembly of the Gujarat Legislative Assembly expires. It is expedient to take immediate action to continue the operation of the provisions of the said Ordinance. Therefore, as the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid objects.

Camp Delhi,
Dated the 15th November, 1995.

NARESH CHANDRA,
Governor of Gujarat.

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

A. D. DESAI,
Secretary to Government.



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PART—IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
 Regulations made by the Governor.**

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 16th November, 1995.

GUJARAT ORDINANCE NO. 7 OF 1995.

AN ORDINANCE

*further to amend the Gujarat Legislative Assembly Members (Removal of
 Disqualifications) Act, 1960.*

WHEREAS the Governor of Gujarat has promulgated the Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Ordinance, 1995 on the 9th September, 1995;

Guj.
Ord.
4 of
1995.

AND WHEREAS the session of the Gujarat Legislative Assembly was summoned to meet on the 7th October, 1995 and was prorogued on the same day;

AND WHEREAS the said Ordinance could not be replaced by an Act of the State Legislature in that session;

AND WHEREAS the said Ordinance would cease to operate after the 17th November, 1995, the date on which the period of six weeks from the date of the reassembly of the Gujarat Legislative Assembly expires;

AND WHEREAS it is expedient to continue the operation of the provisions of the said Ordinance by law;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Ordinance, 1995.

(2) It shall be deemed to have come into force on the 9th September, 1995.

2. *Guj. 1 of 1960 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960 (hereinafter referred to as "the principal Act") shall have effect subject to the amendment specified in section 3. Guj. Ord. 1 of 1960

3. *Amendment of Schedule to Guj. 1 of 1960.*—In the principal Act, in the Schedule, after entry 30, the following entry shall be added, namely:—

"31. The office of Chairman or Director of Sardar Sarovar Narmada Nigam Limited."

4. *Repeal and savings.*—(1) The Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Ordinance, 1995 is hereby repealed. Guj. Ord. 4 of 1995

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

STATEMENT

Sardar Sarovar Narmada Nigam Limited requires able hands experienced in the fields of trade, commerce, industry, finance, management of public life to man it efficiently. This is particularly so with regard to this company which deals directly with the implementation of Sardar Sarovar Project which is crucial for the economic growth of the State of Gujarat. Sometimes, some members of the Gujarat Legislative Assembly are found suitable for the purpose but on account of the provision of disqualification in clause (1) of article 191 of the Constitution of India, a doubt arises whether acceptance of the post of a Chairman or Director of such company by a member of the Gujarat Legislative Assembly would disqualify him on the ground of holding an office of profit under the Government. It was, therefore, considered necessary to remove the disqualification that might be incurred by such member on being appointed as Chairman or Director of Sardar Sarovar Narmada Nigam Limited by adding entry 31 in the Schedule to the Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960. As the Gujarat Legislative Assembly was not in session at that time, the Gujarat Legislative Assembly Members (Removal of Disqualifications) (Amendment) Ordinance, 1995 was promulgated on the 9th September, 1995 to achieve the aforesaid object.

The said Ordinance was laid before the Gujarat Legislative Assembly in its session which was summoned to meet on the 7th October, 1995 and prorogued on the same day. Therefore, the aforesaid Ordinance could not be replaced by an Act of State Legislature in that session. By virtue of sub-clause (a) of clause (2) of article 213 of the Constitution of India, the said Ordinance would cease to operate after the 17th November, 1995, the date on which the period of six weeks from the date of reassembly of the Gujarat Legislative Assembly expires. It is expedient to take immediate action to continue the operation of the provisions of the said Ordinance. Therefore, as the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid object.

Camp Delhi,

Dated the 15th November, 1995.

NARESH CHANDRA,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat

Smt. K. R. TRIVEDI,
Secretary to Government.