

THE ANNUAL SURVEY OF STATE LAWS IN INDIA

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2023

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Suggested Citation: ASSL (2023)

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GUJARAT

SHILPI SHARMA*

Introduction

After Bhartiya Janta Party returned to power for its seventh term, the 15th Gujarat State Assembly became operational in December 2022 and held its first session on 20th of December 2022. Since the survey focuses on the year 2023, the first session has not been taken into consideration in this report. In the year 2023, the BJP government focussed primarily in the areas, in which it promised to take actions in their election manifesto. Some major promises in the manifesto were: development in the education sector, specifically girl education, uniform civil code, infrastructure & urban development.

Legislative Summary

The assembly worked for 29 days in 2023. It spent more hours in discussion (143 hours) in comparison to the year 2022 (110.7 hours). In 2023 the legislative output of the assembly was also greater than 2022. In 2023, 26 Bills were presented and debated.

Government Bills

The Government presented 16 Bills in the survey year. Out of these 16 bills, one Bill 'The Champaner-Pavagadh Archaeological Park World Heritage Area Management Authority (Repeal) Act'¹ was introduced only to repeal Champaner-Pavagadh Archaeological Park World Heritage Area Management Authority Act 2006 because it had become redundant after the Gujarat government constituted the Pavagadh Area Development Authority in order to develop and conserve prehistoric the archeological site in the Panchmahal District of Gujarat. The other bills presented and passed are thematically classified as follows.

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¹ Gujarat Bill No 20 of 2023, Act No. 11 of 2023.

Education: Priority for the Year

The State enacted seven Statutes with regard to higher education institutions and education reforms. Out of the seven statutes, four are Amendment Acts, two statutes were enacted to implement the National Education Policy 2020 and one to prevent unfair practices in examinations. Three amendment statutes were only concerned with introducing modifications in the names of the concerned Universities namely the Children's University (Amendment) Act, 2023, modified the name of the Children's University to Children's Research University, The Gujarat Natural Farming and Organic Agricultural University (Amendment) Act, 2023, altered the name of The Gujarat Natural Farming and Organic Agricultural University to "the Gujarat Natural Farming Science University" and the Gujarat Private Universities (Second Amendment) Act 2023 modifies the names of some existing private universities. Thus, AURO University of Hospitality and Management and Swarnim Startup and Innovation University altered their names to AURO University, Surat and Swarnim Startup and Innovation University respectively. In addition, four more private universities were established with this amendment to the Gujarat Private Universities Act. The Gujarat Public University Act 2023 unified 11 public universities in the State with the objective of enhancing the quality of education and better governance in all public universities other than agricultural, medical and sectorial universities.

The National Education Policy 2020 laid stress on teaching at the elementary level in the language spoken at home by the child.² The Gujarat assembly enacted the Gujarat Compulsory Teaching and Learning of Gujarati Language Act, 2023³ which required elementary level education to be compulsorily imparted in Gujarati. A penalty for the contravention of the condition has also been prescribed. The Act is applicable to all schools whether run by the government, local bodies, a private agency or a minority organisation. All schools are required to introduce Gujarati as an additional language from academic year 2023-24. However, section 6 allows schools to exempt persons whose domicile is not in Gujarat even as they are studying in a school in Gujarat, if the parent or guardian of such student seek an exemption from the provisions of the Act with valid reasons. The school is required to send the list of such students with necessary details to the District Education Officer. Section 7 authorises the education department, Government of Gujarat to exempt

² National Education Policy, 2020, ¶ 4.11, 4.12, available at https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf (Last visited on October 10, 2025).

³ Act No. 04 of 2023.

any school or category of students from all or any of the provisions of the Act by notifying the same by a general or special order in the official gazette.

The Gujarat Public Examination (Prevention of Unfair Means) Act, 2023⁴ was enacted to improve the quality of education by preventing the use of unfair means by any person in any public examination. The legislation was introduced in the Assembly a few days after the question paper of the panchayat junior clerk examination leaked.⁵ The legislation provides an elaborate definition of unfair means and also recognises that such unfair means could be practised by a person or a group of persons in connivance with the examination authority which it categorises as an organised crime. The practice of unfair means, aiding and abetting such wrongful conduct and obstructing supervisory and inspection staff from doing their duty as also practising unfair means as an organised crime have been rendered punishable by the Act. The years of imprisonment and amount of fine rising alongwith the gravity of the crime. At the lower end of the scale, any examinee using unfair means can be punished with imprisonment up to three years along with a fine not less than rupees one lakh. When practised as organised crime the imprisonment would be at least for a period of 7 years with a minimum fine of rupees one crore.

Land, Agriculture & Natural Resources

An amendment was brought in the legislation on promotion of agricultural produce in Gujarat and its marketing by enacting the Gujarat Agricultural Produce and Marketing (Promotion and Facilitation) (Amendment) Act, 2023.⁶ The amendment Act promotes inter-state trade by opening the possibility of the traders of other States to trade in the agricultural produce of Gujarat in case they either have a license from any other State or are entitled as per any Memorandum of Understanding signed between the States.

Urban Development and Local Governance

The Gujarat Regularisation of Unauthorised Development Bill 2022 was notified in January 2023⁷ and deemed to come into force from October 2022. A legislation to further amend the Act was passed as Gujarat Regularisation of Unauthorised Development (Amendment) Act, 2023, which authorises the State government through a notification in the official

⁴ Act No. 02 of 2023.

⁵ NDTV, *10 Years Jail, Rs 1 Crore Fine: Bill To Curb Paper Leak Passed In Gujarat*, February 24, 2023, available at <https://www.ndtv.com/india-news/gujarat-assembly-passes-bill-aimed-at-curbing-paper-leak-in-recruitment-exams-10-years-jail-rs-1-crore-fine-proposed-3809705> (Last visited on April 27, 2024)

⁶ Act No.16 of 2023.

⁷ Act No. 1 of 2023.

gazette to extend the period for making an application for regularisation of the unauthorised development.

A noteworthy legislation of this year with reference to the local governance is the Gujarat Local Authorities Laws (Amendment) Act, 2023.⁸ The legislation increases the reservation for the OBC members in the local bodies from 10% to 27%. This percentage of 27% of reservation will be applicable to Municipalities, Municipal Corporations, Gram Panchayats, Taluka Panchayats and District Panchayats in the State but not to the areas under the Panchayats (Extension to Scheduled Areas) Act where the Scheduled Tribe population is more than 50%. The legislation is passed based on the recommendations of the Zhaveri Commission which was appointed in the year 2022 by the state government to fix quotas of OBC reservation.

Finance and Taxation

Other than the Appropriation Acts, the Gujarat assembly passed two taxation laws in the year. The Gujarat Goods and Services Tax (Amendment) Act 2023 imposed 28% of GST on the full face-value of bets in online gaming, casinos, and horse racing. The Act also established an appellate authority in the State for GST related matters. Further the Gujarat Taxation Laws (Amendment) Act 2023 made amendments in many taxation laws of the state such as: Gujarat Value Added Tax Act 2003; Gujarat Motor Spirit Cess Act, 2001; Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976; Gujarat Electricity Duty Act, 1958 and Gujarat Stamp Act, 1958. The amendments provide that, the rate of interest on non-payment of dues should not be more than 18%.

Private Member Bills

Gujarat had as many as 10 private member bills tabled for discussion. The Gujarat Prevention of Water Pollution and Purification of Rivers Bill, 2023;⁹ the Gujarat Prohibition on holding Protest in a Public Places Bill, 2023;¹⁰ the Gujarat Promotion of Small Family (Incentive) Bill, 2023;¹¹ the Gujarat Prevention of people from illegally pulling out water from Government Network of Water Supply Bill, 2023;¹² the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises

⁸ Act No. 17 of 2023.

⁹ The Gujarat Prevention of Water Pollution and Purification of Rivers Bill, 2023, Gujarat Bill no. 9 of 2023.

¹⁰ The Gujarat Prohibition on holding protest in a Public Places Bill, 2023, Bill no. 8 of 2023.

¹¹ The Gujarat Promotion of Small Family (Incentive) Bill, 2023, Bill no. 7 of 2023.

¹² The Gujarat Prevention of people from illegally pulling out water from Government Network of Water Supply Bill, 2023, Bill no. 6 of 2023.

in Disturbed Areas (Repeal) Bill, 2023;¹³ The Gujarat Employment Guarantee Bill, 2023;¹⁴ The Gujarat Payment of Unemployment Allowance to Unemployed Bill, 2023;¹⁵ the Gujarat Devasthan Area Development Authority Bill, 2023;¹⁶ the Gujarat Prohibition on Burning of waste by citizens and sanitary workers in Public Places Bill, 2023¹⁷ and the Gujarat Compulsory Registration and Regulation of Drivers of Private Vehicles Bill, 2023.¹⁸

Private member bills are generally means of discourse creation. They can become law only if the government lends its support to the proposal of the legislator. It is generally found that private member bills attempt to give voice to the aspirations of the people instead of being instruments which enhance the authority of the government. Interestingly, other than the two bills which aim to guarantee employment and provide for an unemployment allowance all other bills are seeking an enhancement of the regulatory power of the government and press for the prohibitory use of the law, be it by prohibiting the use of public places for protest or burning waste by citizens and sanitation workers.

Conclusion

The Gujarat legislature, in the survey year, dedicated itself to the development in infrastructure, establishment of research and educational institutions and social justice. It also had in 2023, more sitting hours and legislative actions in comparison to the previous year. Focussing primarily on the education sector, the public Universities are streamlined. Steps towards strengthening qualitative aspects of education by adoption of home language at the elementary level and criminalising the use of unfair means are taken in the year. The legislature generated resources by widening the scope of Inter-State trade of agricultural produce and enactment of various State taxation laws. Inclusive development strategies are adopted while regularising the unauthorised constructions and ensuring 27% reservation for OBC members in the local governance. The assembly also deliberated on a range of private member Bills which both pressed for entitlements and sought curtailment of liberties.

¹³ The Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas (Repeal) Bill, 2023, Bill no. 5 of 2023.

¹⁴ The Gujarat Employment Guarantee Bill, 2023, Bill no. 4 of 2023.

¹⁵ The Gujarat Payment of Unemployment Allowance to Unemployed Bill, 2023, Bill no. 13 of 2023.

¹⁶ The Gujarat Devasthan Area Development Authority Bill, 2023, Bill no. 12 of 2023.

¹⁷ The Gujarat Prohibition on Burning of waste by citizens and sanitary workers in Public Places Bill, 2023, Bill no. 11 of 2023.

¹⁸ The Gujarat Compulsory Registration and Regulation of Drivers of Private Vehicles Bill, 2023, Bill no. 10 of 2023.