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PART IV

Acts of 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 19th December, 2019 is hereby published for general information.

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

GUJARAT ACT NO. 33 OF 2019.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 20th December, 2019).

AN ACT

to provide for development of the area and management of Tourism in and around the Statue of Unity at Kevadia in the State of Gujarat by providing necessary civic infrastructure through effective planning, administration, and the matters connected therewith and incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Statue Of Unity Area Development and Tourism Governance Act, 2019.

(2) It shall extend to the Tourism development area as declared under section 3.

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

Short title, extent
and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires-
- (a) "amenities" means basic and essential services including but not limited to roads, bridges, bypasses and underpasses, drainage, water supply, power supply and electrical installations, collection-treatment- discharge and disposal of institutional and township waste, health, education, transport, disaster management, parks, green areas, gas pipeline, entertainment, hospitality, recreation, industry, townships and institutional areas and other facilities of conveniences and such other services as the SOUADTG Authority may specify;
- (b) "building operations" shall have the same meaning as is assigned to it under clause (vi) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976;
- (c) "developer" means a person or entity with whom a concession agreement is entered into or a project has been awarded and for which such other agreement is entered into for furtherance of the objectives of this Act;
- (d) "development" shall have the same meaning as is assigned to it under clause (viii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976.
- (e) "development plan" means a plan for the development or re-development or improvement of a Tourism development area;
- (f) "engineering operations" shall have the same meaning as is assigned to it under clause (xi) of section 2 of the Gujarat Town Planning and Urban Development Act 1976;
- (g) "Government agency" means a Corporation or a Government company or a body owned or controlled by the State Government or an authority established by or under any State law and includes a local authority;
- (h) "land" shall have the same meaning as is assigned to it under clause (xiii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976;
- (i) "local authority" means a municipality constituted or deemed to be constituted under the Gujarat Municipalities Act, 1963, a committee appointed for a notified area under the Gujarat Municipalities Act, 1963 or a panchayat constituted under the Gujarat Panchayats Act, 1993;
- (j) "Notification" means a notification published in the *Official Gazette*;
- (k) "Nuisance" includes any act of commission or omission or carrying on of any activity, process, operation including the operation of any machine which causes or is likely to cause injury, danger, or which is or may be dangerous to life or injurious to health or property or to any animal or plant;

President's Act
No. 27 of 1976.

President's Act
No. 27 of 1976.

President's Act
No. 27 of 1976.

President's Act
No. 27 of 1976.

Guj. 34 of 1964.

Guj. 18 of 1993.

- (l) "occupier" includes, -
- (i) any person who for the time being is paying or is liable to pay to the owner the rent of the land or building in respect of which such rent is paid or is payable;
 - (ii) an owner living in or otherwise using his land or building;
 - (iii) a rent-free tenant;
 - (iv) a licensee in occupation of any land or building;
 - (v) any person who is liable to pay to the owner damages or compensation for the use and occupation of any land or building;

but, shall not include a person who on the date of commencement of this Act is in illegal possession of any land which has been acquired by the State Government or by any other authority and has vested in the State Government and shall not also include a person who has encroached upon such land;

- (m) "operational construction" shall have the same meaning as is assigned to it under clause (xvii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976.
- (n) "owner", in relation to any property, includes any person who is, for the time being receiving or entitled to receive, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as an agent, trustee, guardian, manager or receiver for any other person or for any religious or charitable institution, the rents or profits of the property; and also includes a mortgagee in possession thereof but shall not include any such person who on the date of commencement of this Act is in illegal possession of any land which has been acquired by the State Government or by any other authority and has vested in the State Government and shall also not include a person who has encroached upon such land;
- (o) "person" means and includes, an individual, an entity, a company, firm, organization, association of persons, society, establishment, institution including Government agencies carrying on business or economic activity in the Tourism development area;
- (p) "prescribed" means prescribed by rules made under this Act;
- (q) "Prescribed Authority" means an Authority appointed under section 25;
- (r) "regulations" means a regulations made under section 54 and includes zoning and other regulations made as part of a development plan or town planning scheme;
- (s) "rules" means rules made under section 53;
- (t) "Statue Of Unity" means the statue of Shri Sardar Vallabhbai Patel, located at Kevadia, District: Narmada, Gujarat;

President's Act
No. 27 of 1976.

- (u) "Statue Of Unity Area Development and Tourism Governance Authority" means the authority constituted under section 4 or any Government agency or Government company designated as such under sub-section (4) of section 4;
- (v) "Tourism activity" means the activities and services including but not limited to industrial, manufacturing, commercial, financial, processing, packaging, logistics, transport, tourism, hospitality, health, housing, entertainment, research and development, education and training, skill development, information and communication, management and consultancy, corporate offices and the activities and services connected therewith or incidental thereto and other activities including the economic activities as the State Government may specify by notification in the *Official Gazette*;
- (w) "Tourism development area" means the area declared under section 3;
- (x) "Tourism trade" means and includes facilities, service, activities or products relating to Tourism provided to a tourist in a premises by any person or travel agency regularly or occasionally within Tourism development area or otherwise;
- (y) "tourist guide" means the tourist guide appointed under section 30.

CHAPTER II

DECLARATION OF TOURISM DEVELOPMENT AREA

**Declaration of
Tourism
development
area.**

3. (1) The State Government, for the purpose of securing planned Tourism development and governance in and around Kevadia, District Narmada and in the vicinity of Statue Of Unity, may, by notification in the *Official Gazette*, declare such area to be the Tourism development area.

(2) Every notification issued under sub-section (1) shall define the limits of the area to which it relates.

(3) The State Government may also, by notification in the *Official Gazette*, extend the Tourism development area as and when it deems fit.

CHAPTER III

CONSTITUTION OF SOU TOURISM AUTHORITY

**Constitution of
SOU Tourism
Authority.**

4. (1) As soon as may be after the declaration of a Tourism development area under section 3, the State Government shall, by notification in the *Official Gazette*, constitute an authority for such area to be called the Statue Of Unity Area Development and Tourism

Governance Authority (hereinafter referred to as "SOU Tourism Authority") for such Tourism development area for the purpose of carrying out the functions assigned to it by or under this Act.

(2) The headquarters of the SOU Tourism Authority shall be at Kevadia, District Narmada:

Provided that the State Government may, by notification in the *Official Gazette*, specify any other place as the headquarters of the SOU Tourism Authority.

(3) (a) The SOU Tourism Authority shall consist of the following members, namely: -

- (i) the Chairman to be appointed by the State Government;
- (ii) the Vice Chairman – Managing Director, Sardar Sarovar Narmada Nigam Limited, *ex-officio*;
- (iii) the Vice Chairman – Secretary / Principal Secretary / Additional Chief Secretary of Urban Development Department, *ex-officio*;
- (iv) the Vice Chairman – Secretary / Principal Secretary / Additional Chief Secretary (Narmada), *ex-officio*;
- (v) the Vice Chairman – Secretary / Principal Secretary/ Additional Chief Secretary of Tourism Department, *ex-officio*;
- (vi) the Member-Secretary – Managing Director of Tourism Corporation of Gujarat Limited, *ex-officio*;
- (vii) the Secretary, Roads and Buildings Department, *ex-officio*;
- (viii) the Joint Managing Director, Sardar Sarovar Narmada Nigam Ltd., and Member-Secretary, Sardar Vallabhbai Patel *Rashtriya Ekta* Trust (SVPRET), *ex-officio*;
- (ix) the Chief Executive Officer – Chief Administrator – SOU, *ex-officio*;
- (x) the Collector, Narmada District, *ex-officio*;
- (xi) the District Development Officer, Narmada District, *ex-officio*;
- (xii) the Chief Town Planner, Gujarat., *ex-officio*;
- (xiii) the Superintendent of Police, Narmada District, *ex-officio*;
- (xiv) the Principal Chief Conservator of Forest (Wild Life), *ex-officio*;
- (xv) the Deputy Conservator of Forest, Kevadia, *ex-officio*;
- (xvi) the Chief Engineer (Dam and Vadodara), Sardar Sarovar Narmada Nigam Ltd, *ex-officio*;
- (xvii) the Chief Engineer, Gujarat Water Supply and Sewerage Board, Surat, *ex-officio*;

- (xviii) the Chief Engineer, Daxin Gujarat Vij Company Ltd., Surat, *ex-officio*;
- (xix) three experts who possess experience and knowledge in area development or Tourism to be nominated by the State Government;
- (xx) President, District Panchayat, Narmada.

(b) The Chairman shall have powers to co-opt the members, not exceeding three, in the SOU Tourism Authority subject to the rules as may be prescribed:

Provided that no such appointment shall be made except without the prior consultation with the State Government.

(c) The terms and conditions of service of the members so co-opted shall be as may be determined by the State Government.

(4) The State Government may, instead of constituting the SOU Tourism Authority, designate any Government agency or Government company as the SOU Tourism Authority and empower it to exercise in part or all the powers to enable it to perform the functions by or under this Act.

5. (1) The term of office, conditions of service and powers and functions of the Chairman, Vice-Chairman, the Member-Secretary, the Chief Executive Officer and members appointed under sub-clause (xix) of clause (a) of sub-section (3) of section 4 of the SOU Tourism Authority shall be such as may be prescribed.

(2) The Chairman, the Vice-Chairman and the members of the SOU Tourism Authority other than *ex-officio* members shall hold office during the pleasure of the State Government.

(3) The conditions of service of the members of the SOU Tourism Authority other than *ex-officio* members shall be such as may be prescribed and such members shall be entitled to receive such remuneration or allowances or both as the State Government may by order determine.

(4) (a) If the State Government is of opinion that any member of SOU Tourism Authority is guilty of misconduct in the discharge of his duties or is incompetent or has become incapable of performing his duties as such member, or should for any other good and sufficient reasons, be removed, the State Government may, after giving him an opportunity to be heard, remove him from office.

(b) Any member of the SOU Tourism Authority other than an *ex-officio* member may at any time resign his office by writing under his hand addressed to the State Government and upon the acceptance thereof, the office of such member shall become vacant.

Term of office
and conditions
of service of
members.

6. (1) The SOU Tourism Authority shall meet at such time and at such place as the Chairman may determine:

**Meeting of SOU
Tourism
Authority and
transaction of
business.**

Provided that the procedure with regard to transaction of business at its meetings including quorum at such meeting shall be such as may be laid down by the SOU Tourism Authority in consultation with the State Government.

(2) The SOU Tourism Authority shall meet at least once in every quarter.

(3) The appointment, remuneration, allowances and conditions of services of the officers and employees of SOU Tourism Authority shall be such as may be prescribed by regulations.

7. (1) The SOU Tourism Authority may constitute an Executive Committee and such other committees consisting of members not exceeding six in numbers, for the performance of its functions as may be determined by it.

**Constitution of
Committees.**

(2) The terms and conditions of any of the committees constituted under sub-section (1) shall be as may be determined by the SOU Tourism Authority.

8. No act or proceedings of the SOU Tourism Authority and any of its committees shall be invalid or vitiated merely by reason of –

**Validity of acts
and proceedings
of SOU Tourism
Authority and
committees.**

- (a) a vacancy therein or any defect in the constitution thereof, or
- (b) an irregularity in its procedure not affecting the merits of the case.

CHAPTER IV

POWERS AND FUNCTIONS OF SOU TOURISM AUTHORITY

9. (1) The SOU Tourism Authority shall secure planned development of the Tourism development area and take steps to provide basic infrastructure and measures for effective management thereof.

**Powers and
functions of SOU
Tourism
Authority.**

(2) The SOU Tourism Authority shall, in particular, exercise the following powers and perform the following functions namely: -

- (i) to engage or assist or promote necessary facilities for tourists;
- (ii) to establish, maintain and operate services connected with the Tourism industry and to coordinate the activities of the persons providing such services for tourists;

30 of 2013.

- (iii) to prescribe, regulate, maintain and enforce the standards to be maintained by the different persons engaged in Tourism trade and Tourism activity;
- (iv) to acquire hereinafter by sale, take on lease, hire, pledge or otherwise, grant, allocation, donation, town planning scheme, consent agreement or through proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, hold or manage any moveable or immoveable property as it may deem necessary subject to general or specific directions of the State Government in this behalf;
- (v) to sale, lease, transfer or dispose of any land or building belonging to it subject to the regulations made by the State Government;
- (vi) to enter into contracts, agreements or concession agreement with any person, entity, developer or organization as it may deem necessary for performing its functions;
- (vii) to undertake preparation and execution of development plan for whole or part of the area of the Tourism development area;
- (viii) to undertake preparation and execution of town planning scheme for whole or part of the Tourism development area;
- (ix) to make general or specific regulations or issue directions to fix so as to implement the standards and the norms for building structures, infrastructure development, aesthetics and other construction activities;
- (x) to remove encroachments from Tourism development area and constructions therefrom not duly authorized or made in violation of the regulations, directions and norms laid down;
- (xi) to control the development activities in accordance with the development plan and to bring aesthetics, efficiency and economy in the process of development;
- (xii) to ensure and make provision for sufficient civic amenities including drainage and services including hospitals and medical services, schools, fire services, public parks, markets and shopping places, play grounds, entertainment areas and disposal of waste.
- (xiii) to make sustainable arrangements for providing and maintaining the highest standards in civic amenities such as water supply, sewerage, power supply, transportation, communication, infrastructure and services particularly for cleanliness, aesthetics, health, hygiene, etc.

- (xiv) to provide for disaster management and mitigation;
 - (xv) to levy and collect such fees, development charges, or user charges as may be fixed by the State Government;
 - (xvi) to exercise such other powers and discharge such other functions for proper planning, management and development of the Tourism development area, the SOU Tourism Authority may issue such directions or instructions as it may consider necessary to any person, unit, entity, developer or any other stakeholder.
 - (xvii) to exercise such other powers and discharge such other functions as may be prescribed by rules or regulations.
 - (xviii) to appoint directly by contractual appointment / deputation/ outsourcing or in any other manner the staff for carrying out various functions and duties specified by the Act and determine remuneration thereof.
 - (xix) to exercise such other powers and perform such other functions as are incidental or consequential to any of the foregoing powers and functions or as may be directed by the State Government.
- (3) On receipt of the proposal from the SOU Tourism Authority or otherwise, the State Government may, by notification in the *Official Gazette*, delegate any of the powers and functions of the SOU Tourism Authority to the local authority or authorities or an officer within its jurisdiction.
- (4) Notwithstanding anything contained in the relevant State Acts, rules or any existing instructions of the State Government, the provisions made under clause (iv) of sub-section (2) shall prevail.

CHAPTER V TOWN PLANNING

10. (1) The provisions of the Gujarat Town Planning and Urban Development Act, 1976, shall *mutatis mutandis*, apply with respect to the Development Plans and to the Town Planning Schemes made under this Act.

(2) The SOU Tourism Authority shall be The "Appropriate Authority" for the Tourism development area for the purposes of sub-section (1).

Application of
President's Act
No. 27 of 1976.

CHAPTER VI
CONTROL, REGULATION AND DEVELOPMENT IN
TOURISM DEVELOPMENT AREA

Restriction on
development
after publication
of draft
development
plan.

11. (1) On or after the date on which the SOU Tourism Authority is constituted, no person shall carry on any development in any building or in or over any land, within the limits of the said Tourism development area without the permission in writing of the SOU Tourism Authority:

Provided that no such permission shall be necessary, -

- (i) in respect of any work which is being carried on by the State Government on the date of commencement of this Act;
- (ii) for any work being carried on for the maintenance, improvement or other alteration of any building and which affect only the interior of the building or which does not materially affect the external appearance thereof;
- (iii) for the carrying out of-
 - (a) any operational construction undertaken by the Central Government or a State Government;
 - (b) any work for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables, telephone or other apparatus or the breaking open of any street or other land for such purpose;
- (iv) for any excavation, including excavation of wells made in the ordinary course of an agricultural operation;
- (v) for the construction of a road intended to give access to land solely for agricultural purposes;
- (vi) for the normal use of land which has been used temporarily for other purposes;
- (vii) in case of land normally used for one purpose and occasionally used for any other purpose, for the use of land for that other purpose;
- (viii) for any purpose incidental to the use of a building for human habitation or any other building or land attached to such building.

Application of
permission for
development.

12. Any person, not being the Central Government or a State Government, intending to carry out any development in any building or in or over any land within the limits of a Tourism development area shall, make an application in writing to the SOU Tourism Authority for permission for such development in such form and containing such particulars and accompanied by such documents as may be determined by regulations.

13. (1) Any person not being the Central Government or a State Government, intending to retain any use of building or work constructed or carried out on any land, or to continue any use of any particular land, before the date on which a final development plan comes into force, which is not in conformity with the provisions of the regulations or the final development plan, shall make an application in writing to the SOU Tourism Authority for permission to retain or continue such use, containing such particulars and accompanied by such documents and such fees as may be determined by regulations, within six months from the date on which the final development plan in respect of such Tourism development area comes into force.

Permission for retention or continuance of use of any building or work or any use of land.

(2) On and after the date on which the said period of six months expires, no person shall retain or continue any such use of building or work or land, without such permission having been obtained or contrary to the terms thereof:

Provided that where such person has applied under sub-section (1) within period of six months and no order has been made within a period of six months after the receipt of the application under said sub-section (1), he shall retain or continue such use until the date of such order.

14. (1) On receipt of an application under section 12 or section 13, the SOU Tourism Authority shall furnish the applicant with a written acknowledgement of its receipt and after satisfying itself that the development charge, if any, payable by the applicant has been paid and after making such inquiry as it thinks fit may, subject to the provisions of this Act, by order in writing-

Grant or refusal of permission.

- (i) grant the permission with or without any condition; or
- (ii) grant the permission, subject to any general or special orders made by the State Government in this behalf; or
- (iii) refuse to grant the permission.

(2) Any permission under sub-section (1) shall be granted in the prescribed form and every order granting permission subject to conditions or refusing permission shall state the grounds for imposing such conditions or for such refusal.

(3) Every order made under sub-section (1) shall be communicated to the applicant in the manner prescribed by regulations.

(4) If the SOU Tourism Authority fails to communicate its order to the applicant within three months from the date of receipt of the application, such permission shall be deemed to have been granted to the applicant on the expiry of the said period of three months.

Unauthorized
construction.

15. (1) If any person carries on any development work or retains the use of any building or work or continues the use of land in contravention of the provisions of section 12 or section 13 or of any permission granted under sub-section (1) of section 14, the SOU TOURISM Authority may direct such person, by notice in writing, to stop further progress of such work or to discontinue any use and may, after making an inquiry in the prescribed manner, remove or pull down any building or work carried out and restore the land to its original condition or, as the case may be, take any measures to stop such use.

(2) Any expenses incurred by the SOU Tourism Authority under sub-section (1) shall be a sum due to the SOU Tourism Authority under this Act from the person in default.

Obligation to
purchase land on
refusal of
permission or
grant of
permission in
certain cases.

16. (1) Where permission for the retention or continuance or retention of use of building or work or land of the kind referred to in section 13 is refused or is granted subject to any conditions, then, if any owner of the land claims-

- (a) in a case where such permission is refused on the ground that the land in question has become incapable of reasonable beneficial use in its existing state,
- (b) in a case where permission is granted subject to conditions, due to which the land has become incapable of reasonable beneficial use by carrying out the conditions of the permission,

he may, within the time and in the manner determined by regulations, serve on the SOU Tourism Authority a notice (herein after referred to as a purchase notice) requiring the SOU Tourism Authority to purchase his interest in the land in accordance with the provisions of this section.

(2) Where a purchase notice is served on the SOU Tourism Authority under sub-section (1), the SOU Tourism Authority shall forthwith transmit a copy of the notice to the State Government and the State Government shall, if satisfied, confirm the notice and thereupon the SOU Tourism Authority shall be deemed to be authorized to acquire the interest of the owner in accordance with the provisions of this Act, and shall serve on the owner a notice for acquiring his interest in such land on such date as the State Government may direct.

(3) If the State Government does not confirm the purchase notice, within the period of six months from the date on which the purchaser has served notice under sub-section (1), the notice shall be deemed to have been confirmed at the expiration of that period and the SOU Tourism Authority on which the notice was served shall be deemed to be authorized to acquire the interest of the owner.

17. Every permission granted or deemed to have been granted under section 14 shall remain in force for a period of one year from the date of such grant and thereafter it shall lapse:

Lapse of permission.

Provided that, the SOU Tourism Authority may, on an application from time to time, extend such period by a further period not exceeding one year at a time, so however, that the extended period shall in no case exceed three years in the aggregate:

Provided further that the lapse of the permission as aforesaid shall not bar any subsequent application for fresh permission under this Act.

18. (1) If it appears to the SOU Tourism Authority that it is necessary or expedient, having regard to the development plan that may have been prepared or may be under preparation or having regard to any variation made in the final development plan that any permission granted under section 14 should be revoked or modified, the SOU Tourism Authority may, after giving the person concerned an opportunity of being heard, by an order, revoke or modify the permission to such extent as appears to it to be necessary :

Power of revocation and modification of permission to development.

Provided that where the permission relates to the carrying out of any building or other operation, in or over any land, no such order shall affect such of the operations as may have already been carried out in pursuance of the permission and no such order shall be passed after such operations have substantially progressed or have been completed.

(2) Where any permission is revoked or modified by an order made under sub-section (1) and any owner claims, within the time and in the manner as may be prescribed, compensation for the expenditure incurred in carrying out any development in accordance with such permission which has been rendered abortive by the revocation or modification, the SOU Tourism Authority shall, after giving the owner a reasonable opportunity of being heard, assess and offer such compensation to the owner as it thinks fit.

(3) If the compensation as offered under sub-section (2) is not acceptable to the owner, he may prefer an appeal before the District Judge within a period of three months from the date of such order:

Provided that no such appeal shall be entertained if not made within the stipulated time limit.

19. (1) Any person who, whether at his own instance or at the instance of any other person, commences, undertakes or carries out development-

(a) without any application for permission required under section 12;

Penalty for unauthorized development or use or continuance or retention of the use without permission.

- (b) which is not in accordance with any permission granted under section 13 or section 14 or is in contravention of any condition subject to which such permission has been granted;
- (c) after such permission has been duly revoked; or
- (d) in contravention of any modification made in such permission,

shall, on conviction, be punished with fine which may extend to fifty thousand rupees, and in the case of a continuing offence with a further fine which may extend to five thousand rupees for each day during which the offence continues after conviction for the first offence.

(2) Any person who continues to use or allows the use of any land or building or work in contravention of the provisions of a development plan or being allowed to do so under section 14 or where the continuance of such use has been allowed under that section, continues such use after the period for which the use has been allowed, or does not comply with the terms and conditions under which the continuance of such use is allowed, shall, on conviction, be punished with fine which may extend to fifty thousand rupees and in the case of a continuing offence, with a further fine which may extend to five thousand rupees for each day during which such offence continues after conviction for the first offence.

Power to require
removal of
unauthorized
development or
use.

20. (1) Where any development has been carried out in any of the circumstances referred to in sub-section (1) of section 19, or any use of land or building or work is continued so as to constitute an offence punishable under sub-section (2) of section 19, the SOU Tourism Authority may, subject to the provisions of this section, within three years of such development, or continuance of use so made, serve on the owner a notice requiring him, within such period, being not less than one month as may be specified therein, after the service of the notice,-

- (a) to restore the land or building to its condition existing before the said development took place, in cases specified in clause (a) or clause (c) of sub-section (1) of section 19;
- (b) to secure compliance with the conditions or with the permissions as modified, as the case may be, in cases specified in clause (b) or clause (d) of sub-section (1) of section 19;
- (c) to discontinue such use of building or land or work:

Provided that where the notice requires the discontinuance of any use of land or building, the SOU Tourism Authority shall also serve a notice on the occupier.

(2) The notice under sub-section (1) may include the following, namely: -

- (a) the demolition or alteration of any building or work;
- (b) the carrying out on land of any building or other operations.

(3) Any person aggrieved by such notice may, within the period specified in the notice, make representation to the SOU Tourism Authority.

(4) The SOU Tourism Authority, after considering the representation and, if it deems fit, after providing an opportunity of being heard, may withdraw the notice fully or to the extent in respect of any of the matters specified therein:

Provided that in case where the representation is not withdrawn fully, the SOU Authority may grant a period not exceeding one month for the compliance of the matters which have not been withdrawn.

(5) In case where the owner acts in breach of the provisions of sub-section (1) or in breach of the provisions of sub-section (4), as the case may be, the SOU Tourism Authority may pass an appropriate order,-

- (a) to discontinue of any use of land or building made in contravention of the notice;
- (b) to demolish or alter any building or work or other operations, and recover the amount of any expenses incurred by it in this behalf from the owner as an arrear of land revenue, where the notice requires for demolition or alteration of any building or work or the carrying out of any construction or other operations, for the purpose of the restoration of the building to its condition before the development took place and secure compliance with the conditions of the permission or with the permission.

(6) Whoever, contravenes clause (a) of sub-section (5) shall, on conviction, be punished with fine which may extend to fifty thousand rupees, and in the case of a continuing offence, with a further fine which may extend to one thousand rupees for each day during which such offence continues after conviction for the first offence.

21. (1) Notwithstanding anything contained in this Chapter, where any person has carried out any development of a temporary nature in any of the circumstances referred to in sub-section (1) of section 20, so as to constitute an offence punishable under that section, the SOU Tourism Authority may, by an order in writing, direct such person to remove any structure or work erected within fifteen days of the receipt of such order, and if thereafter, the person does not comply with the said order, the SOU

Removal of unauthorized, temporary development summarily.

Tourism Authority may direct the Superintendent of Police, Narmada District to have such structure or work summarily removed without any notice and thereupon any such structure or work shall be summarily removed.

(2) The decision of the SOU Tourism Authority on the question as to what is development of a temporary nature shall be final.

Recovery of
expenses
incurred.

22. Any expenses incurred by the SOU Tourism Authority under section 20 or section 21 shall be a sum due to the SOU Tourism Authority under this Act from the person in default or the owner of the land or the building.

Development
under taken on
behalf of
Government and
SOU Tourism
Authority.

23. (1) Where any Department of the Central Government or a State Government intends to carry out development of any land for any purpose of the Government or for carrying out any operational construction, it shall inform in writing the SOU Tourism Authority of its intention to do so, giving full particulars thereof, and accompanied by such documents and plans as may be prescribed at least thirty days before undertaking such development or construction.

(2) Where the SOU Tourism Authority raises any objection to the proposed development on the ground that such development is not in conformity with the provisions either of any development plan under preparation, or development plan already sanctioned, or of any building bye-laws in force for the time being, or for any other material consideration, the Department shall-

- (i) either make necessary modifications in the proposals for development to meet the objections raised by the SOU Tourism Authority; or
- (ii) submit the proposals for development together with the objections raised by the SOU Tourism Authority to the State Government for decision.

(3) The State Government on receipt of the proposals for development together with the objections of the SOU Tourism Authority shall, either approve the proposals with or without modifications or direct the department to make such modifications in the proposals as it considers necessary in the circumstances.

(4) Where the SOU Tourism Authority intends to carry out development of land for its own purpose in the exercise of its powers under any law for the time being in force, such development shall be in conformity with the development plan and of the bye-laws or regulations relating to construction of buildings.

(5) The provisions of sections 12, 13 and 14 shall not apply to developments carried out under this section.

CHAPTER VII

TOURISM AREA PROTECTION AND MAINTENANCE

24. (1) The District Police shall assist the officers or any other persons authorized to discharge any of the provisions for enforcement of this Act particularly in respect of the following, namely:-

District police to assist SOU Tourism Authority.

- (i) for the better protection and security of the public property within the Tourism development area including prevention of encroachments and removal thereof;
- (ii) for aiding the officers of the SOU Tourism Authority in the detection and investigation of any matter relating to leakage of revenue or any amount payable to the SOU Tourism Authority;
- (iii) for effective communication and obtaining of any information regarding any design to commit or the commission of any offence by any person under this Act or any rules or regulations made thereunder;
- (iv) to exercise such other powers and discharge such other functions as may be prescribed.

(2) Notwithstanding anything contained in the Gujarat Police Act 1951, the prescribed authority, for the purposes of sub-section (1) shall have power of superintendence over the police.

Bom. XXII of 1951.

25. The State Government may, by notification in *Official Gazette*, appoint any officer to be a Prescribed Authority for the Tourism development area.

Appointment of Prescribed Authority.

26. Notwithstanding anything contained in any other law for the time being in force, or any instrument, contract or usage or any order, judgment or decree of any court, no person, company, association or firm or any other body shall cause any nuisance within the Tourism development area.

Prevention of nuisance.

27. (1) The Prescribed Authority, either on its own motion or upon a complaint received or upon reference made to him, may, by an order in writing and without giving any prior notice, prohibit any nuisance being caused or prevent any such activity, process, operation being carried out, if in his opinion, the same has damaged or deteriorated or is likely to damage or affect adversely to tourism potentiality of the Tourism development area, and pass such interim orders as it deems fit.

Power of Prescribed Authority to prohibit nuisance.

Notice for removing the nuisance.

(2) If, in the opinion of the Prescribed Authority, despite the actions taken by him under sub-section (1) a nuisance is continued, he shall issue notice to the person responsible for such nuisance to remove such nuisance forthwith.

Object of nuisance shall stand forfeited and vested in the Government.

(3) If the concerned person fails to comply with the directions under sub-section (1), the material thing or object of nuisance shall stand forfeited and vested in the State Government.

Expenses and costs for removing the nuisance.

(4) The expenses and costs incurred, if any, in removing or abating such nuisance, shall be recovered as an arrear of land revenue from the person who has caused such nuisance.

Dealing with the property of nuisance.

(5) Any property, thing, material or object, which is a nuisance under this Act, may be disposed of or dealt with by the State Government in the manner as it may deem fit.

Offences and penalties.

(6) Whoever causes the nuisance or abets the same or fails to comply with any order or directions given under this section, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty thousand rupees or both.

(7) Any offence committed under sub-section (6) shall be cognizable and non-bailable.

Prohibition of certain activities in Tourism development area.

28. (1) No person shall, within the Tourism development area commit or cause to commit or attempt to commit any act of touting or malpractice against any tourist or engage in begging or in unauthorized hawking at any tourist destination and shall be dispersed by any personnel authorized by the SOU Tourism Authority;

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with imprisonment for a term which may extend to one month or with fine which may extend to five thousand rupees or with both.

CHAPTER VIII

LICENSING, REGISTRATION, RECOGNITION AND GRADING OF TOURISM TRADE RELATED ACTIVITIES

Registration, Recognition and Grading.

29. The SOU Tourism Authority shall regulate every category of tourism trade in the tourism development area by registering, recognition and grading in accordance with the procedures as determined by SOU Tourism Authority.

30. (1) The SOU Tourism Authority may, for the Tourism development area, from time to time, appoint as many tourist guides as required and specify their functions.

**Appointment
of Tourist
Guide and
licensing.**

(2) The SOU Tourism Authority shall appoint the tourist guides in the manner as may be determined by it.

(3) The SOU Tourism Authority shall issue necessary license to the tourist guides containing therein the terms and conditions of such license.

(4) It shall be competent for the SOU Tourism Authority to cancel the licenses of any tourist guide if he breaches any of the terms and conditions of the licenses.

(5) No person having not been granted the license, shall act as a tourist guide.

(6) Whoever acts as a tourist guide without having the license, shall, on conviction, be punishable with imprisonment which may extend to one month.

CHAPTER IX

SOU TOURISM AUTHORITY TO BE AN INDUSTRIAL TOWNSHIP

31. (1) The State Government may, having regard to the proviso to clause (1) of article 243Q of the Constitution of India consider the Tourism development area to be an industrial township, and may by notification, declare the Tourism development area to be a notified area:

**SOU Tourism
Authority to
be an
Industrial
Township.**

Provided that, the State Government may, while declaring the notified area, include or exclude the village site area (*gamtal*) of a Village Panchayat or Municipal area.

(2) The provisions of sections 264B and 264C of the Gujarat Municipalities Act, 1963 shall be applicable in case the Tourism development area is declared as notified area under sub-section (1).

**Guj. 34 of
1964.**

CHAPTER X

FINANCE, ACCOUNTS AND ANNUAL REPORTS OF SOU TOURISM AUTHORITY

32. (1) The SOU Tourism Authority shall establish a fund to be called the "SOU Authority fund".

**Funds of SOU
Tourism
Authority.**

(2) The following shall form part of, or be paid in to, the fund.

- (a) all money received by the SOU Tourism authority by way of grants, loans, advances, fees, development charges or otherwise;
- (b) all money derived from its undertakings, projects and other sources;
- (c) bequests, donations, if any.
- (d) all money received by the SOU Tourism Authority in any other manner or from any other source.

(3) The fund of the SOU Tourism Authority shall be applied towards the expenses of the authority including expenses incurred in the exercise of its powers and discharge of its functions and for achieving the objects of this Act

2 of 1934.

(4) The SOU Tourism Authority fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or in any bank authorized by the State Government in this behalf or invested in such manner as may be prescribed.

(5) The State Government may make such grants, advances and loans to SOU Tourism Authority as the State Government may deem necessary for the performance of its functions under this Act on such terms and conditions as the State Government may determine.

**Power of
authority to
borrow
money.**

33. The SOU Tourism Authority may, from time to time, borrow for such period and upon such terms, as the State Government may approve, any sum of money necessary for the purpose of achieving the objects of this Act.

**Recovery of
arrears.**

34. (1) Any sum due to the SOU Tourism Authority under this Act shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any, due to the State Government thereon.

(2) It shall be competent for the SOU Tourism Authority to recover any sum due to it which is not paid on demand on the day on which it becomes due or on the day fixed by the SOU Tourism Authority by way of distress and sale of the goods and chattel of the defaulter, as if the amount thereof were a property tax due by the said defaulter.

**Accounts and
Audit.**

35. (1) The SOU Tourism Authority shall maintain proper accounts and other records and prepare an annual statement of accounts, including the income and expenditure accounts and the balance sheet, in such form and in such manner as may be prescribed and shall forward to the State Government.

(2) The accounts of the Authority shall be audited every year by and auditor who shall be a Chartered Accountant as defined in Chartered Accountant Act, 1949 or a firm of Chartered Accountants to be appointed by the authority.

38 of 1949.

36. (1) The SOU Tourism Authority shall during each financial year, prepare an annual report giving a true and full account of its activities during the previous financial year and an account of the activities likely to be undertaken by it in current financial year and submit it to the State Government.

Annual Report.

(2) The State Government shall cause every such report along with the audited annual accounts for the year to be laid before the State Legislature as soon as may be after the receipt of the report under sub-section (1).

37. The SOU Tourism shall provide to its employees the benefits of EPF scheme applicable under the prevailing law.

Provident fund.

CHAPTER XI

MISCELLANEOUS

38. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, no person shall have any right or any claim over any land which has been acquired by the State Government or by any Government agency prior to coming into force of this Act within the Tourism Development area and had vested in it,

Effect with respect to land right.

(2) It shall be competent for the State Government to remove any person from the land referred to in sub-section (1).

39. (1) Any person who is engaged in any Tourism activity or Tourism trade within the Tourism development area shall get himself registered before the SOU Tourism Authority in the manner as may be determined by it.

Information on Tourism.

(2) The SOU Tourism Authority shall maintain information of all registrations made under sub-section (1) in the manner as may be determined by it.

40. It shall be competent for the State Government, if it considers it necessary to do so, to appoint any employee of the State Government to any office or post under the SOU Tourism Authority upon such terms and conditions as the State Government may determine.

Power of State Government to appoint its employees to any office or post under development authority.

State Government or person appointed by it may exercise powers, perform duty conferred or imposed on SOU Tourism Authority and disbursement of expense in certain circumstances.

41. (1) If in the opinion of the State Government, the SOU Tourism Authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it under any of the provisions of this Act, the State Government or a person or persons appointed in this behalf by the State Government may exercise such power or perform such duty.

(2) Any expenses incurred by the State Government or by such person or persons in exercising such power or performing such duty shall be paid out of the fund of the SOU Tourism Authority and the State Government may make an order directing any person who for the time being has custody of any such funds to pay such expenses from such fund and such person shall be bound to comply with such order.

Power of entry.

42. (1) For the discharge of duties and functions cast under this Act any person authorized by SOU Tourism Authority or any other person authorized by the State Government or any authority shall be authorized to enter into or upon any land or building with or without assistance:

Provided that-

- (i) no such entry shall be made except between the hours of sunrise and sunset or without giving its occupier at least 24 hours' notice in writing of the intention to enter in the case of any building used as a dwelling house or in the land wherein such building exists;
- (ii) sufficient opportunity shall be given to enable a woman to withdraw from such land or building;
- (iii) due regard shall always be had to the social and religious usages of the occupants of the land or building entered.

(2) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building shall on conviction, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both.

Service of notice, etc.

43. (1) All documents including notices and orders required by this Act or any rules or regulations made thereunder to be served upon any person shall, save as otherwise provided in this Act or rules or regulations, be deemed to be duly served, -

(a) where the document is to be served on a Government department, railway, local authority, statutory authority, company, corporation, society or other body, if the document is addressed to the head of the Government department, General Manager of the railway, secretary or principal officer of the local authority, statutory authority,

company, corporation, society or other body at its principal or branch office, or the local or registered office, as the case may be, and is either-

- (i) sent by registered post to such office, or
- (ii) delivered at such office;

(b) where the document is to be served on a partnership firm, addressed at its principal place of business, identifying it by the name or style under which its business is carried on and is either-

- (i) sent by registered post to such place of business, or
- (ii) delivered at the said place of business; and

(c) where any document is to be served on the owner or occupier or in any other case, if the document is addressed to the person to be served and-

- (i) is given or tendered to him, or
- (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or
- (iii) is sent by registered post to that person.

(2) Where a document is to be served on a partnership firm in accordance with this section, the document shall be deemed to be served on each partner.

(3) Where the person on whom a document is to be served is a minor, then service upon his guardian or any adult member of his family shall be deemed to be the valid service upon the minor.

44. Every public notice given under this Act shall be in writing and shall be widely circulated in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality and by advertisement in one or more local newspapers.

Public notice
how to be made
known.

45. Where any notice, order or other document issued or made under this Act requires anything to be done for which no time is fixed, the notice, order or other document shall specify a reasonable time for processing the same.

Reasonable
time for
notice.

46. (1) If the person committing an offence under this Act is 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 the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offence by
companies.

Provided that, nothing contained above 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 any corporate body and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm.

Effect of other laws.

47. (1) Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State laws for the time being in force.

(2) Notwithstanding anything contained in any other law for the time being in force, when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

Application of provisions of section 65 of Gujarat Land Revenue Code, 1879.

48. In respect of the land which is included in the scheme sanctioned under the provisions of the Gujarat Town Planning and Urban Development Act, 1976, the provisions of the Gujarat Land Revenue Code, 1879, in so far as obtaining the permission of the Collector for the use of the agricultural land into any non-agriculture purpose is concerned, shall be applicable as per general or specific orders of the State Government made in this behalf.

President's Act No. 27 of 1976.

Bom. V of 1879.

Land deemed to be for public purpose.

49. Land needed for the purposes of a town planning scheme, development plan or an infrastructure project under this Act shall be deemed to be the land needed for public purpose within the meaning of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

30 of 2013.

45 of 1860.

50. All members, officers, and employees of the SOU Tourism Authority, and other Government Company or Agency shall, while acting or purporting to act in pursuance of the provisions of this Act or the rules and regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members,
officers and
employees to be
public servants.

51. No suit, prosecution or other legal proceedings shall lie against the SOU Tourism Authority, other Government companies or any of their committees, members, officers and employees for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rules or regulations made thereunder.

Protection of
action taken in
good faith.

52. (1) The State Government may issue directions to the SOU Tourism Authority for carrying out the purposes of this Act and the authority shall follow such directions.

Power of State
Government to
give directions.

(2) While exercising its powers and discharging of its functions by SOU Tourism Authority under this Act, if any dispute arises between the authority and the State Government, the decision of the State Government on such disputes shall be final.

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

Power of State
Government to
make rules.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the legislature may make during the session in which they are so laid or the session immediately following.

54. The SOU Tourism Authority may make regulations not inconsistent with the provisions of this Act and the rules made thereunder to carry out the purposes of this Act and for enabling it to discharge its functions under this Act.

Power of SOU
Tourism
Authority to
make
regulations.

55. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appears to be necessary or expedient for removing the difficulty:

Power of State
Government to
remove
difficulties.

Provided that no order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.