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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 4th March, 1989 is hereby published for general information.

R. M. MEHTA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 5 OF 1989.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 7th March, 1989).

AN ACT

further to amend the Bombay Police Act, 1951.

It is hereby enacted in the Fortieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Police (Gujarat Amendment) Act, 1989.

(2) It shall be deemed to have come into force on the 21st December, 1988.

Short
title
and
commence-
ment.

Amend-
ment of
section 2 of
Bom. XXII
of 1951.

2. In the Bombay Police Act, 1951 (hereinafter referred to as "the Principal Act"), in section 2,—

Bom.
XXII
of
1951

(1) after clause (5), the following clause shall be inserted, namely:—

"(5A) "eating house" means any place to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises by any person owning or having an interest in or managing such place and includes a refreshment room, coffee-house or a shop where any kind of food or drink is supplied to the public for consumption in or near such shop; but does not include a place of public entertainment;"

(2) for clause (10), the following clause shall be substituted, namely:—

"(10) "place of public entertainment" means a boarding-house, lodging house or residential hotel, and includes any eating house in which any kind of liquor or intoxicating drug is supplied (such as a tavern, a wine shop, a beer shop or a spirit, arrack, toddy, ganja, bhang or opium shop) to the public for consumption in or near such place."

Amend-
ment of
section
38 of Bom.
XXII of
1951.

3. In the principal Act, in section 33,—

(1) in sub-section (1),—

(i) after clause (x), the following clause shall be inserted, namely:—

"(xa) registration of eating houses, including granting a certificate of registration in each case, which shall be deemed to be a written permission required and obtained under this Act for keeping the eating house for ten years and decennial renewal of such registration, within a prescribed period;"

(ii) in clause (y), for the words "licence or permission", where they occur at two places, the words "licence, permission or certificate of registration" shall be substituted;

(iii) in the first proviso, after the words "no licence", the words "or certificate of registration" shall be inserted;

(iv) in the second proviso, after the words "a licence", the words "or certificate of registration" shall be inserted;

(2) in sub-section (1A), for the brackets, word and letters "(wa) and (x)", the brackets, letters and words "(wa), (x) and (xa) of sub-section (1)" shall be substituted;

(3) in sub-section (7), after the words "of entertainment", the words "or to refuse a certificate of registration for, or to prohibit the keeping of, any eating house, as the case may be," shall be inserted.

4. In the principal Act, in section 131A,—

(1) in sub-section (1), after the words "prescribed period", the words "or fails to obtain a certificate of registration under this Act in respect of any eating house" shall be inserted;

Amend-
ment of
section
131 A of
Bom. XXII
of 1951.

(2) in sub-section (2),—

(i) after the words "place of public entertainment", the words "or the eating house" shall be inserted;

(ii) after the words "such place", the words "or, as the case may be, eating house" shall be inserted;

(iii) after the words "fresh licence", the words "or a certificate of registration" shall be inserted;

(3) in the marginal note, the following words shall be added at the end, namely:—

"or for not obtaining certificate of registration in respect of eating house."

5. In the principal Act, in section 145, in sub-section (2),—

(i) for the words "three months", the words "three years" shall be substituted;

(ii) for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

Amend-
ment
of section
145 of Bom
XXII of
1951.

6. (1) The Bombay Police (Gujarat Amendment) Ordinance, 1988 is hereby repealed.

Repeal
and
savings.

(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.

Guj.
Ord. 9
of
1988.