



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ६५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Payment of Compensation for Loss, Injury or Damage Caused by Wild Animals Bill, 2023 (L. A. Bill No. XXVIII of 2023), introduced in the Maharashtra Legislative Assembly on the 24th July 2023, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XXVIII OF 2023.

A BILL

to make special provisions for payment of compensation for loss of life of, or injury to, humans and cattle and damage to crops and property caused by certain wild animals and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to make special provisions for payment of compensation for loss of life of, or injury to, humans and cattle and damage to crops and property caused by certain wild animals and for matters connected therewith or incidental thereto; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Maharashtra Payment of Compensation for Loss, Injury or Damage Caused by Wild Animals Act, 2023.

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.

Definitions.

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

(a) “cattle” means cow, buffalo, bullock, sheep, goat and includes such other cattle as the State Government may, by notification published in the *Official Gazette*, specify ;

(b) “legal heir” or “successor” means a person, who as per law is entitled to inherit the property of the deceased if he has left any property at the time of his death and also includes any executor or administrator of the deceased ;

(c) “prescribed” means prescribed by rules made under this Act ;

(d) “rules” means the rules made by the State Government under this Act ;

(e) “wild animal” means tiger, leopard, bear, bison, wild pig, jackal, hyena, fox, crocodile, elephant, wild dog, deer, nilgai, monkey and langur and includes such other wild animals as the State Government may, by notification published in the *Official Gazette*, specify.

(2) Words and expressions used in this Act, but not defined hereinabove shall have the same meanings as are assigned to them in the Wildlife (Protection) Act, 1972.

Compensation
for loss or
damages
caused due to
wild animals.

3. (1) The State Government shall pay compensation for any injury to, or loss of life of, humans or cattle or damage to crops or immovable property caused by certain wild animals to the victims or to their legal heirs as per the provisions of this Act.

(2) The State Government shall pay compensation for the following types of injuries or damages caused due to attack of wild animal :—

(a) loss of human life ;

(b) permanent disability to humans ;

(c) major injury to humans ;

(d) loss of cattle life ;

(e) injury to cattle ;

(f) damage to crops, fruit plants ;

(g) damage to property ; or

(h) any other types of injuries or damages as may be prescribed :

Provided that, any loss, injury or damage caused by the accident of vehicle due to crossing of road by wild animal shall not be considered for compensation under clause (a), (b), (c), (d) or (e).

(3) The rates of compensation payable under this Act shall be such as may be specified by the State Government by notification published in the *Official Gazette*. The State Government may specify different rates of compensation for different types of injuries to humans and cattle or damage to crops, fruit plants and property by different wild animals.

4. (1) An application for the compensation payable under this Act shall be made by such persons to such Authority in such form and manner and within such time, as may be prescribed. Procedure for payment of compensation.

(2) The Authority shall, after receipt of an application for compensation under sub-section (1), complete in all respects, make an enquiry in such manner as may be prescribed. The Authority shall, after making an enquiry, forward the application alongwith his report thereon to such Sanctioning Authority, as may be prescribed.

(3) The Sanctioning Authority shall, after considering the application alongwith the documents annexed thereto and the report of the Authority, either sanction the compensation payable under this Act or reject the same, after recording reasons therefor in writing:

Provided that, no application for compensation shall be rejected by the Sanctioning Authority unless an opportunity of hearing is given to the applicant.

(4) The compensation shall be paid to the applicant within a period of thirty days of receipt of the application, complete in all respects. Any delay in any payment of compensation after such thirty days shall be liable for payment of interest on the compensation at such rate as may be prescribed.

5. If any person makes any false claim for compensation under this Act or makes any false statement before the concerned authorities under this Act, then he shall be liable for penalty of rupees one thousand. The Sanctioning Authority shall impose and recover the penalty in such cases. The penalty shall be recovered as arrears of land revenue. Penalty for false claims or false statement.

6. For the removal of doubts, it is hereby declared that nothing contained in this Act shall apply in respect of claims of compensation made prior to the date of commencement of this Act. Removal of doubt.

7. No suit, prosecution or other legal proceedings shall lie against the Government, any officer or the authority of the Government or any person for anything which is done, or intended to be done in good faith under this Act or the rules or orders made thereunder. Protection of acts done in good faith.

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

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of such notification, have effect only in such modified form or be of no effect as the case may be; so, however that, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Power to
remove
difficulties.

9. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty:

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Due to strong protection measures taken up by the Forests Department of the Government, as well as habitat development works, done over the last many years, the wildlife population has increased considerably during the last few years. Also, in recent years human-wild animal conflicts have been increasing nearby forests in many parts of the State. The problem of herbivore damaging crops is reported throughout the State. Such conflicts results in damage to crops and properties as well as loss of life of, and injuries to, cattle and humans.

2. The agrarian communities and human habitations in and around forest areas who are dependent on forests for cattle grazing, fuel wood and minor forest produce are prone to human-wild animal conflict incidents. Damage to crops and properties, loss of life, and injuries to, cattle and humans results in huge mental trauma besides affecting the livelihood of the people and also create resentment among the people for wildlife and its conservation.

3. The Government through Forests Department has, from time to time, issued various Government Resolutions for payment of *ex-gratia* compensation for loss of life, or major injuries to, cattle and humans in cases of attack by certain wild animals and also for loss of crops or property by them.

In order to resolve human-wild animal conflicts effectively, the Government considers it expedient to enact a new law to make special provisions to ensure timely and adequate payment of compensation to the victims or their families due to the damages and loss caused by wild animals.

4. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 21st July, 2023.

SUDHIR MUNGANTIWAR,
Minister for Forests.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely:—

Clause 1(2).— Under this clause, power is taken to the State Government, to bring the Act into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Clause 2(1).— Under this clause,—

(i) in paragraph (a), power is taken to the State Government, to specify the cattle other than those mentioned in the said paragraph, by notification published in the *Official Gazette*, for the purposes of the Act;

(ii) in paragraph (e), power is taken to the State Government, to specify the wild animal other than those mentioned in the said paragraph, by notification published in the *Official Gazette*, for the purposes of the Act.

Clause 3.— Under this clause,—

(i) in sub-clause (2), in paragraph (h), power is taken to the State Government, to prescribe types of injuries or damages caused due to attack of the wild animal, for the purposes of the Act;

(ii) in sub-clause (3), power is taken to the State Government to specify the rates of compensation payable under this Act by notification published in the *Official Gazette*.

Clause 4.— Under this clause,—

(i) under sub-clause (1), power is taken to the State Government, to prescribe the form of application for the compensation payable under this Act, the manner in which and time within which the form is required to be submitted and the persons who can make such application and the Authority whom it is to be made;

(ii) under sub-clause (2), power is taken to the State Government, to prescribe,—

(a) the manner in which an enquiry after receipt of an application for compensation is to be conducted;

(b) the Sanctioning Authority to whom the application for compensation and a report thereon is to be forwarded;

(iii) under sub-clause (4), power is taken to the State Government, to prescribe, the rate of interest payable for any delay in any payment of compensation.

Clause 8.— Under this clause, under sub-clause (1), power is taken to the State Government, to make rules to carry out the purposes of this Act, by notification in the *Official Gazette*.

Clause 9.—Under this clause, under sub-clause (1), power is taken to the State Government, to issue an order published in the *Official Gazette*, for removing any difficulty which may arise in giving effect to the provisions of the Act .

2. The above-mentioned proposals for delegation of legislative power are of normal character.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the State Government shall pay compensation for any injury to, or loss of life of, humans or cattle or damage to crops or immovable property caused by certain wild animals to the victims or to their legal heirs as per the provisions of this Act.

The Bill upon its enactment as an Act of the State Legislature would involve recurring expenditure from the Consolidated Fund of the State towards payment of above referred compensation. But it is not possible to give an estimate of the actual recurring expenditure that may have to be incurred in this behalf at this stage.