



## The Maharashtra Project Affected Persons Rehabilitation Act, 1999

Act 11 of 2001

### Keyword(s):

Affected Zone, Affected Person, Agricultural Labourer, Agricultural Land, Beneficiary, Benefited Zone, Code, Holding, Land Pool, Project, Revenue Division, to Cultivate, Village Panchayat

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**MAHARASHTRA PROJECT AFFECTED PERSONS  
REHABILITATION ACT, 1999**

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**MAHARASHTRA ACT No. XI OF 2001<sup>1</sup>.**

[ THE MAHARASHTRA PROJECT AFFECTED PERSONS REHABILITATION  
ACT, 1999.]

(This Act received the assent of the President on the 7th March 2001; assent was first published in the *Maharashtra Government Gazette*, Extraordinary Part VIII, on the 14th March 2001.)

**An Act to consolidate and amend the law relating to the rehabilitation of persons affected by certain projects in the State of Maharashtra and for matters connected therewith or incidental thereto.**

WHEREAS it is expedient to consolidate and amend the law relating to the rehabilitation of persons affected by certain projects in the State of Maharashtra and for matters connected therewith or incidental thereto; It is hereby enacted in the Fiftieth Year of the Republic of India, as follows:—

## CHAPTER I

## PRELIMINARY

1. (1) This Act may be called the Maharashtra Project Affected Persons Rehabilitation Act, 1999. Short title, extent and commencement and application.

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

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

(4) (a) It shall apply to all irrigation projects of which the area of the affected zone exceeds 50 hectares, or the area of the benefited zone exceeds 200 hectares or a *gaathan* is affected.

(b) It shall also apply to all projects, other than irrigation projects specified in clause (a), such as industry including industrial estate, atomic energy, university, oil and natural gas, energy, chemical, roads, national park, sanctuary, mines, etc. However, the entire responsibility to execute them and to rehabilitate the project affected persons shall rest with the concerned department of the Government of Maharashtra by entering into an agreement with the concerned project authority or body.

(c) Where, in the opinion of the State Government, it is necessary and expedient in the public interest to apply it to any other project, the State Government may by notification in the *Official Gazette*, declare that it shall apply in relation

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Part V-A, Extraordinary, dated the 19th April 1999, P. 307-308.

\*This Act came into force by Government Notification, Revenue and Forest Department, No. LAA. 599/CR-148/Part-II/R-1, dated the 14th March 2002, w. e. f. 1st April 2002.

to such project as specified in the notification ; and thereupon the provisions of this Act shall apply to such project.

(d) Notwithstanding anything contained in clauses (a) and (b), it shall not apply to projects falling under the jurisdiction of inter-State projects; and the rehabilitation work, financed by the external agencies and countries.

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

(1) “affected zone”, in relation to a project, means the area declared under section 13 to constitute the area of the affected zone under that project ;

(2) “affected person” means—

(a) an occupant whose land in the affected zone (including land in the *gaothan*) is acquired under section 14 for the purposes of a project ;

*Explanation.*—For the purpose of this sub-clause, where any agricultural land is recorded in the relevant village records in the name of one of the brothers as a *Karta* or Manager of a Hindu Joint family, then every brother (or son or sons of any deceased brother all together as one unit) who has a share in the lands, whether his name is recorded in such village record or not, shall be treated as affected person ;

(b) a person who is a tenant in actual possession of land under the relevant tenancy law in the affected zone at the time of acquisition of land ;

(c) an occupant whose land in the benefited zone is acquired for construction, extension, improvement or development of canals and their banks under irrigation project or for establishment of a new *gaothan* within or outside the benefited zone for rehabilitation of persons from affected zone, and whose—

(i) residual cultivable holding is reduced to less than one hectare after acquisition ; or

(ii) residual holding stands divided into fragments which are rendered unprofitable for cultivation ; or

(iii) residual holding is rendered uncultivable.

*Explanation.*—For the purposes of this sub-clause, the expression “occupant” includes a tenant in actual possession of land under the relevant tenancy law in the benefited zone at the time of acquisition of land ;

(d) a person who is an agricultural labourer ;

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1894.

(e) a person, not being an occupant or a person referred to in sub-clauses (a), (b), (c) and (d), who for a continuous period of not less than five years immediately before the date of publication of the notification under section 4 of the Land Acquisition Act, 1894, has been ordinarily residing or carrying on any trade, occupation or calling or working for gain in a *gaathan* in the affected zone;

(3) "agricultural labourer" means a person who does not hold any land in the affected zone but who earns his livelihood principally by manual labour on agricultural land for not less than five years immediately before the area comprising that land is declared to constitute an affected zone under section 13, and who has been deprived of earning his livelihood principally by manual labour on that land;

*Explanation.*—For the purpose of determining the five years residence in the affected zone, the norms shall be as prescribed.

(4) "agricultural land" includes land used or usable for horticulture, the raising of crops, grass or garden produce, dairy farming, breeding of livestock, poultry farming, fish farming, fish seed production centre, nursery, growing medicinal herbs or the grazing of cattle; but does not include land used for cutting of wood only;

(5) "beneficiary" in relation to a project means whosoever, either individually or as an institution, company, factory gets benefits directly or indirectly from the project;

(6) "benefited zone", in relation to a project, means the area declared under section 13 to constitute the area of the benefited zone under that project;

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of  
1966.

(7) "Code" means the Maharashtra Land Revenue Code, 1966;

(8) "holding" means the total land held by a person as an occupant or tenant, or as both;

*Explanation.*—For the purposes of this clause, while calculating the total land held by a person, the following lands in the benefited zone shall not be taken into consideration, namely:—

(a) the land on which the dwelling house or cattle shed (*gotha*) is erected and such land shall include also the area adjacent thereto comprising land of three meters surrounding such dwelling house or cattle shed (*gotha*);

(b) the land on which a well has been dug and is shown as such in the village register of land records (Village Forms VII and XII);

(c) the land which is shown as unarable or un-cultivable (*potkharab*) land in the village register of land records (Village Forms VII and XII) for a continuous period of not less than five years immediately before the year of issue of the notification under section 11 ;

(d) fifty per cent. of the land which is shown as saline (*Khar*) land in the village register of land records (Village Forms VII and XII) for a continuous period of not less than five years immediately before the year of issue of the notification under section 11 ;

(9) "land pool" means the lands referred to in sub-sections (1) and (4) of section 14 which may be available for rehabilitation of affected person ;

(10) "project" means,—

(a) an irrigation project, that is to say, the construction, extension, improvement or development of any work for the supply of water for the purpose of irrigation ;

(b) atomic energy and power project, that is to say, construction, extension, improvement or development of any work for the production or supply of electricity or any work conducive to electrical development ;

(c) a public utility project, that is to say, any work of construction, extension, improvement or development of public utility including roads, other than irrigation project and power project ;

(d) National Park and Sanctuary declared under the provisions of the Wild Life Protection Act, 1972 ;

(e) an industrial project, that is to say, setting up of production, distribution or service industry or providing any service, in relation to them and includes an Industrial Estate ;

(f) an university project, that is to say, setting up of any university or any teaching, training institution ;

(g) a chemical project, that is to say, extraction, production and processing of chemicals ;

(h) a mine project, that is to say, extraction of any mineral from the bed of the earth or river bed ;

(i) any composite project of any of the two or more such projects ;

and includes any work of construction, extension, improvement or development which is incidental or supplemental to the execution of a project, such as construction of pump house, lift irrigation scheme, colony, etc., and which results in rendering the holders or occupants of land, which may be used for such project, as affected persons and in respect of which a notification is issued under section 11;

(11) "project authority" means an officer in whom the overall control and superintendence of the execution of the project vests and includes an officer whom the State Government may, by general or special order, designate to be a project authority;

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

(13) "revenue division" means a revenue area which forms a division under section 3 of the Code;

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

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

(16) "to cultivate" means to carry on any agricultural operation, and the expression "cultivation" shall be construed accordingly;

(17) "Village Panchayat" means a Village Panchayat established or deemed to have been established under the Bombay Village Panchayats Act, 1958;

(18) words and expressions used in this Act but not defined, shall have the meanings respectively assigned to them in the Code.

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1959.

## CHAPTER II

### CHIEF CONTROLLING AUTHORITY, PROJECT AUTHORITY, THEIR POWERS AND DUTIES.

3. The Chief controlling authority, in all matters connected with the rehabilitation of affected persons in a revenue division, shall, subject to the superintendence, direction and control of the State Government, vest in the Commissioner appointed under section 6 of the Code.

Chief  
controlling  
authority in  
rehabilitation  
matters.

4. Subject to any general or special order of the State Government, it shall be the duty of the Commissioner,—

Duties and  
functions of  
chief  
controlling  
authority.

(a) to implement the rehabilitation programme within the framework or the policy of the State Government relating to the rehabilitation of affected persons in his division;



(b) to co-ordinate and supervise the work of rehabilitation of affected persons in his division ;

(c) to ensure speedy rehabilitation of affected persons by requiring the Collector or the project authority concerned to undertake the work of rehabilitation simultaneously with the work of the project ; and to report to him periodically the progress made in the matter of rehabilitation of affected persons and by rendering to them such guidance and assistance as the circumstances of the case may require ;

(d) to submit periodical reports to the State Government regarding the rehabilitation of affected persons in his division ;

(e) to prepare or cause to be prepared annual budget for providing funds for carrying out the rehabilitation of affected persons in his division ;

(f) to disburse the grants duly placed at his disposal for rehabilitation of affected persons, to such officers and authorities at such intervals according to their requirements as he may think fit, for carrying out the rehabilitation of affected persons ;

(g) to ensure the proper utilization of grants placed at his disposal and carry out test audit ;

(h) to perform such other functions as the State Government may, from time to time, by an order in writing, entrust to him.

Duties and  
functions of  
Collector.

5. It shall be the duty of the Collector,—

(a) to co-ordinate and supervise the work of rehabilitation of affected persons in his district ;

(b) to ensure speedy rehabilitation of affected persons, within the framework of the policy of the State Government relating to the rehabilitation of affected persons by requiring the project authorities and subordinate officers posted to work on the project to attend to the work of rehabilitation as may be assigned to them, from time to time ;

(c) to issue a certificate to a person who is nominated by the project affected person for being employed against the quota reserved for the nominees of the affected persons ;

(d) to perform such other functions as the State Government or the Commissioner may, from time to time, by an order in writing, entrust to him.

6. It shall be the duty of the project authority,—

Duties and  
functions of  
Project  
Authority.

(a) to carry out such work for providing the necessary civic amenities in a new *gaathan* or extension of an existing *gaathan* as the case may be, established for rehabilitation of affected persons, as may be entrusted to it by the State Government or the Commissioner or the Collector ;

(b) to take measures for the speedy rehabilitation of the affected persons under the overall supervision and guidance of the Collector ;

(c) subject to any reservations validly made and subject to availability of posts, to give highest priority in Class III and Class IV category of service on the project establishment, to one member of the affected family nominated by the affected person, if such member is eligible for such employment according to the recruitment rules for such posts :

Provided that, while recruiting a member of the affected family, against such quota, the project authority shall, as far as possible, employ not less than fifty per cent. of such nominees who are affected by the project under execution, as may be prescribed ;

*Explanation.*—For the purpose of this clause the expression “family” means the spouse, son, married or unmarried daughter or brother or sister or daughter-in-law or grand-son, or grand-daughter (which includes son or daughter of the daughter also) of the affected person, or adopted son or daughter who is residing with and is dependent on such affected person.

(d) to prepare or cause to be prepared annual budget for providing funds for the civic amenity works to be provided in a new *gaathan* or extension of an existing *gaathan* established for the rehabilitation of affected persons ;

(e) to furnish to the Commissioner and to the Collector, during the various stages of planning and execution of the project, information and plans in regard to the affected and benefited zone of the project, as may be required for assessing the extent of the land and other facilities required to be provided to the affected persons for their rehabilitation ;

(f) to execute an agreement with the beneficiary to abide by the provisions of section 10 as may be prescribed.

Delegation  
of powers  
to  
subordinate  
officers.

7. (1) The State Government may, by notification in the *Official Gazette* and subject to such restrictions and conditions, delegate such of the powers conferred and duties imposed on the Commissioner or the Collector or the project authority by or under this Act to such officers of the State Government or local authority as it may deem proper and expedient.

(2) The Commissioner or the Collector may, by order in writing, delegate such of the powers conferred and imposed on him by or under this Act,—

(a) to such officers not below the rank of Tahsildar; or

(b) to such officers of the State Government or local authority as, with the approval of the Commissioner, may be specified in the order.

(3) The project authority may, by order in writing, delegate such of the powers conferred and duties imposed on it by or under this Act to such officers not below the rank of Sub-Divisional Officer, Deputy Engineer, Assistant Engineer, Assistant Conservator of Forests.

Subordina-  
tion of  
officers and  
servants.

8. For the purposes of this Act, the Collector, the project authority and all other officers and servants appointed under this Act shall be subordinate to the Commissioner.

Constitution  
of Advisory  
Committee.

9. For the purposes of assisting it in speedy rehabilitation of affected persons, the State Government may, from time to time, constitute one or more committees for advising the State Government or any officer connected with the scheme of rehabilitation of the affected persons on such matters as may be referred to it by them. The composition of such committee, the regulation of its business, the allowances or fees, if any, to be paid to its members and all matters incidental thereto shall be such as the State Government may, from time to time, by general or special order, determine.

### CHAPTER III

#### REHABILITATION OF AFFECTED PERSONS

Rehabilita-  
tion of  
affected  
persons.

10. (1) The State Government shall in accordance with the provisions made by or under this Act and subject to the availability of sufficient land for the purpose, rehabilitate affected persons from the affected zone under an irrigation project, on land in the villages or areas receiving benefit of irrigation from such project.

(2) Nothing in section 14 or any other provisions of this Act or any other law for the time being in force shall prevent the State Government from rehabilitating, in accordance with

the other provisions made by or under this Act, as many persons as possible from the affected zone under any other project to which the provisions of this Act apply or not, including those under any irrigation project who have remained to be rehabilitated,—

(a) on land in benefited zone of any irrigation project or, as the case may be, in other villages or areas, acquired for the purpose under the provisions of section 14; or

(b) on any land from the land pool.

(3) The State Government shall provide civic amenities in the prescribed scale and manner in the new *gaathan* or in the extended part of any existing *gaathan* established for the purpose of rehabilitation of affected persons and such amenities shall include the following, namely:—

(a) permanent provision for drinking water, in proportion to the population, by open well, bore well, tube well, piped water supply scheme or by any other mode;

(b) school with playground of appropriate level as prescribed by the Education Department of the State Government with toilets facilities;

(c) construction of *Village Panchayat Office* and *Chavdi* or *Samaj Mandir*;

(d) internal metal roads and asphalted approach road of appropriate standard;

(e) an access to the farm lands of the affected persons, if required;

(f) electric supply along with street lights, and three phase connections, wherever required;

(g) cremation ground with a shed, platform, electric supply, water supply and burial ground, as may be required with an approach road;

(h) open built-up gutters;

(i) financial assistance for individual latrines and public latrines, wherever necessary;

(j) land for cattle stand with a water cistern;

(k) land with pick up shed for Maharashtra State Road Transport Corporation bus services;

(l) land for threshing floor, that is to say, *khalwadi*;

(m) pasture land (if Government land is available);

(n) developed land for market;

(o) land for future expansion of *gaathan*;

(p) land for a secondary school and a dispensary or primary health centre, bank, post-office, garden for children, etc., depending on the population of the new *gaathan* ;

(q) land for registered bodies for public purposes in the old *gaathan* ;

(r) land for play ground.

(4) In addition to the amenities listed above, the State Government shall also provide, to an appropriate standard, in the new *gaathan* having majority of the affected persons, all such other amenities which existed in the old *gaathan* :

Provided that, the places of public worship shall not be constructed by the Government, however, the compensation for the places of public worship in the old *gaathan* shall be awarded to the concerned Public Trust and if the places of public worship do not belong to any public trust, such places of public worship shall be constructed as provided in the Maharashtra Religious Endowments (Reconstruction on Resettlement Sites) Act, 1970.

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of  
1970.

(5) The expenditure on all such amenities in sub-sections (3) and (4) above shall be part of the cost of the project.

(6) (a) In all Class III and Class IV category of services under the establishment of the State Government Departments, public sector undertakings, local self government, government-aided institutions and co-operative societies specified under section 73A of the Maharashtra Co-operative Societies Act, 1960 there shall be not less than five per cent. priority quota for the employment of nominees of the affected persons.

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of  
1961.

(b) The beneficiary persons, societies, companies, factories, sugar-factories, spinning-mills assisted by the State Government in the form of matching share contribution etc., shall provide employment to not less than five per cent. of the cadre strength of Class III and Class IV or equivalent of non-technical employees to the nominees of the affected persons :

Provided that, the above priority shall be treated as preference among the open and different reservation categories in *pro-rata* manner.

(c) The Collector shall maintain a register showing the recruitment position in the District and ensure removal of the backlog in recruitment of the nominees of the affected persons. However, at any recruitment, the percentage of the persons so recruited from amongst the nominees shall not exceed fifty.

11. (1) In respect of a project to which this Act applies, the Commissioner of the revenue division, in which the entire or major part of the project lies, shall by notification in the *Official Gazette*—

Areas of affected and benefited zone to be notified.

(a) specify the village, or areas, if any, which are likely to be in the affected or benefited zone of such project ;

(b) specify, provisionally the area of holding in such villages or areas if any, to which restriction specified in section 12 shall apply.

(2) Such notification shall be published in the villages or areas which are likely to be in the affected or benefited zones, by beat of drums and by affixing a copy of notification in some prominent place or places in the zones, and in the village *chavdi* and in the office of the *Village panchayat*, if any, and also in the office of the Tahsildar, the Collector, the project authority and the Commissioner.

12. (1) Notwithstanding anything contained in any law for the time being in force, no agricultural land in the villages or areas specified in the notification under section 11 shall, after publication of the notification in the *Official Gazette*, and until Collector makes a declaration to the effect that no further land in the benefited zone of any particular village or area therefrom is required for the purpose of this Act, be—

Restrictions on transfer, sub-division, partition, conversion or improvement of land.

(a) transferred whether by way of sale (including sale in execution of a decree of civil court or of an award or order of any other competent authority) or by way of gift, exchange, lease or otherwise ;

(b) sub-divided (including sub-division by a decree or order of any court or any other competent authority) ; or

(c) partitioned (including partition by a decree or order of any court or any other competent authority) ;

(d) converted to non-agricultural purpose ; or

(e) improved by making substantial additions and alterations, except with the permission in writing of the commissioner.

(2) The Commissioner may refuse to give such permission, if in his opinion, the transfer, sub-division, partition, conversion or improvement of land is likely to defeat the object of this Act, or may give such general or special permission, subject to such conditions, if any, as he may deem fit to impose to carry out the object of this Act, including a condition that the grant of such permission shall be without prejudice to the area of land liable to be compulsorily acquired under section 14 on the basis of any holding as it existed immediately before the grant of such permission.

(3) Any transfer, sub-division, partition, conversion or improvement of land made in contravention of sub-section (1) or of any condition imposed under sub-section (2), shall be void and inoperative.

(4) Any transfer, sub-division, partition, conversion or improvement of any land in the villages or areas specified in notification under section 11 and to which restrictions specified in this section apply, made on or before the date of such notification shall not be taken into consideration for the purposes of sub-section (4) of section 14, unless such transfer, sub-division, partition, conversion or improvement is made—

(a) by mets and bounds and entries in respect thereof are recorded in the relevant village record after due certification; or

(b) by decree to that effect and entries in respect thereof are recorded in the relevant village records after due certification or the proceedings are pending before the Revenue Authorities for recording the entries in respect of the same in the relevant village records.

Declaration  
of areas in  
affected or  
benefited  
zones.

13. (1) As soon as may be practicable, the Collector shall give a public notice inviting objections or suggestions in respect of the lands within his District and falling under clauses (a) and (b) of sub-section (3) of this section, by publishing in the manner specified in sub-section (2) of section 11 and also in the *Official Gazette* and in one daily newspaper in *Marathi* language with wide circulation in the local area comprising such village in areas of the affected and benefited zones.

(2) Any person interested in the land in such areas may submit objections or suggestions, if any, to the Collector within 30 days from the date on which such public notice is published by beat of drums in the village or area concerned, or the date on which it is published in the newspaper as aforesaid, whichever is later, and the Collector, shall with all reasonable despatch, forward any objections or suggestions so made together with his report in respect thereof to the Commissioner and on considering the report and the objections and suggestions, if any, the Commissioner may pass such order as he deems fit.

(3) The Commissioner shall, not later than three years in case of major irrigation projects and not later than one year in case of other projects from the date of publication of notification under section 11, shall by notification in the *Official Gazette*, and also by publication of such notification in the manner provided in sub-section (2) of section 11, declare—

(a) the extent of area which shall constitute the area of affected zone under the project,

(b) the extent of the area of benefited zone under the project if the project is an irrigation project,

(c) which of the slabs mentioned in the Part II of the Schedule shall apply to such project for the purpose of acquisition of land in the benefited zone :

Provided that, it shall be lawful for the Commissioner to notify the affected zone and the benefited zone by separate notifications.

(4) The project authority shall furnish to the Collector detailed map of at least 25 per cent. of the area of the benefited zone in case of a major irrigation project and 100 per cent. of the area in case of other projects within one year from the date of notification under section 11.

(5) If, at any time during the course of execution of a project, the project authority is satisfied that any change in the areas mentioned in the notification under sub-section (3) is necessary, it shall communicate such change with reasons and the plans and particulars relating to the change to the Commissioner through the Collector.

(6) On receipt of the communication under sub-section (5) and the report of the Collector, if any, Commissioner may, after considering the reasons given by the project authority and in the report, if any, of the Collector and making such enquiry, if any, as he thinks fit, make such change in the manner laid down in sub-sections (1), (2) and (3).

(7) On publication of the notification as provided for in sub-section (3) or (6), as the case may be, the restrictions laid down in sub-section (1) of section 12 shall not apply to lands which are not included in the benefited zone or the affected zone of the project in the villages notified under sub-section (1) of section 11.

14. (1) The Commissioner or the Collector authorised by him by general or special order in this behalf may purchase or exchange any land required for carrying out the purposes of the Act :

Power to purchase or acquire land for purposes of this Act.

Provided that, the amount paid for the purchase of the land under this sub-section shall be approximately equal to the amount of compensation payable for the land had it been acquired in accordance with the provisions of sub-section (2).



(2) Subject to the provisions of this section, the Commissioner may for carrying out the purposes of this Act, also compulsorily acquire land under the Land Acquisition Act, 1894 and the acquisition of any land for any of the said purposes shall be deemed to be a public purpose within the meaning of that Act. I of 1894.

(3) The Commissioner may acquire lands included in a *gaathan* in the affected zone as far as practicable according to the provisions of Part I of the Schedule.

(4) For the purpose of rehabilitating affected persons from the affected zone under an irrigation project, including those under any irrigation project, who have remained to be rehabilitated, on land, the Commissioner may acquire land from holding in the benefited zone of the project according to the slab declared in the notification under sub-section (1) of section 13 and may also acquire, where necessary, land from any other villages or areas, as it may deem fit.

(5) All lands acquired under this section shall form part of the land pool.

(6) An affected person who is entitled but does not want alternative land in the benefited zone shall be paid fifty per cent. amount of the value of the land offered to him, such value having been worked out on the basis of the true market value estimated in the prescribed manner on the basis of the land rates determined and issued, at the relevant time, in the form of Annual Statement of Rates, by the Chief Controlling Authority under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, framed under the Bombay Stamp Act, 1958. Bom. LX of 1958.

Preparation of proposals of rehabilitation and publication thereof. 15. Subject to the general or special order which the Commissioner may make in this behalf, the Collector shall prepare, within six months from the date of notification under sub-section (3) of section 13, the proposals in one or more stages, from time to time, as the circumstances may require for rehabilitation of the affected persons from the affected zone under a project and publish a notice containing such proposals in the manner laid down in sub-section (2) of section 11 for the information of such affected persons.

Grant and assignment of land and payment of special grant. 16. (1) An eligible affected person who is desirous of getting land or plot or both in the area shown for the purpose in the scheme published under section 15 may make an application to the Collector in the prescribed form for grant of land or plot, and subject to such rules as may be prescribed, it shall be lawful for the Collector—

(a) to grant land acquired under section 14 to such affected person with the occupancy status on the land held by him earlier ;

(b) to grant a plot of land to such affected person in a new *gaothan* or extended part of the existing *gaothan* with the occupancy status on the land held by him earlier and rupees ten thousand as a special grant for construction of house on such plot,

in such manner, as far as possible, according to the provisions of parts III and IV of the Schedule and on such terms and conditions as may be prescribed :

Provided that—

(i) if the allottee of the land under sub-clauses (a) and (b) of sub-section (1) is an occupant Class II, he shall be entitled to conversion of the land to occupant Class I after a period of ten years on payment of premium as may be prescribed ;

(ii) the affected person referred to in sub-clause (d) of clause (2) of section 2 shall be eligible to a constructed house on the basis of the *Indira Awas Scheme* of the State Government ;

(iii) the affected person referred to in sub-clause (e) of clause (2) of section 2 shall be eligible only for grant of a plot under clause (b) ;

(iv) subject to the provisions of sub-sections (2) and (3), the occupancy price of the land or plot, as the case may be, granted under clause (a) or (b), except under sub-clause (ii) above, shall be determined and paid in the manner as may be prescribed.

(2) An affected person eligible for the grant of land or plot under sub-section (1) shall forfeit his right to get the same if—

(a) he fails to communicate his willingness to accept the grant of land or plot made to him, to the Collector within a period of forty-five days from the date of receipt by him of a notice in that behalf from the Collector ; or

(b) he fails to deposit with the Collector, towards occupancy price of the land, sixty-five per cent. of the amount of compensation which he has received for his land which is acquired from him in the affected zone or of the likely cost of the land to be granted to him under sub-section (1), whichever is less, at the time of payment of such compensation to such affected person.

(3) After payment of the amount under clause (b) of sub-section (2), the remaining amount towards the occupancy price payable by the affected person for the land allotted to him shall be recovered from him free of interest in such manner and instalments as may be prescribed :

Provided that, the first instalment of such recovery shall commence one year after the irrigation facility is made available to him.

(4) The State Government shall pay a special grant to all such affected persons who have deposited an amount as per clause (b) of sub-section (2) of this section but have not been allotted land in the benefited zone and the rate of the special grant shall be rupees four hundred *per mensem* for the period from the date of actual displacement of the person from the land to the date of allotment of land in the benefited zone.

(5) Nothing in this Act shall prevent the project authority to lease out to the affected person the land acquired from him till the gorge filling of an irrigation project is taken up and not used for quarrying dam seat, etc.

(6) Nothing in this Act shall prevent the Collector to lease out to the affected person the land acquired from him in the benefited zone, which is still in his possession, for whatever reason, till the possession of such land is granted to any eligible affected person and such land shall be given only on lease.

power to grant developed land to the project affected person.

17. Where the acquiring body disposes developed land from the land acquired for the purposes of the project, the project affected person would be entitled to twelve and half per cent. develop land of the land acquired from him, on payment of amount prescribed by State Government.

Execution of layout by project authority or any other agency and after completion, vesting thereof in Zilla Parishad.

18. The execution of every lay out of a new *gaathan* or the extension of an existing *gaathan*, as the case may be, in so far as it relates to public utilities, civic and other amenities and services shall be carried out by the respective project authority, or where the Commissioner considers it necessary so to do, it may by an order in writing entrust it to any such agency as it may deem fit. On completion of the said works in all respects and on issue of a certificate in writing by the Collector under his hand and seal to that effect, the said

works shall, for all purposes vest in the *Zilla Parishad* having jurisdiction over the area included in the new *gaathan* or the extension of an existing *gaathan*, as the case may be, as if it were a development scheme undertaken by that *Zilla Parishad* under the provisions of the Maharashtra Zilla Parishads and Panchyat Samitis Act, 1961.

19. (1) Save as otherwise provided in any other law for the time being in force, where any land held by an affected person in an affected zone is burdened with a mortgage, debt, or other encumbrance, such as mortgage, debt, or other encumbrance shall be deemed to be transferred therefrom and attach itself to the land, granted to such affected person under section 16, and the mortgagee, creditor or, as the case may be, other encumbrancer shall exercise his rights, accordingly.

Transfer of encumbrances.

(2) If the land to which a mortgage, debt or other encumbrance is transferred under sub-section (1) is of less market value than the original land from which it is transferred, the mortgagee, creditor or, as the case may be, other encumbrancer shall, save as otherwise provided in any other law for the time being in force, be entitled to the payment of such compensation by the affected person owning the land as may be determined by the Collector.

(3) Notwithstanding anything contained in sub-sections (1) and (2) or in any agreement or in any law for the time being in force, a mortgagee, creditor or, as the case may be, an encumbrancer shall not, for any money advanced or any loan given under such mortgage, debt or encumbrance, whether before or after the commencement of this Act, recover in any manner, whatsoever, on account of interest, a sum greater than the amount of the principal of the money advanced or of the loan.

20. When any land is acquired by the Government for the purpose of a project and on which the Government or any other Semi-Government Authority or body has constructed any offices or any other structures and on the completion of such project, such land with the constructions thereon, is no more required by the Government or such authorities or bodies, such land along with the constructions, may be disposed of by the Government in the prescribed manner, and subject to such terms and conditions as may be specified by the Government.

Disposal of acquired lands with structures, thereon completion of project.

## CHAPTER IV

## MISCELLANEOUS

Penalty. 21. (1) If any person knowingly furnishes any false information under this Act or obstructs in cultivation of land given to an affected person under this Act, he shall be punished with imprisonment which may extend to three months or with a fine which may extend to five thousand rupees, or with both :

Provided that, in the absence of special and adequate reason to hold the contrary to be mentioned in the judgement of the court, such fine shall not be less than one thousand rupees.

(2) Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be deemed to have committed that offence and shall, on conviction, be punished with the punishment provided for such offence under sub-section (1).

(3) Nothing in sub-sections (1) and (2) above shall prevent the Collector from holding a summary inquiry and from removing the obstruction forthwith.

(4) If any person refuses or fails to comply with the order of the collector in accordance with sub-section (3) above, he shall be liable to fine up to rupees one thousand per day till he removes obstruction.

(5) If any beneficiary contravenes the provisions of clauses (a) and (b) of sub-section (3) of section 10, the Collector, after conducting a summary enquiry, may order the stoppage of water supply and power supply or stoppage of grant-in-aid, or recall the Government's share contribution to the beneficiary :

Provided that, an appeal may be filed within a period of fifteen days against the order of the Collector passed under sub-section (3), (4) or (5), as the case may be, to the Commissioner and the Commissioner shall dispose of the appeal within a period of one month from the date of filing of such appeal.

Officers of Government and local authorities to assist Commissioner, etc. 22. Every officer of Government in any department and every officer or servant of a local authority, when required so to do, shall be bound to assist any Commissioner or Collector or project authority or any officers or agencies duly authorised for the purpose of carrying out the provisions of this Act.

23. All officers and servants appointed under this Act shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code.

XLV  
of  
1860.

Officers  
and  
servants  
appointed  
under this  
Act to be  
public  
servants.

24. No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the project authority, Collector, Commissioner or the State Government.

Bar of  
jurisdiction.

25. No suit, prosecution or other legal proceeding shall lie against the State Government, local authority or any public servant for anything which is in good faith done or purported to be done under this Act.

Protection  
of action  
taken  
under this  
Act.

26. (1) The State Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Such rules may provide for charging fees for any of 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 successive sessions, and if, before the expiry of the session 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 publication 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.

27. It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principle specified in clause (b) of article 39 of the Constitution of India and the execution of the projects and rehabilitation of the persons affected by any projects and the acquisition therefore of the lands and transferring any such lands to such project affected person.

Declaration  
as to policy  
of State.

## CHAPTER V

## REPEAL AND SAVING

Repeal and  
saving.

28. On the commencement of this Act, the Maharashtra Project Affected Persons Rehabilitation Act, 1986 shall stand repealed :

Mah.  
XXXII  
of  
1989.

Provided that, such repeal shall not affect,—

(a) the previous operation of the law so repealed or anything duly done or suffered thereunder ; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the law so repealed ; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed ; or

(d) any investigation, proceeding, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, proceeding, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed :

Provided further that, subject to the preceding proviso and any saving provisions made elsewhere in this Act, anything done, any action taken (including execution of any project and works incidental or supplemental thereto), any rule made or any notification or order issued under the provisions of the law so repealed shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been done, taken, made or issued under the corresponding provisions of this Act, and shall continue to be in force accordingly unless and until expressly or impliedly by anything done, action taken, rules made or, notification or orders issued under this Act.

Removal of  
difficulty.

29. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by order do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing difficulty :

Provided that, no order under this section shall be made by the State Government after the expiry of two years from the date of commencement of this Act.

SCHEDULE

[See sections 13 (c) and 14 (3) and (4) and 16 (1)]

PART I

Percentage of houses in <i>gaothan</i> acquired for a project (1)	Extent of land included in <i>gaothan</i> to be acquired (2)
(a) Less than 75 per cent. of the houses in the <i>gaothan</i> or less than 75 per cent. of the lands are acquired for a project.	(a) Nil
(b) 75 per cent. of the houses in the <i>gaothan</i> are acquired for a project.	(b) All lands included in the entire <i>gaothan</i> .
(c) Area included in the <i>gaothan</i> is not acquired for the project, but more than 75 per cent. of the agricultural lands in the village are acquired, and the extent of the remaining available for cultivation including the <i>galper</i> land available for cultivation by December 15th of every year in the village is less than 50 per cent. of the cultivated area of the village.	(c) All lands included in the entire <i>gaothan</i> :

Provided that, if in any particular case of a *gaothan*, the criteria in (a), (b) and (c) above is not fulfilled but the circumstances warrant acquisition of houses or lands, it will be open to Government in its sole discretion, to acquire all houses or all lands included in the entire *gaothan* and in that case the acquisition shall be deemed to have been made for a public purpose.

PART II

Size of the holding (1)	Area to be acquired (2)
----------------------------	----------------------------

SLAB I

(a) Not more than 1 Hectare and 61 Ares.	(a) Nil
(b) More than 1 Hectare and 61 Ares and not more than 2 Hectares and 42 Ares.	(b) The area in excess of 1 Hectare and 61 Ares but not more than 40 Ares.



## PART II—contd.

(1)

(2)

## SLAB I—contd.

- |  |   |
|--|---|
| (c) More than 2 Hectares and 42 Ares and not more than 3 Hectares and 23 Ares. | (c) The area in excess of 2 Hectares and 2 Ares but not more than 80 Ares.                |
| (d) More than 3 Hectares and 23 Ares and not more than 4 Hectares and 4 Ares.  | (d) The area in excess of 2 Hectares and 42 Ares but not more than 1 Hectare and 21 Ares. |
| (e) More than 4 Hectares and 4 Ares and not more than 4 Hectares and 85 Ares.  | (e) The area in excess of 2 Hectares and 83 Ares but not more than 1 Hectare and 61 Ares. |
| (f) More than 4 Hectares and 85 Ares and not more than 6 Hectares and 47 Ares. | (f) The area in excess of 3 Hectares and 3 Ares but not more than 2 Hectares and 42 Ares. |
| (g) More than 6 Hectares and 47 Ares.  | (g) All the area in excess of 4 Hectares and 4 Ares.                                      |

## SLAB II

- |  |   |
|--|---|
| (a) Not more than 2 Hectares and 42 Ares.                                      | (a) Nil.  |
| (b) More than 2 Hectares and 42 Ares and not more than 3 Hectares and 23 Ares. | (b) The area in excess of 2 Hectares and 42 Ares but not more than 40 Ares.               |
| (c) More than 3 Hectares and 23 Ares and not more than 4 Hectares and 4 Ares.  | (c) The area in excess of 2 Hectares and 83 Ares but not more than 80 Ares.               |
| (d) More than 4 Hectares and 4 Ares and not more than 5 Hectares and 85 Ares.  | (d) The area in excess of 3 Hectares and 23 Ares but not more than 1 Hectare and 21 Ares. |
| (e) More than 4 Hectares and 85 Ares and not more than 5 Hectares and 66 Ares. | (e) The area in excess of 3 Hectares and 64 Ares but not more than 1 Hectare and 61 Ares. |
| (f) More than 5 Hectares and 66 Ares and not more than 7 Hectares and 28 Ares. | (f) The area in excess of 4 Hectares and 4 Ares but not more than 2 Hectares and 42 Ares. |
| (g) More than 7 Hectares and 28 Ares.  | (g) All the area in excess of 4 Hectares and 85 Ares.                                     |

## PART II—contd.

(1)

(2)

## SLAB II

- |  |  |
|--|--|
| (a) Not more than 3 Hectares and 23 Ares.                                      | (a) Nil.   |
| (b) More than 3 Hectares and 23 Ares and not more than 4 Hectares and 4 Ares.  | (b) The area in excess of 3 Hectares and 23 Ares but not more than 40 Ares.                |
| (c) More than 4 Hectares and 4 Ares and not more than 5 Hectares and 85 Ares.  | (c) The area in excess of 3 Hectares and 64 Ares but not more than 80 Ares.                |
| (d) More than 4 Hectares and 85 Ares and not more than 5 Hectares and 66 Ares. | (d) The area in excess of 4 Hectares and 4 Ares but not more than 1 Hectare and 21 Ares.   |
| (e) More than 5 Hectares and 66 Ares and not more than 6 Hectares and 47 Ares. | (e) The area in excess of 4 Hectares and 44 Ares but not more than 1 Hectare and 61 Ares.  |
| (f) More than 6 Hectares and 47 Ares and not more than 8 Hectares and 9 Ares.  | (f) The area in excess of 4 Hectares and 85 Ares but not more than 2 Hectares and 24 Ares. |
| (g) More than 8 Hectares and 89 Ares.  | (g) All the area in excess of 5 Hectares and 66 Ares.                                      |

## SLAB IV

- |  |   |
|--|---|
| (a) Not more than 4 Hectares and 4 Ares.                                       | (a) Nil.  |
| (b) More than 4 Hectares and 4 Ares and not more than 4 Hectares and 85 Ares.  | (b) The area in excess of 4 Hectares and 4 Ares but not more than 40 Ares.                |
| (c) More than 4 Hectares and 85 Ares and not more than 5 Hectares and 66 Ares. | (c) The area in excess of 4 Hectares and 44 Ares but not more than 80 Ares.               |
| (d) More than 5 Hectares and 66 Ares and not more than 6 Hectares and 47 Ares. | (d) The area in excess of 4 Hectares and 85 Ares but not more than 1 Hectare and 21 Ares. |
| (e) More than 6 Hectares and 47 Ares and not more than 7 Hectares and 28 Ares. | (e) The area in excess of 5 Hectares and 25 Ares but not more than 1 Hectare and 61 Ares. |

## PART II—contd.

(1)	(2)
<b>SLAB IV—contd.</b>	
(f) More than 7 Hectares and 28 Ares and not more than 8 Hectares and 89 Ares.	(f) The area in excess of 5 Hectares and 66 Ares but not more than 2 Hectares and 24 Ares.
(g) More than 8 Hectares and 89 Ares.	(g) All the area in excess of 6 Hectares and 47 Ares.

## SLAB V

(a) Not more than 4 Hectares and 85 Ares.	(a) Nil.
(b) More than 4 Hectares and 85 Ares and not more than 5 Hectares and 66 Ares.	(b) The area in excess of 4 Hectares and 85 Ares but not more than 40 Ares.
(c) More than 5 Hectares and 66 Ares and not more than 6 Hectares and 47 Ares.	(c) The area in excess of 5 Hectares and 25 Ares but not more than 80 Ares.
(d) More than 6 Hectares and 47 Ares and not more than 7 Hectares and 28 Ares.	(d) The area in excess of 4 Hectares and 85 Ares but not more than 1 Hectare and 21 Ares.
(e) More than 7 Hectares and 28 Ares and not more than 9 Hectares and 28 Ares.	(e) The area in excess of 6 Hectares and 6 Ares but not more than 1 Hectare and 61 Ares.
(f) More than 8 Hectares and 9 Ares and not more than 9 Hectares and 71 Ares.	(f) The area in excess of 6 Hectares and 47 Ares but not more than 2 Hectares and 42 Ares.
(g) More than 9 Hectares and 71 Ares.	(g) All the area in excess of 7 Hectares and 28 Ares :

Provided that, the land to be acquired according to any slab shall not be less than 20 Ares or consist of an area which, under the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, is a fragment incapable of disposal as an independent piece of cultivable land.

Bom.  
LXII  
of  
1947.

## PART III

Area of land of the affected persons acquired from the affected zone. (1)	Area of the land from the benefited zone to be granted to the affected person. (2)
(1) Not more than 80 Ares.	(1) Not less than 40 Ares but not more than 80 Ares.
(2) Not more than 80 Ares but not more than 2 Hectares.	(2) Not less than 80 Ares but not more than 1

PART III—contd.

(1)	(2)
(3) Not more than 2 Hectares but not more than 3 Hectares and 20 Ares.	(3) Not less than 1 Hectares and 20 Ares but not more than 1 Hectare and 60 Ares.
(4) More than 3 Hectares and 20 Ares.	(3) 1 Hectare and 60 Ares :

Provided that, if the number of the members in the family of the affected person exceeds five, additional area of 40 Ares for every three additional members may be granted subject to the ceiling of 2 Hectares and 80 Ares :

Provided further that, in the case of grant of dry (*Jirayat*) land from sources other than the benefited zone, it shall not be less than 1 Hectare and 60 Ares :

Provided also that, in any case the total extent of the Holding of the affected persons after such grant shall not exceed the economic holding provided by the rules made under the Code for disposal of Government land :

Provided also that, the landless agricultural labourer in the affected zone will be entitled to 40 Ares of land in the benefited zone.

PART IV

Category of the affected person (1)	Area of the plot to be granted in a <i>gaathan</i> (2)
1. An agriculturist—	370 square metres.
(a) if the number of members of his family does not exceed five ;	
(b) if the number of members of his family exceeds five.	An additional area of 185 square metres for every three additional members subject to the ceiling of 740 square metres in the aggregate.
2. A non-agriculturist—	
(a) if the number of members of his family does not exceed five ;	185 square metres.
(b) if the number of members of his family exceed five.	An additional area of 92.5 square metres for every three additional members subject to the ceiling of 370 square metres in the aggregate.

*Explanation.*—For the purpose of Parts III and IV, the expression “family” means the spouse, sons, unmarried daughters or sisters, father and mother of the affected person ; provided that all such persons are residing with and are dependent on the affected person.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष १, अंक ५३(४)]

गुरुवार, डिसेंबर २४, २००९/पौष ३, शके १९३१

[पृष्ठे २, किंमत : रुपये २०.००

असाधारण क्रमांक १०६

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 Project Affected Persons Rehabilitation (Amendment) Act, 2009 (Mah. Act No. XXVIII of 2009), is hereby published under the authority of the Governor.

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

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT NO. XXVIII OF 2009.

[First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 24th December 2009].

An Act to amend the Maharashtra Project Affected Persons Rehabilitation Act, 1999.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to amend the Maharashtra Project Affected Persons Rehabilitation Act, 1999, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Project Affected Persons Rehabilitation (Amendment) Ordinance, 2009, on

Mah.  
XI of  
2001.  
Mah.  
Ord.  
XIX of  
2009.

the 28th August 2009 ;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixtieth Year of the Republic of India as follows :—

Short title  
and  
commence-  
ment.

1. (1) This Act may be called the Maharashtra Project Affected Persons Rehabilitation (Amendment) Act, 2009.

(2) It shall be deemed to have come into force on the 28th August 2009.

Amendment  
of section 17  
of Mah. XI of  
2001.

2. Section 17 of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 (hereinafter referred to as "the principal Act"), shall be re-numbered as sub-section (1) thereof and after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

Mah.  
XI of  
2001.

"(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for the State Government to grant such alternative benefits to the project affected person in lieu of the developed land as the State Government may notify taking into consideration the nature of the project and the local conditions."

Repeal of  
Mah. Ord.  
XIX of 2009  
and saving.

3. (1) The Maharashtra Project Affected Persons Rehabilitation (Amendment) Ordinance, 2009, is hereby repealed.

Mah.  
Ord.  
XIX  
of  
2009.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.