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सोमवार, मार्च २५, २०१३/चैत्र ४, शके १९३५

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 25th March 2013 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. III OF 2013.

A BILL

*further to amend the Maharashtra Zilla Parishads and
Panchayat Samitis Act, 1961.*

Mah. V of 1962. WHEREAS it is expedient further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-fourth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 2013. Short title.

Mah. V of 1962. 2. Section 156 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 shall be deleted. Deletion of section 156 of Mah. V of 1962.

STATEMENT OF OBJECTS AND REASONS

Section 156 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) provides for levy and collection of cess on lands by the State Government when minerals therein belong to, and royalty is payable to the State Government. It further provides that the amount of cess collected, shall be paid by the Collector to the *Zilla Parishad* concerned, after deducting such proportion thereof as cost of collection as may be prescribed.

2. The State Government has, *vide* its letter dated the 2nd April 1991 ordered all the Collectors to stop the levy of cess on royalty on major and minor minerals, in view of the decision of the Hon'ble Supreme Court in the matter of India Cement Limited and others *Versus* State of Tamilnadu [1990 (1) SCC 12] that the State Government has no power to impose such cess on royalty on major and minor minerals, which was reiterated by the Hon'ble Supreme Court in its order dated the 17th April 1990 in the matter of Manganese Ore India Limited *Versus* Collector, Bhandara, in the Civil Appeal Nos. 4206 and 4188 of 1988. The Parliament has, however, validated the recovery of such cess upto the 4th April 1991, by the Cess and Other Taxes on Minerals (Validation) Act, 1992 (Act No. 16 of 1992). In view of this, and as the Government of Maharashtra has, since then stopped the levy of such cess, the Government considers it expedient to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, by deleting said section 156.

3. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 21st March 2013.

JAYANT PATIL,
Minister for Rural Development.

Vidhan Bhavan :
Mumbai,
Dated the 25th March 2013.

DR. ANANT KALSE,
Principal Secretary,
Maharashtra Legislative Assembly.