



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ३९(२)]

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असाधारण क्रमांक ७०

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 Land Revenue Code (Second Amendment) Bill 2015 (L. A. Bill No. XXX of 2015), introduced in the Legislative Assembly on the 14th July 2015, is hereby published under the authority of the Governor.

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

M. A. SAYEED,
Principal Secretary and
R.L.A. to Government,
Law and Judiciary Department.

L. A. BILL No. XXX OF 2015.

A BILL

further to amend the Maharashtra Land Revenue Code, 1966.

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 further to amend the Maharashtra Land Revenue Code, 1966, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Land Revenue Code (Amendment) Ordinance, 2015 on the 12th June 2015;

Mah. XLI
of 1966.

Mah. Ord.
XII of
2015.

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

1. (1) This Act may be called the Maharashtra Land Revenue Code (Second Amendment) Act, 2015.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 12th June 2015.

Amendment of
section 48 of
Mah. XLI of
1966.

2. In section 48 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as “the Revenue Code”),—

Mah. XLI
of 1966.

(i) in sub-section (7),—

(a) for the words “on the order in writing of the Collector, to pay penalty not exceeding a sum determined, at three times”, the words “on the order in writing of the Collector or any revenue officer not below the rank of Tahsildar authorised by the Collector in this behalf, to pay penalty of an amount equal to five times” shall be substituted;

(b) the proviso shall be deleted;

(ii) for sub-section (8), the following sub-section shall be substituted, namely :—

“(8)(1) Without prejudice to the provision of sub-section (7), the Collector or any revenue officer not below the rank of Tahsildar authorised by the Collector in this behalf, may seize and confiscate any mineral extracted, removed, collected, replaced, picked up or disposed of from any mine, quarry or other place referred to in sub-section (7), the right to which vests in, and has not been assigned by the State Government, and may also seize and confiscate any machinery and equipment used for unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals and any means of transport deployed to transport the same.

(2) Such machinery or equipment or means of transport, used for unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals or transportation thereof, which is seized under sub-section (1), shall be produced before the Collector or such other officer not below the rank of Deputy Collector authorised by the Collector in this behalf, within a period of forty-eight hours of such seizure, who may release such seized machinery, equipment or means of transport on payment by the owner thereof of such penalty as may be prescribed and also on furnishing personal bond of an amount not exceeding the market value of the seized machinery, equipment or means of transport, stating therein that such seized machinery, equipment or means of transport shall not be used in future for unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals and transportation of the same.”.

Amendment of
section 328 of
Mah. XLI of
1966.

3. In section 328 of the Revenue Code, in sub-section (2), for clause (xix), the following shall be substituted, namely :—

“(xix) under sub-section (8) of section 48, the rules prescribing the penalty to be paid by the owner for release of the machinery, equipment or means of transport used for unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals; and under sub-section (9) of the said section 48, the rules to regulate the extraction and removal of minor minerals;”.

Repeal of Mah.
Ord. XII of
2015 and
saving.

4. (1) The Maharashtra Land Revenue Code (Amendment) Ordinance, 2015, is hereby repealed.

Mah. Ord.
XII of
2015.

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

STATEMENT OF OBJECTS AND REASONS.

Section 48 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), provides for Government titles to mines and minerals.

Sub-section (7) of the said section 48 provided for penalty not exceeding a sum determined at three times the market value of the minerals extracted, removed, collected, replaced, picked up or disposed of without lawful authority. The Government of Maharashtra considered it expedient to amend the said sub-section (7) to increase the penalty from "three times" to "five times" of the market value of the minerals so extracted, removed, collected, replaced, picked up or disposed of.

2. Sub-section (8) of the said section 48 provided that the Collector may seize and confiscate any minerals extracted, removed, collected, replaced, picked up or disposed of from any mine, quarry or other place referred to in sub-section (7), the right to which vested in, and had not been assigned by the State Government. However, the provision of sub-section (8) did not empower the Collector to seize and confiscate the machinery and equipment used for unauthorised extraction, etc. of minor mineral and the means of transport deployed to transport such minor minerals.

Therefore, with a view to preventing illegal extraction and transportation of minor minerals, it was considered expedient to empower the Collector or any other officer not below the rank of Tahsildar, authorised by the Collector in this behalf, to seize and confiscate the machinery and equipment used for unauthorised extraction, etc. of minor minerals and means of transport used for transporting such minor minerals, with immediate effect by substituting sub-section (8) of the said section 48.

3. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), for the purposes aforesaid, the Maharashtra Land Revenue Code (Amendment) Ordinance, 2015 (Mah. Ord. XII of 2015), was promulgated by the Governor of Maharashtra on the 12th June 2015.

4. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 8th July 2015.

EKNATHRAO KHADSE,
Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

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

Clause 2.—Under this clause,—

(a) under sub-clause (i)(a), which proposes to amend sub-section (7) of section 48 of the Maharashtra Land Revenue Code, 1966, power is taken to the Collector to authorise any revenue officer not below the rank of Tahsildar to make an order to pay penalty under the said sub-section ;

(b) under sub-clause (ii), which proposes to substitute sub-section (8) of section 48,—

(i) power is taken to the Collector to authorise any revenue officer not below the rank of Tahsildar, to seize and confiscate any mineral, machinery, equipment or means of transport under clause (1) of sub-section (8) of section 48 ;

(ii) power is taken to the Collector to authorise any officer not below the rank of Deputy Collector, before whom the seized machinery, equipment or means of transport shall be produced and who may release the same on payment of penalty and furnishing of personal bond ;

(iii) power is taken to the Government to prescribe penalty which may be paid by the owner of the machinery, equipment or means of transport seized under sub-section (8) of section 48 for release thereof .

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