



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ३२(२)]

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असाधारण क्रमांक ६०

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 (Amendment) Ordinance, 2015 (Mah. Ord. XII of 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.

[Translation in English of the Maharashtra Land Revenue Code (Amendment) Ordinance, 2015 (Mah. Ord. XII of 2015), published under the authority of the Governor].

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk
Mumbai 400 032, dated the 12th June 2015.

MAHARASHTRA ORDINANCE No. XII OF 2015.

AN ORDINANCE

further to amend the Maharashtra Land Revenue Code, 1966.

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

Mah. XLI AND WHEREAS the Governor of Maharashtra is satisfied that of 1966. circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Land Revenue Code, 1966, for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. (1) This Ordinance may be called the Maharashtra Land Revenue Code (Amendment) Ordinance, 2015. Short title and commencement.

(2) It shall come into force at once.

(१)

Amendment of 2. In section 48 of the Maharashtra Land Revenue Code, 1966 Mah. XLI of section 48 of (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,

Amendment of 3. In section 328 of the Revenue Code, in sub-section (2), for section 328 of clause (xix), the following shall be substituted, namely :—
Mah. XLI of 1966.

"(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 ;".

STATEMENT

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 provides 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 considers 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 provides 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 vests in, and has not been assigned by the State Government. However, the provision of sub-section (8) does 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 is considered expedient to empower the Collector or any other officer not below the rank of Deputy Collector, 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 are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render 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, this Ordinance is promulgated.

Mumbai,
Dated the 12th June 2015.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

MANU KUMAR SRIVASTAVA,
Principal Secretary to Government.