



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ३०]

शुक्रवार, मार्च ३१, २०१७/चैत्र १०, शके १९३९

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असाधारण क्रमांक ५६

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, 2017 (L. A. Bill No. XIX of 2017), introduced in the Maharashtra Legislative Assembly on the 31st March 2017, is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,

Principal Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XIX OF 2017.

A BILL

further to amend the Maharashtra Land Revenue Code, 1966.

Mah. XLI of 1966. WHEREAS it is expedient further to amend the Maharashtra Land Revenue Code, 1966, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Land Revenue Code (Second Amendment) Act, 2017. Short title.

Insertion of section 22A in Mah. XLI of 1966.

2. After section 22 of the Maharashtra Land Revenue Code, 1966, the following section shall be inserted, namely :—

Mah. XLI of 1966.

Prohibition on diversion of use of *Gairan* land.

“22A. (1) The land set apart by the Collector for free pasturage of village cattle (hereinafter referred to as “the *Gairan* land”) shall not be diverted, granted or leased for any other use, except in the circumstances provided in sub-section (2) or (3), as the case may be.

(2) The *Gairan* land may be diverted, granted or leased for a public purpose or public project of the Central Government or the State Government or any statutory authority or any public authority or undertaking under the Central Government or the State Government (hereinafter in this section referred to as “Public Authority”), if no other suitable piece of Government land is available for such public purpose or public project.

(3) The *Gairan* land may be diverted, granted or leased for a project of a project proponent, not being a Public Authority, when such *Gairan* land is unavoidably required for such project and such project proponent transfers to the State Government, compensatory land as provided in sub-sections (4) and (5).

(4) The compensatory land to be transferred to the State Government under sub-section (3) shall be in the same revenue village have area equal to twice the area of the *Gairan* land and its value shall not be less than the value of the *Gairan* land so allotted under sub-section (3) :

Provided that, the area of compensatory land shall have to be suitably increased, wherever necessary, so as to make its value equal to the value of the *Gairan* land so allotted under sub-section (3).

(5) The compensatory land to be transferred to the State Government under sub-section (3) shall, notwithstanding anything contained in any other law, rule or orders made thereunder, be assigned by the Collector under section 22 for the use only of free pasturage of village cattle or for grass or fodder reserve.

(6) No diversion, grant or lease of *Gairan* land under this section shall be done by any authority other than the State Government and notwithstanding anything contained in section 330A, the powers of the State Government under this section shall not be delegated to any officer or other authority subordinate to it.

Explanation.—(a) For the purposes of this section, the term “public purpose” shall have the same meaning as assigned to it in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

30 of 2013.

(b) The question whether or not such land is unavoidably required for a project under sub-section (3) shall be determined by the State Government on the advice of the Divisional Commissioner.”.

STATEMENT OF OBJECTS AND REASONS.

Under section 22 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), unoccupied lands (not in the lawful occupation of any persons) in villages or parts thereof are set apart for forest or fuel reserve, for free pasturage of village cattle or for grass or fodder reserve, for burial or cremation ground, for *gaathan*, for camping ground, for threshing floor, for *bazaar*, for skinning ground, for public purposes such as roads, lanes, parks, drains or for any other public purpose and the lands so set apart for free pasturage of village cattle or for grass or fodder reserve are known as “*Gairan* land” or “*Gurcharan* lands”.

In order to prevent unrestricted diversion of such *Gairan* lands or *Gurcharan* lands, the State Government has issued detailed guidelines and decided that such lands shall not be allotted to private persons or organizations, even in exceptional cases. However, such guidelines are not suitably incorporated in the said Code. For the planned growth and economic development of the State and also for maintaining the rate of growth of the State, as well as for ensuring speedy implementation of various Government and private projects, the Government considers it expedient to make the provisions which will streamline the process of allotment of such lands, which are unavoidably required for such projects. For these purposes, the Government considers it expedient to incorporate a specific provision in the said Code enabling the State Government to allot such lands for the public purpose as well as public projects and also for private projects subject to the condition that the concerned project proponent, other than the Central Government or the State Government or any statutory authority or any public authority or undertaking under the Central Government or the State Government, transfers to the State Government, in exchange of such *Gairan* land, compensatory land in the same village, area of which is equal to twice the area of *Gairan* land needed for such project and the value of which is not less than the value of such *Gairan* land and that such compensatory land transferred to the State Government in exchange shall be assigned under section 22 for the use only of free pasturage of village cattle or for grass or fodder reserve. For these purposes, a new section 22A is proposed to be inserted in the said Code.

2. Hence this Bill.

Mumbai,
Dated the 29th March 2017.

CHANDRAKANT (DADA) PATIL,
Minister for Revenue.