



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक १५८

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 Agricultural Lands (*Ceiling on Holdings*) (*Amendment*) Bill, 2018 (L. A. Bill No. LXXVI of 2018), introduced in the Maharashtra Legislative Assembly on the 28th November 2018, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. LXXVI OF 2018.

A BILL

further to amend the Maharashtra Agricultural Lands (*Ceiling on Holdings*) Act, 1961.

WHEREAS it is expedient further to amend the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-ninth Year of the Republic of India, as follows :—

1. This Act may be called the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 2018. Short title.
2. In section 29 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (hereinafter referred to as "the principal Act"),— Amendment of section 29 of Mah. XXVII of 1961.
- (i) to sub-section (3), the following provisos shall be added, namely :—
- "Provided that, after the commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 2018, no such land shall be forfeited by the Collector for contravention of the provisions

of sub-section (1) or sub-section (2), as the case may be, if the transferor, transferee or any other person interested in such land makes the payment of such amount, as the State Government may, by order published in the *Official Gazette*, specify:

Provided further that, the amount specified by the State Government under the preceding proviso shall not exceed fifty per cent. of the market value of such land ascertained as per the current Annual Statement of Rates published under the provisions of the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995.”;

(ii) after sub-section (3), the following sub-section shall be added, namely :—

“ (4) On payment of the amount referred to in the first proviso to sub-section (3),—

(i) no further proceedings for violation of the provisions of sub-section (1) or sub-section (2) shall be initiated ;

(ii) where the proceedings are already initiated before the date of commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 2018, such proceedings shall abate and the Collector shall make an order to that effect. ”.

Mah.
of 2018.

Power to
remove
difficulty.

3. (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of the principal Act, as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Sections 27 and 28 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Mah. XXVII of 1961) provide that land which is acquired by and vests in the State Government under section 21 shall be granted by the Collector or any other Officer in the order of priority set out therein and to a joint farming society, respectively.

2. Sub-section (1) of section 29 of the said Act provides that the land granted under section 27 or 28 shall not be transferred or divided, which shall include its subsequent transfer or division, without the previous sanction of the Collector. Sub-section (3) of section 29 provides that any transfer or division of land and any acquisition thereof, in contravention of sub-section (1) or (2) shall be invalid and any right, title and interest in the said land be forfeited by the Collector.

However over the last many decades, several instances of unauthorized sale or transfer of such lands have been noticed. Therefore, there is a need to have a provision in the said Act for regularization of such transfers or divisions upon payment of certain amount specified by the Government.

3. It is, therefore, proposed to amend section 29 of the said Act, so as to provide for regularization of transfers or divisions contrary to the provisions of said section on payment of an amount not exceeding fifty per cent. of the value of the land as per the current Annual Statement of Rates.

4. The Bill seeks to achieve the above objectives.

Mumbai,
dated the 27th November 2018.

CHANDRAKANT (DADA) PATIL,
Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative powers, namely :—

Clause 2.—Under this clause which seeks to add two proviso to sub-section (3) of section 29 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, under the proposed first proviso, power is taken to the State Government to specify the amount, by order published in the *Official Gazette*, on payment of which the land shall not be forfeited by the Collector.

Clause 3.—Under this clause, power is taken to the State Government, to remove, by an order published in the *Official Gazette*, any difficulty that may arise in giving effect to the provisions of the Act, as amended by the proposed law, within a period of two years from the date of commencement of the Amendment Act.

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