



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक ४६ (४)]

सोमवार, डिसेंबर १६, २०१९/अग्रहायण २५, शके १९४१

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ९६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी 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) Bill, 2019 (L. A. Bill No. XLVI of 2019), introduced in the Maharashtra Legislative Assembly on the **16th December 2019**, 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. XLVI OF 2019.

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, 2019 on the 16th September 2019 ;

AND WHEREAS, it is expedient to replace the said Ordinance, by an Act of the State Legislature; it is hereby enacted in the Seventieth Year of the republic of India as follows :—

Short title
and
commencement.

1. (1) This Act may be called the Maharashtra Land Revenue Code (Amendment) Act, 2019.

(2) It shall be deemed to have come into force on the 16th September 2019.

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 said Code") in sub-section (8), in clause (1), the words "not below the rank of Tahsildar" shall be deleted.

Mah.
XLI of
1966.

Repeal of
Mah. Ord.
XXIV of 2019
and saving.

3. (1) The Maharashtra Land Revenue Code (Amendment) Ordinance, 2019, is hereby repealed.

Mah.
Ord.
XXIV of
2019.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the said Code, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the said 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 of Government titles to mines and minerals, Sub-section (8) of the said section 48 provides that the Collector or any revenue officer not below the rank of Tahsildar authorized 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, *etc.*, and may also seize and confiscate any machinery and equipment used for unauthorized extraction, removal, collection, replacement, picking up or disposal of minor minerals and any means of transport deployed to transport the same.

2. However, the provisions of clause (1) of sub-section (8) of section 48 did not empower any revenue officer below the rank of Tahsildar to confiscate unauthorisedly excavated minor minerals and seize and confiscate the machinery and equipment used for unauthorized extraction of minor mineral and the means of transport deployed to transport such minor minerals.

In that situation, if any revenue officer below the rank of Tahsildar seized and confiscated the machinery and equipment used for unauthorized extraction of minor mineral, his action was against the provisions of clause (1) of sub-section (8) of section 48 of the said Code. On account of the then provision of the said Code, where only the officers not below the rank of Tahsildar were empowered to confiscate the machinery and equipment used for illegal excavation and transportation of minor minerals, it was difficult to curb illegal extraction and transportation of minor minerals.

Therefore, with a view to exercising better control over illegal extraction and transportation of minor minerals, the Government considered it expedient to authorise any revenue officer to confiscate equipment and machinery used for illegal extraction and transportation of minor minerals and for that purpose to amend the said clause (1) of sub-section (8) of section 48 of the said Code, so as to delete the words “not below the rank of Tahsildar”, appearing therein.

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, 2019 (Mah. Ord. XXIV of 2019), was promulgated by the Governnor of Maharashtra on the 16th September 2019.

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

Mumbai,
Dated the 15th December 2019.

BALASAHEB THORAT,
Minister for Revenue.