



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक १०९

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, 2023 (L.A. Bill No. LII of 2023), introduced in the Maharashtra Legislative Assembly on the 12th December 2023, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. LII OF 2023.

A BILL

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

Mah. XXVII of 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 Seventy-fourth Year of the Republic of India, as follows :—

1. This Act may be called the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 2023. Short title.

Amendment
of section
28-1AA of
Mah. XXVII
of 1961.

2. In section 28-1AA of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (hereinafter referred to as "the principal Act"), –

Mah.
XXVII
of
1961.

(1) after sub-section (3), the following sub-section shall be inserted, namely :-

“(3-1A) Notwithstanding anything contained in this section and section 29,—

(a) if the lands leased by a person to the industrial undertaking were Class-I occupancy lands then the lands granted to such person or his legal heirs under sub-section (3) on Class-II occupancy shall be deemed to have been granted on Class-I occupancy, without charging any premium therefor ;

(b) if the lands leased by a person to the industrial undertaking were Class-II occupancy lands, then the lands granted to such person or his legal heirs under sub-section (3) on Class-II occupancy may be converted into Class-I occupancy, if the relevant Act applicable to such lands or rules framed thereunder provides for such conversion, as per the provisions of the said Acts and rules.”;

(2) for sub-section (3A), the following sub-section shall be substituted, namely:-

“(3A) Notwithstanding anything contained in sub-section (3), the State Government may dispose of the lands vested in the Maharashtra State Farming Corporation Limited, for a public purpose to the Government or Semi-Government Institution or Municipal Corporation, Municipal Council, *Nagar Panchayat* or *Village Panchayat* at the rates fixed by the State Government on such terms and conditions as may be specified by it, by special or general order issued in this behalf.

Explanation.- For the purposes of this sub-section, the expression “dispose of the lands for the public purpose” means disposal of land for,-

(a) educational, medical, public health, social welfare or cultural purposes; or any other purpose mentioned in the Development Plan under section 22 of the Maharashtra Regional and Town Planning Act, 1966; or any other public purpose included in sub-section (1) of section 2 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, situated within the vicinity of five kilometers from,—

Mah.
XXXVII
of
1966.
30
of
2013.

(i) the municipal area of a Council or *Nagar Panchayat* as defined in clause (24) of section 2 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965;

Mah.
XL
of
1965.

(ii) the larger urban area specified under sub-section (2) of section 3 of the Maharashtra Municipal Corporations Act; or

LIX
of
1949.

(iii) the boundary of *gaathan* or village site as defined in clause (10) of section 2 of the Maharashtra Land Revenue Code, 1966; and

Mah.
XLI
of
1966.

(b) for rehabilitation of the project affected persons of a public project notified by the Government for this purpose.”.

3. In section 29 of the principal Act, in sub-section (3),-

Amendment of section 29 of Mah. XXVII of 1961.

(i) in the first proviso, for the words "such amount, as the State Government may, by order published in the *Official Gazette*, specify" the following portion shall be substituted, namely:-

"an amount of seventy five 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) the second proviso shall be deleted.

4. After section 29 of the principal Act, the following section shall be inserted, namely:-

Insertion of new section 29A in Mah. XXVII of 1961.

"29A. Notwithstanding anything contained in section 29, the Collector may convert lands granted under section 27 on Class-II occupancy into Class-I occupancy,-

Conversion of Occupancy of land granted under section 27.

(i) after lapse of ten years from the date of grant of such land; and

(ii) if there is no breach of any of the conditions for grant of such land; or if there is a breach of any of such conditions, then after regularization of such breach,

on payment of such conversion premium and after following such procedure and subject to such other terms and conditions as may be prescribed."

5. Section 40A of the principal Act shall be deleted.

Deletion of section 40A of Mah. XXVII of 1961.

6. In section 46 of the principal Act, in sub-section (2), after clause (e), the following clause shall be inserted, namely:-

Amendment of section 46 of Mah. XXVII of 1961.

"(e-1) conversion premium for conversion of Class-II occupancy lands into Class-I occupancy under section 29A and procedure and other terms and conditions therefor;"

7. (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:

Power to remove 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

The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Mah. XXVII of 1961) is enacted to impose a maximum limit (or ceiling) on the holding of agricultural land in the State of Maharashtra and to provide for the acquisition and distribution of land held in excess of such ceiling.

2. The lands declared as surplus under section 21 of the said Act have been allotted to landless, ex-servicemen and others under section 27 thereof on occupancy Class-II. The transfer or division of such surplus lands has been allowed with previous sanction of the Collector and on payment of prescribed premium under section 29 of the said Act. The Government has by enacting Maharashtra Act No. XIX of 2019 also provided for regularization of transfer or division of such lands made without previous sanction of the Collector and on payment of premium therefor after paying fifty per cent., of market value of such land.

There have been increasing demands from the persons interested in lands granted under section 27 as well as lands re-granted under section 28-1AA(3) to the ex-lessors or their legal heirs who had leased their lands to the industrial undertakings for conversion of occupancy of such lands from Class-II to Class-I on the lines of conversion of occupancy of Government lands from Class-II to Class-I under section 29A of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966). The Government has, therefore, decided to amend the said Act.

3. The salient features of the amendments to the said Act are as follows:-

(a) to convert occupancy of the surplus lands granted under section 27 from Class-II to Class-I on payment of premium and subject to certain terms and conditions;

(b) to convert occupancy of the lands re-granted to ex-lessor or his legal heir under section 28-1AA(3) from Class-II to Class-I,-

(i) where the land leased by ex-lessor to industrial undertaking is Class-I occupancy land then without charging any premium for such conversion;

(ii) where the land leased by ex-lessor to industrial undertaking is Class-II occupancy land, then, if the relevant Act applicable to such land or rules framed thereunder provides for such conversion, as per the provisions of the relevant Act;

(c) to increase the amount of premium from fifty per cent., to seventy five per cent., of market value of land for regularization of lands which were transferred or divided in contravention of section 29;

(d) to empower the Government to dispose of the land vested in the Corporation for public purposes, situated within the vicinity of five kilometres from the boundary of *gaathan* or village site;

(e) to delete section 40A, which provides for punishment for failure to furnish returns as required by section 12, as a part of process of decriminalization of provisions of State Acts for minor violations;

4. The Bill seeks to achieve the above objectives.

Nagpur,
Dated the 11th December 2023.

RADHAKRISHNA VIKHE-PATIL,
Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 4.- Under this clause, power is taken to the State Government to prescribe by rules the conversion premium for conversion of Class-II occupancy lands into Class-I occupancy under section 29A, procedure and other terms and conditions therefor.

Clause 7.- Under this clause, power is taken to the State Government to issue an order for removing any difficulty, which may arise in giving effect to the provisions of this Act.

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

FINANCIAL MEMORANDUM

The Bill proposes to amend the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Mah. XXVII of 1961).

There is no provision in the Bill which would involve the recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.