

महाराष्ट्र शासन राजपत्र भाग पाच-अ, गुरुवार ते बुधवार  
मार्च ६-१२, २०१४/फाल्गुन १५-२१, शके १९३५

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शुक्रवार, जुलै २०, २०१२/आषाढ २९, शके १९३४

## MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 20th July, 2012 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

### L. A. BILL No. XXVI OF 2012.

#### *A BILL*

*further to amend the Bombay Tenancy and Agricultural Lands Act, 1948, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.*

WHEREAS it is expedient further to amend the Bombay Tenancy and Agricultural Lands Act, 1948, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958, for the purposes hereinafter

Bom.  
LXVII  
of 1948.  
Hyd.  
XXI of  
1950.  
Bom.  
XCIX  
of 1958.

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appearing ; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

## CHAPTER I

### PRELIMINARY.

1. This Act may be called the the Bombay Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Act, 2012. Short title.

## CHAPTER II

### AMENDMENT TO THE BOMBAY TENANCY AND AGRICULTURAL LANDS ACT, 1948.

Bom. LXVII of 1948. 2. In section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948, in sub-section (1), after the existing proviso, the following proviso shall be added, namely :— Amendment of section 43 of Bom. LXVII of 1948.

“ Provided further that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(a) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government ;

(b) the purchaser shall be an agriculturist ;

Mah. XXVII of 1961. (c) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 ; and

Bom. LXII of 1947. (d) the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall not be violated. ”.

## CHAPTER III

### AMENDMENT TO THE HYDERABAD TENANCY AND AGRICULTURAL LANDS ACT, 1950.

Hyd. XXI of 1950. 3. In section 50B of the Hyderabad Tenancy and Agricultural Lands Act, 1950, to sub-section (1), the following proviso shall be added, namely :— Amendment of section 50B of Hyd. XXI of 1950.

“ Provided that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land

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in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(a) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government ;

(b) the purchaser shall be an agriculturist ;

(c) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 ; and

Mah.  
XXVII  
of  
1961.

(d) the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall not be violated. ”.

Bom.  
LXII of  
1947.

#### CHAPTER IV

##### AMENDMENT TO THE BOMBAY TENANCY AND AGRICULTURAL LANDS (VIDARBHA REGION) ACT, 1958.

Amendment  
of section  
57 of Bom.  
XCIX of  
1958.

4. In section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958, to sub-section (1), the following proviso shall be added, namely :—

Bom.  
XCIX  
of  
1958.

“ Provided that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(a) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government ;

(b) the purchaser shall be an agriculturist ;

(c) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 ; and

Mah.  
XXVII  
of 1961.

(d) the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall not be violated. ”.

Bom.  
LXII  
of  
1947.

STATEMENT OF OBJECTS AND REASONS.

Sub-section (1) of section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), provides that no land purchased by a tenant under section 32, 32F, 32I, 32O, 33C or 43-1D or sold to any person under section 32P or 64 shall be transferred by sale, gift, exchange, mortgage, lease or assignment without the previous sanction of the Collector and such sanction shall be given by the Collector in such circumstances, and subject to such conditions, as may be prescribed by the State Government. Similar provisions are also obtaining in sub-section (1) of section 50B of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. XXI of 1950) and sub-section (1) of section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Bom. XCIX of 1958). As the big land owners were not cultivating the lands personally and the same were cultivated by other persons and to give protection to such persons, the said Tenancy laws were enacted. The provisions are made in these Acts in such a way that the big land owners shall not take the possession of such lands forcefully from the tenant. After the commencement of these Acts, a period of more than fifty years is passed. By the lapse of time, the situation has changed and now the number of big land owners is marginal. The process of taking the previous sanction of the Collector causes delay in transfer of lands and accordingly, the tenants have to face the difficulties. Considering this, and with a view to make the process of transfer of such lands easier and more convenient, the Government considers it expedient to dispense with the requirement of previous sanction of the Collector subject to certain conditions in respect of the lands where ten years have elapsed from the date of purchase or sale under the sections mentioned in sub-section (1) of section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948, and for that purpose to amend the said section 43, suitably. Similarly, for the same purpose, the Government also considers it expedient to amend section 50B of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. XXI of 1950) and section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Bom. XCIX of 1958), on the same lines.

2. The Bill seeks to achieve the above objectives.

Mumbai,  
Dated the 18th July 2012.

BALASAHEB THORAT,  
Minister for Revenue.

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FINANCIAL MEMORANDUM

By the proposed Bill, sub-section (1) of section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), sub-section (1) of section 50B of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. XXI of 1950) and sub-section (1) of section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Bom. XCIX of 1958), are amended, suitably, to provide that, if the period of ten years has elapsed from the date of purchase or sale of lands specified in the said sub-section (1), then no previous sanction of the Collector shall be necessary for sale, gift, exchange, mortgage, lease or assignment of such lands, subject to the conditions mentioned therein. Thus, there are no provisions in the Bill which would involve the recurring expenditure or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

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GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF  
THE CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order,  
Law and Judiciary Department)

In exercise of the powers conferred upon him by clause (1) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the consideration of the Bombay Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and Bombay Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Bill, 2012.

**Vidhan Bhawan :**  
Mumbai,  
Dated 20th July 2012.

**DR. ANANT KALSE,**  
Principal Secretary,  
Maharashtra Legislative Assembly.