



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ४८ (७)]

बुधवार, जुलै ४, २०१८/आषाढ १३, शके १९४०

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असाधारण क्रमांक ९५

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) and the Maharashtra Land Revenue(Inclusion of certain *Bhumidharis* in Occupants-Class I Permission) Rules (Repeal) Bill, 2018 (L. A. Bill No. XL of 2018), introduced in the Maharashtra Legislative Assembly on the 4th July 2018, is hereby published under the authority of the Governor.

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

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

L. A. BILL No. XL OF 2018.

A BILL

*further to amend the Maharashtra Land Revenue Code, 1966 and to repeal the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules, 1968.*

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 and to repeal the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules, 1968, for the purposes hereinafter appearing ; and therefore, promulgated the Maharashtra Land Revenue Code (Amendment) and the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules (Repeal) Ordinance, 2018 on the 21st April 2018 ;

Mah.
XLI of
1966.

Mah.
Ord. IX
of
2018.

AND WHEREAS it is expedient to replace the said Ordinance, by an Act of the State Legislature; it is hereby enacted in the Sixty-ninth Year of the Republic of India as Follows :—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Maharashtra Land Revenue Code (Amendment) and the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules (Repeal) Act, 2018.

(2) It shall be deemed to have come into force with effect from the 21st April 2018.

CHAPTER II

AMENDMENTS TO THE MAHARASHTRA LAND REVENUE CODE, 1966.

Amendment of section 29 of Mah. XLI of 1966.

2. In section 29 of the Maharashtra Land Revenue Code, 1966 (hereinafter, in this Chapter, referred to as “the Land Revenue Code”),—

(i) in sub-section (2), for clause (c), the following clause shall be substituted, namely :—

“(c) on the 21st April 2018, being the date of commencement of the Maharashtra Land Revenue Code (Amendment) and the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules (Repeal) Act, 2018, were holding the land in Vidarbha in *Bhumiswami* rights with restrictions on right to transfer, or in *Bhumidhari* rights in any local area in Vidarbha.”;

(ii) in sub-section (3), in clause (b), sub-clause (i) shall be deleted.

Insertion of section 246A in Mah. XLI of 1966.

3. After section 246 of the Land Revenue Code, the following section shall be inserted, namely :—

“**246A.** Any application by a person pending before any revenue officer or, before the State Government, whether in appeal, revision or otherwise, on the 21st April 2018, being the date of commencement of the Maharashtra Land Revenue Code (Amendment) and the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules (Repeal) Act, 2018, for permission to hold the land as Occupants—Class I, shall, with effect from the date of commencement of the said Act be treated as closed.

Explanation.— For the purposes of this section, the expression “land” shall mean the land in any local area in Vidarbha, held in *Bhumiswami* rights with restrictions on right to transfer, or in *Bhumidhari* rights in any local area in Vidarbha.”.

Pending applications for conferral of Occupants—Class I Rights.

Amendment of section 328 of Mah. XLI of 1966.

4. In section 328 of the Land Revenue Code, in sub-section (2), clause (ix) shall be deleted.

CHAPTER III

REPEAL OF THE MAHARASHTRA LAND REVENUE (INCLUSION OF CERTAIN BHUMIDHARIS IN OCCUPANTS—CLASS I PERMISSION) RULES, 1968.

Repeal of the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules, 1968.

5. The Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules, 1968, shall stand repealed.

Mah. XLI of 1966.

Mah. of 2018.

Mah. of 2018.

CHAPTER IV

MISCELLANEOUS

Mah. XLI of 1966. **6.** (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Land Revenue Code, 1966, as amended by this Act, the State Government may, by order published in the *Official Gazette*, as the occasion may arise, make such provisions, not inconsistent with the provisions of the said Code, as amended by this Act, as may appear it to be necessary or expedient for the purpose of removing such 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.

Mah. Ord. IX of 2018. **7.** (1) The Maharashtra Land Revenue Code (Amendment) and the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants-Class I Permission) Rules (Repeal) Ordinance, 2018, is hereby repealed. Repeal of Mah. Ord. IX of 2018 and saving.

Mah. XLI of 1966. (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Land Revenue Code, 1966 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 29 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) provides for the classes of persons holding land from the State. Clause (c) of sub-section (2) thereof provides that the holders of land in *Bhumidhari* rights in any local area in Vidarbha, and permitted as such shall on payment of the premium not exceeding three times the assesment payable in respect of such land shall be Occupants—Class I. Sub-clause (i) of clause (b) of sub-section (3) of the said section 29 provided that, the persons who are holding land in Vidarbha in *Bhumiswami* rights with restrictions on the right to transfer or in *Bhumidhari* rights under the Madhya Pradesh Land Revenue Code, 1954 (M.P. II of 1955) shall be Occupants—Class II.

2. The State Government had, for permitting the said Occupants holding the land as Occupants—Class II, to acquire rights as Occupants—Class I, framed the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules, 1968. The said rules provided for an elaborate procedure for converting such Occupants—Class II as Occupants—Class I.

3. The Divisional Commissioners of the Amaravati and Nagpur Revenue Divisions had, in 2012, undertaken a special drive under the “*Maharajaswa Abhiyan*” for permitting the said Occupants—Class II to acquire rights as Occupants-Class I.

However, it had been brought to the notice of the State Government that, despite the said special drive, a large number of applications for grant of such permissions were pending. It had also been brought to the notice of the State Government that, the elaborate procedure provided in the rules was affecting the grant of such permissions. It had also been brought to the notice of the State Government that, the Madhya Pradesh Government has, *vide* Madhya Pradesh Land Revenue Code, 1959 (M.P. Act No. 20 of 1959) already permitted similar holders as Occupants-Class I.

4. It was, therefore, considered expedient to immediately make suitable provisions for permitting such holders to acquire rights as Occupants—Class I, and to remove the time consuming process provided therefor in the said rules. It was, therefore, considered expedient to provide for suitable amendments to the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) and to repeal the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules, 1968.

5. 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) and to repeal the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants—Class I Permission) Rules, 1968, for the purposes aforesaid, the Maharashtra Land Revenue Code (Amendment) and the Maharashtra Land Revenue (Inclusion of certain *Bhumidharis* in Occupants-Class I Permission) Rules (Repeal) Ordinance, 2018 (Mah. Ord. IX of 2018), was promulgated by the Governor of Maharashtra on the 21st April 2018.

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

Mumbai,
Dated the 31st May 2018.

CHANDRAKANT (DADA) PATIL,
Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 6.—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 the Act.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

भाग आठ-९५-२.
(HB-1660—2.)