



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक २१]

शुक्रवार, जून २८, २०१९/आषाढ ७, शके १९४१

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असाधारण क्रमांक ४६

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 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra Amendment) Bill 2019 (L. A. Bill No. XXXV of 2019), introduced in the Maharashtra Legislative Assembly on the 27th June 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. XXXV OF 2019.

A BILL

further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in its application to the State of Maharashtra.

30 of
2013.

WHEREAS it is expedient further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in its application to the State of Maharashtra, for the purposes hereinafter appearing; it is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra Amendment) Act, 2019. Short title.

(१)

Amendment of
section 105-A
of Act 30 of
2013.

2. In section 105-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as amended by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra Amendment) Act, 2018, in sub-section (2), for the words “one year” the words “two years” shall be substituted.

30 of
2013.
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XXXVII
of 2018.

STATEMENT OF OBJECTS AND REASONS.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) (hereinafter referred to as "the Act of 2013") has been enacted by the Parliament to provide for uniform process in land acquisition and for ensuring just and fair compensation to the persons whose lands are acquired.

2. In the State of Maharashtra, certain State Acts, such as the Maharashtra Highways Act (LV of 1955), the Maharashtra Industrial Development Act, 1961 (Mah. III of 1962), the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977), (hereinafter referred to as "the said State Acts") etc., also contain certain provisions for acquisition of lands and payment of compensation. However, as the provision relating to compensation for acquisition of land under those Acts are different, therefore, to bring the provisions of the State Acts in alignment with the provisions of the Act of 2013 and to ensure that the acquisition of land, under the said State Acts, for the development projectes, with a view to achieve the objectives of the said State Acts, is made in an effective and speedy manner, to accelerate the economic development of the State, the Act of 2013 was amended by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra Amendment) Act, 2018 (Mah. XXXVII of 2018) (hereinafter referred to as "the Amendment Act of 2018"), whereby, section 105-A is inserted therein so as to exempt the said State Acts, as specified in the Fifth Schedule, subject to sub-section (2) of section 105-A. Sub-section (2) of section 105-A provides that, a notification may be issued within one year from the date of commencement of the Amendmend Act of 2018, directing that, the provisions of Amendment Act of 2018, relating to compensation being beneficial to the affected families shall, either apply to cases of land acquisition under the enactment specified in the Fifth Schedule or shall apply with such exceptions or modifications that do not reduce of dilute the provisions of the Act of 2013, relating to compensation.

3. The Amendment Act of 2018 has come into force from the 26th April 2018 and the period of one year provided in sub-section (2) of section 105-A has expired on the 25th April 2019. However, the notification under said sub-section (2) could not be issued due to various reasons. Therefore, in order to ensure that sufficient time is get to pass the resolution by both Houses of the State Legislature and to issue notification under sub-section (2) of section 105-A, it is considered expedient to extend the said period from one year to two years.

4. The Bill is intended to achieve the above objectives.

Mumbai,
Dated the 26th June 2019.

CHANDRAKANT (DADA) PATIL,
Minister for Revenue.