



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ५, अंक २१(२)]

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असाधारण क्रमांक ४७

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 Industrial Development (Amendment) Bill, 2019 (L. A. Bill No. XXXVI 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. XXXVI OF 2019.

#### A BILL

*further to amend the Maharashtra Industrial Development Act, 1961.*

Mah. III of 1962. WHEREAS it is expedient further to amend the Maharashtra Industrial Development Act, 1961, 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 Maharashtra Industrial Development Short title. (Amendment) Act, 2019.

Mah. III of 1962. 2. In section 2 of the Maharashtra Industrial Development Act, 1961 Amendment of section 2 of Mah. III of 1962. (hereinafter referred to as "the principal Act"),—

(1) after clause (a), the following clause shall be inserted, namely :—

(१)

“(a-1) “ Authority ” means the Authority as defined in clause (f) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ;” ; 30 of 2013.

(2) for clause (l), the following clause shall be substituted, namely :-

“(l) the expressions “ land ” and “ person interested ” used in this Act shall have the same meaning as the said expressions have in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”. 30 of 2013.

Amendment  
of section 33  
of Mah. III of  
1962.

**3. In section 33 of the principal Act,—**

(1) in sub-section (3), after the proviso, the following proviso shall be added, namely :—

“ Provided further that, the State Government while issuing the general order under the preceding proviso shall adhere to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 relating to the determination of amount of compensation in accordance with the First Schedule, and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families.” ; 30 of 2013.

(2) for sub-section (5), the following shall be substituted, namely :—

“(5) In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 26 to 30 and other relevant provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, subject to the modifications that, the reference in section 26 to “ the date on which notification has been issued under section 11 ”, shall be the reference as “ the date of the service of publication of the notice under sub-section (2) of section 32 of this Act in the manner for the time being laid down under this Act ”, and the reference in section 28 to “ the time of the publication of the declaration under section 19 ” shall be the reference as “ the date of the publication of the notice under sub-section (1) of section 32 of this Act in the *Official Gazette.*” ”. 30 of 2013.

Amendment  
of section 34  
of Mah. III of  
1962.

**4. In section 34 of the principal Act, —**

(1) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Any person aggrieved by the decision of the Collector determining the amount of compensation may, within sixty days from the date of such decision, so far as it affects him, by written application to the Collector require that the matter be referred by him for determination of the Authority and when any such application is made, the provisions of Chapter VIII of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, shall *mutatis mutandis* apply to further proceedings in respect thereof.” ; 30 of 2013.

(2) in sub-section (2), for the word “ Court ” the word “ Authority ” shall be substituted ;

(3) in the marginal note, for the word “ Court ” the word “ Authority ” shall be substituted.

**5.** In section 35 of the principal Act, for the word “ Court ” the word “ Authority ” shall be substituted. Amendment of section 35 of Mah. III of 1962.

**6.** In section 36 of the principal Act, in sub-section (3), for the words “ in the Court ” the words “ to the Authority ” shall be substituted. Amendment of section 36 of Mah. III of 1962.

**7.** In section 37 of the principal Act,—

(1) for the words “ in Court ” where it occur for the first time, the words “ to the Authority ” shall be substituted ; Amendment of section 37 of Mah. III of 1962.

(2) for the word “ Court ” the word “ Authority ” shall be substituted ;

(3) in the marginal note, for the words “in Court” the words “ to Authority ” shall be substituted.

## STATEMENT OF OBJECTS AND REASONS.

The Maharashtra Industrial Development Act, 1961 (Mah. III of 1962), has enacted for securing the orderly establishment in industrial areas and industrial estates of industries in the State. The said Act provides for acquisition of land, determination of compensation, payment of compensation and appeal against the order of Collector and related proceedings thereto. The provisions of the Land Acquisition Act, 1894 dealing with compensation with certain modifications were applicable for acquisition and payment of compensation under the said Maharashtra Industrial Development Act.

2. The Parliament has enacted 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”) to provide for uniform process in land acquisition and for ensuring just and fair compensation to the persons whose lands are acquired. The Land Acquisition Act, 1894 has been repealed by the Act of 2013. However, the provisions of the said Maharashtra Industrial Development Act relating to acquisition of land and payment of compensation to the affected persons are different than the Act of 2013. To remove this anomaly, the State Legislature has amended the Act of 2013, 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”). Section 105-A is inserted therein to provide for application of provisions relating to the determination of amount of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedule under the Act of 2013, for the acquisition of land under certain State Acts including the said Maharashtra Industrial Development Act.

3. In order to ensure that the persons whose lands are acquired under the provisions of the Maharashtra Industrial Development Act, 1961 get fair compensations, rehabilitation and resettlement for the acquisition of lands thereunder, and to vest the powers to the Land Acquisitions and Rehabilitation and Resettlement Authority established under Act of 2013, with respect to appeal, disputes in apportionment of compensation amount, deposition of compensation amount, etc., instead of court, it is considered expedient to make suitable amendments in the Maharashtra Industrial Development Act, 1961.

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

Mumbai,  
Dated the 26th June 2019.

SUBHASH DESAI,  
Minister for Industries.

## FINANCIAL MEMORANDUM

The Bill provides for amendments in the Maharashtra Industrial Development Act, 1961, in consequence of the amendments made in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by Mah. XXXVII of 2018.

Certain non-recurring expenditure will have to be incurred from the Consolidated Fund of the State towards the payment of compensation for acquisition of land. However, the amount of compensation would vary in accordance with the project undertaken. As such, it is not possible at this stage to give an estimate of actual expenditure that may have to be incurred in this behalf from the Consolidated Fund of the State.