



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

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असाधारण क्रमांक ३५

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 Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Second Amendment) Bill, 2016 (L. A. Bill No. XX of 2016), introduced in the Maharashtra Legislative Assembly on the 7th April 2016, is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,
Secretary (Legislation)
to Government,
Law and Judiciary Department.

L. A. BILL No. XX OF 2016.

A BILL

FURTHER TO AMEND THE MAHARASHTRA TENANCY AND AGRICULTURAL LANDS ACT, THE HYDERABAD TENANCY AND AGRICULTURAL LANDS ACT, 1950 AND THE MAHARASHTRA TENANCY AND AGRICULTURAL LANDS (VIDARBHA REGION) ACT.

LXVII of 1948. Hyd. Act No. XXI of 1950. XCIX of 1958. WHEREAS it is expedient further to amend the Maharashtra Tenancy and Agricultural Lands Act, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title. 1. This Act may be called the Maharashtra Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Second Amendment) Act, 2016.

CHAPTER II

AMENDMENTS TO THE MAHARASHTRA TENANCY AND AGRICULTURAL LANDS ACT.

Amendment of section 84C of LXVII of 1948. 2. In section 84C of the Maharashtra Tenancy and Agricultural Lands Act (hereinafter, in this Chapter, referred to as “the Maharashtra Tenancy Act”), after sub-section (5), the following sub-section shall be added, namely :—

“(6) Notwithstanding anything contained in sub-sections (1) to (5), the transfer or acquisition of any land shall not be declared invalid by the Mamlatdar, if,—

(i) the proceedings under sub-section (1), in respect of transfer or acquisition of such land are initiated after the date of commencement of the Maharashtra Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Second Amendment) Act, 2016 (hereinafter in this sub-section referred to as “the commencement date”), or had been initiated before the commencement date, but no order under sub-section (2) had been made on or before the commencement date ; and

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of 2016.

(ii) the area of such land including other land, if any, held by the transferee, who is an agriculturist, is not in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 ; and

Mah.
XXVII of
1961.

(iii) the land so transferred or acquired,—

(a) is being used only for the agricultural purposes and the transferee (other than tenant) pays an amount equal to fifty per cent. of the market value of such land as per the Annual Statement of Rates ; or

(b) is being put to use for any purpose other than agricultural purposes and the transferee pays an amount equal to seventy-five per cent. of the market value of such land as per the Annual Statement of Rates.

Explanation.— For the purposes of this sub-section, the term “Annual Statement of Rates” means the Annual Statement of Rates published under the provisions of the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force in this regard, prevalent in respect of the year in which the transferee pays the amount as per sub-clauses (a) or (b), as the case may be, of this clause.”.

3. In section 84CC of the Maharashtra Tenancy Act, after sub-section (3), the following sub-section shall be added, namely :—

Amendment of section 84CC of LXVII of 1948.

“(4) Notwithstanding anything contained in sub-sections (1) to (3), the transfer of land shall not be declared invalid by the Collector, where the transferee fulfills the requirements under sub-section (1) of section 63, if,—

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of 2016.

(i) the proceedings under sub-section (1) are initiated after the date of commencement of the Maharashtra Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Second Amendment) Act, 2016 (hereinafter in this sub-section referred to as “the commencement date”) or such proceedings had been initiated prior to the commencement date, but no order under the said sub-section (1) had been made on or before such commencement date, for breach of any conditions, subject to which permission to transfer such land was granted under section 63 ; and

(ii) (a) the land so transferred is being used for agricultural purposes only and the transferee (other than tenant) pays an amount equal to fifty per cent. of the market value of such land as per the Annual Statement of Rates; or

(b) the land so transferred is being put to use for any purpose other than agricultural purposes and the transferee pays an amount equal to seventy-five per cent. of the market value of such land as per the Annual Statement of Rates.

Explanation.— For the purposes of this sub-section, the term “Annual Statement of Rates” means the Annual Statement of Rates published under the provisions of the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force in this regard, prevalent in respect of the year in which the transferee pays the amount as per sub-clauses (a) or (b), as the case may be, of this clause.”

CHAPTER III

AMENDMENTS TO THE HYDERABAD TENANCY AND AGRICULTURAL LANDS ACT, 1950.

Hyd. Act No. XXI of 1950. 4. In section 98C of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (hereinafter, in this Chapter, referred to as “the Hyderabad Tenancy Act”), after sub-section (5), the following sub-section shall be added, namely :—

Amendment of section 98C of Hyd. Act No. XXI of 1950.

“(6) Notwithstanding anything contained in sub-sections (1) to (5), the alienation, transfer or acquisition of any land shall not be declared invalid by the Tahsildar, if,—

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of 2016.

(i) the proceedings under sub-section (1), in respect of alienation, transfer or acquisition of such land are initiated after the date of commencement of the Maharashtra Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Second Amendment) Act, 2016 (hereinafter in this sub-section referred to as “the commencement date”), or had been initiated before the commencement date, but no order under sub-section (2) had been made on or before the commencement date; and

(ii) the area of such land including other land, if any, held by the transferee, who is an agriculturist, is not in excess of the ceiling

area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961; and

Mah. XXVII of 1961.

(iii) the land so alienated, transferred or acquired,—

(a) is being used only for the agricultural purposes and the transferee (other than tenant) pays an amount equal to fifty per cent. of the market value of such land as per the Annual Statement of Rates; or

(b) is being put to use for any purpose other than agricultural purposes and the transferee pays an amount equal to seventy-five per cent. of the market value of such land as per the Annual Statement of Rates.

Explanation.— For the purposes of this sub-section, the term “Annual Statement of Rates” means the Annual Statement of Rates published under the provisions of the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force in this regard, prevalent in respect of the year in which the transferee pays the amount as per sub-clauses (a) or (b), as the case may be, of this clause. ”.

Amendment
of section
98C-2 of Hyd.
Act No. XXI of
1950.

5. In section 98C-2 of the Hyderabad Tenancy Act, after sub-section (4), the following sub-section shall be added, namely :—

“(4A) Notwithstanding anything contained in sub-sections (1) to (4), the transfer of land shall not be declared invalid by the Collector, where the transferee fulfills the requirements under sub-section (1) of section 47, and if,—

(i) the proceedings under sub-section (1), are initiated, after the date of commencement of the Maharashtra Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Second Amendment) Act, 2016 (hereinafter in this sub-section referred to as “the commencement date”) or such proceedings had been initiated prior to the commencement date, but no order under the said sub-section (1) had been made on or before such commencement date, for breach of any conditions, subject to which permission for permanent alienation, lease or mortgage such land was granted under section 47; and

Mah.
of 2016.

(ii) (a) the land so transferred is being used for agricultural purposes only and the transferee (other than tenant) pays an amount equal to fifty per cent. of the market value of such land as per the Annual Statement of Rates; or

(b) the land so transferred is being put to use for any purpose other than agricultural purposes and the transferee pays an amount equal to seventy-five per cent. of the market value of such land as per the Annual Statement of Rates.

Explanation.— For the purposes of this sub-section, the term “Annual Statement of Rates” means the Annual Statement of Rates published under the provisions of the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 or

any other Rules for the time being in force in this regard, prevalent in respect of the year in which the transferee pays the amount as per sub-clauses (a) or (b), as the case may be, of this clause. ”.

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA TENANCY AND AGRICULTURAL LANDS (VIDARBHA REGION) ACT.

XCIX **6.** In section 122 of the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act (hereinafter, in this Chapter, referred to as “the Vidarbha Region Tenancy Act”), after sub-section (5), the following sub-section shall be added, namely :—

Amendment of section 122 of XCIX of 1958.

“(6) Notwithstanding anything contained in sub-sections (1) to (5), the transfer or acquisition of any land shall not be declared invalid by the Tahsildar, if,—

(i) the proceedings under sub-section (1), in respect of transfer or acquisition of such land are initiated after the date of commencement of the Maharashtra Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Second Amendment) Act, 2016 (hereinafter in this sub-section referred to as “the commencement date”), or had been initiated before the commencement date, but no order under sub-section (2) had been made on or before the commencement date ; and

Mah.
of
2016.

(ii) the area of such land including other land, if any, held by the transferee, who is an agriculturist, is not in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961; and

Mah.
XXVII
of
1961.

(iii) the land so transferred or acquired,—

(a) is being used only for the agricultural purposes and the transferee (other than tenant) pays an amount equal to fifty per cent. of the market value of such land as per the Annual Statement of Rates ; or

(b) is being put to use for any purpose other than agricultural purposes and the transferee pays an amount equal to seventy-five per cent. of the market value of such land as per the Annual Statement of Rates.

Explanation.— For the purposes of this sub-section, the term “Annual Statement of Rates” means the Annual Statement of Rates published under the provisions of the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force in this regard, prevalent in respect of the year in which the transferee pays the amount as per sub-clauses (a) or (b), as the case may be, of this clause. ”.

7. In section 122A of the Vidarbha Region Tenancy Act, after sub-section (3), the following sub-section shall be added, namely :—

Amendment of section 122A of XCIX of 1958.

“(4) Notwithstanding anything contained in sub-sections (1) to (3), the transfer of land shall not be declared invalid by the Collector, where the transferee fulfills the requirements under sub-section (1) of section 89, if,—

(i) the proceedings under sub-section (1) are initiated, after the date of commencement of the Maharashtra Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Second Amendment) Act, 2016 (hereinafter in this sub-section referred to as “ the commencement date”) or such proceedings had been initiated prior to the commencement date, but no order under the said sub-section (1) had made on or before such commencement date, for breach of any conditions, subject to which permission to transfer such land was granted under section 89 ; and

Mah.
of 2016.

(ii) (a) the land so transferred is being used for agricultural purposes only and the transferee (other than tenant) pays an amount equal to fifty per cent. of the market value of such land as per the Annual Statement of Rates ; or

(b) the land so transferred is being put to use for any purpose other than agricultural purposes and the transferee pays an amount equal to seventy-five per cent. of the market value of such land as per the Annual Statement of Rates.

Explanation.— For the purposes of this sub-section, the term “Annual Statement of Rates” means the Annual Statement of Rates published under the provisions of the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 or any other Rules for the time being in force in this regard prevalent in respect of the year in which the transferee pays the amount as per sub-clauses (a) or (b), as the case may be, of this clause. ”.

CHAPTER V

MISCELLANEOUS

Power to
remove
difficulty.

8. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Tenancy and Agricultural Lands Act, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) 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 said Acts, as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty :

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

Provided that, no such order shall be made after 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

At present, three different Tenancy laws, namely, the Maharashtra Tenancy and Agricultural Lands Act (LXVII of 1948), the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. Act No. XXI of 1950) and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act (XCIX of 1958) are in operation in the State of Maharashtra.

2. In keeping with the spirit of land reforms, the said Tenancy laws contain certain provisions placing restrictions on transfer or sale of agricultural lands to non-agriculturists and also on sale of lands purchased by the tenant -purchasers. Sections 84C and 84CC of the Maharashtra Tenancy and Agricultural Lands Act, sections 98C and 98C-2 of the Hyderabad Tenancy and Agricultural Lands Act, 1950 and sections 122 and 122A of the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act contain provisions for dealing with cases of transfer of land involving breach of the statutory provisions under respective Tenancy law as well as breach of the conditions subject to which transfer of agricultural land is permitted by the Collector under the said Tenancy laws.

3. It has come to the notice of the Government that at many places agricultural lands are involved in quasi-judicial proceedings under the aforesaid sections of the respective Tenancy law and, since the final outcome of such proceedings takes a lot of time, such lands are not available for use or development. In the context of growing urbanization and industrialization and the overall efforts of the Government to boost economic growth in the State, it is considered expedient to create a legal mechanism that would allow lands involved in such quasi-judicial proceedings to become available for development and use, without getting locked in lengthy litigation.

With these objectives, it is proposed to amend the said sections 84C and 84CC, 98C and 98C-2, 122 and 122A of the respective Tenancy law, suitably, so as to provide for regularization of such transfers of land by charging certain penal amounts.

4. Hence this Bill.

Mumbai,
Dated the 4th April 2016.

EKNATHRAO KHADSE,
Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 8.—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 Maharashtra Tenancy and Agricultural Lands Act, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, as amended by this Act.

2. The abovementioned proposal for delegation of legislative power is of a normal character.