



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक २९(४)]

सोमवार, सप्टेंबर ७, २०२०/भाद्र १६, शके १९४२

[पृष्ठे ४, किंमत : रुपये २७.००]

असाधारण क्रमांक ५८

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 Copensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra Amendment) Bill, 2020 (L.A. Bill No. XXXVII of 2020), introduced in the Maharashtra Legislative Assembly on the 7th September 2020, 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. XXXVII OF 2020.

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 futher 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 Seventy-first Year of the Republic of India as follows :-

1. This Act may be called the Right to Fair Compensation and Short title. Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra Amendment) Act, 2020.

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, in its application to the State of Maharashtra, 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, brackets and figures “within one year from the date of commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra Amendment) Act, 2018 ” the words, brackets and figures “ within one year from the date of commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra Amendment) Act, 2020 ” shall be substituted.

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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 Central 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) etc., (hereinafter referred to as “the said Maharashtra State Acts”), also contain certain provisions for acquisition of lands and payment of compensation. However, as the provisions relating to compensation for acquisition of lands under the said Maharashtra State Acts are different, to bring the provisions of the said Maharashtra State Acts in alignment with the provisions of the Act of 2013 and to ensure that the acquisition of land, under the said Maharashtra State Acts, for the development projects, with a view to achieve the objectives of the said Maharashtra State Acts, is made in an effective and speedy manner, to accelerate the economic development of the State of Maharashtra, the Central 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 Maharashtra Amendment Act of 2018”), whereby, section 105-A has been inserted therein, so as to exempt the said Maharashtra State Acts, as specified in the Fifth Schedule, subject to sub-section (2) of section 105-A. Sub-section (2) of the said section 105-A provides that, a notification may be issued within one year from the date of commencement of the Maharashtra Amendment Act of 2018 directing that the provisions of Maharashtra Amendment Act of 2018 relating to compensation being beneficial to the affected families shall, either apply to cases of land acquisition under the enactments specified in the Fifth Schedule or shall apply with such exceptions or modifications that do not reduce or dilute the provisions of the Central Act of 2013 relating to compensation.

3. The Maharashtra Amendment Act of 2018 came into force from the 26th April 2018 and the period of one year provided in sub-section (2) of section 105-A 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 available 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 contained in the said section 105-A, from one year to two years. For this purpose, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra Amendment) Bill, 2019 (L. A. No. XXXV of 2019) (hereinafter referred to as “ the said Maharashtra Amendment Bill of 2019 ”), was passed by the Maharashtra State

Legislature and forwarded to the Government of India for obtaining the assent of President thereto. The period of two years, as proposed in the said Maharashtra Amendment Bill of 2019 is also over and the said Bill, even after receiving the assent of the President, would not serve the intended purpose.

In view of the above, to achieve the above purposes, it is proposed that, in sub-section (2) of section 105-A, for the words, brackets and figures “ within one year from the date of commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra Amendment) Act, 2018 ” the words, brackets and figures “ within one year from the date of commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra Amendment) Act, 2020 ”, in its application to the State of Maharashtra, shall be substituted.

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

Mumbai,
dated 2nd September 2020.

BALASAHEB THORAT,
Minister for Revenue.