

L. A. BILL No. LII OF 2023.

A BILL

*further to amend the Maharashtra Agricultural Lands (Ceiling on Holdings)
Act, 1961.*

Mah. 5 WHEREAS it is expedient further to amend the Maharashtra Agricultural
XXVII Lands (Ceiling on Holdings) Act, 1961, for the purposes hereinafter appearing; it
of 1961. is hereby enacted in the Seventy-fourth Year of the Republic of India, as
follows :—

1. This Act may be called the Maharashtra Agricultural Lands (Ceiling on Short title.
10 Holdings) (Amendment) Act, 2023.

2. In section 28-1AA of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (hereinafter referred to as "the principal Act"), –

(1) after sub-section (3), the following sub-section shall be inserted, namely :-

“(3-1A) Notwithstanding anything contained in this section and section 29,–

(a) if the lands leased by a person to the industrial undertaking were Class-I occupancy lands then the lands granted to such person or his legal heirs under sub-section (3) on Class-II occupancy shall be deemed to have been granted on Class-I occupancy, without charging any premium therefor ;

(b) if the lands leased by a person to the industrial undertaking were Class-II occupancy lands, then the lands granted to such person or his legal heirs under sub-section (3) on Class-II occupancy may be converted into Class-I occupancy, if the relevant Act applicable to such lands or rules framed thereunder provides for such conversion, as per the provisions of the said Acts and rules.”;

(2) for sub-section (3A), the following sub-section shall be substituted, namely:-

“(3A) Notwithstanding anything contained in sub-section (3), the State Government may dispose of the lands vested in the Maharashtra State Farming Corporation Limited, for a public purpose to the Government or Semi-Government Institution or Municipal Corporation, Municipal Council, *Nagar Panchayat* or *Village Panchayat* at the rates fixed by the State Government on such terms and conditions as may be specified by it, by special or general order issued in this behalf.

Explanation.- For the purposes of this sub-section, the expression “dispose of the lands for the public purpose” means disposal of land for,-

(a) educational, medical, public health, social welfare or cultural purposes; or any other purpose mentioned in the Development Plan under section 22 of the Maharashtra Regional and Town Planning Act, 1966; or any other public purpose included in sub-section (1) of section 2 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, situated within the vicinity of five kilometers from,-

(i) the municipal area of a Council or *Nagar Panchayat* as defined in clause (24) of section 2 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965;

(ii) the larger urban area specified under sub-section (2) of section 3 of the Maharashtra Municipal Corporations Act; or

(iii) the boundary of *gaothan* or village site as defined in clause (10) of section 2 of the Maharashtra Land Revenue Code, 1966; and

(b) for rehabilitation of the project affected persons of a public project notified by the Government for this purpose.”.

3. In section 29 of the principal Act, in sub-section (3),-

Amendment
of section
29 of Mah.
XXVII of
1961.

(i) in the first proviso, for the words "such amount, as the State Government may, by order published in the *Official Gazette*, specify" the following portion shall be substituted, namely:-

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"an amount of seventy five per cent., of the market value of such land ascertained as per the current Annual Statement of Rates published under the provisions of the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995.";

(ii) the second proviso shall be deleted.

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4. After section 29 of the principal Act, the following section shall be inserted, namely:-

Insertion of
new section
29A in
Mah. XXVII
of 1961.

"29A. Notwithstanding anything contained in section 29, the Collector may convert lands granted under section 27 on Class-II occupancy into Class-I occupancy,-

Conversion
of
Occupancy
of land
granted
under
section 27.

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(i) after lapse of ten years from the date of grant of such land; and

(ii) if there is no breach of any of the conditions for grant of such land; or if there is a breach of any of such conditions, then after regularization of such breach,

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on payment of such conversion premium and after following such procedure and subject to such other terms and conditions as may be prescribed."

5. Section 40A of the principal Act shall be deleted.

Deletion of
section 40A
of Mah.
XXVII
of 1961.

6. In section 46 of the principal Act, in sub-section (2), after clause (e), the following clause shall be inserted, namely:-

Amendment
of section
46 of Mah.
XXVII
of
1961.

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"(e-1) conversion premium for conversion of Class-II occupancy lands into Class-I occupancy under section 29A and procedure and other terms and conditions therefor;"

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7. (1) If any difficulty arises in giving effect to the provisions of the principal 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 principal Act, as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the 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.

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(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

The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Mah. XXVII of 1961) is enacted to impose a maximum limit (or ceiling) on the holding of agricultural land in the State of Maharashtra and to provide for the acquisition and distribution of land held in excess of such ceiling.

2. The lands declared as surplus under section 21 of the said Act have been allotted to landless, ex-servicemen and others under section 27 thereof on occupancy Class-II. The transfer or division of such surplus lands has been allowed with previous sanction of the Collector and on payment of prescribed premium under section 29 of the said Act. The Government has by enacting Maharashtra Act No. XIX of 2019 also provided for regularization of transfer or division of such lands made without previous sanction of the Collector and on payment of premium therefor after paying fifty per cent., of market value of such land.

There have been increasing demands from the persons interested in lands granted under section 27 as well as lands re-granted under section 28-1AA(3) to the ex-lessors or their legal heirs who had leased their lands to the industrial undertakings for conversion of occupancy of such lands from Class-II to Class-I on the lines of conversion of occupancy of Government lands from Class-II to Class-I under section 29A of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966). The Government has, therefore, decided to amend the said Act.

3. The salient features of the amendments to the said Act are as follows:-

(a) to convert occupancy of the surplus lands granted under section 27 from Class-II to Class-I on payment of premium and subject to certain terms and conditions;

(b) to convert occupancy of the lands re-granted to ex-lessor or his legal heir under section 28-1AA(3) from Class-II to Class- I,-

(i) where the land leased by ex-lessor to industrial undertaking is Class-I occupancy land then without charging any premium for such conversion;

(ii) where the land leased by ex-lessor to industrial undertaking is Class-II occupancy land, then, if the relevant Act applicable to such land or rules framed thereunder provides for such conversion, as per the provisions of the relevant Act;

(c) to increase the amount of premium from fifty per cent., to seventy five per cent., of market value of land for regularization of lands which were transferred or divided in contravention of section 29;

(d) to empower the Government to dispose of the land vested in the Corporation for public purposes, situated within the vicinity of five kilometres from the boundary of *gaathan* or village site;

(e) to delete section 40A, which provides for punishment for failure to furnish returns as required by section 12, as a part of process of decriminalization of provisions of State Acts for minor violations;

4. The Bill seeks to achieve the above objectives.

Nagpur,

Dated the 11th December, 2023.

RADHAKRISHNA VIKHE-PATIL,

Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of a legislative power, namely:-

Clause 4.- Under this clause, power is taken to the State Government to prescribe by rules the conversion premium for conversion of Class-II occupancy lands into Class-I occupancy under section 29A, procedure and other terms and conditions therefor.

Clause 7.- 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 this Act.

2. The above-mentioned proposals for delegation of legislative power are of normal character.

FINANCIAL MEMORANDUM

The Bill proposes to amend the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Mah. XXVII of 1961).

There is no provision in the Bill which would involve the recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF
THE CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order, Law and Judiciary Department)

In exercise of the power conferred upon him by clause (1) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the Introduction of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Bill, 2023.

**ANNEXURE TO THE L.A. BILL No. LII OF 2023 -
THE MAHARASHTRA AGRICULTURAL LANDS (CEILING ON
HOLDINGS) (AMENDMENT) BILL, 2023.**

*(Extracts from the Maharashtra Agricultural Lands (Ceiling on
Holdings) Act, 1961)*

(Mah. XXVII of 1961)

1. to 28-1A. * * * *

28-1AA. (1) to (3) * * * *

3A. Notwithstanding anything contained in sub-section (3), the State Government may dispose of the lands vested in Maharashtra State Farming Corporation Limited, for a public purpose, and when such disposal is to the institution other than the Government or Semi-Government institutions, such allotment will be made at the market rate fixed under the Bombay Stamp (Determination of the Market Value of Property) Rules, 1995 framed under the Bombay Stamp Act, 1958 or by public auction on such terms and conditions as may be specified by the State Government, by special or general order issued in this behalf.

Power of
State
Government to
grant land
to State
Corporations.

Explanation.— For the purposes of this sub-section, the expression “dispose of the lands for the public purpose” means disposal of land, for a public purpose in favour of an educational, medical or public health institution, or social welfare and cultural institution or for any other purpose mentioned in the Development Plan under section 22 of the Maharashtra Regional and Town Planning Act, 1966 or for any other public purpose included in clause (f) of section 3 of the Land Acquisition Act, 1894, situated within the vicinity of five kilometers from the municipal area of a Council or Nagar Panchayat as defined in clause (24) of section 2 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, larger urban area specified under sub-section (2) of section 3 of the Bombay Provincial Municipal Corporations Act, 1949 and clause (10) of section 2 of the City Nagpur Corporation Act, 1949 or for rehabilitation of the project affected persons of a public project notified by the Government for this purpose.

(4) * * * *

29. (1) and (2) * * * *

(3) Any transfer or division of land, and any acquisition thereof, in contravention of sub-section (1) or sub-section (2) shall be invalid; and as a penalty therefor, any right, title and interest of the transferor and transferee in or in relation to such land shall, after giving him an opportunity to show cause, be forfeited by the Collector and shall without further assurance vest in the State Government.

Restriction on
transfer or
division of
land granted
under
section 28.

"Provided that, after the commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 2018, no such land shall be forfeited by the Collector for contravention of the provisions of sub-section (1) or sub-section (2), as the case may be, if the transferor, transferee or any other person interested in such land makes the payment of such amount, as the State Government may, by order published in the *Official Gazette*, specify:

Provided further that, the amount specified by the State Government under the preceding proviso shall not exceed fifty per cent. of the market value of such land ascertained as per the current Annual Statement of Rates published under the provisions of the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995.”;

(4) On payment of the amount referred to in the first proviso to sub-section (3),—

(i) no further proceedings for violation of the provisions of sub-section (1) or sub-section (2) shall be initiated;

(ii) where the proceedings are already initiated before the date of commencement of the Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 2018, such proceedings shall abate and the Collector shall make an order to that effect."

30. to 40.

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Penalty for failure to furnish return, etc.

40A. (1) If any person or any member of a family unit who is liable to furnish a return as required by section 12, fails to furnish the return within the time specified in that section, or furnishes a return which he knows or has reason to believe to be false, he shall in addition to the penalty prescribed in section 13, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

(2) No Court shall take cognisance of an offence punishable under this Act except with previous sanction of the Collector, which sanction shall be accorded subject to such rules as may be prescribed.

41. to 45A.

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Power to make rules.

46. (1)

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(2) (a) to (d)

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(e) the circumstances under which and the conditions subject to which sanction may be given under section 29;

(g)

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(3)

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47. to 49.

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SCHEDULES

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**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. LII OF 2023.]

**[A BILL further to amend the Maharashtra
Agricultural Lands (Ceiling on Holdings)
Act, 1961.]**

**[SHRI RADHAKRISHNA VIKHE-PATIL,
Minister for Revenue.]**

**SHRI JITENDRA BHOLE,
Secretary (1) (I/C),
Maharashtra Legislative Assembly.**