



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ४, अंक २५] शनिवार, जुलै २१, २०१२/आषाढ ३०, शके १९३४ [पृष्ठे ६, किंमत : रुपये १८.००

असाधारण क्रमांक ३९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागांकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Bill, 2012 (L.A. Bill No. XXVI of 2012), introduced in the Maharashtra Legislative Assembly on the 20th July 2012, is hereby published under the authority of the Governor.

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

H. B. PATEL,

Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XXVI OF 2012.

A BILL

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.

WHEREAS it is expedient further to amend the Bombay Tenancy and Agricultural Lands Act, 1948, the Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958, for the purposes hereinafter

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

भाग आठ-३९-१

(१)

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, जुलै २१, २०१२/आषाढ ३०, शके १९३४

appearing ; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY.

Short title. 1. This Act may be called the the Bombay Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Act, 2012.

CHAPTER II

AMENDMENT TO THE BOMBAY TENANCY AND AGRICULTURAL LANDS ACT, 1948.

Amendment of section 43 of Bom. LXVII of 1948. 2. In section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948, in sub-section (1), after the existing proviso; the following proviso shall be added, namely :—

“ Provided further that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(a) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government ;

(b) the purchaser shall be an agriculturist ;

(c) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 ; and

(d) the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall not be violated. ”

CHAPTER III

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

Amendment of section 50B of Hyd. XXI of 1950. 3. In section 50B of the Hyderabad Tenancy and Agricultural Lands Act, 1950, to sub-section (1), the following proviso shall be added, namely :—

“ Provided that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land

in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(a) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government;

(b) the purchaser shall be an agriculturist;

(c) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961; and

Mah.
XXVII
of
1961.

(d) the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall not be violated.”

Bom.
LXII of
1947.

CHAPTER IV

AMENDMENT TO THE BOMBAY TENANCY AND AGRICULTURAL LANDS (VIDARBHA REGION) ACT, 1958.

4. In section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958, to sub-section (1), the following proviso shall be added, namely :—

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of
1958.

Amendment
of section
57 of Bom.
XCIX of
1958.

“ Provided that, no such previous sanction shall be necessary for the sale, gift, exchange, mortgage, lease or assignment of the land in respect of which ten years have elapsed from the date of purchase or sale of land under the sections mentioned in this sub-section, subject to the conditions that,—

(a) before selling the land, the seller shall pay a *nazarana* equal to forty times the assessment of the land revenue to the Government;

(b) the purchaser shall be an agriculturist;

(c) the purchaser shall not hold the land in excess of the ceiling area permissible under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961; and

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XXVII
of 1961.

(d) the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 shall not be violated.”

Bom.
LXII
of
1947.

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, जुलै २१, २०१२/आषाढ ३०, शके १९३४

STATEMENT OF OBJECTS AND REASONS.

Sub-section (1) of section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), provides that no land purchased by a tenant under section 32, 32F, 32I, 32O, 33C or 43-1D or sold to any person under section 32P or 64 shall be transferred by sale, gift, exchange, mortgage, lease or assignment without the previous sanction of the Collector and such sanction shall be given by the Collector in such circumstances, and subject to such conditions, as may be prescribed by the State Government. Similar provisions are also obtaining in sub-section (1) of section 50B of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. XXI of 1950) and sub-section (1) of section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Bom. XCIX of 1958). As the big land owners were not cultivating the lands personally and the same were cultivated by other persons and to give protection to such persons, the said Tenancy laws were enacted. The provisions are made in these Acts in such a way that the big land owners shall not take the possession of such lands forcefully from the tenant. After the commencement of these Acts, a period of more than fifty years is passed. By the lapse of time, the situation has changed and now the number of big land owners is marginal. The process of taking the previous sanction of the Collector causes delay in transfer of lands and accordingly, the tenants have to face the difficulties. Considering this, and with a view to make the process of transfer of such lands easier and more convenient, the Government considers it expedient to dispense with the requirement of previous sanction of the Collector subject to certain conditions in respect of the lands where ten years have elapsed from the date of purchase or sale under the sections mentioned in sub-section (1) of section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948, and for that purpose to amend the said section 43, suitably. Similarly, for the same purpose, the Government also considers it expedient to amend section 50B of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. XXI of 1950) and section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Bom. XCIX of 1958), on the same lines.

2. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 18th July 2012.

BALASAHEB THORAT,

Minister for Revenue.

FINANCIAL MEMORANDUM

By the proposed Bill, sub-section (1) of section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), sub-section (1) of section 50B of the Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyd. XXI of 1950) and sub-section (1) of section 57 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Bom. XCIX of 1958), are amended, suitably, to provide that, if the period of ten years has elapsed from the date of purchase or sale of lands specified in the said sub-section (1), then no previous sanction of the Collector shall be necessary for sale, gift, exchange, mortgage, lease or assignment of such lands, subject to the conditions mentioned therein. Thus, there are no provisions in the Bill which would involve the recurring expenditure or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

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महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, जुलै २१, २०१२/आषाढ ३०, शके १९३४

**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 powers 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 consideration of the Bombay Tenancy and Agricultural Lands, the Hyderabad Tenancy and Agricultural Lands and Bombay Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Bill, 2012.