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The Maharashtra Resettlement of Project Displaced Persons Act, 1976

Act 41 of 1976

Keyword(s):

Affected Zone, Agricultural Land, Benefited Zone, Code, to Cultivate, Director, Displaced Person, Agricultural Labourer, Family, Holding, Land Pool, Project, Resettlement Officer, Zilla Parishad

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**THE MAHARASHTRA RESETTLEMENT OF PROJECT DISPLACED
PERSONS ACT, 1976**

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MAHARASHTRA ACT No. XLI OF 1976¹.

[THE MAHARASHTRA RESETTLEMENT OF PROJECT DISPLACED PERSONS ACT, 1976]

[12th August 1976.]

An act to provide for the resettlement of certain persons displaced from lands which are acquired for projects of public utility, and for matters connected therewith.

WHEREAS it is expedient to provide for the resettlement of certain persons displaced from lands which are acquired for projects of public utility, and for matters connected therewith ; It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Maharashtra Resettlement of Project Displaced Persons Act, 1976. Short title, extent and commencement.
 (2) It extends to the whole of the State of Maharashtra.
 (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context requires otherwise,—

Definitions.

(1) "affected zone", in relation to a Project, means the lands declared under section 15 to constitute the area of the affected zone under that Project;

(2) "agricultural land" includes lands used or usable for horticulture, the raising of crops, grass or garden produce, dairy farming, poultry farming, breeding of livestock, nursery growing medicinal herbs, and the use by an agriculturist of his land or part thereof for the grazing of his cattle but does not include land used for cutting of wood or grass only ;

(3) "benefited zone", in relation to a Project, means the lands declared under section 15 to constitute the area of the benefited zone under that Project;

(4) "Code" means the Maharashtra Land Revenue Code, 1966;

(5) "to cultivate" means to carry on any agricultural operation and the expression "cultivation" shall be construed accordingly;

(6) "Director" means the Director of Resettlement appointed under section 4;

(7) "displaced person" means any occupant who, on account of the acquisition of his land in the affected zone [including land in the *gaathan* (hereinafter referred to as "the old *gaathan*") for the purposes of a Project has been displaced from such land, or any agricultural labourer ;

(8) "agricultural labourer" means a person who does not hold any land in the affected zone but who earns his livelihood principally by manual labour on agricultural land immediately before the area comprising that land is declared to constitute an affected zone under section 15, and who has been deprived of earning his livelihood principally by manual labour on that land;

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¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1976, Part V, page 397.



(9) "family", in relation to a displaced person, means the family of the displaced person consisting of such person and his or her spouse, minor sons, unmarried daughters, minor brothers or sisters, father and mother and other members residing with him and dependant on him for their livelihood;

(10) "holding" means the total land held by a person as an occupant or tenant, or as both;

(11) "land pool" means the lands referred to in sub-section (3) of section 13 which may be available for resettlement of displaced persons;

(12) "Project" means the construction, extension or improvement of any work for the supply of water for the purposes of irrigation (hereinafter called an irrigation project) or for the production and supply of electricity or of any work conducive to electrical development (hereinafter called a power project), and includes any other work of public utility the construction, extension, improvement or development of which results in displacing persons from lands which may be used for such work;

(13) "Resettlement Officer", in relation to a Project, means an officer not below the rank of a Tahsildar appointed by the State Government by an order in writing for that Project for the purposes of this Act;

(14) "Zilla Parishad" means a Zilla Parishad established under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961; Mah. V of 1962.

(15) words and expressions used in this Act, but not defined, shall have the meanings respectively assigned to them in the Code.

CHAPTER II.

RESETTLEMENT OFFICERS, THEIR POWERS AND DUTIES.

Chief controlling authority in resettlement matters. 3. The chief controlling authority in all matters connected with the resettlement of displaced persons shall vest in the Director, subject to the superintendence, direction and control of the State Government.

Directorate of Resettlement. 4. (1) For carrying out the purposes of this Act, the State Government shall establish the Directorate of Resettlement consisting of,—

- (a) the Director of Resettlement;
- (b) the Commissioner of the division;
- (c) one or more Deputy Directors of Resettlement (in this Act referred to as the Deputy Director); and
- (d) one or more Resettlement Officers and such other officers and servants with such designations as the State Government may, from time to time, by an order in writing, appoint.

(2) The State Government shall by an order in writing appoint one of the Secretaries to the Government of Maharashtra to be the *ex-officio* Director.

Explanation.—For the purposes of this sub-section, "Secretary" includes an Additional Secretary, or any Joint Secretary designated by the State Government.

(3) The Collector of District and the Chief Executive Officer of the Zilla Parishad in whose jurisdiction the area included in a Project lies shall be *ex-officio* Deputy Director (Land) and Deputy Director (Development), respectively.

5. It shall be the duty of the Director,—

Functions of
Director.

(a) to give advice to the State Government in all matters relating to the resettlement of displaced persons ;

(b) to implement the resettlement programmes within the framework of the policy of the State Government relating to the resettlement of displaced persons ;

(c) to ensure speedy resettlement of displaced persons ;

(d) to prepare or cause to be prepared annual budget for providing funds for carrying out the purposes of this Act ;

(e) subject to the general or special order of the State Government, if any, to disburse, out of the grants duly sanctioned by law for resettlement of displaced persons, sums to such officers and authorities at such intervals according to their requirements as he may think fit for carrying out the purposes of this Act ;

(f) to supervise the field work of resettlement, and give advice to the officers doing that work from time to time ;

(g) to arrange, as far as practicable, for employment to displaced persons either on any work connected with the Project or otherwise ; and

(h) to perform such other functions as the State Government may, from time to time, by an order in writing, entrust to him.

6. Subject to any orders of the State Government, it shall be the duty of the Commissioner,—

Duties of
Commissioner.

(a) to co-ordinate and supervise the work of resettlement of displaced persons in his division ;

(b) to ensure speedy resettlement of displaced persons, and for that purpose, hold meetings of the officers attending to the work of resettlement and take decisions in that behalf and require the subordinate officers to attend to such work as may be assigned to them ;

(c) to scrutinise budget proposals of the Deputy Director or Deputy Directors in his division ;

(d) to disburse grants to Deputy Directors according to the requirements as assessed by him ;

(e) to require the Deputy Director (Development) concerned to report to him the progress made in the matter of execution of the lay-out of a *gaathan* relating to public utilities, amenities and services referred to in clause (i) of sub-section (1) of section 20 and entrusted by the State Government under section 22 and render him such assistance as the circumstances of the case may require ;

(f) to perform such other functions as may be assigned to him by the State Government.

7. The Deputy Director may by an order in writing delegate such of the powers and duties conferred and imposed on him by or under this Act to such officers not below the rank of a Tahsildar or to such officers of the State Government or local authority as, with the approval of the Commissioner, may be specified in the order.

Delegations
of powers
and duties
to subordinate
officers.

8. For the purposes of this Act, the Deputy Director and all other officers and servants appointed under this Act shall be subordinate to the Director and the Commissioner.

Subordina-
tion of
officers and
servants.

Constitution
of Advisory
Committees.

9. For the purposes of assisting it in the speedy resettlement of displaced persons, the State Government may, from time to time, constitute one or more Advisory Committees for advising the State Government or any officer appointed for any of the purposes of this Act on such matters regarding the speedy resettlement of displaced persons as may be referred to it or them. The composition of an Advisory Committee, the regulation of its business, the allowances or fees, if any, to be paid to its members and all matters incidental thereto shall be such as may be prescribed :

Provided that the Chairman of an Advisory Committee shall be a non-official, and the Vice-Chairman may be an official, appointed by the State Government.

CHAPTER III

RESETTLEMENT OF DISPLACED PERSONS

Resettlement
of displaced
persons.

10. The State Government shall resettle as many displaced persons as possible on land in the benefited zone or in other villages or areas (being villages and areas specified by the State Government by an order in writing for that purpose) in accordance with the provisions of this Act and the rules made thereunder.

Application
of Act
to Project.

11. (1) If the State Government is of opinion that it is necessary or expedient in the public interest so to do, for the resettlement of displaced persons, it may, by notification in the *Official Gazette*, declare that the provisions of this Act shall apply in relation to the Project specified in the notification ; and thereupon, the provisions of this Act shall apply to such Project. The notification shall also specify the villages or areas which are likely to be in the affected or benefited zone.

(2) The declaration shall also be published in the villages or areas which are likely to be the affected and benefited zones by beat of drum or otherwise, and by affixing a copy of the notification in some prominent place or places in the zones, and in the village *chavdi*, and in the office of the *panchayat*, if any, and also in the office of the Resettlement Officer.

Restrictions
on transfer,
sub-division
or partition
of land in
benefited
zone.

12. (1) Notwithstanding anything contained in any law for the time being in force, no land in the villages or areas specified in the notification under section 11 shall, after publication of that notification in the *Official Gazette*, and until the Deputy Director makes a declaration to the effect that all proceedings for the acquisition of lands in the benefited zone are completed, be—

(a) transferred, whether by way of sale (including sale in execution of a decree of a civil court or of an award or order of any other competent authority) or by way of gift, exchange, lease or otherwise,

(b) sub-divided (including sub-division by a decree or order of any court or any other competent authority), or

(c) partitioned (including partition by a decree or order of any court or any other competent authority),

except with the permission in writing of the State Government.

(2) The State Government may refuse to give such permission if in its opinion the transfer, sub-division or partition of land is likely to defeat the object of this Act.

(3) Any transfer, sub-division or partition of land made in contravention of sub-section (1) shall be void and inoperative.

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13. (1) On the publication of the notification under section 11, the Resettlement Officer shall, subject to the provisions of this section, assess the extent of land from which persons are likely to be displaced, and the extent of land which may be available for grant to displaced persons. The Resettlement Officer shall also indicate in such assessment the location of such lands and of the site of the *gaothan* or the new village, or as the case may be, the area of extension of any existing *gaothan* where resettlement of displaced persons may be made.

(2) In selecting the site for a *gaothan* (hereinafter referred to as "the new *gaothan*") or, as the case may be, for extension of an existing *gaothan*, the Resettlement Officer shall have regard to the following factors, namely :—

- (i) the proximity of alternative agricultural lands (which may be earmarked for grant to the displaced persons) to the new *gaothan*, or as the case may be, to the extended part of the existing *gaothan* (the distance between such agricultural lands and the new *gaothan* or the extended part of the existing *gaothan* may ordinarily not exceed 8 kilometres) ;
- (ii) the availability of water sources in, or in the vicinity of, the new *gaothan* or extended part of the *gaothan* or possibility of striking water if a well is constructed in, or in the vicinity of, such *gaothan* ;
- (iii) access to roads ;
- (iv) suitability of land for constructing houses ; and
- (v) such other factors as the State Government may by an order in writing specify.

(3) The Resettlement Officer shall draw up a list of lands which may be available for resettlement of the displaced persons and in doing so, may indicate the area which may be included in the benefited zone, or which may be specified under section 10. Such lands shall consist of—

- (a) Government waste lands ;
- (b) Government forest lands which are available or which may be available, for cultivation after deforestation ;
- (c) lands which may be included in the benefited zone, or in any village or area to be specified under section 10 and which may be acquired under the Land Acquisition Act, 1894, in accordance with the provisions of section 16 ;
- (d) lands acquired under section 16 ;
- (e) any other land vesting in the State Government and available for the resettlement of displaced persons.

(4) For the purpose of making assessment under this section, the engineer in charge of the implementation of the Project (hereinafter referred to as "the Project Engineer") shall—

- (a) prepare or cause to be prepared an index map of the submergence area which is likely to be submerged showing the villages at different reservoir levels, i.e.,—
 - (i) for storage with gates, and
 - (ii) for storage without gates ;
- (b) prepare or cause to be prepared the village maps indicating the submerged area, and the actual survey numbers which may be submerged ;

(c) collect information regarding,—

(i) the extent of land required for the Project;

(ii) the extent of land which is likely to be benefited by the Project, together with a list of survey numbers in each village.

(5) The maps prepared under sub-section (4) and the information collected under that sub-section shall be sent by the Project Engineer to the Resettlement Officer.

(6) On receipt of the maps and information under sub-section (5), the Resettlement Officer shall collect information regarding—

(a) Government lands available for resettlement, the extent of lands in the area which is likely to be the benefited zone and which may have to be acquired under the provisions of section 16;

(b) details of persons affected by the Project, such as, the extent of the holding of the displaced person, the extent of area therefrom to be acquired for the Project, the number of structures to be acquired for the Project, the number of members in the family of each displaced person;

(c) the location of the new *gaathan* or extension of the existing *gaathan*, preferably in consultation with the persons who are likely to be displaced on account of undertaking works relating to the Project.

(7) The Resettlement Officer shall send a copy of his assessment made under sub-sections (1) and (2) to the State Government, the Commissioner and the Deputy Director.

Provisional declaration of affected zone and benefited zone. 14. (1) As soon as may be after the receipt of the copy of the assessment under section 13, the State Government shall, after such inquiry as it thinks fit, provisionally declare by notification in the *Official Gazette* and also in the manner provided by sub-section (2) of section 11—

(a) the area which is required for the Project, and thereby would be adversely affected by or under the Project; and

(b) if the Project is an irrigation Project or is a composite Project consisting of irrigation Project, power Project and any other Project of public utility or any combination thereof the area under the command of the Project which is likely to be benefited by the Project.

(2) The declaration under sub-section (1) shall invite objections to, and suggestions for, the inclusion of any land in the area referred to in clause (a) or clause (b) of sub-section (1) within a period of not less than thirty days specified in the notification.

(3) A copy of the notification shall be sent to the Commissioner, the Deputy Director and the Resettlement Officer who may make such suggestions relating to the notification as he thinks fit.

Final declaration of affected zone and benefited zone; and power to make changes in such zones. 15. (1) The State Government shall, after considering the objections and suggestions received within the period specified in the notification under section 14, after giving a reasonable opportunity to the persons affected by that notification to be heard, and after making such further inquiry as it may think fit, finally declare by notification in the *Official Gazette* and also in the manner provided by sub-section (2) of section 11,—

(a) the extent of area which shall constitute the area of affected zone under the Project;

(b) if the Project is a project falling under clause (b) of sub-section (1) of section 14, the extent of area which shall constitute the area of benefited zone under the Project.

(2) A copy of the notification shall be sent to the Commissioner, the Deputy Director and the Resettlement Officer.

(3) If at any time during the course of execution of a Project, the Resettlement Officer is satisfied that any change in the affected zone or benefited zone is necessary, he shall communicate such change to the State Government through the Deputy Director and the Commissioner; and shall likewise forward to the State Government any plans and particulars relating to the change.

(4) On receipt of the communication under sub-section (3), the State Government may, after making such inquiries as it thinks fit, make provisional and final declarations in respect of such change in accordance with the provisions of section 14 and this section.

16. (1) The State Government may enter into an agreement with any person for the purchase or exchange, of any land required for carrying out the purposes of this Act. Power to acquire land for purposes of this Act.

(2) Subject to the provisions of this section, the State Government may also for I of carrying out the purposes of this Act compulsorily acquire land under the Land 1894. Acquisition Act, 1894, and the acquisition of any land for the said purposes shall be deemed to be a public purpose within the meaning of that Act.

(3) The State Government may also acquire lands included in a *gaathan* in the affected zone as far as practicable according to the provisions of Part I of Schedule A hereto.

(4) For the purpose of resettling displaced persons on land, the State Government may, subject to any rules made in this behalf, acquire land from holdings in the benefited zone or from any village or area specified under section 10 as far as practicable according to the provisions of Part II of Schedule A hereto.

(5) All lands acquired under this section shall form part of the land pool.

17. (1) The State Government may, subject to the provisions of this section, grant land (not being *gaathan* land) to displaced persons as far as practicable according to the provisions of Part I of Schedule B hereto and subject to such conditions as may be prescribed. Extent of land to be granted to displaced persons according to certain provisions.

(2) If the number of members in a family exceeds 5, an additional 40·47 ares of land may be given for every 3 additional members, subject to the condition that the total area of land granted to a family does not exceed 2 Hectares and 83·28 ares (7 acres).

(3) Land equal to 40·47 ares in extent may be granted to displaced agricultural labourers if they leave their village in the affected zone along with the other displaced persons and such other displaced persons are resettled on land under this Act.

(4) Dry (Jirayat) lands from sources other than the benefited zone may be granted at the rate of a minimum of 1 Hectare and 61·87 ares (4 acres) to each displaced person or agricultural labourer provided that the maximum limit is in accordance with any rule made under the Code for disposal of Government land.

(5) The State Government may grant plots of land to displaced persons in a new *gaathan* or extended part of an existing *gaathan* according to the provisions of Part II of Schedule B hereto.

(6) In granting alternative land to a displaced person, the value of such land shall ordinarily be of the same amount which the displaced person has received in respect of his land in the affected zone which is acquired for the Project and the area

of the alternative land to be granted shall, notwithstanding anything contained in this section, be so determined that the total extent of the holding of the displaced person after such grant does not exceed the economic holding provided by the rules made under the Code for the disposal of Government land.

(7) Notwithstanding anything contained in this section, the State Government may, subject to the condition of previous publication by notification in the *Official Gazette* amend Schedule A, regard being had to the provisions of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, the number of displaced persons to be resettled, and the extent of land available according to Schedule A for resettlement.

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Occupancy price. 18. (1) Subject to the provisions of this section, the occupancy price payable in respect of land to be granted under section 17 shall—

(a) in the case of agricultural lands acquired from holdings in a benefited zone or from any villages or areas specified under section 10, be equal to the amount of compensation paid for their acquisition or the current market value thereof, whichever is more, and also the amount of expenses incurred on demarcation of all the lands so acquired, on levelling of such lands, on joint measurements on land improvement, if any, on fixing boundary marks or stones and on labour;

(b) in the case of any Government agricultural lands, be in accordance with the provisions of the rules made under the Code for disposal of Government land;

Explanation.—(i) In cases of unassessed lands, the occupancy price shall be payable having regard to the assessment leviable on the adjacent lands of similar quality and similarly situated.

(ii) The question whether adjacent lands are of similar quality or are similarly situated shall be decided by the State Government and the decision of the State Government on the question shall be final and conclusive;

(c) in case of lands in a new *gaathan* established on lands acquired for the purpose, be equal to the amount of compensation paid for their acquisition in addition to the amount of expenses referred to in clause (a) including such expenses in respect of lands reserved for public purposes;

(d) in case of lands in a new *gaathan* established on Government land, be equal to the amount of the expenses referred to in clause (c).

(2) For the purpose of determining the occupancy price payable under clause (a) of sub-section (1) by a displaced person for the land granted to him, there shall be worked out first the occupancy price payable per hectare of such land by dividing, the sum of the amount of compensation or market value, whichever is more, and the amount of expenses referred to in the said clause (a) by the total area of the acquired lands in hectares, referred to in that clause. Thereupon the occupancy price payable in respect of such land shall be equal to the amount of occupancy price payable per hectare of land so worked out multiplied by the area in hectares of such land.

(3) For the purpose of determining the occupancy price—

(a) payable under clause (c) of sub-section (1) for each plot of land, there shall be worked out first the occupancy price payable per square metre of land by dividing the sum of the amount of compensation and the amount of expenses referred to in that clause by the total area of land in square metres required for the purposes of a new *gaathan* or for purposes of extension of the existing *gaathan*. Thereupon, the occupancy price payable in respect of each plot of land shall be equal to the amount of the occupancy price payable per square metre of land so worked out multiplied by the area in square metres of each such plot.

(b) payable under clause (d) of sub-section (1) for each plot of land, there shall be worked out first the occupancy price payable per square metre of land by dividing the amount of expenses referred to in that clause by the total area of the land in metres on which the *gaathan* or the extended part of an existing *gaathan* is established; and thereupon the provisions of clause (a) of this sub-section shall apply for determining the occupancy price payable for each plot of land.

(4) Where the amount of occupancy price payable in respect of land granted under this Act to any displaced person in a new *gaathan* or in an extended part of an existing *gaathan* as worked out under this section is in excess of the amount of compensation received by him in respect of his land in the old *gaathan*, then irrespective of the area of his land in the old *gaathan* or the area of his land in the new *gaathan* or in the extended part of an existing *gaathan*, the occupancy price payable by him in respect of the land granted to him in the new *gaathan* under this Act shall be equal to the amount of compensation received by him in respect of his land in the old *gaathan*; and the excess amount of occupancy price shall be borne by the State Government.

(5) Where a displaced person who has been granted land in a new *gaathan* has not received any compensation in respect of his land in the old *gaathan* for any reason, then no occupancy price shall be payable by such displaced person in respect of the land granted to him in the new *gaathan* or in the extended part of an existing *gaathan*.

(6) In addition to the occupancy price payable as aforesaid, the grantee shall be liable to pay such amount of the value of trees, if any, standing on the land as may be determined by the Deputy Director in consultation with the Divisional Forest Officer of the District.

(7) The occupancy price shall be payable in such manner and in lump sum or in such instalments as may be prescribed.

19. (1) The Resettlement Officer shall as soon as may be after the assessment is made under section 13 publish a public notice in the *Official Gazette* and also as provided by sub-section (2) of section 11 calling upon the displaced persons in the affected zone to intimate to him in writing before the date specified in the notice (not being earlier than 60 days from the date of publication of the notice in the *Official Gazette*) whether they require land for resettlement on occupancy price provided under section 18; and if so, to submit to him, in duplicate, before the said date, a statement containing the following particulars, namely:—

(a) the area of land held by each displaced person as occupant or tenant in the affected zone, separately;

(b) the area of land held by each displaced person, if any, in the benefited zone or outside that zone in any village or area specified under section 10 as occupant or tenant;

(c) the description of land on which he was working as agricultural labourer;

(d) the place of residence in the old *gaathan*, and whether the displaced person holds that place as owner or tenant; and

(e) choice of land for purposes of grant or for working thereon as agricultural labourer in the benefited zone, or in the village or area specified under section 10, and choice of land in the new *gaathan* or, as the case may be, in the extended part of the existing *gaathan*.

(2) The Resettlement Officer shall take particular care to ensure that the notice published under sub-section (1) is given as wide publicity as possible, and for that purpose he may render such assistance to the displaced persons to understand the contents of the notice as he thinks fit in the circumstances of each case.

(3) A copy of the statement received under sub-section (1) shall be sent to the Deputy Director.

Resettlement Officer to prepare draft scheme of resettlement. 20. (1) For enabling the State Government to resettle displaced persons as required by section 10, the Resettlement Officer shall, as soon as may be on the basis of the statement received under section 19 and on the basis of the assessment of land made under section 13, prepare one or more draft schemes for the resettlement of the displaced persons. The scheme shall contain the following particulars, namely:—

(a) the extent of area included in the Project indicating therein the area of the affected zone and the number of villages affected by the Project; a plan indicating the area and villages therein shall be appended to the draft scheme;

(b) date of submergence of the holding under the water of the Project;

(c) a list of displaced persons (not being agricultural labourers) and the extent of land in his holding indicating the survey numbers thereof held by each person in the affected zone; and a list of agricultural labourers in such zone, and the extent of land held by him, if any, in that zone, and the names of such persons on whose lands he has been earning his livelihood principally by manual labour;

(d) the area of the *gaathan* in the affected zone and the names of persons owning land therein and the extent of such land;

(e) the number of families in the affected zone, and the number of members in each family ;

(f) a list of persons benefited or likely to be benefited on the completion of the Project, and the extent of land held by each such person in the benefited zone;

(g) the extent of land available from the benefited zone and from the villages and areas specified under section 10 for resettlement of the displaced persons;

(h) the names of the displaced persons, the number of members in each family, and the extent of land (with particulars of location) proposed to be granted to each displaced person from the land pool and the occupancy price which a displaced person will have to pay;

(i) the site of the *gaathan* in the benefited zone, or the area of extension thereof or, as the case may be, the area where it is proposed to locate the new *gaathan* therein. A plan indicating the layout of the new *gaathan* or extension of the existing *gaathan* as aforesaid shall be appended to the draft scheme. The layout shall explain the public utilities, amenities and services proposed to be provided in the new *gaathan* or, as the case may be, in the extension of the existing *gaathan*;

Explanation.—For the purposes of this clause, the expression “ public utilities and amenities ” includes provision for reservation of such extent of land for threshing ground and for cremation and burial ground in the resettled village as the rules may provide in that behalf, regard being had to the nature and type of threshing ground existing in the sub-merged village, the extent of land existing for cremation and burial purposes in the submerged village, the population of different communities and the availability of land for re-settlement;

(j) the names of displaced persons and the extent of land proposed to be granted to each family for resettling in the new *gaathan* or, as the case may be, in the proposed extension of the existing *gaathan*;

(k) such other particulars as the Resettlement Officer may think fit to include for the information of the displaced persons.

(2) The draft scheme shall indicate the time schedule for shifting the displaced persons in the affected zone to the new *gaathan* or to the extended part of the existing *gaathan* according to the submergence schedule of the Project.

(3) The draft scheme drawn up by the Resettlement Officer shall be submitted by him to the Deputy Director who may refer it to the Advisory Committee and amend it according to the recommendations, if any, made by that Committee.

(4) The draft scheme shall state that the Deputy Director shall afford facilities to the displaced persons to see for themselves the agricultural lands proposed to be granted to them on occupancy price and the location of the new *gaathan* or, as the case may be, the extended part of the existing *gaathan*.

(5) A copy of the draft scheme prepared under sub-section (1) shall be submitted to the Director, the Commissioner and the *Zilla Parishad* concerned.

21. (1) As soon as may be after a copy of the draft scheme for resettlement is received under section 20, the Deputy Director after considering the recommendations of the Advisory Committee and after making such inquiries as he thinks fit shall publish the draft scheme in the *Official Gazette* and also in the manner provided by sub-section (2) of section 11. Publication of scheme and sanctioning of scheme.

(2) The draft scheme shall call upon each of the displaced persons to send in his objections and suggestions to the draft scheme within 45 days from the date the draft scheme is published in the *Official Gazette*.

(3) The Deputy Director may, after considering any objections or suggestions, duly received under sub-section (2), after making such inquiries as he thinks fit sanction the draft scheme with or without any modification and publish it in the *Official Gazette* and also in the manner provided by sub-section (2) of section 11 :

Provided that the draft scheme shall not be sanctioned with any modification unless the parties affected by the modification are given a reasonable opportunity of being heard.

(4) A plan or map forming part of any scheme may not be published along with the scheme as required by this Act, but a copy of the plan shall be kept open for inspection in the office of the Resettlement Officer.

(5) Any person aggrieved by any of the provisions of the sanctioned scheme may, within 30 days of the date of publication of such scheme in the *Official Gazette*, file an appeal to the Commissioner who may after giving such person a reasonable opportunity to be heard amend the sanctioned scheme or may refuse to amend it.

(6) The State Government may on application or otherwise call for the record of proceeding relating to the draft or sanctioned scheme for satisfying itself regarding the correctness or otherwise of any of the provisions made therein, and may amend the sanctioned scheme, after giving the party or parties affected by such amendment a reasonable opportunity of being heard.

22. (1) The execution of every lay-out of a new *gaathan* or the extension of an existing *gaathan*, as the case may be, in so far as it relates to public utilities, amenities and services and maintenance thereof shall be entrusted by the State Government by an order in writing to the *Zilla Parishad* having jurisdiction over the area included in the lay-out, subject to such terms and conditions (including provision for their vesting in the *Zilla Parishad*) as may be specified in the order, and thereupon the provisions of section 123 of the Maharashtra Zill Parishads and Panchayat Samitis Act, 1961, shall apply to the execution of such lay-out and also to maintenance thereof as they apply in relation to the execution and maintenance of works or development schemes entrusted to a *Zilla Parishad* under that section. Entrustment of execution of lay-out to Zilla Parishad.

(2) For ensuring speedy execution of works relating to public utilities, amenities and services and for their proper maintenance, the State Government shall arrange for release of the necessary funds to the *Zilla Parishads*, and for that purpose, the State Government may make such orders as it thinks fit, regard being had to the circumstances of each case.

CHAPTER IV

GRANT OF LAND

23. (1) After the publication of the sanctioned scheme in the *Official Gazette* under section 21, the Deputy Director shall, subject to the provisions of section 25, grant land, on payment of occupancy price, to the displaced persons in accordance with the provisions of the sanctioned scheme; and thereupon, except as expressly provided by this Act, the provisions of the Code and rules made thereunder which provide for disposal of Government lands shall apply to such grants as they apply in relation to Government land granted under the Code.

(2) Where the occupancy price payable by any displaced person in respect of the agricultural land granted to him is not paid as provided in sub-section (1), the Deputy Director may, if he is satisfied that the delay in granting the land under sub-section (1) is likely to result in land remaining fallow, put such displaced person in possession of the land from the commencement of the agricultural year next following the date of the publication of the sanctioned scheme in the *Official Gazette*, subject to the following conditions, namely:—

(i) if the displaced person fails to pay the occupancy price, he shall be deemed to have forfeited his right to the grant of the land as provided in the sanctioned scheme;

(ii) in case of such failure, he shall be continued in possession of the land as a lessee only upto the expiry of the said agricultural year on payment to the State Government of such rent as the Deputy Director may determine;

(iii) on the expiry of the said agricultural year, the displaced person shall vacate the land, and if he fails to do so, he shall be liable to be summarily evicted in accordance with the provisions of the Code;

(iv) after the displaced person vacates, or is evicted from, the land as provided in condition (iii), the land may be disposed of in accordance with the provisions of the Code and the rules made thereunder in respect of grant of Government lands on payment of occupancy price;

(v) if the displaced person fails to pay the rent, it shall be recoverable from him as an arrear of land revenue.

24. If any displaced person fails to pay the occupancy price as required by this Act in respect of the land granted to him, he shall be deemed to have forfeited his right to the grant of land as provided in the sanctioned scheme; and it shall be lawful for the Deputy Director either to restore the land to the said displaced person on payment of the occupancy price within such period as may be specified by the Deputy Director or to grant such land on new tenure to any other person on his undertaking to pay the occupancy price, and thereupon, the scheme shall be deemed to be amended accordingly.

25. (1) Where any land held by a displaced person in an affected zone is burdened with a mortgage, debt or any other encumbrance, such mortgage, debt or other encumbrance shall be deemed to be transferred therefrom and attach itself to the land granted to such displaced person under section 23, and the mortgagee, creditor or, as the case may be, other encumbrancer shall exercise his rights, accordingly.

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(2) If the land to which a mortgage, debt or other encumbrance is transferred under sub-section (1) is of less market value than the original land from which it is transferred, the mortgagee, creditor or, as the case may be, other encumbrancer shall be entitled to payment of such compensation by the displaced person owning the land as may be determined by the Deputy Director.

CHAPTER V

MISCELLANEOUS

26. If any person knowingly makes a false declaration or statement under this Act, he shall, on conviction, be punished with a fine which may extend to one thousand rupees : Penalty for false declaration.

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, such fine shall not be less than one hundred rupees.

27. Every officer of Government in any Department and every officer or servant of a local authority shall be bound to assist any Resettlement Officer or Deputy Director, Project Engineer, or any officers duly authorised for the purpose of carrying out the provisions of this Act. Power of officers of Government and local authorities to assist.

28. All officers and servants appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Officers and servants appointed under this Act to be public servants.

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29. No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Director, Commissioner, Deputy Director, Resettlement Officer or the State Government. Bar of jurisdiction.

30. No suit, prosecution or other legal proceeding shall lie against the State Government, local authority or any public servant for anything which is in good faith done or purported to be done under this Act. Protection of action taken under this Act.

31. (1) The State Government may, by notification in the *Official Gazette* and subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Such rules may provide for charging fees for any of the purposes of this Act. Rules.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

SCHEDULE A

(See section 16)

PART I

Percentage of houses in <i>gaathan</i> acquired for a Project	Lands included in <i>gaathan</i> to be acquired (in Hectares)
(a) Less than 75 per cent. of the houses in the <i>gaathan</i> acquired for a Project.	<i>Nil.</i>
(b) 75 per cent. of the houses in the <i>gaathan</i> acquired for a Project.	All lands included in the entire <i>gaathan</i> .
(c) Area included in the <i>gaathan</i> is not acquired for the Project, but more than 75 per cent. of the agricultural lands in the village are acquired, and the extent of the remaining area available for cultivation in the village is less than 50 per cent. of the cultivated area of the village.	All lands included in the entire <i>gaathan</i> .

PART II

Size of the holding	Area to be acquired (in Hectares)
(a) Not more than 3 Hectares and 23·75 Ares (8 acres).	<i>Nil.</i>
(b) More than 3 Hectares and 23·75 Ares (8 acres) and not more than 4 Hectares and 85·62 Ares (12 acres).	The area in excess of 3 Hectares and 23·75 Ares (8 acres) but not more than 80·94 Ares (2 acres).
(c) More than 4 Hectares and 85·62 Ares (12 acres) and not more than 6 Hectares and 47·49 Ares (16 acres).	The area in excess of 4 Hectares and 04·68 Ares (10 acres) but not more than 1 Hectare and 21·41 Ares (3 acres).
(d) More than 6 Hectares and 47·49 Ares (16 acres) and not more than 8 Hectares and 09·37 Ares (20 acres).	The area in excess of 5 Hectares and 26·09 Ares (13 acres) but not more than 1 Hectare and 61·87 Ares (4 acres).
(e) More than 8 Hectares and, 09·37 Ares (20 acres) and not more than 9 Hectares 71·24 Ares (24 acres).	The area in excess of 6 Hectares and 47·49 Ares (16 acres) but not more than 2 Hectares and 02·34 Ares (5 acres).
(f) More than 9 Hectares 71·24 Ares (24 acres).	All the area in excess of 7 Hectares and 68·90 Ares (19 acres);

Provided that in the case of a holding falling under clause (b) no land from such holding shall be acquired if the acquisition results in reducing the size of the holding to less than 3 Hectares and 23·75 Ares (8 acres).

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SCHEDULE B

(See section 17)

PART I

Area of land in Hectares lost by displaced persons for a Project.	Area of land in Hectares to be granted to the displaced persons from within the benefited zone.
1. Not more than 80·94 Ares (2 acres).	Not less than 40·47 Ares (1 acre) but not more than 80·94 Ares (2 acres).
2. More than 80·94 Ares (2 acres) but not more than 2 Hectares 02·34 Ares (5 acres).	Not less than 40·47 Ares (1 acre) but not more than 1 Hectare and 21·41 Ares (3 acres).
3. More than 2 Hectares and 02·34 Ares (5 acres).	Not less than 40·47 Ares (1 acre) but not more than 1 Hectare 61·87 Ares (4 acres).

PART II

Category of displaced person.	Scale of grant of <i>gaathan</i> plots in square metres.
1. A displaced person who is an agriculturist.	<p>(a) If the members of his family do not exceed 5 ; 371·612 sq. metres.</p> <p>(b) If the members of his family exceed 5. An additional 92·903 sq. metres for every 3 addi- tional mem- bers, subject to the maxi- mum area of 557·418 sq. metres.</p>
2. A displaced person who is not an agriculturist.	<p>(a) If the members of his family do not exceed 5 ; 185·806 sq. metres.</p> <p>(b) If the members of his family exceed 5. An additional 46·4515 sq. metres for every 3 addi- tional mem- bers, subject to the maxi- mum area 278·709 metres.</p>