



GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. XI OF 1979

THE MAHARASHTRA KHAR LANDS DEVELOPMENT ACT, 1979.

(As modified upto the 8th November 2012)

PRINTED IN INDIA BY THE MANAGER, GOVERNMENT PRESS, NAGPUR AND
PUBLISHED BY THE DIRECTOR, GOVERNMENT PRINTING, STATIONERY AND
PUBLICATIONS, MAHARASHTRA STATE, MUMBAI-400 004.

2012

[Price Rs. 7.00]

**THE MAHARASHTRA KHAR LANDS DEVELOPMENT
ACT, 1979.**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Duties and powers of State Government.
4. Khar Lands Development Officers.
5. Chief Controlling Authority.
6. Preparation of schemes.
7. Publication of draft scheme and of final scheme.
8. Commencement and effect of scheme.
9. Execution of scheme.
10. Power to vary scheme.
11. Power to revoke scheme.
12. Entry in record of rights and restrictions on use of lands for non agricultural purposes.
13. Forfeiture of lease of land in scheme for failure to cultivate or to pay cess.
14. Village Panchayats responsible for supervision, maintenance and repairs of embankments.
15. Advisory Committee.
16. Right of entry.
17. Acquisition of land, right or interest.
18. Claim for amount for consequential damage.
19. No amount payable in certain cases for use or removal of earth.
20. Khar lands cess.
21. Levy of Khar lands cess.
22. Responsibility for payment of cess.
23. Provisions of Code to apply for collection and recovery of cess.
24. Penalty for default in payment of cess.
25. Recovery of arrears of cess and penalty as arrears of land revenue.
26. Power to compel certain persons to carry out repairs or works required urgently.
27. Regulation of fishing rights.
28. Inquiries to be made summarily.
29. Registration of documents, plan or map in connection with scheme not required.
30. Protection of persons acting in good faith.
31. Penalty.
32. Rules.
33. Repeal and savings.
34. Repeal of Maharashtra Ord. II of 1979 and savings.

MAHARASHTRA ACT No. XI OF 1979 ¹

[THE MAHARASHTRA KHAR LANDS DEVELOPMENT ACT, 1979]

[11TH APRIL 1979]

(This Act received the assent of the President on the 10th April 1979; assent was first published in the Maharashtra Government Gazette, Part IV, on the 11th April, 1979)

An Act to make better provision for protection, development and control of Khar lands, and reclamation of tidal lands, by construction and maintenance of embankments and other works by the State Government itself, for facilitating growing more food crops thereon and for certain other matters.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make better provision for protection, development and control of khar lands, and reclamation of tidal lands, by construction and maintenance of embankments and other works by the State Government itself, for facilitating growing more food crops thereon and for certain other matters herinafter appearing ; and, therefore, promulgated the Maharashtra Khar Lands Development Ordinance, 1979, on the 19th February 1979 ;

Mah.
Ord.
II of
1979.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirtieth Year of the Republic of India, as follows :—

1. (1) This Act may be called the Maharashtra Khar Lands Development Act, 1979.

Short title,
extent and
commence-
ment.

(2) It extends to Greater Bombay and Thane, Kulaba and Ratnagiri Districts in the State of Maharashtra.

(3) It shall be deemed to have come into force on the 19th February 1979.

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

Definitions.

(a) “beneficiary” means the owner, occupier or holder of the land benefited by any khar lands scheme, by way of reclamation or conversion into cultivable land or in any other manner whatsoever ;

Mah.
XLI
of
1966.

(b) “Code” means the Maharashtra Land Revenue Code, 1966 ;

(c) “embankment” includes,—

(i) every earth bank, dam, wall and dyke made or used for excluding water from, or retaining water upon, any tidal or khar land or for excluding salt water from entering into any adjoining sweet water *nallas* or inlets ;

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1979, Part V, Extraordinary, page 43.

(ii) every sluice, spur, groyne, training wall, berm or other work annexed to, or portion of, any embankment ;

(iii) every earth bank, dam, dyke, wall, groyne or spure made or erected for the protection of any embankment or of any tidal or khar land from erosion or overflow by or of tides, waves or waters ;

(iv) all buildings intended for storage, inspection or supervision ;

(v) all approach and other roads as part of a scheme ;

(d) “former Board” means the Maharashtra Khar Lands Development Board, which was established under section 3 of the Bombay Khar Lands Act, 1948 ;

Bom.
LXXII of
1948.

(e) “holder”, in relation to any land, means the person who is lawfully in actual possession of the land as the owner or tenant, and includes a Government lessee ;

(f) “Irrigation Department” means the Irrigation Department of the Government of Maharashtra ;

(g) “khar land” means such tidal land as is made cultivable or otherwise beneficial in any manner whatsoever by protecting it, by means of an embankment, from the sea or tidal river, and includes all such land in whatever manner described, whether as *khar*, *khajan*, *kharepat*, *gazni* or otherwise ;

(h) “khar lands cess” or “cess” means the cess on lands levied and collected under this Act ;

(i) “Khar Lands Development Officer” means any officer appointed under section 4 ;

(j) “occupier” in relation to any land, means any person holding or professing to hold the right to cultivate that land for the time being ;

(k) “owner”, in relation to any land, includes every person having a joint interest in the ownership of the land and all rights and obligations which attach to an owner under this Act shall attach jointly and severally to every person having such joint interest ;

(l) “prescribed” means prescribed by rules made under this Act ;

(m) “scheme” means a khar lands scheme prepared under this Act ;

(n) “sea” includes bay, inlet, creek or an arm of the sea ;

(o) “tidal land” means such parts of the bed or shore of the tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides, together with the adjoining bed or shore within the contour upto the height of one metre above the ordinary spring tide marks ;

(p) “tidal water” means any part of the sea or river within the flow and ebb of the tide at ordinary spring tides ;

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

3. (1) It shall be the duty of the State Government to protect and to develop, maintain and control the khar lands in the most efficient and economical manner.

Duties and powers of State Government.

(2) Under appropriation duly made in this behalf, the expenditure on implementation of the khar lands schemes shall be borne by the State Government.

(3) The original works of the scheme and the special repairs to the completed schemes or those in progress shall, from time to time, be executed and maintained by the State Government, in the Irrigation Department, in the same manner in which other schemes, like the minor irrigation schemes or flood protection schemes under the State Sector, are executed and maintained by that Department.

(4) Without prejudice to the generality of the foregoing provisions, the State Government shall have power—

(a) to notify developments and works already done by the former Board ;

(b) to take over all the works of the former Board, which are either completed or which are not completed, for completion and operation ;

(c) to levy and collect a cess on all lands developed under the schemes, which are completed either by the State Government or by the former Board and which are taken over by the State Government, from the date to be notified by the State Government for each scheme separately ;

(d) to cause surveys to be made of all khar lands and prepare a master plan of the khar lands schemes to be developed under this Act ;

(e) to prepare a list of—

(i) all khar lands schemes, whether completed, under construction or proposed ;

(ii) the lands benefited or to be protected under each scheme ;

(iii) the names of the owners, occupiers and holders of such lands, benefited by each individual scheme ;

(f) to form groups of individual schemes for the convenience of execution, operation and maintenance ;

(g) to prepare schemes for the construction, maintenance and preservation of embankments and other prescribed objects ;

(h) to regulate inland waterways and remove encroachments on such waterways ;

(i) to supervise all works in connection with better cultivation of reclaimed khar lands ;

(j) to provide for closure or regulation, wholly or partially, of any creek, river or other inland waterways or for construction or reconstruction, for the purpose of protection or better cultivation or other beneficial use of reclaimed khar lands ;

(k) to examine, pursue and monitor programmes for providing irrigation facilities in the reclaimed khar lands ;

(l) to provide for supply of sweet water for better cultivation of reclaimed khar lands ;

(m) to remove shrubs and provide for levelling of lands and construction or reconstruction of inner embankments ;

(n) to provide for prohibiting or regulating fishing and fish breeding or for developing facilities therefor ;

(o) to control the danger and nuisance of certain animals which cause damage to the embankments ;

(p) to develop or prohibit or regulate use of tidal lands for salt pans ;

(q) to establish or cause to be established research centres for better cultivation of khar lands and for other purposes ;

(r) to reclaim tidal lands for the purpose of bringing them under cultivation or making their use for other beneficial purposes ;

(s) generally to do all that is necessary or expedient for carrying out the objects of this Act.

Khar Lands
Development
Officers.

4. (1) For carrying out the purpose of this Act, the State Government shall appoint such number of—

- (a) Chief Engineers,
- (b) Superintending Engineers,
- (c) Executive Engineers,
- (d) Assistant Engineers,
- (e) Deputy Engineers,
- (f) Sub-Divisional Engineers,
- (g) Sub-Divisional Officers,
- (h) Section Officers or Junior Engineers, and
- (i) other officers,

as it may deem necessary.

(2) The officers appointed under sub-section (1) shall be given any of the above designations or such other designations as the State Government may, from time to time, determine.

(3) The State Government may, by general or special order, define the area of the respective jurisdiction of the officers appointed under sub-section (1) and specify the duties and the powers of the Khar Lands Development Officers to be performed and exercised by different classes of such officers, within their respective jurisdiction.

(4) The subordination of such officers amongst themselves shall be such as may be determined by the State Government.

5. The Chief Controlling Authority in all matters connected with the construction, maintenance and management of the khar lands schemes and all matters incidental or supplemental thereto, shall be the Chief Engineer in the Irrigation Department in charge of this subject or such other officer as may be designated in this behalf by the State Government.

Chief
Controlling
Authority.

6. (1) For the purpose of carrying out its duties under section 3, the State Government may, from time to time, cause to be prepared schemes for such area and for such lands as it may think fit.

Preparation
of schemes.

(2) A scheme prepared under sub-section (1) shall contain the following particulars, namely :—

(a) the objects of the scheme ;

(b) the extent of the area of the lands required to be acquired for the execution of the scheme ;

(c) the extent of the area likely to be reclaimed and benefited after completion of the scheme ;

(d) the names of the owners, occupiers or holders (including the Government), whose lands are required to be acquired and their survey numbers ;

(e) the names of the owners, occupiers or holders (including the Government), whose lands will be benefited by, or will be protected under, the scheme and their survey numbers ;

(f) the type of embankment and works required to be constructed or maintained for efficient functioning of the scheme ;

(g) a detailed estimate of the cost of the scheme, alongwith detailed layout drawings and drawings showing structural details ;

(h) such other particulars as may be prescribed.

7. (1) Every scheme prepared under the last preceding section shall be published in the prescribed manner in the village, and at the headquarters of the taluka, in which the lands proposed to be included in the scheme are situated, requiring all persons affected or likely to be affected by the scheme who wish to make any objections to the scheme or part thereof to submit their objection in writing to or by appearing before, such Khar Lands Development Officers as may be specified in the scheme, within one month from the date of publication of the scheme in the village in which the lands are situated.

Publication
of draft
scheme and
of final
scheme.

(2) The specified Khar Lands Development Officer shall hear such objection as are made to him in person and consider them alongwith the objections submitted to him in writing and submit his report to the Chief Controlling Authority, together with the objection received, through such superior Khar Lands Developments Officers or officers as may be prescribed.

(3) After consideration of the objection and the report and recommendations thereon, the Chief Controlling Authority shall submit the draft scheme, with such modifications or recommendations he would like to make, to the State Government for its sanction.

(4) The State Government, after making such inquiry, as it may think fit, may sanction the scheme, with or without modification and subject to such conditions, if any, as it may think fit to impose or refuse to sanction the scheme.

(5) If the scheme is sanctioned under the last preceding sub-section, the scheme as sanctioned shall be published in the prescribed manner in the village and at the headquarters of the taluka in which the lands included in the scheme are situated for the information of all persons affected by the scheme.

(6) In considering the objections, the decision of the Chief Controlling Authority on the question whether or not any land included in the scheme, will be benefited by, or will be protected under, the scheme, shall be conclusive evidence on the question.

Commencement and effect of scheme. **8.** On the date on which the scheme as sanctioned is published under the last preceding section in the village in which the lands included in the scheme are situated, it shall come into force and shall have effect as if it were enacted in this Act.

Execution of scheme. **9.** After any scheme has come into force, the Khar Lands Development Officer concerned shall execute the scheme.

Power to vary scheme. **10.** If after any scheme has come into force, the State Government, on an application made to it or *suo motu*, is satisfied that the scheme is defective on account of any error, irregularity or informality or on account of any other reason it is necessary to vary the scheme, then,—

(a) where, in the opinion of the State Government, the proposed variation does not vary the scheme in any material particulars, the State Government may, by order, published in the prescribed manner in the village, and at the headquarters of the taluka, in which in the lands included in the scheme are situated, sanction the variation ;

(b) where, in the opinion of the State Government, the proposed variation would vary the scheme in any material particulars, the State Government may cause such variation to be published for inviting objections as if it were a draft scheme to be published under sub-section (1) of section 7, and the provisions of sections 7, 8 and 9 shall apply for sanctioning, coming into force and execution of such variation, as if such variation was itself a scheme.

Power to revoke scheme. **11.** Notwithstanding anything hereinbefore contained, if upon an application or on report made to it for the purpose, the State Government is satisfied that it is no longer economical or technically feasible to continue any scheme or it is necessary to change the user

of the land for any non-agricultural purpose or any other purpose contemplated in the original scheme or it is necessary so to do in the public interest, the State Government may, by order, published in the prescribed manner, revoke the scheme. Upon such revocation, the provisions of this Act shall cease to apply to such scheme except as respects things done or omitted to be done before the revocation of the scheme.

12. (1) As soon as may be after a scheme has come into force, in respect of the lands included in the scheme, whether they are acquired or benefited, the Khar Lands Development Officer executing the scheme shall cause to be made in the record-of-rights relating to such lands, an entry to the effect that the lands are included in the khar lands schemes specified in such entry. If there are no record-of-rights, such entry shall be made in the prescribed village record.

Entry in record of rights and restrictions on use of lands for non-agricultural purposes.

(2) Notwithstanding anything contained in such scheme, any land included in the scheme which was proposed to be benefited by rendering it cultivable due to implementation of the scheme may be used for non-agricultural purposes in accordance with the provisions of the Code, subject to such restrictions and conditions as the Collector may deem fit to impose :

Provided that, no land in such scheme shall be permitted to be used for non-agricultural purpose, unless such land has been cultivated for a period of not less than five years immediately before the date of application for such use, and full amount (if any) due and payable to the State Government in respect of such land as the Collector may determine has been paid.

(3) If any land included in any scheme is permitted to be used for any non-agricultural purposes under sub-section (2), nevertheless, such land shall (except as provided under that sub-section) continue to be subject to the provisions of this Act as if no such permission has been given.

13. If any person holds any land on lease from the State Government which is included in a scheme, and fails to cultivate the same for more than the number of consecutive years specified for this purpose in the scheme or fails to utilize the same in the manner specified in the scheme or fails to pay to the State Government the amount of cess together with the penalty, if any, due in respect of such land within such time as the State Government may fix, the Collector may dispose of the land in accordance with the rules made under this Act. Such lease shall be determined by forfeiture to the State Government, notwithstanding anything contained in any law for the time being in force and unless the Collector otherwise directs, be freed from all rights, encumbrances and equities theretofore, created in favour of any person other than the Government in respect of such land :

Forfeiture of lease of land in scheme for failure to cultivate or to pay cess.

Provided that, no order shall be made by the Collector under this section, unless the person holding such land is given a notice of not less than six months of the action proposed to be taken against him and a reasonable opportunity of making representation against such action.

Village Panchayats responsible for supervision, maintenance and repairs of embankments. **14.** (1) Notwithstanding anything contained in the Bombay Village Panchayats Act, 1958 (hereinafter in this section referred to as "the said Act"), it shall be the duty of every village panchayat established under the said Act and having jurisdiction over the area in which any embankment or other works included in any scheme, or any parts thereof are situated to keep vigil, supervise, maintain and repair such embankment or works or parts thereof, as the case may be, and to comply with such directions as may be issued in this behalf, from time to time, by the Khar Lands Development Officer executing the scheme or by the State Government. For this purpose, the village panchayat shall take or cause to be taken such steps and exercise such powers, in addition to the powers conferred by section 16, as may, in its opinion, be reasonably necessary, for carrying out its duty or for securing compliance with any directions issued to it. Bom III of 1959.

(2) The village panchayat shall be entitled to payment from the State Government for expenditure incurred by it in carrying out its duty, and carrying out vigil and normal maintenance and repairs and for securing compliance with the directions issued to it, the amount of which shall be determined by the Khar Lands Development Officer concerned or any other officer authorised by the State Government in this behalf.

(3) Where a village panchayat makes a default in the performance of any of the duties imposed by or under this section, it shall be lawful for the Collector or any officer authorised by the State Government to take suitable action against the village panchayat under the said Act, as if a default in the performance of its duties under the said Act had been made.

Advisory Committee. **15.** (1) The State Government may constitute an Advisory Committee to advise upon such matter arising out of the administration of this Act or any scheme made under this Act or co-ordination of the execution of work on the various schemes made under this Act, as the Advisory Committee may itself consider to be necessary or as the State Government may refer to it for advice.

(2) The Chairman and other members of the Advisory Committee shall be appointed by the State Government and shall be of such number and chosen in such manner as the State Government may, from time to time, determine

(3) The term of office of the Chairman and other members, the manner of holding meetings and the procedure to be followed in the meetings of the Advisory Committee shall be regulated in the manner as the State Government may, from time to time, determine.

*Short title of the Act was amended as "Maharashtra Village Panchayats Act," by Mah. 24 of 2012, Sch. entry No. 74, w.e.f. 1st May 1960.

(4) The Chairman and the other members of the Advisory Committee (not being a member who is an Officer of the State Government) shall receive travelling and daily allowances for attending meetings of the Advisory Committee at such rates as the State Government may, from time to time, determine.

16. For the purpose of preparing, sanctioning or executing any scheme, or for supervising, maintaining or repairing any embankment or works or otherwise for carrying out the objects of this Act, every Khar Lands Development Officer and any person duly authorised by the State Government, the collector or the village panchayat concerned may, after giving such notice as may be prescribed, to the owner, occupier or holder or other person having interest in any land, enter upon, survey and mark out such land and do all acts necessary for the purposes aforesaid. Right of entry.

17. (1) If at any time, it appears to the State Government that any land or the right or interest of any person in any land should, for the purposes of any scheme, be compulsorily acquired, it shall be lawful for the State Government to publish a notification to that effect in the *Official Gazette*. The notification so published shall be deemed to be a declaration Acquisition of land, right or interest.
I of 1894. under section 6 of the Land Acquisition Act, 1894, in its application to the State of Maharashtra (hereinafter in this section referred to as "the said Act"), and shall be conclusive, as if it was made under section 6 of the said Act, and the land, right or interest in the land shall be deemed to be needed for a public purpose within the meaning of the said Act.

(2) On the publication of such notification, the Collector shall proceed to take order for the acquisition of the land, right or interest, as the case may be, and the provision of the said Act shall, *mutatis mutandis*, apply to the determination of the amount for the acquisition, the apportionment of the amount and other matters relating to the acquisition of the said land, right or interest, as the case may be.

(3) The State Government may make rules in all matters connected with the enforcement of the said provisions in so far as they are applicable to the acquisition of such land, right or interest.

(4) Notwithstanding anything contained in this section, where any land which is acquired has remained fallow for three successive years immediately preceding the date of the notification published under sub-section (1), the market value of such land shall not be assessed to be more than twice the amount of annual assessment payable in respect thereof.

18. (1) Subject to the provision of the next succeeding section, whenever any land, other than the land acquired for the purposes of this Act, or any right of fishery, right of drainage, right of the use of water or other right of property, shall have been injuriously affected by any act done, or any scheme executed, under the provisions of this Act, Claim for amount for consequential damage.

the person in whom such property or right is vested may prefer a claim in writing to the Collector for an amount for the acquisition, and thereupon the provisions of the Land Acquisition Act, 1894, in its application to the State of Maharashtra, shall, so far as may be, *mutatis mutandis*, apply for the determination of the amount, apportionment and payment thereof. I of 1894.

(2) No claim under this section shall be entertained, if it is made later than two years next after the completion of the work by which any such right is injuriously affected.

No amount payable in certain cases for use or removal of earth. **19.** Any land, which before the date of commencement of this Act has been used for the purpose of obtaining earth or others materials for the construction or repair of any embankment, shall be deemed to be at the disposal of the State Government for such purpose, without payment of any amount for the use or removal of such earth or other materials.

Khar Lands cess. **20.** For the purposes of meeting portion of the cost of operation and normal maintenance of the khar lands schemes, there shall be levied and collected, in the manner hereinafter provided, a tax on lands, in this Act referred to as "the khar lands cess" or "the cess".

Levy of khar lands cess. **21.** Notwithstanding anything to the contrary contained in the Code, or in any other law or agreement for the time being in force, but subject to the provisions of this Act, there shall be levied and collected, in addition to any land revenue payable on such lands, a cess on all khar lands benefited by any scheme from the date on which such scheme comes into force or from such later date and for such period, and at such rate not exceeding forty rupees per year per hectare as the State Government may, by general or special order, specify, from time to time. Different dates, periods and rates may be specified in respect of different khar lands or different schemes or different areas.

Responsibility for payment of cess. **22.** The cess shall be payable primarily by the person in actual possession of the land in respect of which it is levied. If any person primarily liable makes a default in the payment of the cess, it shall be recoverable from any person liable to pay the land revenue in respect of such land under the Code.

Provisions of Code to apply for collection and recovery of cess. **23.** The provisions of the Code shall, save in so far as they are inconsistent with any provisions of this Act, apply for the purposes of collection and recovery of the cess. leviable under this Act from the person liable therefor under the last preceding section, as though the cess were land revenue payable under the said Code.

Penalty for default in payment of cess. **24.** If any person liable to pay the cess, on being served with a notice of demand for payment of the amount of cess due, fails to pay the same within the period specified in the notice, the prescribed authority, on being satisfied that the failure was without any reasonable excuse, may impose on him a penalty of such sum not exceeding ten per cent. of

the amount of cess which remains unpaid, as such authority may determine. The penalty sum shall be recoverable in the same manner as provided for recovery of the amount of cess.

25. All amounts of cess and penalty due under this Act shall, without prejudice to any other mode of recovery, be recoverable as arrears of land revenue by any of the processes specified in section 176 of the Code, including the forfeiture of the land concerned.

Recovery of arrears of cess and penalty as arrears of land revenue.

26. (1) Whenever it appears to any Khar Lands Development Officer empowered by the State Government to exercise the powers conferred by this section that,—

Power to compel certain persons to carry out repairs or works required urgently.

(a) unless some special repairs are immediately executed, serious damage will be caused to any embankment resulting in sudden and extensive loss and injury to property, human beings or animals ;

(b) the labourers necessary for the prompt execution of such repairs, clearance and salvage work cannot be obtained in the ordinary course within the time that can be allowed for the execution of the same, so as to prevent such loss or injury, the Khar Lands Development Officer may, by a written order proclaimed by him in such manner as may be prescribed, direct every able bodied male person, who holds or possesses land or resides in the vicinity of the locality where such repairs, clearance or work has to be executed and every other person whose name is included in the list prepared under sub-section (4) to report for duty immediately and assist the Khar Lands Development Officer in the execution of such repairs, clearance and work in such manner and for such period as the Khar Lands Development Officer or any person authorised by him may require.

(2) Any order made by the Khar Lands Development Officer under sub-section (1) shall forthwith be reported by him to the Chief Controlling Authority.

(3) Any person, who has done work in compliance with the direction issued under sub-section (1), shall be paid remuneration at such rate, which shall not be less than the highest rate for the time being paid in the neighbourhood for similar work, as the Khar Lands Development Officer may determine.

(4) Subject to any rules made in this behalf, in respect of every scheme, the Khar Lands Development Officer shall prepare a list of persons who are willing to be included, or who on account of their profession, calling or employment, should be included, in the list for being called for duty under sub-section (1).

(5) If any person, without reasonable excuse, fails to comply with any lawful direction given to him under sub-section (1), he shall, on conviction, be punished with fine which may extend to one thousand rupees.

- Regulation of fishing rights. **27.** (1) Notwithstanding any custom, usage, law or contract to the contrary,—
- (a) no person shall fish or exercise the right of fishery in any embankment or part thereof, within a distance of 15 metres ;
- (b) no person shall fish or exercise the right of fishery in any inland waterways included in, or adjoining to, any scheme or water storage created by closure of a creek or otherwise and not utilised for crop cultivation, except under a license granted by the Khar Lands Development Officer.
- (2) Any licence granted under clause (b) of sub-section (1) shall be granted on the payment of such fees and subject to such restrictions and on such conditions and shall be in such form and contain such particulars as may be prescribed.
- Inquiries to be made summarily. **28.** (1) Any inquiry to be made under this Act shall be made in the manner provided for holding a summary inquiry under the Code, and all the provisions contained in the Code relating to holding of summary inquiry shall, so far as may be, apply.
- (2) The person holding such inquiry shall have the same powers for summoning and enforcing the attendance of any person and examining him on oath and compelling the production of documents, as are vested in the revenue officers under the Code.
- Registration of documents, plan or map in connection with scheme not required. **29.** (1) Subject to the provisions of section 12, nothing in the Registration Act, 1908, in its application to the State of Maharashtra, shall be deemed to require registration of any document, plan or map prepared, made or sanctioned in connection with a scheme which has come into force. XVI of 1908.
- (2) All such documents, plans and maps shall, for the purposes of sections 48 and 49 of the said Act, be deemed to be registered in accordance with the provisions of that Act.
- Protection of persons acting in good faith. **30.** (1) No suit, prosecution or other legal proceedings shall be instituted against any public servant or person duly authorised under this Act in respect of anything in good faith done or intended to be done under this Act or the rules or orders made thereunder.
- (2) No suit or prosecution shall be instituted against any public servant or person duly authorised under this Act in respect of anything done or intended to be done under this Act, unless the suit or prosecution has been instituted within six months from the date of the act complained of.
- Penalty. **31.** Any person who contravenes or causes any contravention of any of the provisions of a scheme which has come into force, or does any act which causes damages to any of the works carried out under the scheme, or contravenes the provisions of section 27 or fails to comply with the conditions of a licence granted under that section, or obstructs any person or authority in the due exercise of his or its powers or

execution of his or its duties under this Act or contravenes the provisions of any rules made under this Act, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

32. (1) The power to make rules under this Act shall be exercised by the State Government by notification in the *Official Gazette*. Rules.

(2) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(3) All rules made under this Act shall be subject to the condition of previous publication.

(4) Every rule made under this Act shall be laid as soon as may be after if 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.

Bom.
LXX-
II of
1948.

33. (1) On the date of commencement of this Act, the Bombay Khar Lands Act, 1948, shall stand repealed. Repeal and savings.

(2) On such repeal, the Board established under the repealed Act shall stand dissolved and the Chairman and members thereof shall vacate their respective offices; and upon such dissolution of the Board, the assets, rights and liabilities of the Board shall, on and from the date of commencement of this Act, be the assets, rights and liabilities of the State Government.

(3) Any scheme, licence, permission, appointment, rule, by-law, regulation, notice, notification or order made, issued or granted under the repealed Act and in force immediately before the commencement of this Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to be made, issued or granted under this Act and continue in force until it is duly modified or revoked by a competent authority under this Act.

(4) Such repeal shall not affect any right, obligation or liability, acquired or incurred or any penalty or forfeiture incurred by any person before the date of commencement of this Act or any legal proceeding or remedy, in respect of any such right, obligation, liability, penalty or forfeiture, and any such legal proceeding or remedy may be instituted, continued or enforced, and any such penalty or forfeiture may be imposed, as if this Act had not been enacted, and accordingly

any amount of contribution or loan due under the repealed Act from any person immediately before the date of commencement of this Act shall be deemed to be due to the State Government and continue to be recoverable from him as arrears of land revenue.

Repeal of
Mah. Ord.
II of 1979
and saving.

34. (1) The Maharashtra Khar Lands Development Ordinance, 1979, is hereby repealed.

Mah.
Ord.

(2) Notwithstanding such repeal, anything done or any action taken (including any appointment made or any rule, order or notification issued) under the said Ordinance shall be deemed to have been done, taken, made or issued, as the case may be, under the corresponding provisions of this Act.

II of
1979.

Maharashtra Government Publications can be obtained
from---

- THE DIRECTOR
GOVERNMENT PRINTING, STATIONERY AND PUBLICATIONS
(Publications Branch), Netaji Subhash Road,
MUMBAI 400 004.
Phone : 23632693, 23630695
23631148, 23634049

- THE MANAGER
GOVERNMENT PHOTOZINCO PRESS AND BOOK DEPOT
Photozinco Press Compound, Near G. P. O.
PUNE 411 001.
Phone : 26124759, 26125808, 26128920

- THE MANAGER
GOVERNMENT PRESS AND BOOK DEPOT
Civil Lines,
NAGPUR 440 001.
Phone : 2562615.

- THE ASSTT. DIRECTOR
GOVERNMENT STATIONERY, STORE AND BOOK DEPOT
Shaha Ganj, Near Gandhi Chowk,
AURANGABAD 431 001.
Phone : 2331468

- THE MANAGER
GOVERNMENT PRESS AND STATIONERY, STORE
Tarabai Park,
KOLHAPUR 416 003.
Phone : 2650395, 2650402

AND THE RECOGNISED BOOK SELLERS.
