



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष २, अंक ६३]

सोमवार, ऑक्टोबर १७, २०१६/आश्विन २५, शके १९३८ [पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक १०५

प्राधिकृत प्रकाशन

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

### OFFICE OF THE GOVERNOR OF MAHARASHTRA

Raj Bhavan, Malabar Hill, Mumbai 400 035, dated the 15th October, 2016

No./RB/TC/e-11019/(15)/(2014)/Notification-MFP/1407— WHEREAS under sub-paragraph (1) of Paragraph 5 of the Fifth Schedule of the Constitution, the Governor may, by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to the exceptions and modifications specified in the notification;

AND WHEREAS the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 is an Act of self-empowerment of the village community which seeks to protect the customary law, social and religious practices, and traditional management practices of community resources;

AND WHEREAS section 4(a) of PESA entails that a State Legislation shall be in consonance with the traditional management practices of community resources;

AND WHEREAS by section 4(d) of PESA, every Gram Sabha is competent to safeguard and preserve its community resources;

AND WHEREAS as per the provisions of Section 4(m) (ii) of The Provisions of the Panchayat (Extension to the Scheduled Areas) Act, 1996 the appropriate Panchayats and the Gram Sabhas are to be endowed specifically with the ownership of minor forest produce;

(१)

AND WHEREAS the ownership of MFP by Gram Sabha entails, inter-alia, the right of the Gram Sabha to collect, use and dispose of minor forest produce in the Scheduled Areas, and the use of income from sale proceeds;

AND WHEREAS any decision about access, use and disposal of MFP, and the use of income from sale proceeds, necessarily has to be done by the Gram Sabha or by a committee made solely of the members of the Gram Sabha;

AND WHEREAS, by Notification, No. RB/TC/e-11019(15)(2014)/Notification-3/Bamboo-MFP/741 dated the 19th August 2014, issued under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution, the Governor of Maharashtra has directed that the provisions of the Maharashtra Transfer of Ownership of Minor Forest Produce in the Scheduled Areas and the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act, 1997 shall apply with the modifications as contained in the said Notification;

AND WHEREAS, for reasons stated above, it is expedient to provide that the provisions of the said Act of 1997 shall apply with further modifications;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (1) of the Paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra hereby makes the following notification:-

#### *NOTIFICATION*

CONSTITUTION OF INDIA.

In exercise of the powers conferred by sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Maharashtra hereby directs that the Maharashtra Transfer of Ownership of Minor Forest Produce in the Scheduled Areas and the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act, 1997 shall apply to the Scheduled Areas with the following modifications:-

**MODIFICATIONS TO THE MAHARASHTRA TRANSFER OF OWNERSHIP OF MINOR FOREST PRODUCE IN THE SCHEDULED AREAS AND THE MAHARASHTRA MINOR FOREST PRODUCE (REGULATION OF TRADE) (AMENDMENT) ACT, 1997**

In the Maharashtra Transfer of Ownership of Minor Forest Produce in the Scheduled Areas and the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act, 1997, -

i. After the first proviso of sub-section (1) of section 4, the following proviso shall be inserted-

“Provided further that all decisions for the collection, use and disposal of minor forest produce in the Scheduled Areas of Maharashtra, and the use of income from sale proceeds, shall be taken by the Gram Sabha or by a committee made solely of the members of the Gram Sabha on approval of Gram Sabha.”

ii. The existing Explanation after sub-section (1) of section (4) shall be renumbered as Explanation I and after Explanation I so renumbered, Explanation II shall be added as follows:

“Explanation II : The term “Gram Sabha” shall have the same meaning as assigned to it in section 54-1 A (b) of the Maharashtra Village Panchayats Act.”

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

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

B. VENUGOPAL REDDY  
Secretary to Governor.