



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष २, अंक ३७]

मंगळवार, जून १४, २०१६/ज्येष्ठ २४, शके १९३८

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक ६०

प्राधिकृत प्रकाशन

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

### OFFICE OF THE GOVERNOR OF MAHARASHTRA

Raj Bhavan, Malabar Hill, Mumbai 400 035,

dated the 14th June 2016

#### PREAMBLE

CONSTITUTION OF INDIA.

No.RB/DB/e-11019(89)(2013)/850/2016.— Whereas, under sub-paragraph (1) of Paragraph 5 of the Fifth Schedule of the Constitution of India, 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 various steps are required to be taken to ensure that in Scheduled Areas, tribal land alienation does not take place due to economic duress, fraud or forgery ;

And whereas the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA, hereinafter) recognises the centrality of Gram Sabha in decision making about the various rights guaranteed under the said Act ;

And whereas Section 4 (m) (iii) of PESA gives to the Gram Sabha the “power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe” ;

And whereas it is expedient to bring the state revenue laws in line with Section 4(m) (iii) of PESA, 1996 ;

(१)

And whereas it is expedient to modify the Maharashtra Land Revenue Code, 1966 to achieve the above purposes ;

The following notification shall come into effect from the date of its publication in the *Official Gazette* :—

*NOTIFICATION*

CONSTITUTION OF INDIA.

In exercise of 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 Section 36 A of the Maharashtra Land Revenue Code, 1966, in its application to the Scheduled Areas of the State Of Maharashtra shall apply with the following modifications :—

“(i) after the first proviso in sub-section (1) of Section 36A, the following proviso shall be inserted, namely :—

“Provided further, that in villages in Scheduled Areas of the State of Maharashtra, no such sanction allowing transfer of occupancy from tribal person to non-tribal person shall be accorded by the Collector unless the previous sanction of the Gram Sabha under the jurisdiction of which the tribal transferor resides has been obtained.”;

(ii) in sub-section (4), after the words “any person interested in such occupancy, ” the words “ or on a resolution of the Gram Sabha in Scheduled Areas” shall be inserted.”

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

Raj Bhavan, Malabar Hill,  
Mumbai 400 035.  
Dated the 14th June 2016.

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

B. VENUGOPAL REDDY,  
Secretary to Governor.