



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक ३४]

मंगळवार, ऑगस्ट १९, २०१४/श्रावण २८, शके १९३६

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असाधारण क्रमांक ९४

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 19th August 2014.

Preamble

No. RB/TC/e-11019(15)(2014)/Notification-3/Bamboo-MFP/741.—The following notification issued by the Governor of Maharashtra is published for general information :—

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 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 :

AND WHEREAS 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 has defined Minor Forest Produce to mean "forest produce specified in the Schedule appended to this Chapter" ;

AND WHEREAS the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act , 2006 has provided a wider and comprehensive definition of Minor Forest Produce ;

AND WHEREAS the definition of minor forest produce under 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 has been found to be not comprehensive and failed to take into account some of the minor forest produce recognized under the subsequent The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act , 2006, thus denying the fruits of ownership over many MFPs to the Scheduled Area Gram Sabhas ;

AND WHEREAS the above anomaly has led to denial of livelihood opportunities to village communities in the Scheduled Areas, primarily the members of the Scheduled Tribes ;

AND WHEREAS Article 46 of the Constitution of India casts duty on the State to promote with special care, the educational and economic interests of Scheduled Tribes ;

AND WHEREAS the Governor of Maharashtra has decided, for reasons outlined above, that the scope of the minor forest produce needs to be redefined to ensure economic upliftment and empowerment of the Gram Sabhas ;

NOW, THEREFORE, 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 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 and the Indian Forest Act, 1927, in its application to the State of Maharashtra, shall apply to the Scheduled Areas with the following modifications :—

PART I

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) in section 3,—

(a) for clause (a), the following clause shall be substituted, namely :—

“(a) “ minor forest produce” includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or Kendu leaves, medicinal plants and herbs, roots, tubers and the like ”;

(b) clause (c) shall be deleted ;

(ii) in section 4,—

(a) In sub-section (1), after the word “ Panchayat ” the words “ and Gram Sabha ” shall be inserted ;

(b) in sub-section (3), for the words “ State Government ” the words “ Rural Development Department of the State Government ” shall be substituted ;

(iii) in section 5,—

(a) for the word “Panchayats” at both the places where it occurs, the words “Panchayats and Gram Sabhas” shall be substituted ;

(b) to sub-section (1), the following proviso shall be added, namely :—

“ Provided that while finalising such management plan or the Rules, the suggestions made by the Panchayats and Gram Sabha about traditional sustainability and conservation practices and equitable management of such minor forest produce shall be suitably incorporated.” ;

(c) sub-section (2) shall be deleted;

(iv) in section 7, sub-section (2) shall be deleted;

(v) the Schedule shall be deleted.

PART II

MODIFICATIONS TO THE INDIAN FOREST ACT, 1927, IN ITS APPLICATION TO THE STATE OF MAHARASHTRA

In the Indian Forest Act, 1927, in its application to the State of Maharashtra, in section 2, in clause (7), the words “bamboos, stumps, brushwood and canes” shall be deleted.

K. SANKARANARAYANAN,
Governor of Maharashtra.

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

VIKAS CHANDRA RASTOGI,
Secretary to Governor.