



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ७९]

बुधवार, नोव्हेंबर १५, २०१७/कार्तिक २४, शके १९३९

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक १५५

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 14th November 2017.

PREAMBLE

CONSTITUTION OF INDIA.

No. RB/DB/e-13016(10)(2017)/890/2017.—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 was considered expedient to modify section 36A of the Maharashtra Land Revenue Code;

And whereas the Governor of Maharashtra, In exercise of powers conferred by sub paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India has, by notification, No. RB/DB/e-11019(89)(2013)/850/2016, dated the 14th June 2016, directed that said section 36A of the Maharashtra Land Revenue Code, 1966, shall apply with the modifications provided therein ;

And whereas, it is considered expedient to further modify the Maharashtra Land Revenue Code, 1966 to ensure that the projects undertaken by the State Government or Central Government or their agencies are completed at the earliest without the same being adverse to the larger 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:—

“ after the second proviso in sub-section (1) of section 36A as modified by the said notification dated the 14th June 2016, the following proviso shall be inserted, namely :—

“ Provided also that, in villages in Scheduled Areas of the State of Maharashtra, no sanction for purchase of land by mutual agreement, shall be necessary, if,—

(i) such land is required in respect of implementation of the vital Government projects ; and

(ii) the amount of compensation to be paid for such purchase is arrived at in a fair and transparent manner.

Explanation.—For the purposes of the the second proviso, the expression “ vital Government project ” means project undertaken by the Central or State Government relating to national or state highways, railways or other multi-modal transport projects, electricity transmission lines, Roads, Gas or Water Supply pipelines canals or of similar nature, in respect of which the State Government has, by notification in the *Official Gazette*, declared its intention or the intention of the Central Government, to undertake such project either on its own behalf or through any statutory authority, an agency owned and

controlled by the Central Government or State Government, or a Government company incorporated under the provisions of the Companies Act, 2013 or any other law relating to companies for the time being in force.”.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

B. VENUGOPAL REDDY,
Secretary to Governor.