



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक ४३]

गुरुवार, नोव्हेंबर १९, २०२०/कार्तिक २८, शके १९४२

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक ८५

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 SECRETARY TO THE GOVERNOR OF MAHARASHTRA

Raj Bhavan, Mumbai 400 035, dated the 18th November 2020.

PREAMBLE

CONSTITUTION OF INDIA.

No. RB/TC/CR-411/Amendment/Appeal-FRA/296.—The following notification issued by the Governor of Maharashtra is published for the general information :—

WHEREAS, under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to 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 (referred to in clause (1) of Article 244 of the Constitution of India) 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 Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) (hereinafter referred to “the said Act”) is enacted to recognize and vest the forest rights and occupation in forest land in forest dwelling scheduled tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded ;

AND WHEREAS, by Notification, No. RB/TC/e-13011(1)(2020)/Appeal-FRA/100, dated the 18th May 2020, issued by the Office of the Secretary to the Governor of Maharashtra, a provision of appeal is made by inserting sub-section 6A in section 6 of the said Act ;

AND WHEREAS, due to outbreak of pandemic COVID-19 disease, the Government of India has declared lockdown since 24th March 2020 across all the States in India, which has made it difficult for the claimant to file appeals within the prescribed time limit ;

AND WHEREAS, it is expedient to extend the period of appeal provided in sub-section 6A of section 6 of the said Act ;

(१)

AND WHEREAS, it is expedient further to amend the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in its application to the State of Maharashtra, for the said purpose ;

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 issue the following notification :—

NOTIFICATION

CONSTITUTION OF INDIA.

No. RB/TC/CR-411/Amendment/Appeal-FRA/296.—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 Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in its application to the State of Maharashtra, shall apply to the Scheduled Areas referred to in clause (i) of article 244 of the Constitution with the following exceptions and modifications, namely :—

In sub-section 6A of section 6 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, as inserted by Notification, No. RB/TC/e-13011(1)(2020)/Appeal-FRA/100, dated the 18th May 2020,—

(i) to sub-section 6A(2) of section 6, the following proviso shall be added, namely :—

“Provided that, in case of an order passed by the District Level Committee before the 18th May 2020, application of appeal may be preferred within a period of six months from the 17th November 2020.”;

(ii) to sub-section 6A(3) of section 6, the following proviso shall be added, namely :—

“Provided that, in case of an order communicated by the District Level Committee on or after the 18th May 2020 but before the 17th November 2020, the application of appeal may be preferred within a period of ninety days from the 17th November 2020.”.

BHAGAT SINGH KOSHYARI,
Governor of Maharashtra.

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

SANTOSH KUMAR,
Principal Secretary to the Governor.