



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक २१]

सोमवार, मे १८, २०२०/वैशाख २८, शके १९४२

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ४५

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 SECRETARY TO THE GOVERNOR OF
MAHARASHTRA

PREAMBLE

CONSTITUTION OF INDIA.

No.RB/TC/e-13011(1)(2020)/Appeal-FRA/100.—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, section 6 of the Act provides for the procedure for vesting of such forest rights to the forest dwelling Scheduled Tribes and other traditional forest dwellers;

And whereas, the Sub-Divisional Level Committee, District Level Committee and State Level Monitoring Committee have been constituted for implementation of the said Act;

And whereas, sub-section (6) of the said section 6 of the Act provides that the decision of the District Level Committee on the record of forest rights shall be final and binding;

And whereas, it has been reported that a large number of applications under the said Act relating to record of rights are rejected by the District Level Committee;

And whereas, there is no provision in the Act for appeal against the decision of the District Level Committee;

And whereas to make a provision for appeal of the order of the District Level Committee to reconsider the rightful claims of applicants, it is necessary to modify the provisions of the said Act;

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

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:—

(i) in section 6 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as “the said Act”), for sub-section (6) the following sub-section shall be substituted, namely:—

“(6) The decision of the Divisional Level Committee under section 6A on the record of forest rights shall be final and binding.”;

(ii) after sub-section 6 of section 6 of the said Act, the following sub-section shall be inserted, namely:—

Appeal.

6A. (1) Any person aggrieved by the order of the District Level Committee may prefer an appeal to the Divisional Level Committee referred to in sub-section (4).

(2) In case of order passed by District Level Committee before the commencement of this notification, the application for appeal shall be made within six months from the date of issue of notification, dated 18th May 2020 issued by the Governor of Maharashtra.

(3) In case of order passed by the District Level Committee after the commencement of this notification, application of appeal may be preferred within a period of ninety days from the date of communication of order of the District Level Committee.

(4) The Divisional Level Committee for the purposes of this section shall consist of,—

(a) Divisional Commissioner—Chairman;

(b) Chief Conservator of Forests or his representative not below the rank of Deputy Chief Conservator of Forests— Member;

(c) Three Members of Scheduled Tribes, of whom at least one shall be woman to be nominated by the state government;

(d) Additional Tribal Commissioner or an officer nominated by the Tribal Development Department, where post of additional Tribal Commissioner is not available at the divisional headquarters- Member Secretary.

(5) The decision of the Divisional Level Committee, subject to the directions and orders of the State Monitoring Committee shall be final.

Raj Bhavan, Mumbai,

Dated the 18th May, 2020.

BHAGAT SINGH KOSHYARI,

Governor of Maharashtra.

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

SANTOSH KUMAR,

Principal Secretary to Government.