



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक १९]

गुरुवार, फेब्रुवारी २३, २०१७/फाल्गुन ४, शके १९३८

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असाधारण क्रमांक ३६

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 23rd February 2017

PREAMBLE

CONSTITUTION OF INDIA.

No.RB/TC/e-13011/(4)/(2014)/Notification/236/2017.—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 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, a need has been identified to build godowns, purchasing centers, Haats and cold storages in Scheduled Areas for the purposes of value addition and storage of Minor Forest Produce and the like;

And whereas, a large number of demands have originated regarding the provision of burial grounds/ cremation grounds in the forested regions of the Scheduled Areas;

And whereas, sub-section (2) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides for diversion of forest land for 13 facilities managed by the Government;

And whereas, the Forest Rights Act does not specifically provide for, in this list of 13, the purposes of godowns, warehouses, cold storages and Haats and burial or cremation grounds ;

And whereas, it is expedient to further 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 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 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 (1) of the Article 244 of the Constitution with the following exceptions and modifications, namely :—

Modifications to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

In Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), in sub-section (2) after the clause (m), the following entries shall be added :—

- (i) “(n) godowns, warehouses, cold storages and Haats (Markets) to be operated by the Government of Maharashtra or its subsidiaries;” and
- (ii) “(o) cremation grounds/ burial grounds.”.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

B. VENUGOPAL REDDY,
Secretary to Governor.