

ENVIRO REPORT- AMENDMENT IN VARIOUS DEPARTMENT'S LAW

| Sr. No. | Name of Act | Proposed Amendment | Department | Proposed provision | Enviro Report/ Page No. |
|---------|---|------------------------------|------------------------|--|----------------------------|
| 1. | The Bombay Land Improvement Scheme Act, 1942. | Insert proviso to Section 4. | Agriculture | Provided that while Undertaking any work or land development scheme in Scheduled Areas the Gram Sabha shall decide criteria for approval of every work or development scheme and implemented at the Panchayat level within which such Gram Sabha (s) Exist provided that Full and prior information on each such plan program and project is provided by the project proponent to the Gram Sabha (s) in a language that is easily and commonly understood preferably in a vernacular language. | 11 |
| 2. | Maharashtra Irrigation Act, 1976. | Add proviso to Section 7. | Irrigation | <p>Provided that in Scheduled Areas, if the canal is a minor water body, the permission to construct extend improve or alter shall be taken from the appropriate level of Panchayat as per the size of the irrigation work as mentioned below.</p> <ol style="list-style-type: none"> 1. If the minor water bodies within the jurisdictions of two Gram Sabhas, then the Village Panchayat along with the Gram Sabha. 2. If the minor water bodies within the jurisdictions of two Village Panchayats, then the Panchayat Samiti along with the gram Sabha. 3. If the minor water bodies within the jurisdiction of two Panchayat Samitis, then the Zilla Parishad. | 15 |
| 3. | Section 3. Water Pollution Act, 1969 | Add proviso to Section 2 g. | Environment Department | <p>Add Proviso to Section 2(g) Provided that in Scheduled Areas minor water bodies means any water body up to 100 hectares. Add Sub-section (4) to Section 3 In Scheduled Areas if the Water pollution Prevention Area includes a minor water body the Board shall function with the permission of Panchayat at the appropriate level as per the size as mentioned below.</p> <ol style="list-style-type: none"> a) If the minor water bodies within the jurisdictions of two Gram | 16 |

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| | | | | <p>Sabhas, then the Village Panchayat along with the Gram Sabha.</p> <p>b) If the minor water bodies within the jurisdictions of two Village Panchayats then the Panchayat Samiti along with the Gram Sabha.</p> <p>c) If the minor water bodies within the jurisdictions of two Panchayat Samities, then the Zills parishad.</p> | |
| 4. | Maharashtra Fisheries Act, 1960 | Insert sub section (1A) to section 4. | Fisheries | <p>Insert Sub-section (1A) to Section 4</p> <p>In Scheduled Areas if such waters is minor water bodies the State Government shall make such rules with the permission of Panchayat at the appropriate Level as per the size as mentioned below.</p> <p>a) If the minor water bodies within the jurisdictions of two Gram Sabha, then the Village Panchayat along with the Gram Sabha .</p> <p>b) If the minor water bodies within the jurisdictions of two Village Panchayats, then the Panchayat Samiti along with the Gram Sabha.</p> <p>c) If the minor water bodies within the jurisdictions of two Panchayats, then the Zilla Parishad.</p> <p>Add Proviso to Section 12</p> <p>Provided that in Scheduled Areas money due with respect to minor water bodies shall be recoverable by the Panchayat at the appropriate level as mentioned in Section 4(1A), and shall be appropriated to the Village Fund.</p> | 16 |
| 5. | Land Acquisition Act, 1894 as applicable in Maharashtra. | Insert proviso after Section 4. | Revenue | <p>Provided that in Scheduled Areas the smallest revenue administrative unit is a village as defined PESA.</p> <p>Provided that in Scheduled Areas the Collector shall convene a meeting of the of the Gram Sabha as per the provisions of Section of Bombay Village Panchayats Act, 1958 and carry out a consultation process with the Gram Sabha on the Proposed</p> | 21 |

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| | | | | <p>acquisition at land or before Resettlement or Rehabilitation at persons affected by such acquisition before publication of such preliminary notification.</p> <p>Rehabilitation and Resettlement In Scheduled Areas shall be carried out as per the provisions of National Resettlement and Rehabilitation Policy 2007 till the time a new Legislation is passed.</p> | |
| 6. | Maharashtra Land Revenue Code, 1966 | Insert proviso to Section 48 (1). | Revenue | <p>Provided that in Scheduled Areas free and informed consent of the Gram Sabha within the jurisdiction of which such land is situate shall be obtained prior to grant of quarry lease or quarry permits or prospecting licences for exploitation of minor minerals in the Scheduled Areas and also for grant of concession for the exploitation of minor minerals by action</p> | 23 |
| 7. | The Bombay Prohibition Act, 1949. | <p>Delete section 11A & insert chapter VI-B</p> <p>Insert section 60 & 89.</p> <p>Insert proviso in section 105 (1), 143(3A) & 146(B).</p> <p>Insert rule 4A</p> | Excise | <p>Delete Section 11A from the Act and insert the following Chapter VI-B.</p> <p>Regulating Manufacture, Sale, Consumption, Possession of Intoxicants in Scheduled Areas</p> <p>Notwithstanding anything contained in any part of this Act or rules framed thereunder, from the day of coming into force of this amendment, the provisions of this Chapter shall be applicable to Scheduled Areas of Maharashtra. All acts done previously under the provisions of this Act in Scheduled Areas shall be deemed to have been done under the provisions of this Chapter</p> <p>a) In the Scheduled Areas, no licence for manufacture, possession or sale, of any exclusive privilege for manufacture or sale, of any intoxicant, establishment of breweries, distilleries and warehouses shall be provided without the prior approval of the Gram Sabha. The competent Authority to grant license for the sale, possession or manufacture</p> | 25 |

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| | | | | <p>of any intoxicant shall refer every proposal to the concerned Gram Panchayat along with the respective Gram Sabha within that jurisdiction for their decision, within thirty days from the date of receipt of such a reference. The Gram Panchayat along with the concerned Gram Sabha shall intimate their decision within thirty days thereafter. The competent Authority shall ensure that such intimation has been sent and also a response received conveying the decisions of the Gram Panchayat as well as the respective Gram Sabha.</p> <p>b) Where the intoxicant is manufactured for personal consumption in the village, the Gram Sabha shall specify the quantity allowed to be manufactured per household, stored and possessed in consultation with the Collector.</p> <p>c) The Gram Sabha shall specify the quantity for retail sale and wholesale of any intoxicants in the village in consultation with the Collector.</p> <p>d) The Gram Sabha shall specify the Licensing fee and other conditions for manufacturing intoxicants for commercial purposes only and their sale in consultation with the Collector.</p> <p>e) The Gram Sabha shall specify the area for setting up of distilleries, breweries, outlets for sale and warehouses for intoxicants within the village in consultation with the Collector.</p> <p>f) The Gram Sabha shall also specify the terms and conditions for employment of women and children in the manufacturing units in consultation with the Collector.</p> <p>g) The Gram Sabha shall also specify the terms of lease, rent time of</p> |
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| | | | | <p>opening and closing of retail and Wholesale outlets within the village and such other conditions as the Gram Sabha may deem necessary to prescribe from time to time in consultation with the Collector.</p> <p>h) Twenty per cent of the revenue generated from payment of licensing fee, rent, penalty shall be deposited in the funds of the Gram Sabha and shall be used for the development of the village.</p> <p>i) The Gram Sabha shall maintain a register, to record the particulars of the licensee, manufacturing unit, retail and wholesale outlets operation in the village, terms and period of license renewal of licenses and such other particulars as the Gram Sabha may deem necessary.</p> <p>j) The Gram Sabha may impose prohibition on the manufacture, sale, consumption, possession of many intoxicants within the village in consultation with the Collector.</p> <p>k) In case of violation of any of the conditions of the license or rules framed buy the Gram Sabha regarding manufacture, sale, consumption or possession of any intoxicants, the Gram Sabha shall after giving the licensee a reasonable opportunity of being heard. impose a penalty or any other restriction as prescribed by it and shall also have the power to cancel the license. After passing a resolution to impose a penalty or cancel the license, or impose any other restriction, the Gram Sabha shall send a copy of its resolution to the competent Authority which issued the license, and to the Gram Panchayat. The Competent Authority shall proceed to act on the decision of the Gram Sabha</p> | |
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| | | | | <p>and recover the penalty or cancel the license of the manufacturer or the retailer or impose any other restriction specified by the Gram Sabha in its resolution, within one month of receiving the resolution of the Gram Sabha. The Gram Panchayat shall assist the Gram Sabha to carry out all functions mentioned in this Chapter.</p> <p>Provided that on the death of a licensee operating in Scheduled Areas, the licence shall be allowed to be continued in favour of the legal representative or heir of the deceased, only after seeking prior written approval of the Gram Sabha”</p> <p>Insert Proviso to Section 60 “ Provided that, prior to collection, storage and sale of Mhowra Flowers from within a Scheduled Area, permission of the Gram Sabha of that village or villages shall be taken.”</p> <p>Insert Subsection in Section 89 “For regulation of intoxicants in Scheduled Areas, the Gram Sabha shall make rules for grant of license for manufacture and sale of intoxicants, duration of licenses, terms for renewal of licenses, fix the number of manufacturing units or retail outlets to be set up in the village, places for establishing manufacturing units or retail outlets, time of opening and closing of liquor shops, prohibition on sale manufacture and sale of certain intoxicants in the village, restriction on the quantity or retail sale of intoxicants, prohibition on sale of intoxicants to certain persons and such other rules as the Gram Sabha deems necessary. Gram Panchayat shall organise a meeting of the Gram Sabha for framing rules for regulating the above mentioned activities.”</p> | |
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| | | | | <p>Insert Proviso in Section 105(1) "Provided that provisions of this Chapter or rules framed thereunder, shall not apply to Scheduled Areas of Maharashtra to the extent they are inconsistent with the provisions of Section 4m(l) of Panchayats (Extension to the Scheduled Areas) Act,1996 and Section53A (e) of Bombay Village Panchayats Act,1958. All acts done previously under the provisions of this Chapter in Scheduled Areas shall be deemed to have been done under the provisions of this proviso."</p> <p>Insert Section 143(3A) "If any rule framed by the state Government for regulation of intoxicants within the purview of this Act, so far as it is applicable to Scheduled Areas, is inconsistent with a corresponding rule(s) framed by the Gram Sabha or Gram Sabhas, in that case that case the said rule(s) framed by the Gram Sabha or Gram Sabhas shall supersede the one framed by the State Government."</p> <p>Insert Proviso in Section 146B "Provided that in Scheduled Areas no intoxicant shall be exempted by the State Government from the purview of this Act except with the prior approval of the Gram Sabha."</p> <p>Insert Rule 4-A To The Bombay Foreign Liquor Rules, 1953. Applicability to Scheduled Areas these Rules shall not be applicable to the sale of intoxicants in Scheduled Areas"</p> <p>Insert Proviso to Rule32 Provided that in Scheduled Areas the licensee shall also affix a list of categories of persons to whom the sale of liquor is prohibited.</p> | |
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| 8. | Maharashtra Forest Act, 1994 | <p>Insert explanation in section 2(4),</p> <p>Insert amendment in section 2(7).</p> <p>Insert proviso in section 15, 24(2), 26(1)(g), 28(2), 30(a), 30(c), 32, 41(3)(a).</p> <p>Insert proviso in section 55.</p> | Forest | <p>Insert Explanation in Section 2(4) "Forest produce shall include minor forest produce also. Minor Forest produce shall include all non-timber forest produce of plant origin including bamboo, brush, wood, stumps, cane, tussar, Cocoons, honey, Wax, lac, tendu or tendu leaves, medicinal plants and herbs, roots tuber and the like and 'forest produce' which would be notified by the State Government."</p> <p>Insert Amendment in Section 2(7) Delete Bamboo" from the definition of tree</p> <p>Insert proviso in Section 15 "Provided that in Scheduled Areas the bonafide right of ownership access to collect, use and dispose of minor forest produce as mentioned in PESA and Forest Rights Act, of any person or person living in and around a proposed reserved forest shall be affected by the settlement and recording of rights process carried out by the Collector. The right shall be recorded as it is by the Collector"</p> <p>Insert proviso to Section 24(2) "Provided that in Scheduled Areas this provision shall not apply to "minor forest produce."</p> <p>Insert proviso in Section 26(1)(g) Provided that where in a Scheduled Area, any person commits theft of any minor forest produce or collects more than the quantity permissible by the Gram Sabha, shall be punishable with such additional fine as may be prescribed by the Gram Sabha."</p> <p>Insert Proviso in Section 28(2) "Provided that in Scheduled Areas, the constitution of a village forest shall not affect the right to own, access to collect, use and dispose of</p> | 29 |
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| | | | | <p>minor forest produce within and outside the village boundaries where the members of the Gram Sabha have had traditional access. This right shall continue to be exercised by the Gram Sabha and the Gram Panchayat, notwithstanding the constitution of a village forest by the State Government."</p> <p>Insert Proviso in Section 30(a) "Provided that in a protected forest falling within a Scheduled Area, The Government shall not reserve any tree which has been declared as a minor forest produce without the approval of the Gram Sabha or Gram Sabhas within whose jurisdiction notified area is situated."</p> <p>Insert Proviso in section 30 (c) "Provided that in a protected forest falling within a Schedule Area, the Government shall not prohibit the collection and removal of minor forest produce without seeking prior permission from the Gram Sabhas within whose jurisdiction the notified area is situated."</p> <p>Insert Proviso in section 32 "Provided that in Scheduled Areas, any rules framed by the state Government within this section, which impacts minor forest produce shall be in conformity with any rules framed by the Gram Sabha or Gram Sabhas governing access to collect, use and dispose of minor forest produce."</p> <p>Insert Section 41(3)(a) In Scheduled Areas, all rules regarding the transit and possession of minor forest produce shall be framed in consultation by the Gram Sabha."</p> <p>Insert Proviso in Section 55 "Provided that in Scheduled Areas, in</p> |
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| | | | | case any offence is committed regarding a minor forest produce, such power shall be exercised by the Gram Sabha. The forest officers shall render all necessary assistance to the Gram Sabha in preventing the commission of such offences." | |
| 9. | Maharashtra minor forest Produce (Regulation of Trade) Act, 1969 | Include sub section (iii) to section 4 Add proviso to section 5(1)(2)(3). Add proviso to section 6, 8, 9, 10, 11, 12 & 19. | Forest | <p>Include Sub Section (III) to Section 4 "In units having Scheduled Areas the agents shall function under the Gram Sabha."</p> <p>Add Proviso to Section 5(1) "Provided that in Scheduled Areas, the purchase or transport of minor forest produce shall take place only with the permission of the Gram Sabha."</p> <p>Add Proviso to Section 5(2) "Provided that in Scheduled Areas the terms and conditions of the permit shall be specified by Gram Sabha and shall be issued by the Gram Panchayats."</p> <p>Add Proviso to Section 5(3) provided that in "Scheduled Areas , the person shall sell only with the permission of the Gram Sabha."</p> <p>Add proviso to Section 6 "Provided that in Scheduled Areas, two of the members shall be from the Gram Sabha."</p> <p>Add proviso to Section 8 "Provided that in Scheduled Areas, depots shall be set up only after consultation with the Gram Sabha and shall be managed by the Gram Sabha."</p> <p>Add Proviso to Section 9 "Provided that in Scheduled Areas, the sale shall be carried out under the supervision of the Gram Sabha."</p> <p>Add proviso to Section 10 "Provided that the registering authority for the growers of minor forest produce in Scheduled Areas shall be Village panchayats."</p> | 30-31 |

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| | | | | <p>Add proviso to Section 11 "Provided that the registering authority in Scheduled Areas shall be village Panchayat."</p> <p>Add proviso to Section 12 "provided that in Scheduled Areas the power shall be given to Gram Sabha."</p> <p>Add Proviso to Section 19 "Provided that in Scheduled Areas the rules shall be formulated with approval of the Gram Sabha."</p> | |
| 10. | The Maharashtra Forest Development Act, 1983. | Add to proviso Section 3. | Forest | <p>Add proviso to Section 3 "Provided that in Scheduled Areas the tax shall be levied and collected by the village Panchayat under the supervision of the Gram Sabha at the rate determined by the Gram Sabha. Add Proviso to Section 6. "Provided that in Scheduled Areas the proceeds of the tax levied shall be credited to the Village Fund and shall be utilised for the purpose of development of that area. Add proviso to Section 10. Provided that in Scheduled Areas the rules shall be framed with the approval of the Gram Sabha."</p> | 31-32 |
| 11. | The Market and Fairs Act, 1862 | Section 11. Insert Section 1A after section 1 | Co-operation and Marketing | <p>"Establishment of village markets and their management in Scheduled Areas. In Scheduled Areas the Gram panchayat shall manage village markets by whatever name called under the control and supervision of Gram Sabha in the exercise of this power Gram Panchayat shall. 1) Specify with prior consultation on with the Gram Sabha the place of setting up such markets. 2) No shops shall be allowed to be opened a market area without a license issued by the Gram Panchayat The person for applying license shall submit an application the Gram panchayat shall take approval of the Gram Sabha on the applications</p> | 35 |

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| | | | | <p>submitted .The Gram Sabha shall pass a resolution within one month of receiving the application accepting or rejecting the application and prescribing such conditions of license as it may deem necessary the resolution shall be forwarded to the Gram panchayat which shall then proceed to not upon the resolution .</p> <p>3) The Gram Sabha may also auction the shops in the market area</p> <p>4) The Gram Sabha shall fix the schedule of rate of fee in respect of every such market opening within its jurisdiction such as.</p> <ul style="list-style-type: none"> i) fee for the use of or for exposing goods for sale in such market ii) fee for the use of shops stalls stands pens in such markets iii) fee on vehicle (Including motor vehicles as defined in the Motor Vehicles Act, 1939) or park animals bringing or on persons carrying any good for sale in such marker. iv) Fee on animals brought for sale into or sold in such market. v) License fees on brokers commission agents, weigh man and measures practicing then calling in such market. The Schedule of rates shall be exhibited at the place of the market by the Gram Panchayat at the office of the Gram Sabha or any other conspicuous Place in the village. <p>5) The Gram Sabha shall also levy such penalty or cancel the license of any son action in contravention of any of the terms of the license or this provision</p> <p>6) The Gram Sabha shall also fix the days of operation of a village</p> | |
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| | | | | <p>marker in a month.</p> <p>7) The Gram Sabha may also prohibit the display or sale of any commodity in a village market.</p> <p>8) Gram Sabha shall such Rules for the proper management of the village markets as and when it may deem necessary</p> <p>Explanation- Market any place set apart ordinarily or periodically used for the assembling of persons for the sale or purchase of livestock or poultry or any agricultural or industrial produce or any raw or manufactured products or any other articles or commodities necessary for the convenience of life.</p> | |
| 12. | Bombay Money Lenders Act, 1946. | <p>Insert proviso to section 3 & 4.</p> <p>Insert proviso to section 7 after sub section (1).</p> <p>Insert proviso to section 25 after sub section (3).</p> <p>Insert proviso to section 39.</p> | Co-operation | <p>Bombay Money Lenders Act, 1946</p> <p>Insert proviso to section 3</p> <p>Provided that in Scheduled Areas the officers appointed under this section shall comply with the directions of the Gram Sabha and assist the Gram Sabha in controlling over money lending within its jurisdiction.</p> <p>Insert Proviso to Section 4.</p> <p>Provided that in Scheduled Areas, the Gram Sabha shall maintain a register of money lenders in such form and containing such particulars as may be decided by the Gram Sabha and inform the respective Panchayats.</p> <p>Insert Proviso to Section 7 after sub section(1)</p> <p>Provided that in Scheduled Areas , every license shall be granted in such form as may be prescribed by the Gram Panchayat on such conditions as may be prescribed by the Gram Sabha In consultation with the Village panchayat</p> <p>Insert Proviso to Section 25 after sub-section(3)</p> | 37 |

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| | | | | <p>Provided that in Scheduled Areas the rates of interest may be revised by the Gram Sabha periodically. The revised rates shall be publicised by affixing a notice on conspicuous places in the village forwarding a copy to the money lenders in the village and to the Village Panchayat.</p> <p>Copies of the order shall also be sent to the Gram Sabha concerned Village and Panchayat Samiti within whose local jurisdiction the money lender is principle place of business is situated</p> <p>Insert Proviso to Section 39</p> <p>Provided that in Scheduled Areas the Gram Sabha in consultation with the Gram Panchayat shall also have the power to formulate Rules for controlling money lending in Scheduled Areas.</p> <p>Provided that the Rules passed by the State Government shall not be inconsistent with the Rules enacted by the Gram Sabha.</p> |
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