



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ४०]

मंगळवार, मे ९, २०१७/वैशाख १९, शके १९३९

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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 GOVERNOR OF MAHARASHTRA

Raj Bhavan, Malabar Hill, Mumbai 400 035, dated the 9th May 2017

PREAMBLE

CONSTITUTION OF INDIA.

No. RB/TC/e-13015(3)(2015)/MLRC-22A/532.— The following notification issued by the Governor of Maharashtra is hereby published for the general information :—

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, the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996) has been enacted with intent to extend the provisions of Part IX of the Consitution relating to the Panchayats to the Scheduled Areas, and to ensure a large degree of self-governance to the appropriate Panchayats and the *Gram Sabhas* in the Scheduled Areas ;

And whereas, PESA recognizes the centrality of *Gram Sabha* in decision making about the various rights guaranteed to Scheduled Areas under the said Act ;

And whereas, section 22A of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) as inserted by the Maharashtra Land Revenue Code (Second Amendment) Act, 2017, the State Government is empowered to allot *Gairan* land for public as well as private projects subject to certain conditions ;

And whereas, section 4 (a) of PESA requires that a State Legislation on the Panchayats that may be made shall be in consonance with the customary law, social and religious practices and traditional management practices of community resources ;

And whereas, section 4 (d) of PESA states that every *Gram Sabha* shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution ;

And whereas, it is expedient to bring the state revenue laws in line with this provision of PESA, 1996 ;

And whereas, it is expedient to amend the Maharashtra Land Revenue Code, 1966 to achieve the above purposes ;

Now, therefore, 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 amends the Maharashtra Land Revenue Code, 1966 and makes the following notification, namely :

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 Maharashtra Land Revenue Code, 1966 shall apply to the Scheduled Areas with the following modifications, namely :—

After sub-section (6) of section 22A of the Maharashtra Land Revenue Code, 1966 (as inserted by Maharashtra Act No. XXXIV of 2017), the following sub-section shall be inserted, namely :—

“(7) Notwithstanding anything in sub-sections (1) to (6) or any other provision of this Act, Gram Sabhas shall be competent to preserve, safeguard and manage *Gairan* land in Scheduled Areas ;

Provided that, no *Gairan* land in the Scheduled Areas shall be diverted or disposed of without the prior informed consent of the Gram Sabhas concerned.

Explanation.— For the purposes of sub-section (7), the term “Gram Sabha” shall have the same meaning as assigned to it in section 54-1 A(b) of the Maharashtra Village Panchayats Act (III of 1959).”.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

B. VENUGOPAL REDDY,
Secretary to Governor.