



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक १५(२)]

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असाधारण क्रमांक ५२

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Forest Produce (Regulation of Trade) (Amendment) Bill, 2014 (L. C. Bill No. XI of 2014), introduced in the Maharashtra Legislative Council on the 11th June 2014, is hereby published under the authority of the Governor.

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

H. B. PATEL,
Principal Secretary to Government,
Law and Judiciary Department.

L. C. BILL No. XI OF 2014.

A BILL

*further to amend the Maharashtra Forest Produce
(Regulation of Trade) Act, 1969.*

Mah. WHEREAS it is expedient further to amend the Maharashtra Forest
LVII of Produce (Regulation of Trade) Act, 1969, for the purposes hereinafter
1969. appearing; it is hereby enacted in the Sixty-fifth Year of the Republic of India
as follows :—

1. (1) This Act may be called the Maharashtra Forest Produce (Regulation of Trade) (Amendment) Act, 2014.

Short title
and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

- Amendment of section 2 of Mah. LVII of 1969. 2. In section 2 of the Maharashtra Forest Produce (Regulation of Trade) Act, 1969 (hereinafter referred to as "the principal Act"), after clause (h), the following clause shall be inserted, namely :—
- “(h-1) “Village Forest Management Committee” means the Joint Forest Management Committee or any such Committee by whatever name called constituted under section 49 of the Maharashtra Village Panchayats Act to manage and protect the reserved forests or protected forests or any part thereof where the rights of the Government to or over any land which has been constituted as a reserved forest or called a protected forest are assigned, by order of the State Government issued in this behalf, under the Indian Forest Act, 1927, in its application to the State of Maharashtra and the rules made thereunder, as a village forest to any village community or the Village *Panchayat* ;”.
- Amendment of section 3 of Mah. LVII of 1969. 3. To section 3 of the principal Act, the following proviso shall be added, namely :—
- “Provided that, the areas earmarked or assigned to the Village Forest Management Committees shall, from the date of the commencement of the Maharashtra Forest Produce (Regulation of Trade) (Amendment) Act, 2014, be excluded from such units.”.
- Amendment of section 5 of Mah. LVII of 1969. 4. In section 5 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—
- “(2a) Notwithstanding anything contained in sub-section (1), the Village Forest Management Committee shall, subject to the provisions of the Indian Forest Act, 1927 and the rules made thereunder, be entitled to transport and store the forest produce collected from the area earmarked or assigned to it.”.
- Amendment of section 6 of Mah. LVII of 1969. 5. In section 6 of the principal Act, in sub-section (1), after the existing proviso, the following proviso shall be added, namely :—
- “Provided further that, one member shall be the representative of the Village Forest Management Committee, as recommended by the concerned Chief Conservator of Forest.”.
- Amendment of section 7 of Mah. LVII of 1969. 6. In section 7 of the principal Act, after the second proviso, the following proviso shall be added, namely :—
- “Provided also that, for the forest produce collected from the area earmarked or assigned to the Village Forest Management Committee, the price shall be fixed by the Village Forest Management Committee and the provisions of this section shall apply, *mutatis mutandis*, for fixation of price.”.
- Amendment of section 8 of Mah. LVII of 1969. 7. To section 8 of the principal Act, the following proviso shall be added, namely :—
- “Provided that, for the forest produce collected from the area earmarked or assigned to the Village Forest Management Committee, the place of such depot shall be fixed by such Committee and the hours of business shall be prominently displayed on a notice board kept for the purpose at every such depot.”.

Mah. LVII of 1969.

III of 1959.

XVI of 1927.

Mah. of 2014.

XVI of 1927.

8. In section 9 of the principal Act,—

Amendment
of section 9
of Mah.
LVII of
1969.

(a) in sub-section (1), after the existing proviso, the following proviso shall be added, namely :—

“Provided further that, the Village Forest Management Committee shall purchase the forest produce collected from the area earmarked or assigned to it, at the price fixed by such Committee and the Committee shall not be competent to purchase the forest produce from the area other than the areas earmarked or assigned to it.”;

(b) in the marginal note, after the words “or agent” the words “or Village Forest Management Committee” shall be inserted.

9. To section 10 of the principal Act, the following proviso shall be added, namely :—

Amendment
of section 10
of Mah.
LVII of
1969.

“Provided that, it shall not be necessary for the Village Forest Management Committee to get itself registered.”.

10. To section 12 of the principal Act, the following proviso shall be added, namely :—

Amendment
of section 12
of Mah.
LVII of
1969.

“Provided that, subject to the terms and conditions as may be imposed by the State Government for assigning the village forest, any forest produce purchased or collected by the Village Forest Management Committee shall be sold or otherwise disposed of in such manner as it deems fit .”.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Forest Produce (Regulation of Trade) Act, 1969 provides for regulating in the public interest the trade of certain forest produce by creation of State monopoly for such trade in the State of Maharashtra and of matters connected therewith. As per the provisions of sub-section (1) of section 28 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra, the State Government may assign to village-community, Village *Panchayat* established under the Maharashtra Village Panchayats Act or Co-operative Society registered or deemed to be registered under the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), the rights of the Government to or over any land which has been constituted a reserved forest or called a protected forests or cancel such assignment and all forests so assigned shall be called 'village-forests'. As per the provisions of sub-section (2) of the said section 28, the State Government may make rules for regulating the management of village-forests, prescribing the conditions under which the community, *Panchayat* or society to which any such assignment is made may be provided with timber or other forest produce or pasture, and their duties for the protection and improvement of such forests.

2. The Government of Maharashtra has, on the 13th May 2014, made the Indian Forests (Maharashtra) (Regulation of assignment, management and cancellation of village forests) Rules, 2014, in exercise of the powers conferred by sections 26, 28, 30, 32, 34 and 76 of the Indian Forest Act, 1927 (Act No. XVI of 1927), in its application to the State of Maharashtra. For facilitating the implementation of the said rules, it is considered expedient further to amend the Maharashtra Forest Produce (Regulation of Trade) Act, 1969.

It is proposed mainly to,—

(a) exclude from the provisions of the said Act, the area of the village-forests earmarked or assigned to the Village Forests Management Committee ;

(b) authorize the said Committee to transport and store the forest produce collected from the area earmarked or assigned to it;

(c) co-opt one member of the said Committee as the member of the Advisory Committee constituted under section 6 of the said Act;

(d) empower the said Committee to fix the price of the forest produce collected from the area earmarked or assigned to it;

(e) empower the said Committee to fix the place of depot and hours of business of depot regarding the forest produce collected from the area earmarked or assigned to it;

(f) empower the said Committee to purchase the forest produce collected from the area earmarked or assigned to it; and

(g) make other consequential amendments to the said Act.

The Government, therefore, considers it expedient to amend sections 2, 3, 5, 6, 7, 8, 9, 10 and 12 of the Maharashtra Forest Produce (Regulation of Trade) Act, 1969, suitably.

3. Hence this Bill.

Mumbai,

Dated the 9th June 2014.

PATANGRAO KADAM,

Minister for Forests.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 1 (2).—Under this clause, power is taken to the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.