



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-अ

वर्ष ५, अंक १०७]

बुधवार, मार्च ५, २०१४/फाल्गुन १४, शके १९३५

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असाधारण क्रमांक ४४

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांब्यतिरिक्त) नियम व आदेश

REVENUE AND FORESTS DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 5th March 2014.

NOTIFICATION

INDIAN FORESTS ACT, 1927.

No. ABB-2010/CR-189/F-9.—Whereas, the forests in the Maharashtra are recognized as important for sustaining life in general and for the livelihood systems of the forest dwellers in particular;

And whereas, it is essential to institutionalize an effective and efficient management regime for conservation and long-term sustainability of forests and natural resources as essential precondition for sustainability of the village communities whose livelihoods are dependent upon forest ;

And whereas, it is imperative to put in place a robust framework for empowerment of Village Panchayats and institutions as informed participants in the forest and natural resource management.

Now, therefore, in exercise of the powers conferred by sections 26, 28, 30, 32, 34 and 76 of the Indian Forests Act, 1927 (Act No. XVI of 1927), and all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, namely :—

1. *Short title, application and commencement.*—(1) These rules may be called the Maharashtra Village Forests Rules, 2014.

(2) They shall apply to part of such reserved forests or protected forests in the village as assigned under the Indian Forest Act, 1927 (Act No.XVI of 1927) and these Rules.

(3) These rules shall not be applicable to such forest are as covered under or communities who have already acquired community forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and to any villages in Scheduled Areas of the State of Maharashtra where the provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (Act No. 40 of 1996) apply :

Provided that, any *Gram Sabha* other than that covered under this sub-rule may, *suomoto*, make a decision, by resolution, to adopt these rules.

(4) They shall come into force on the date of their publication in the *Official Gazette*.

2. *Definitions.*—In these rules, unless the context otherwise requires or there is anything repugnant in the subject,—

(a) “Act” means the Indian Forest Act, 1927 (Act No.XVI of 1927), as amended in its application to Maharashtra;

(b) “Form” means a Form as prescribed by the Principal Chief Conservator of Forests (Head of Forest Force) from time to time;

(c) “Governor” means the Governor of Maharashtra;

(d) “Government” means the State Government of Maharashtra;

(e) “Gram Sabha”, “Gram Panchayat”, “Panchayat”, “Sarpanch”, “Upa-Sarpanch”, “Village”, “a group of villages”, “ward” and “the term of a Panchayat” shall have the same meanings respectively assigned to them in the Village Panchayat Act and in the Scheduled Areas, they shall, as per applicability, conform to the definitions as contained in the Panchayats (Extension to the Scheduled Area) Act, 1996;

(f) “Microplan” or “Gram Van Yojana” means the scheme of management of a village forests and natural resources and works ancillary thereof in the village or its hamlet, as the case may be;

(g) “Member-Technical of Van Vyavsthapan Samiti” means a Forest Officer of the rank of Forester having jurisdiction over the concerned forest area or any other Forest Officer not below the rank of Forest Guard nominated by the concerned Range Forest Officer for the purpose;

(h) “Van Vyavsthapan Samiti” or “the Joint Forest Management Committee” means a Committee constituted under section 49 of the Village Panchayat Act for the matters related to forest and wildlife management and ancillary thereof in the village or its hamlet;

(i) “village forests” or “Gram Van” means such part of reserved forests or protected forests in the village as assigned to the Village Panchayat under the Indian Forest Act, 1927 (Act No.XVI of 1927) and these Rules and also under the Village Panchayats Act for management through “Van Vyavsthapan Samiti”;

(j) “Village Panchayat Act” means the Maharashtra Village Panchayats Act (III of 1959).

(2) The words and expressions used and not defined in these rules but defined in the Act shall have the same meanings as respectively assigned to them in the Act.

3. *Management of village forests.*—(1) The State Government may, while notifying in the *Official Gazette* reserved forests or protected forests, or part thereof, as village forest in the village or its hamlet as assigned to the hamlet or village in a village Panchayat declare the conditions under which the Government Rights on such village forest shall be assigned.

(2) (a) The State Government or officers assigned in this behalf may assign forest or protected forest to a Village Panchayat as were being jointly and effectively managed by Joint Forest Management Committee’s and where effective participation of people has been witnessed in prevention of encroachment, fire, illicit grazing, illicit felling consequently ensuring positive rate of regeneration during last decade.

(b) (i) The Chief Conservator of Forests of the concerned circle, upon receiving resolution of the *Gram Sabha* that they wish to manage Joint Forest Management area or areas within three kilometers as village forests, shall call for the report of the Deputy Conservator of Forests.

(ii) The report of the Deputy Conservator of Forest shall specify whether the village has prevented all encroachments in the Joint Forest Management areas i.e. encroachment on Joint Forest Management areas are zero.

(iii) The said area assigned under the Joint Forest Management to the village has witnessed positive regeneration.

(iv) The said area has less than 5 % area burnt due to fire during last 3years.

(v) Over 60% survival of any plantation assigned to the concerned Joint Forest Management Committee after five years period.

(vi) The Joint Forest Management Committee has undertaken effective implementation of *charaibandi* and *kurhadbandi* in assigned forest area.

(vii) The Chief Conservator of Forests shall notify the area with respect to which *Gram Sabha* resolution has been resolved as village forest under these rules, if any of the above 3 criteria are fulfilled. Priority shall be given to notifying all the Joint Forest Management areas as village forests where said villages have received any prize under *Sant Tukaram Gram Van Scheme*.

(3) The village forests in a village or its hamlet shall be managed by the committee elected by the *Gram Sabha* in consonance with the Government Resolution, Revenue and Forests Department, No. FDM. 2011/C.R. 100/F-2, dated the 5th October 2011 of the village as applicable or as directed by the State Government from time to time.

(4) The *Van Vyavsthapan Samiti* shall manage its village forests on behalf of the Village Panchayat with due reference to the relevant provisions of the Panchayats (Extension to the Scheduled Area) Act, 1996, the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act, 1996, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the Indian Forest Act, 1927, the Wildlife (Protection) Act, 1972, the Biological Diversity Act, 2002, the Maharashtra Village Panchayats Act and rules made thereunder and any other law in force as applicable to the State of Maharashtra.

(5) The extraction of Bamboo in forest assigned to *Van Vyavsthapan Samiti* of Village Panchayat shall be strictly in accordance with microplan. To ensure conservation as well as protection of wildlife and also sustainability of regeneration of bamboo, the assigned forest area shall be divided into 3 parts and each part shall be revisited for extraction after a gap of 3 years. In case the extraction exceeds the prescribed possible yield or is done before the due scheduled gap of 3 years or if the extraction of immature bamboo takes place, the same shall amount to offence under section 7 of the Maharashtra Transfer of Ownership of Minor Forest Produce in the Scheduled Areas and the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act, 1997 (Mah. XLV of 1997). In case of such violations, the rights of Village Panchayat with respect to bamboo shall be extinguished and the area shall be reverted forthwith to the Forest Department for restoration of normalcy to be certified by the Assistant Conservator of Forest incharge of the said area. The area once restored may subsequently be reassigned to the Village Panchayat again. The nistar rights and supply to local burud community shall be the first charge on bamboo produced in assigned area and the remaining shall be available to *Van Vyavsthapan Samiti* of the Village Panchayat. It shall be the responsibility of the Village Panchayat to prevent occurrence of encroachment, fire, illicit grazing and illicit felling in the assigned forest area failing which the assigned area shall revert back to the Forest Department for 5 years.

(6) In case of other minor forest produce also, the extraction shall be strictly in accordance with microplan and shall in no case exceed the prescribed limits for extraction failing which the rights of *Gram Panchayat* with respect to such forest produce shall stand extinguished and the area thus assigned shall be reverted back to the Forest Department for restoration of normalcy duly certified by Assistant Conservator of Forest in charge of the said area. The area thus reverted back to the Forest Department may again be reassigned to the *Gram Panchayat* an year after the restoration of normalcy.

4. *Constitution of Van Vyavsthapan Samiti.*—(1) The *Van Vyavsthapan Samiti* may be constituted as a Village Development Committee as per provisions of section 49 of the Village Panchayat Act, as amended, from time to time. The *Van Vyavsthapan Samiti* shall elect its Chairperson as per the provisions of the Village Panchayat Act. A Forest Officer of the rank of Forester having jurisdiction over the concerned forest area or any other Forest Officer not below the rank of Forester nominated by the concerned Range Forest Officer for the purpose shall serve as 'Member-Technical' of the *Van Vyavsthapan Samiti*. The Member-technical appointed in the manner prescribed in these rules shall be considered equivalent to the Secretary of the Panchayat for the purpose of duties, functions and responsibilities assigned to the *Van Vyavsthapan Samiti*. The Member-technical shall render technical advice on matters pertaining to extraction and management of minor forest produce and other forest produce.

(2) The powers, jurisdiction, functions and procedure for transaction of its business shall be in consonance with the provisions of the Village Panchayat Act, and within the frame work of general policy framed by the State Government, the *Zilla Parishad* and the *Gram Panchayat* as well as specific directives issued under any scheme implemented through *Van Vyavsthapan Samiti* ;

(3) The term of the *Van Vyavsthapan Samiti*, if constituted, shall be coterminous with the term of the Village Panchayat.

(4) The Member-technical shall not be entitled to obtain any pecuniary benefit from the *Van Vyavsthapan Samiti* other than reimbursement of travel expenses while travelling with a team constituted by the *Van Vyavsthapan Samiti* on recommendation of the *Gram Sabha* in connection with approved study visits or any other works assigned to the visiting team. Prior approval of the concerned Range Forest Officer shall be required for receiving the reimbursement.

5. *Functions of the Van Vyavsthapan Samiti.*—The *Van Vyavsthapan Samiti* shall perform the following functions, namely :—

(a) To prepare a 'Ten year Microplan' periodically in consonance with the Working Plan of the landscape and, an 'Annual Implementation Plan' every year for managing the village forests and place the Microplan before the *Gram Sabha* for ratification and its approval by the competent authority as per instructions of the State Government and Central Government, from time to time;

(b) To carry out implementation of approved microplan and annual implementation plan ;

(c) To prevent destruction of trees and forest resources including surface soil, forest floor, wildlife and habitat conditions in the village forests;

(d) To prevent encroachment in village forests and any use of forest land or forest resources in contravention of the Act and assist the Government in removing the illegal occupations of individuals or group of individuals including those pertaining to cases rejected under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;

(e) To ensure conservation of wildlife and its habitat in the village forests;

(f) To maintain the integrity of the boundary of village forests;

(g) To manage grazing and use of fodder resources in the forests in accordance with the microplan and other relevant laws, rules and instructions in force;

(h) To protect village forests from fire in accordance with laws, rules and instructions in force;

(i) To maintain records, documents and accounts of income and expenditure in such manner as directed by the State Government or prescribed under any other law in force;

(j) To levy and collect entry fee for visiting any part of the village forests from any person other than public representatives, government officials and any other person associated with or authorized by any government agency;

(k) To keep record of individual as well as community Forest Right holders and nature and extent of Forest Rights assigned to them and to manage the exercise of the Forest Rights with a view to ensure long term sustainability of these Rights;

(l) To optimize utilization of the silviculturally available forest produce for benefit of the Forest Right holders of the village;

(m) Any other duty entrusted by *Gram Sabha* in interest of preventing duplication and multiplicity of village communities;

(n) To individually as well as collectively ensure protection and conservation of the village forests, and promptly report any forest or wildlife offence to the nearest Forest Officer as required by the relevant Acts, Rules and executive instructions issued from time to time;

(o) To perform such other functions as may be necessary to effectively carry out purposes of the Act and these Rules with due regard to the sustainable management of village forests and in accordance with directives issued by and on behalf of the Government from time to time.

(p) To perform duties and functions of the Biodiversity Management Committee within its jurisdiction provided the *Gram Sabha* resolves to entrust *Van Vyavsthapan Samiti* the duties and functions of the Biodiversity Management Committee as per provisions the Biological Diversity Act, 2002 and the rules made thereunder.

6. *Power of the Van Vyavsthapan Samiti.*— On the constitution of the *Van Vyavsthapan Samiti*, it shall exercise the following powers with prior concurrence of the Gram Sabha in respect to the village forest assigned to it :—

(a) To defend suits and proceedings against the Van Vyavsthapan Samiti and Gram Panchayat;

(b) To harvest and dispose of minor forest produce, bamboo, tendu and apta in accordance with the microplan. This will be done in accordance with the existing Acts and Rules governing the management and disposal of minor forest produce ;

(c) To ensure that the harvesting of forest produce including minor forest produce is done strictly in the manner prescribed in the microplan prepared in accordance with the principles of the working plan and in accordance with the broad principles of sustainable management of forests and to impose penalty for violation as fixed by the Government, from time to time ;

(d) To regulate grazing including closure from grazing, impounding of cattle for trespass into the village forests, and to authorize any villager or its member to impound such cattle, sheep and goats found grazing in the closed areas or in contravention of the grazing regulations ;

(e) To harvest dead trees, if any, marked for cutting for improving the hygiene of the Village Forests in consonance of Working Plan or Microplan and to distribute the harvested material including the out turn from stump cleaning or fashioning to the members of the village for community purposes or their household requirements at the rate decided by the Deputy Conservator of Forests ;

(f) To propose to the *Gram Sabha* of the hamlet for the declaration of any tree or class of trees as reserved trees as also for closure of an area as prescribed by the provisions of section 30 of the Act. The *Gram Sabha* may declare the same with concurrence of two-third majority of members of the *Gram Sabha*.

(g) Duly authorized through specifically passed resolution by two-third majority of *Gram Sabha*, to harvest trees, timber and firewood as prescribed in the micro plan with prior intimation in writing to the Deputy conservator of Forests in-charge of the division or the Sub-Divisional Forest Officer in-charge of the sub-Division, and dispose of timber and firewood in the manner as deemed fit.

(h) To regulate, in the village forest area, the examination of any forest produce in consultation with the Forest Department ;

(i) To prohibit any fresh clearing or breaking of land for cultivation or any other purpose;

(j) To prohibit setting of fire in contravention of rules, prescription of the Working Plan or Microplan or instructions of the State Government ;

(k) To prohibit kindling, keeping or carrying of fire and extinguish fire, if any, in the village forests ;

(l) To prohibit damage to the forests and wildlife therein including felling, girdling, lopping or burning any tree or otherwise damaging any tree ;

(m) To prohibit hunting, shooting, fishing, poisoning water, setting traps and snares in such forests contravention of the Act, the Wild Life (Protection) Act, 1972 and rules made thereunder ;

(n) To operationalize seizure of any tool, weapon, vehicle or equipment as well as cattle used in committing any forest or wildlife offence within the village forests ;

(o) To levy and collect fee for grazing or supply of any minor forest produce as approved by *Gram Sabha*.

(p) To make provision for carrying out within the village any other work or measure which is proposed to support conservation of natural resources and promote the health, safety, education, culture, comfort, convenience or social or economic well-being of the inhabitants of the village ;

(q) To regulate the work of collection and disposal of minor forest produce as per Microplan while maintaining a balance between livelihood and self-consumption apart from the interest of the whole village and that of the State at large so that the whole village gets full benefits of collecting minor forest produce thereby contributing to the economic well-being of the villagers ;

(r) To get constituted the Beneficiary-level Sub-Committees from amongst the voter beneficiaries of existing or proposed activities, schemes or utilities as per provisions of section 49A of the Village Panchayat Act;

(s) To recommend names from amongst its members to be considered for selection of Van Patil or honorary Village Wildlife Warden to the Deputy Conservator of Forests.

7. *Delegation of powers of the Van Vyavsthapan Samiti.*—The Van Vyavsthapan Samiti, with prior concurrence of the Gram Sabha, may authorize any member of the Gram Sabha to exercise the powers mentioned under rule 5 of the Gram Sabha in respect to the village forest assigned to it.

8. *Reference of dispute.*— All disputes relating to grazing, illegal collection of minor forest produce, firewood collection, and irregularities in the exercise of forest rights shall be first referred to and considered by the Gram Sabha.

9. *Saving.*—Nothing in these rules shall be deemed to prohibit any activity under a written order or exercise of any right created by grant, or agreement in writing made by or on behalf of the State Government.

10. *Preparation of Microplan and Annual Implementation Plan.*— A microplan for a period of ten years shall be prepared for the management and protection of a village forest by the Van Vyavsthapan Samiti, with the assistance of forest official who is nominated as Member-Technical, in such manner as may be directed by the Forest Department. The microplan shall be placed before the Gram Sabha for its approval. The Microplan duly approved by the simple majority of Gram Sabha will then be submitted to the Assistant Conservator of Forests who shall approve the plan within 1 month, with any suitable modifications to ensure congruence with sustainable silvicultural practices and broad coherence with the Working plan in force. If the Assistant Conservator of Forest fails to approve the Plan within one month of its receipt, the Plan shall, on application by the Van Vyavsthapan Samiti or suo motto, be called by the Deputy Conservator of Forests for necessary processing and giving final approval within one month subject to the legal and statutory compliances in relation to the Forest Conservation Act, 1980, the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Wild Life (Protection) Act, 1972, and the Indian Forest Act, 1927, required, if any.

11. *Preparation of Annual Implementation Plan.*— The Van Vyavsthapan Samiti shall prepare every year an Annual Implementation Plan for the management and development of village forests on the basis of the sanctioned microplan and submit it to the Range Forest Committee. The Range Forest Committee shall approve the plan within one month of its receipt, failing which it will be deemed to have been approved.

12. *Constitution and Functions of Range Forest Committee.*— (1) There shall be a Range Forest Committee in each range for coordinating functions of the Van Vyavsthapan Samitis and guiding implementation of the policy directives regarding effective management of village forests.

(2) The concerned Assistant Conservator of Forests shall be the chairperson and the Range Forest officer shall be Member-Secretary of the Range Forest Committee.

(3) A Vice-Chairperson of the committee shall be elected amongst the members of the Van Vyavsthapan Samiti.

(4) A Sarpanch belonging to the Scheduled Castes or Scheduled Tribes shall be nominated as member of Range Forest Committee by the Sabhapati of the concerned Panchayat Samiti.

(5) All Chairpersons and Member-Secretary of all the Van Vyavsthapan Samitis shall be ex-officio members of the Range Forest Committee.

(6) The Chief Conservator of Forests may nominate any person, not exceeding three in number, as member of the Range Forest Committee, provided the person is a resident of concerned district, and had actively participated in activities related to the forest and wildlife conservation.

13. *Functions of the Range Forest Committee.*—The Range Forest Committee shall have the following functions :—

(a) To examine and consolidate the Annual Plan for village forests in the Range ;

(b) To Inspect, supervise and verify works done by the Van Vyavsthapan Samitis, wherever constituted ;

(c) To inspect account book and other records maintained by the *Van Vyavsthapan Samitis*, wherever constituted; and take assistance for convergence of ecologically-sound developmental works;

(d) To ensure that all the *Van Vyavsthapan Samitis* in the Range are discharging the duties and exercising the powers assigned to them properly, equitably and justly. In case of any default the Range Forest Committee shall promptly intervene and report the matter to the Forest Development Agency;

(e) To carry out reconciliation from amongst *Van Vyavsthapan Samiti* with regards to boundaries of assigned village forests, rights to extract minor forest produce, and disputes regarding levy of fines or exclusion from benefits of village forests imposed by the *Van Vyavsthapan Samitis*;

(f) To ensure that the microplans of different villages conform to the landscape management principles of the forests;

(g) To submit budget proposals to the Forest Development Agency in accordance with the instructions issued by State Government in this behalf; and

(h) To discharge such other duties as may be assigned by the State Government or the Forest Development Agency.

14. *Constitution of the Forest Development Agency.*—The Forest Development Agency of concerned forest division or sub-division as constituted by the State Government shall serve as district-level committee for management and development of village forests.

15. *Functions of the Forest Development Agency.*—The Forest Development Agency shall carry out the following functions, directly or through its representatives, namely:—

(a) To examine and approve the microplan for the village forests and ancillary works and ensure that the landscape management system is reflected in all the microplans;

(b) To supervise and monitor works of the *Van Vyavsthapan Samitis* and the Range Forest Committees; and

(c) To perform such other functions as may be entrusted by the State Government or the State Forest Development Agency.

16. *Constitution and Functions of State Forest Development Agency.*—The State Forest Development Agency of Maharashtra as constituted by the State Government shall serve as the apex committee for management, development and conservation of village forests.

17. *Procedure for transaction of business of the Committees.*—The transaction of business of the Committees shall be carried out as follows and as per the directives of the State Government from time to time.

(a) All matters which come up before the Range Forest Committee or the Forest Development Agency shall be decided by a majority of the members present and by voting.

(b) The Chairperson of the Range Forest Committee or the Forest Development Agency, as the case may be, and in his absence, a member duly elected in this behalf by the members present in the meeting, shall preside over the meetings of the Range Forest Committee or the Forest Development Agency, as the case may be.

(c) A prior notice of at least of fifteen days for the meeting of the Range Forest Committee and the Forest Development Agency, shall be given to the members of the concerned Committee.

(d) A copy of memorandum of the deliberation and resolutions, if any, of the *Van Vyavsthapan Samiti* shall be forwarded to the Range Forest Officer who shall submit it with such remarks as he deems fit to the Deputy Conservator of Forests.

(e) All the decisions of the Range Forest Committee or the Forest Development Agency shall be recorded in minute books to be kept for the purpose.

18. *Funds, Accounts and Audit.*—Funds, Accounts and Audit of the Committees constituted under these rules shall be managed as per the provisions of the law for the time being in the force and as per the directives of the State Government and funding agency, from time to time.

19. *Apportionment and Utilization of Income.*—The income of the *Van Vyavsthapan Samiti* shall be apportioned and utilized in the manner decided by the *Van Vyavsthapan Samiti* within the framework as directed by the State Government, from time to time. Guidelines provided for utilization of income from forest produce applicable to Joint Forest Management Committees may be adopted by the *Gram Sabha*.

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

PRAVEEN PARDESHI,
Principal Secretary to Government.