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The Orissa Village Forests Rules, 1985

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The Orissa Village Forests Rules, 1985*

Notification No. S. R. O. No. 717/85 dated the 28th September 1985. In exercise of the powers conferred by S. 31, read with S. 32 and Cl. (d) of S. 82 of the Orissa Forest Act, 1972 (Orissa Act 14 of 1972), the State Government do here-by make the following rules, namely:

1. Short Title and Commencement. (1) These rules may be called the Orissa Village Forestry Rules, 1985.

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

2. Definitions. (1) In these rules, unless the context otherwise requires:

- (i) "Act" means the Orissa Forest Act, 1972;
- (ii) "Assistant Conservator of Forests" means a Forest Officer of the Orissa Forest Service or Indian Forest Service attached to a Forest Division and includes a Forest Officer of similar rank attached to a Social Forestry Project Division;
- (iii) "Block Development Officer" means an Officer appointed for a Block under S. 15-A of the Orissa Panchayat Samiti Act, 1959;
- (iv) "Collector" means the Chief Officer in-charge of the Revenue administration of a district and shall include an Additional District Magistrate;
- (v) "Committee" means a Village Forest Committee;
- (vi) "Divisional Forest Officer" means the Forest Officer in-charge of a Forest Division and includes the Deputy Director in-charge of a Social Forestry Project Division;
- (vii) "Forester" means the Forest Officer in charge of a section and includes a Village Forest Worker and Technical Assistant, posted in a Social Forestry Project;
- (viii) "Government" means the Government of Orissa;
- (ix) "Grama" "Grama Panchayat" and "Grama Sasan" shall have the same meaning as defined in the Orissa Grama Panchayat Act, 1964;
- (x) "Nursery" means the place of a village forest over which seedlings are raised on broken up grounds or in containers meant for use in plantations;
- (xi) "Plan" means the Management Plan drawn up under R. 11;
- (xii) "Plantations" means all or any trees planted at the cost of Government in any village forest which shall also include plants and trees naturally grown in such forest;
- (xiii) "Range Officer" means the Forest Officer in-charge of a Forest Range and includes the Social Forestry Supervisor of a Social Forestry Project Division;
- (xiv) "Sarpanch" means the Sarpanch of a Grama Panchayat;
- (xv) "Sub-divisional Officer" means the Chief Officer in-charge of the Revenue administration of a Subdivision;
- (xvi) "Tahasildar" means the Chief Officer in-charge of the Revenue administration of a Tahasil and shall include an Additional Tahasildar;
- (xvii) "Village" means a village as defined in the Orissa Survey and Settlement Act, 1958;
- (xviii) "Village forest" means a village forest notified under S. 30 of the Act.

* Published in the Orissa Gazette, Extraordinary No.1561, dated 20-11-1985.

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

3. Village Forest Committee (1) The management of every Village Forest shall vest in a Committee called the Village Forest Committee comprising the Sarpanch of the concerned Grama Panchayat(s) and Ward Member(s) there belonging to the village community or communities concerned, the Forest(s), Revenue Inspector(s) and the village level worker(s) concerned and such other person of the said community or communities not exceeding three as may be nominated by the concerned Grama Sasan.

(2) The total number of the members of the Committee shall be at least eight which shall, as far as possible, include persons representing Scheduled tribe or Caste, woman and landless categories.

(3) (i) The Sarpanch of the Grama Panchayat shall be the Chairman of the Committee:

Provided that where more than one Grams are involved in a village forest, the Sarpanch concerning the highest populated Grama shall be the Chairman of the Committee.

(ii) In the absence of such Chairman in any meeting of the Committee, the members present shall choose one amongst them to preside as the Chairman for that meeting.

(4) The term of office of the non-official members of the Committee shall be one year.

4. Maintenance of Boundaries. Every Committee shall suitably demarcate the boundaries of the village forest with the help of the forester concerned and maintain the demarcation in good condition.

5. Acts prohibited in Village Forests. Save as provided under these rules, no person shall cut, lop or in any way injure appropriate or remove any tree or any lopping thereof, which is grown in any village forest or knowingly or wilfully permit or abet the cutting, lopping, injuring appropriating or removing of the same by any other person, without having first obtained a permit in accordance with these rules.

6. Protection. It shall be the duty of all persons belonging to the community or communities for whose benefit the village forest is constituted to afford protection and ensure preservation of the plantations therein and, in the event of any injury to such plantations from whatever cause, as soon as possible, report to the nearest Local Forest Officer or Police Officer.

7. Meeting of the Committee. (1) The Committee shall meet for deliberations as often as required but not less than once in every quarter. The committee shall record the proceedings of every meeting in a book called the proceedings book to be maintained for the purpose and the proceedings so recorded shall be signed by the chairman of the committee, who shall forward copies thereof to the concerned Range Officer and Tahasildar.

(2) Notwithstanding anything contained in sub-R. (1), one third of the members of the Committee may request the Chairman in writing to convene its meeting with at least seven days' notice to all members. The Forester will normally be the convener of the meeting of the Committee.

(3) Presence of three members including the Chairman shall form the quorum, at least one of whom being a Scheduled Caste of Tribe, woman or landless member.

(4) Where any resolution passed by the Committee is considered to be against the principles of forest conservation and protection by the local Range Officer, or is considered to be illegal or against the interest of the beneficiaries by the local Tahasildar such Range Officer or, as the case may be, the Tahasildar, may refer the resolution in question to the Committee for reconsideration with reasons concerning the reference.

(5) If on reconsideration of the matter, the Committee does not consider it necessary to alter its original resolution, the matter may be referred to the Divisional Forest Officer for final decision where the matter relates to forest conservation and protection and to the Sub-divisional Officer, in other cases.

(6) The resolution passed by the Committee shall take effect after it is confirmed by the Tahasildar or the Divisional Forest Officer, as the case may be.

8. Permit. (1) No wood or other forest produce shall be removed from the village forest except under and in accordance with the permit issued by two members of the Committee authorised for the purpose by it, in the form appended to these rules. The permit shall be obtained before the felling, conversion, collection or removal of the forest produce in question.

(2) A permit issued under sub-R. (1) shall be valid only within the limits of the area to which the beneficiaries belong.

(3) The used up permit books are to be returned to the concerned Range Officer along with an abstract of forest produce sold on that account by the members authorised to issue permits.

9. Sharing of Forest Produce. (1) The beneficiaries shall on payment, as prescribed under R.13, be entitled to the forest produce from the village forest for their *bona fide* use or consumption but not for sale or barter.

(2) The Committee shall be responsible for the proper distribution of forest produce amongst the beneficiaries and for that purpose, formulate necessary principles keeping in view the following guidelines:

- (i) the minimum requirements of the beneficiaries for building and agricultural purposes have to be worked out by the Committee and the distribution be made accordingly on the basis of the available produce, before meeting their demand for other purposes;
- (ii) as regards supply of firewood, the forest produce shall be apportioned among the families keeping in view their real requirement as far as possible.

10. The Committee shall regulate grazing in the village forest by alternate closing and opening of areas for such period as it may deem proper and by such methods as it may adopt:

Provided that the provisions in the Orissa Forest (Grazing of Cattle) Rules, 1980, shall, as far as may be, regulate such grazing.

(2) The Committee shall have the power to impound the cattle that enter the village forest contrary to these rules.

(3) Pasture development and fodder cultivation in Gochar land within the limits of a village forest may be taken up by the Committee through schemes drawn up by the Collector in that regard with the prior approval of the Government in the Revenue Department.

11. Management of Village Forest and Drawing up of Management Plans. (1) Save as provided in sub-R. (4), there shall be prepared a Management Plan for the management of every village forest which shall contain *inter alia* the following items namely:

- (a) duration and validity of the management plan;
- (b) physical and legal description of the area and the rights of the beneficiaries;
- (c) distribution of responsibility in establishment, protection, management, financing and harvesting of the plantations;
- (d) agricultural methods;
- (e) conditions for protection;
- (f) principles for distribution of benefits.

(2) The plan shall be drawn up by the Forester and scrutinised by the Range Officer concerned. After such scrutiny, the Range Officer shall forward three copies of such plan to the Divisional Forest Officer or the Assistant Conservator of Forests concerned, as the case may be, who shall, after according approval thereon, return one copy thereof to the Range Officer and another copy to the Committee through the Range Officer.

(3) Different plans may be prepared in the aforesaid manner in respect of lands situated in village forest in different villages.

(4) The choice of the land for plantation and the species to be planted on such land are to be decided by the Forester or Range Officer, in consultation with the Committee.

(5) For the purpose of implementation of the plan, the Committee shall divide the village forest into different sections and work each of them on rotation in accordance with the relevant plan.

(6) Where any such plan in respect of any village forest is implemented, the Committee shall protect and manage the plantation raised there in accordance with such plan. All nurseries and plantations raised by the Government in a village forest shall be protected against grazing, fire and pilferage by the Committee in all stages.

(7) The Committee shall implement the plans with the funds allotted to it by the Grama Panchayat; Panchayat Samiti and directly by Government by way of grants placed at its disposal exclusively for the purpose.

12. Village Funds Accounts Returns. (1) The sale proceeds of the forest produce realised by issue of permits from every village forest shall be deposited in the Grama Fund of the Grama Sasan concerned after deducting the expenses, if any, incurred by the Government for protection of such forests where the Committee failed to take up the protection responsibility of its own.

(2) All sums deposited under sub-R. (1) shall be strictly utilised in the development and management of the village forest concerned as decided by the Committee and shall not be spent otherwise.

(3) Separate accounts for each village forest in respect of deposits made under sub-R. (1) shall be maintained by every Grama Panchayat concerned which shall furnish half yearly returns to the Divisional Forest Officer and the Panchayat Samiti in such form as may be prescribed for the purposes by the Divisional Forest Officer indicating therein the quantum of forest produce sold and revenue realised.

(4) Detailed accounts relating to receipt and expenditure of the Committee shall be laid before it in every meeting for scrutiny and approval.

(5) The accounts of the Committee shall be subject to audit by the Internal Audit Organisation of the Forest Department with the funds deposited by the Committee in the Grama Panchayat Act, 1964. A copy of the Audit report pertaining to these accounts shall be laid before the Committee every year and also be submitted to the Range Officer and the Block Development Officer Concerned.

13. Rate of Payment. (1) The rate of payment to be made by the beneficiaries for obtaining forest produce from the village forest for their own use shall be the same as prescribed for the respective forest divisions under the Schedule of Rates for Forest Produce in Orissa Rules, 1977, as amended from time to time.

(2) The classification of trees as provided in the rules referred to in sub-R. (1) shall apply to the trees in a village forest.

14. Transit. The Orissa Timber and Other Forest Produce Transit Rules, 1980 shall not apply in cases of transit of forest produce from a village forest to the residence of the beneficiaries and a permit issued under R.8 shall be deemed to be a transit permit for the purpose of these rules.

15. Offence and Penalty. The provisions of S. 27 of the Act shall apply *mutatis mutandis* to all village forests.

16. Executive Instructions. (1.) The Government shall issue necessary instructions, from time to time, to inquire into the rights and the constitution and management of village forests throughout the State for the guidance of the Committees, Grama Panchayats and all others concerned.

(2) Enquiry into claims relating to rights other than the rights of the beneficiaries shall be taken up individually by the Range Officer concerned within thirty days from the date of receipt of the claims petition on the spot and the case records be submitted within fifteen days after conclusion of the enquiry to the Tahasildar whose order in the matter shall, subject to the decision in appeal preferred under sub-R. (3), be final.

(3) Any person aggrieved by an order of the Tahasildar under sub R. (2) may prefer an appeal to the Sub-divisional Officer whose decision shall be final.

17. Repeal and Savings. All rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed:

Provided that any order made, thing done or action taken under the rules so repealed shall be deemed to have been made, done or taken under the provisions of these rules.

FORM
Permit under the Orissa Village Forest Rules, 1985

[See Rule 8(1)]

Name of Village Forests

Name of purchaser.....

Description of forest produce	Quantity	Rate	Amount (Rs)
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Date of Issue.....

Valid up to.....

Signature of the Issuing Authority on
behalf of Village Forest Committee