

The Orissa Village Forests Rules, 1985

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Rule THE-ORISSA-VILLAGE-FORESTS-RULES-1985 of 1985

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The Orissa Village Forests Rules, 1985 Published vide Notification S.R.O. No. 717/85, dated 28th September, 1985, Orissa Gazette Extraordinary No. 1561, dated 20.11.1985 S.R.O. No. 717/85. - In exercise of the powers conferred by Section 31 read with Section 32 and Clause (d) of Section 82 of the Orissa Forest Act, 1972 (Orissa Act 14 of 1972), the State Government do hereby 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 Official Gazette.

2. Definition.

(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 or similar rank attached to a Social Forestry Project Division; (iii) Block Development Officer means a Forest Officer appointed for a Block under Section 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 to 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 Rule 11; (xii) Plantation 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;(xviii)Village forest means a village forest notified under Section 30 of the Act.(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)(i) The management of every Village Forest shall vest in a Committee comprising the Sarpanch(s) of the concerned Gram Panchayat(s) and Ward Member(s) belonging to the village for which the Village Forest is notified, the Forester(s) Revenue Inspectors) concerned and such other selected persons, not less than three and not more than five of the said village.(ii)In a meeting of the villagers convened for the purpose by the Forester the villagers shall decide how many out of them are to be selected as members to the Committee, who are to be selected and select such number of members.(iii)There shall be at least one woman member among the members so selected. Due regard shall be paid to the need for representation or the Scheduled Tribes. Scheduled Castes and landless labourers.(2)(i)The sarpanch of the Grama Panchayat shall be the Chairman of the committee :Provided that where more than one Gramas are involved in village forest, the Sarpanch concerning highest populated Grama shall be the Chairman of the committee.(ii)Every meeting of the committee shall be convened by the Forester and the Chairman shall preside over the meeting.(iii)In the absence of such Chairman in any meeting of the committee, the members present shall choose one amongst the nonofficial members to act as the Chairman for that meeting.(3)The term of office of the members of the committee selected under Sub-rule (1) shall be two years] [Substituted vide F. F. and A. H. Department Notification No. 17019 dated 17.11.1989 See Orissa Gazette Extraordinary No. 1632 dated 28.11.1989.].

4. Maintenance of Boundaries.

- Every Committee shall suitably demarcate the boundaries of the village forest with the help of the forester [and Revenue Inspector] [Substituted vide F. F. and A. H. Department Notification No. 17019 dated 17.11.1989 See Orissa Gazette Extraordinary No. 1632 dated 28.11.1989.] 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 often as required but at least once in every quarter. The Forester, being convenor of the meeting of the Committee shall issue notices thereof in a book called the 'Notice Book' to be maintained for the purpose. The Forester shall record the proceedings of every meeting in a book called the Proceeding Book to be maintained for the purpose and the proceedings so recorded shall be signed by the Chairman of the Committee. The Chairman shall forward the resolutions of the Committee passed in the meeting to the concerned Range Officer and Tahasildar. The Forester shall be the custodian of the Notice Book and Proceeding Book.(2)The resolutions passed in a meeting shall be sent to the Tahasildar and the Range Officer separately and simultaneously within fifteen days from the date of the meeting and the Tahasildar and the Range Officer shall consider the resolutions and give clearance to the resolutions within fifteen days from the date of receipt of the resolutions.(3)If the reports of the Tahasildar and/or of the Range Officer, as the case may be, are not received by the Committee within fifteen days from the date of receipt of the resolutions by them the resolutions shall be deemed to have been approved by the Tahasildar and Range Officer and they shall take effect after the period of fifteen days.(4)Where any resolution passed by the Committee is considered by the Range Officer against the principles of forest conservation and protection or is considered by the Tahasildar to be illegal and against the interest of the beneficiaries, such Range Officer or the Tahasildar, as the case may be, may refer within fifteen days of its receipt, the resolution in question to the Committee with reasons for re-consideration. Such reference shall be considered by the Committee within thirty days from the date of receipt thereof.(5)If on re-consideration of the resolution with such references, the Committee does not consider it necessary to alter its original resolution, the matter shall be referred by the Committees within forty-five days from the date of receipt of the references of the Range Officer or Tahasildar, as the case may be, to the Divisional Forest Officer for his decision where the matter relates to forest conservation and protection and to the Sub-Collector in other cases. The decision of the D.F.O. or Sub Collector, as the case may be, shall ordinarily be communicated within fifteen days of the receipt of the resolution and shall be final.(6)Notwithstanding anything contained in Sub-rule (1), one-third of the members of the Committee may request the Chairman in writing to convene meeting with at least seven days' notice to all members.(7)Presence of one-third members of the Committee shall form the quorum.] [Inserted vide F. F. and A. H. Department Notification No. 27019 dated 17.11.1989, See Orissa Gazette Extraordinary No 1632 dated 28.11.1989.]

8. Permit.

- [(1) No wood or other forest produce shall be removed from the village forest except under and in accordance with the decision taken by the Committee and permit issued by two members of the

Committee authorised for the purpose by it and countersigned by the Forester, in the form appended to these rules. The beneficiaries shall obtain permit before felling, conversion, collection or removal of the forest produce in question.] [Substituted vide F. F. and A. H. Department Notification No.27019 dated 17.11.1989, See Orissa Gazette Extraordinary No. 1632 dated 17.11.1989.](2)[* * *] [Deleted by F. F. and A. H. Department Notification No.27019 dated 17.11.1989, See Orissa Gazette Extraordinary No. 1632 dated 17.11.1989.](3)[] [Renumbered by F. F. and A. H. Department Notification No.27019 dated 17.11.1989, See Orissa Gazette Extraordinary No. 1632 dated 17.11.1989.] The used-up permit books are to be returned to the concerned Range Officer alongwith 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 Rule 13, be entitled to the forest produce from the village forest for their bona fide use or consumption. The beneficiaries shall obtain necessary permit under Rule 8 in case of their bona fide use or consumption. The Committee will be entitled to Sell part of the forest produce for generating funds for management and regeneration of the village forests and the buyer shall obtain necessary permit under the Rule 8 for transportation of the village forest produce.(2)The Committee shall be responsible for the proper distribution of all available forest produce from the village forest amongst the beneficiaries for their bona fide use or consumption on the basis of one equal share for each kitchen as far as possible. The Committee shall maintain a record of distribution of the forest produce and all the distributions made before a particular meeting shall be reviewed in the said meeting of the Committee.] [Substituted vide F. F. and A. H. Department Notification No.27019 dated 17.11.1989, See Orissa Gazette Extraordinary No. 1632 dated 17.11.1989.]

10.

(1)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 lands within the limits of the village may be taken up by the Committee in accordance with schemes drawn up by the Sub-Collector or the Divisional Forest Officer, or the Soil Conservation Officer in that regard. For implementing the schemes, the Committee shall ensure that every household owning cattle has access to the benefit of the scheme.] [Substituted vide F. F. and A. H. Department Notification No.27019 dated 17.11.1989, See Orissa Gazette Extraordinary No. 1632 dated 17.11.1989.]

11. Management of Village Forest and Drawing up of Management Plans.

(1)Save as provided in Sub-rule (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)[the duration of the plan which shall also specify the species to be planted; [Substituted vide F. F. and A. H.

Department Notification No.27019 dated 17.11.1989, See Orissa Gazette Extraordinary No. 1632 dated 17.11.1989.](b)physical and legal description of the area and the rights of the beneficiaries;(c)distribution of responsibility in establishment, protection, management, financing and the 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 concerned and placed before the Village Forest Committee for approval. The Committee shall forward three copies of such plan to the Range Officer who shall, after recording his view thereon, return two copies thereof to the Committee through the Forester within a period of fifteen days. If the Range Officer endorses the plan approved by the Committee it shall be implemented straightaway. If, however, the Range Officer is of the view that some changes are necessary in the plan in order to secure the interests of the community, the Committee may either accept the changes suggested by him or if it is of the view that the plan originally approved by it is in the larger interest of the community, refer the matter to the Sub-Collector. The Sub-Collector shall consider their views of the Committee and of the Range Officer through a discussion between the Range Officer and at least three members of the Committee. If the differences are reconciled the plan as approved in this discussion shall be the approved plan. If differences could not be reconciled, he shall make such modifications in the plan as he deems proper and record reasons therefor. The plan, as modified by him shall be remitted to the Committee for implementations.] [Substituted by F. F. and A H. Department Notification No. 27019, Dated 17.11.1989. See Orissa Gazette Extraordinary No. 1632 dated 28.11.1989.](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 plant.(6)Where any such plan in respect of any village forest is implemented, the Committee shall project and manage the plantation raised therein 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 plan 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 realized 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 Committee or by] [Substituted by F. F. and A H. Department Notification No. 27019, Dated 17.11.1989. See Orissa Gazette Extraordinary No. 1632 dated 28.11.1989.] 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-rule (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-rule (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 account of the Committee shall be subject to audit by the Internal Audit Organisation of the Forest Department while the funds deposited by the Committee in the Grama Fund shall be subject to audit as per provisions contained in the Orissa Grama Panchayat Act, 1964. A copy of the audit report pertaining to these accounts shall be laid before the Committee every month 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-rule (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 forest produce from a village forest [* * *] [Deleted by F. F. and A H. Department Notification No. 27019, Dated 17.11.1989. See Orissa Gazette Extraordinary No. 1632 dated 28.11.1989.] and a permit issued under Rule 8 shall be deemed to be a transit permit for the purpose of these rules.

15. Offence and Penalty.

- The provisions of Section 27 of the Act shall apply mutatis mutandis to all village forests.

16. Executive Instruction.

(1)The Government shall issue necessary instructions from time to time, for inquiry into the rights in 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.[* * *] [Deleted by F. F. and A H. Department Notification No. 27019, Dated 17.11.1989. See Orissa Gazette Extraordinary No. 1632 dated 28.11.1989.][(2-a) Tahasildar shall pass orders within 30 days from the date of receipt of the case records and the order so passed shall be final subject to the decision in appeal preferred under Sub-rule (3).] [Inserted by F. F. and A. H. Department Notification No. 27019 dated 17.11.1989 See Orissa Gazette Extraordinary No. 1632 dated 28.11.1989.](3)Appeal - Any person aggrieved by an order of the Tahasildar under Sub-rule (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.

FormPermits 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
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Rs.

Date of Issue.....Valid up to.....	Signature of the Issuing Authorityon behalf of Village Forest Committee
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