

GOVERNMENT OF INDIA  
(MINISTRY OF TRIBAL AFFAIRS)  
**LOK SABHA**  
**UNSTARRED QUESTION NO. 2585**  
TO BE ANSWERED ON 12.03.2018  
**VILLAGE FOREST RULES**

2585. SHRI M.B. RAJESH:  
SHRI VIJAY KUMAR HANSDAK:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether the State Governments have been notifying Village Forest Rules (VFR), which is in complete contradiction to PESA Act and Forest Right Act (FRA) and if so, the details thereof;

(b) if so, the names of the States and the details of the steps being taken up not to allow implementation of VFR and to ensure strict implementation of FRA;

(c) the criteria fixed for declaring forest village; and

(d) the development work being executed in the forest villages and the funds spent for this purpose during the last three years?

**ANSWER**

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS  
(SHRI SUDARSHAN BHAGAT)

(a) & (b) Sub-Section (1) of Section 28 of the Indian Forest Act, 1927 defines village-forests. According to this definition all forests, where State Governments have assigned to any village-community the rights of Government to or over any land which has been constituted a reserved forest, are village-forests. The State Governments may also cancel such assignments. Sub-Section (2) of Section 28 of the Indian Forest Act, 1927 further empowers the State Governments to make rules for regulating the management of village-forests, prescribing the conditions under which the community 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 forest. In terms of Article 1(1) of the Constitution of India, India is a Union of States. In terms of Part XI of the Constitution States own equal responsibility in maintaining the federal structure. Further, Article 254(1) of the Constitution provides that the provisions of laws made by the Parliament would prevail if provisions of laws made by the Legislature of a State is repugnant to provisions of laws made by the Parliament which Parliament is competent to enact. Thus the constitutional scheme duly provides that State laws automatically become inoperative when they contravene Central Acts including PESA and Forest Right Act. As per information available with Ministry of Tribal Affairs, Village Forest Rules have been framed by three States namely Odisha, Punjab and Maharashtra. Odisha had framed these Rules in 1985 which precedes PESA, 1996 and FRA, 2006. Punjab had framed the Rules in 2013 but as per Census 2011, there is no ST population in the State nor any Scheduled Area. As regards Maharashtra, it notified these Rules in 2014. Sub- Rule(3) of Rule 1 of the Maharashtra Village Forests Rules, 2014 prescribe that these rules shall not be applicable to such forest areas covered under or communities who have already acquired community forest rights under the Forest Rights Act and to any villages in Scheduled Areas of the State of Maharashtra where the provisions of PESA apply.

(c) Ministry of Tribal Affairs has not prescribed any norms for declaring a village as forest village. However, as per Section 2 (f) of 'The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006', "forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlements villages, fixed demand holdings, all types of taungya settlements, by whatever name called, for such villages and includes land for cultivation and other uses permitted by the Government.

(d) Ministry of Tribal Affairs had implemented a programme for development of forest villages since 2005-06 as a one-time measure for integrated development of forest villages with a view to raise the Human Development Index (HDI) of the inhabitants of the forest villages and for providing basic facilities and services in forest villages/habitations in the country. The programme included infrastructure works relating to basic services and facilities viz. approach roads, healthcare, primary education, minor irrigation, rainwater harvesting, drinking water, sanitation, community halls, etc. and activities related to income generation. The programme was implemented as a part of the Special Area Programme 'Special Central Assistance to Tribal Sub-Plan' and funds were released from the year 2006-07 to 2011-12 only. No fund has been released during 12<sup>th</sup> Five Year Plan period.

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