

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3496
ANSWERED ON:15.12.2014
FOREST RULES
Charitra Shri Ram

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether the Union Government has asked the State Government of Maharashtra to keep in abeyance the new rules on forest villages issued by the Maharashtra Forest Department;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether many Non-Governmental Organisations working towards the cause of tribal people have objected to the said rules issued by the Maharashtra Government; and
- (d) if so, the reaction of the Union Government thereto?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS (SHRI MANSUKHBHAI DHANJIBHAI VASAVA)

(a): Yes, Madam. The Union Government has conveyed to the State Government of Maharashtra on 13.08.2014 to keep in abeyance The Indian Forest (Maharashtra) (Regulation of assignment, management and cancellation of village forests) Rules, 2014.

(b): The Ministry, on examining the legality of The Indian Forest (Maharashtra) (Regulation of assignment, management and cancellation of village forests) Rules, 2014 has found that these Rules encroach upon and are irreconcilable with the provisions of the Scheduled Tribes and Other Traditional Forests Dwellers (Recognition of Forests Rights) Act, 2006 (herein referred to as Forest Rights Act) the Rules and Guidelines framed thereunder, and the Panchayats (Extension to Scheduled Areas) Act, 1996. They encroach upon the field of law already occupied by the Forest Rights Act, which is a Central legislation. The said Rules 2014 have not obtained the consent of the President and, as such, are contrary to the mandate of Article 254 of the Constitution of India which provides that where a central legislation already occupies the field covered by a particular subject in the Concurrent list, no legislation can be passed regarding the said subject by a State Legislature which is repugnant to the provisions of central legislation with the only exception when such state legislation has received the consideration and assent of the President of India.

Therefore, the provisions of the Indian Forests (Maharashtra)(Regulation of assignment, management and cancellation of village forests) Rules, 2014 are in direct conflict with the Forest Rights Act and the Forest Rights Rules.

(c): Ministry of Tribal Affairs has not received any representation from any Non- Governmental Organisations working towards the cause of tribal people objecting to The Indian Forests (Maharashtra) (Regulation of assignment, management and cancellation of village forests) Rules, 2014

(d): Does not arise, in view of the reply to part (c) above.