

*Annexure VIII A (6), (Vide Article - 8.02)*

Grant of tenure rights to residents  
of Forest Villages and In-forest  
Settlements - In lands held on temporary  
leases.

Government of Maharashtra,  
Revenue and Forests Department,  
Resolution No. FLD 4267/I-Y,  
Sachivalaya, B-1, Bay-30, 22nd May 1967.

Resolution :

Government has established Forest Villages and In-forest Settlements in the midst of reserved forests in several districts of this State, with the main purpose of securing the supply of adequate and assured labour of the right type for various forestry operations in the interior areas. The residents of these villages given cultivable lands for their maintenance at a concessional rate and legal for meeting their basic agricultural needs. They are also given several concessions and privileges regarding grazing, nistar etc. In return, the forest villagers have to perform various duties which include provision of labour at reasonable wages for various forestry operations, protection of forest areas etc. In order to ensure proper performance of these duties by the villagers and to exercise necessary control over this, proprietary rights over lands granted to the forest villagers are not conferred on them, but have been retained by the Forest Department. A breach of any of the conditions of the agreement would render the holder of the land liable to eviction.

2. In the absence of full occupancy rights, the forest villagers cannot offer their lands as security for loans and are thereby deprived of the loan assistance offered by various Departments, Zilla Parishads and Cooperative Credit Institutions. They also suffer from a feeling of insecurity. There has, therefore, been a demand for the grant of full occupancy rights to these villagers. The fear of Forest Villagers about insecurity of tenure is largely unreal since evictions are, in practice, resorted to only in exceptional cases of misbehaviour. All the same it is quite necessary to give due regard to the applications of these people.

It is further necessary to ensure that the interests of the Forest Department are also safeguarded. The entire question had been engaging the attention of Government for some time past and the following decisions have now been taken :-

- (1) A special impartible and indivisible tenure should be created in respect of the present holdings in Forest Villages and In-Forest Settlements; and the grant thereof should be made in favour of the existing recognised holders in these Villages and Settlements.
- (2) In conformity with the historical background, the Villages/Settlements should continue to be designated as Forest Villages/In-Forest Settlements.
- (3) The administration of Forest Villages/Settlements should continue to be with the Forest Department.
- (4) Only persons who are by race, caste or occupations habituated to the extraction or handling of forest produce should, along with their immediate families and dependents, be admitted into the Forest Villages/Settlements.
- (5) The holders in these Villages/Settlements should continue to be responsible for provision of labour on forest works and for protection of forests.
- (6) The holders discharging their responsibilities in respect of forest protection and provision of labour on Forest works should, at the discretion of Forest Department, be charged land revenue at concessional rates, not exceeding the fair assessment determined under the provisions of the Land Revenue Code, and also be given various other privileges and concessions (regarding grazing, nistar etc.) as at present.



(7) The holders in these Villages/Settlements should be given tagai and all other facilities available in Revenue Villages, but these should be administered by the Forest Department.

3. In order to confer upon the present holders fixity of tenure, the lands hitherto held by them as lessees of Government on temporary basis should be granted to them on a permanent basis under the provisions of the Maharashtra Land Revenue Code, 1966 (Maharashtra Act No. XLI of 1966) after it comes into force. Under this Code grants on a permanent basis are made in occupany rights and the holders are classified into 2 Categories viz, (a) occupants Class I having full rights of transfer and (b) occupants Class II who cannot transfer without Collector's permission. The pastures and cultivable lands in Forest Villages/Settlements should be derevered and granted under the Land Revenue Code to the present recognised holders as Class II. Under Section 30(4) of the Code such occupants are eligible to the grant of Tagai loans by mortgaging their holdings to Government and Co-operative Societies. Moreover under Section 31 of the Code the Collector can annex such conditions to the grant as may be prescribed by rules. The conditions specified in Para (2) of the foregoing para should accordingly be annexed to the grant of these lands to the Forest Villagers/Settlers.

4. The Forest Officers of different categories should be invested with the powers of Revenue Officers as mentioned below, so far as the areas covered by the Forest Villages/Settlements are concerned :-

Designation of the Forest Officer	Revenue Officer whose powers are to be conferred under the Revenue Code.
1. Forest Guard	Talathi.
2. Divisional Forest Officer	Additional Collector.
3. Conservator of Forests	Additional Commissioner.

The Circle Inspectors and Mamlatdars should continue to exercise control over Forest Villages as in the Revenue Villages; and for this purpose, they should be subject to the control of the Divisional Forest Officer in his capacity as Additional Collector. Appeals against the order of the Conservator in his capacity as Additional Commissioner should lie with Government but as a matter of convention, Government will take decisions thereon in consultation with the Chief Conservator of Forests.

5. The above decisions should be implemented after necessary rules are framed under the Maharashtra Land Revenue Code, 1966 (Maharashtra Act No. XLI of 1966) and brought into effect.

6. The Chief Conservator of Forests should submit proposals for derevering the lands which are at present held by the Forest villagers, and Forest settlers, and which are to be granted to them on an impartible and inalienable tenure, according to the above decisions.

7. This Resolution issues with the concurrence of the Finance Department vide its un-official reference No. 1619/III dated the 18th May 1967.

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

Ed/-  
M.K.Thakur  
Under Secretary to Government.