

FOREST MANUAL

The Governor is pleased to order the publication of the following English translation of notification no.6589/XIV-2—302-64, dated July 19, 1976. As amended by corrigendum issued by notification no. 8002/14-2-302-64, dated October 27, 1976, for general information:

No. 6589/XIV-2—302-64

Dated Lucknow, July 19, 1976

In exercise of the powers under sub-section (2) of section 28 of the Indian Forest Act, 1927 (Act no. XVI of 1927), and all other powers enabling him in this behalf read with section 21 of the General Clauses Act, 1897 (Act no. X of 1897), and in supersession of the existing rules on the subject published with Government notification no. 3394/XIV—2, dated May 18, 1972, the Government is pleased to make the following rules:

Short title and commencement

1. (i) These Rules may be called the Panchayati Forest Rules, 1976.

(ii) They shall be applicable to Naini Tal, Almora, Pithoragarh, Garhwal, Chamoli, Uttar Kashi and Tehri districts and Chakrata Tahsil of DehraDun district and to such other areas as the State Government may from time to time notify.

(iii) They shall come, into force with effect, from the date of their publication in the Official Gazette.

Meaning of Panchayati forest

2. The term 'Panchayati Forest' includes any areas (outside the Municipal or Cantonment limits) which has been duly constituted as such under rules 5 to 11 hereinafter and this term wherever used in these rules shall have the same meaning as assigned to the village forests used sub-section (1) of section 28 of the Indian Forest Act.

Definitions

3. In these rules unless the context otherwise requires:
 - (a) 'Act' means Indian Forest Act, 1927, as amended in its application to Uttar Pradesh.
 - (b) A 'Forest Panchayat' means a committee constituted for the management of Panchayati Forest under these rules.
 - (c) 'Forest Officer', 'Forest Offence', 'Forest produce', 'Cattle' and 'Tree' shall have the same meaning as assigned to them under the Indian Forest Act.
 - (d) 'Gaon Sabha' and 'Pradhan' shall have the same meaning as assigned to these terms in the U.P. Panchayat Raj Act, 1947 (U.P.Act no.XXVI of 1947).
 - (e) The term Commissioner, Deputy Commissioner, Sub-Divisional Magistrate, Tahsildar, Patwari, Forest Panchayat Inspector, Conservator of Forests, Divisional Forest Officer, Block Development Officer, used in these rules means a Commissioner, Deputy Commissioner, Sub-Divisional Magistrate, Tahsildar, Patwari, Forests Panchayat Inspector, Conservator of Forests, Divisional Forest Officer, Block Development Officer, under whose territorial jurisdiction the Panchayati Forests lie.

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Appointment of
Special Officer

4. The State Government may appoint one or more Officer, hereinafter called the Special Officer, to organize and supervise the working of the panchayati Forests constituted under these rules. Each such Officer shall work under the control of the Commissioner but exercise all the powers vested in the Deputy Commissioner under these rules.

Procedure to
apply for
formation of
Panchayati

5. At least one-third of the adult residents who or whose family has resided for ten years immediately preceding the date of application in the village within whose settlement boundary the land applied for lies may apply to the Sub-Divisional Magistrate for the settlement of a scheme of management of any area not including any holding lying within that settlement boundary of their village or village within which their rights of user have been recognised by judicial decision or in a forest settlement:

Provided that no land shall be declared to be Panchayati Forest if one-third or more of the residents of village or villages within which the area lies, enter objections to the scheme. The application shall specify, as nearly as possible the situation and the limits of the area applied for.

Issue of notice
regarding area
applied for an
hearing of
claims and
objections.

6. On receipt of an application under rule 5, the Sub-Divisional Magistrate shall cause a notice to be served by personal service on the Pradhan of the Goan Sabha concerned; and by affixation in the village or villages, the residents of which apply, in adjacent villages, and in all villages recorded in a forest settlement as having rights or concession in the areas concerned. The notice shall specify the situation and limits of the area applied for and the purpose for which it is required, and shall indicate the date by which the claims and objections to the application, if any, should be filed as also the date when the said claims and objections shall be heard.

Decision on
claims/objections
demarcation of
Panchayati Forest
and appeal
against decisions.

7. On the date so fixed or on any subsequent date to which the proceedings may be postponed, the Sub-Divisional Magistrate shall hear the claims and objections, if any, and decide the same. If necessary, he shall personally visit and inspect the locality also. If there is any dispute as to the settlement boundary, he may decide the same in summary manner, and proceed with the demarcation of the proposed, and proceed with the demarcation of the proposed Panchayati Forest on the basis of his own decision. He may accept the application in whole or in part and may prescribe conditions on which the same shall be accepted. In case he rejects the application in whole or in part, he shall record his reasons therefor. An appeal shall lie against the decision of the Sub-Divisional Magistrate to the Deputy Commissioner concerned within thirty days from date of the decision.

Rights of users

8. In Panchayati Forests constituted from classes I and II reserved forests, only those persons whose rights are recorded in the lists of rights within whose settlement boundary such forests lie shall be allowed to exercise rights of user in such forests.

Constitution
of Forest
Panchayat.

9. The Deputy Commissioner shall then call upon the residents aged twenty-one years or more of the area and others of the same age as above who will benefit thereby to assemble at a convenient place and time, and shall call on the persons so assembled to elect a Forest Panchayat in the presence of an Officer nominated by the Deputy Commissioner. This shall consist of five to nine

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members as may be decided by the Deputy Commissioner. When the members have been duly elected they shall elect a Sarpanch from among themselves by the majority vote. The Sarpanch shall be responsible for the proper management of Panchayati Forests. Any petition raising a dispute relating to the election of the Sarpanch or any matter referred to the Deputy Commissioner for decision.

Provided that a Government servant or any employee of a Local Body or a person who is in arrears of Panchayati Forest dues and person convicted for criminal offences involving moral turpitude shall not be eligible for election as Member or Sarpanch:

Provided further that no Sarpanch shall be eligible for election as Sarpanch consecutively for more than three terms.

- Revision against orders under rules 7 and 9
10. Any order passed by the Deputy Commissioner, in the appeal preferred under rule 7 or under rule 9 above shall be subject to revision by the Commissioner. The period of limitation for filing the revision shall be thirty days from the date of the passing of the order by the Deputy Commissioner.
- Execution of agreement for management of Panchayati Forests.
11. When a Forest Panchayat has been duly constituted under rule 9, the Deputy Commissioner shall take from it an agreement in writing to manage and work the area to be granted or assigned to it according to a Draft Working Plan. The Deputy Commissioner shall submit the proceedings to the Commissioner for sanction. In the forests of the constituted Forest Panchayat all the villagers within whose village settlement boundary Panchayati Forest has been constituted will have equal rights.
- Nomination of Member of Forest Panchayat.
12. The Deputy Commissioner may, if he considers it necessary, nominate one person as member of Forest Panchayat from among the residents of the Panchayati Forest Area. If no Scheduled Caste or Scheduled Tribe member is elected to the Forest Panchayat the nominee of the Deputy Commissioner shall be of the Scheduled Caste or of the Scheduled Tribe.
- Intimation about constitution of Panchayati Forest and Forest Panchayat.
13. After the constitution of Panchayati Forest and the Forest Panchayat under rules 7 to 12 above, the Deputy Commissioner shall send intimation about their constitution to the Conservator of Forests and the Divisional Forest Officer concerned.
- Term of members of Forest Panchayat.
14. The term of Office of the members of a Forest Panchayat shall be five years and the Forest Panchayat shall have power to fill casual vacancies for the unexpired portion of the said period except in case of a vacancy caused by the removal of member which will not be filled by the Forest Panchayat. The State Government would have the authority to extend the term of any or all Forest Panchayats if it is so deemed necessary.
- Removal of member by Forest Panchayat and election of new member.
15. If a majority of the Forest Panchayat members consider it necessary to remove an individual member, the Sarpanch shall report the fact to the Deputy Commissioner. The Deputy Commissioner shall proceed to the village and shall ascertain the wishes of the persons entitled to vote and shall act accordingly. If the member is removed, the Deputy Commissioner shall

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immediately call on the voters assembled to elect a new member for the unexpired portion of the term of the member so removed.

Meeting of
Forest
Panchayat
and its
proceedings.

16. (1) A Forest Panchayat shall hold a meeting at least once every three months. The proceeding of the meeting shall be recorded in a register in Hindi and a copy thereof shall be sent to the Deputy Commissioner at the earliest just after the meeting.

Provided that an emergent meeting may be convened by the sarpanch either himself or at the requisition of at least half the strength of the forest Panchayat at any time after giving atleast three days prior notice.

(2) All decisions of forest Panchayat shall be taken by two third majority vote.

(3) The quorum of Forest Panchayat shall in two third of the total members including the Sarpanch or his nominee.

(4) The patwan village level work, Panchayat Secretary and a nominee of the Divisional Forest Officer may attend a meeting of the forest Panchayat but shall not have any right to vote.

Appointment
of Staff

17. A Forest panchayat may appoint, subject to the availability of funds and previous approval of the Deputy Commissioner such paid staff as may be necessary.

Duties of
Forest
Panchayat

18. It shall be the duty of every Forest Panchayat to make reasonable provision within its jurisdiction—
- (a) to prevent damage to trees and for felling only those trees that have been marked silviculturally by Forest Department as fit for exploitation.
 - (b) to ensure that no encroachment of any kind takes place and no land is broken for cultivation in contravention of the Rules made under Kumaon Nayabad and Waste Lands Act, 1948, or of any other such Act or of such rules which may be in force;
 - (c) to erect and maintain boundary pillars;
 - (d) to carry out the directions and execute the orders given to it by the Deputy Commissioner to maintain, improve and exploit the forests. Such order will be issued by the Deputy Commissioner on the advice of the Conservator of Forests of Divisional Forest Officers;
 - (e) to utilize the produce of Panchayati Forest to the best advantage of the village community and of the right holders recognized by established custom or permitted by the Commissioner consistent with silvicultural availability;
 - (f) to close at least 20 percent of the areas for grazing unless otherwise permitted by the authority to be specified by the Commissioner for the purpose; and
 - (g) to protect the forest from illicit fellings, lopping and other kind of damage and fire.

Powers of Forest
Panchayat.

19. (1) The Forest Panchayat shall have the status of a Forest Officer and shall exercise the following powers for the area entrusted to it—

Compounding
Offences.

- (a) to compound forest offences committed within its forest for sum of money up to the limit of Rs. 50.00 for each individual offence by way of compensation according to the nature of offence and up to a limit of Rs. 500.00 after obtaining previous approval of the Deputy Commissioner concerned;

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Provided that if the offender is prepared to compound the case, the Forest Panchayat shall realize the full market value of the property involved in the offence as assessed by an officer not below the rank of Deputy Commissioner or by such officer at the prescribed scheduled rate in addition to the compensation referred to this rule;

To institute and defend suits.

- (b) to institute and defend suits and proceedings in respect of claims arising under these rules;

Sale and Exploitation of Forest Produce.

- (c) to make local sale of forest produce without detriment to the forests; provided such an exploitation has the prior approval of the Divisional Forest officer and is made for the bonafide domestic use of right holders. The Forest Panchayat may issue permits and charge fees for grazing or cutting grass or collection of fallen fuel if considered necessary for the bonafide domestic use of right holders. If the Forest Panchayat feels that it has exploitable trees or other forest produce for commercial sale within its forests it shall apply to the Deputy Commissioner who shall forward the application with his comments and recommendations to the Divisional Forest Officer who in turn shall forward the same with his recommendations to the Conservator of forests concerned for orders on receipt of which further action to mark and sell fallen fuel and grass provided such sale does not violate provisions of the Working Plan of the Forest Panchayat. It can make local sale of slates and stones for the bonafide domestic use of the villagers;

Lease of land

The Forest Panchayat shall have also the power to lease out land without detriment to the forest for shops and other commercial purposes provided that the proposal for lease has the prior approval of the Deputy Commissioner and only such small area will be given on lease as may not be more than one hundred square yards and as far as possible the land to be given on lease should be situated on the outskirts of the forests:

Grazing to impound of privileges.

- (d) to regulate grazing and the admission of cattle into the Panchayat Forest;
(e) to impound cattle trespassing into the Panchayati Forest in accordance with the Cattle Trespass Act, 1871, and if no Kanji House is available in the neighbourhood to detain them up to 48 hours at any other place or to take any other action under the said Act.

Extinction of privileges.

- (f) to exclude from any or all privileges in the Panchayati Forest any person whom the Panchayat may with good reason, consider responsible for any fire or damage to the area or who disobeys orders issued by the Panchayat in exercise of the powers conferred on it;
(g) to exercise such other powers as may be notified by the State Government from time to time;

Seizure of tools or weapons.

- (h) to seize all tools or weapons used in committing forest offences within the areas;
The powers of Panchayat to take action under clause (f) or clause (h) shall vest in the Sarpanch also.

Appeal against the order of Forest Panchayat or of Sarpanch.

Any orders passed under these rules shall be appealable to the Deputy Commissioner. Such appeal shall be made within a period of thirty days from the date of the Order of Forest Panchayat, or of Sarpanch;

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Sale of tree to right holders.

- (i) in special circumstances Sarpanch may sell one tree at Scheduled rate to only right holders to meet their requirement for their emergent and urgent bonafide domestic use:

Provided that—

Resin tapping and its sale.

- (1) a resolution of sanction is passed in the meeting of Panchayat or consent of more than half of the Panches is obtained in writing prior to sale; and
 - (2) it will be compulsory for Sarpanch to mark such tree with his stump-marker prior to its felling.
- (2) Unless special permission of the State Government has been obtained no resin from Chir trees may be extracted and sold except with the approval of the Conservator of Forests. Such order of approval may inter alia prescribe—
- (1) that any such extraction and sale of resin shall be done by the Forest Department itself;
 - (2) that the Panchayat concerned may itself arrange for such extraction and sale of resin subject to the provision—
 - (a) that the trees must be tapped and resin must be extracted in accordance with the rules in force in the Forest Department for such tapping and extraction and that the work may at any time be inspected by the Forest Department officials, to ensure that such rules are being observed; and
 - (b) that all outturn of resin be sold in accordance with the direction of the Conservator of Forests;

Provided that, if he considers that any forest is not suitable for resin tapping, or that such orders are not being carried out or that for any other reason resin tapping operations are not desirable, he shall in consultation with the Divisional Forest prohibit such extraction of resin altogether:

Provided further that nothing in the last preceding proviso shall empower him to prohibit the extraction of resin for local domestic or medical purposes.

Power to frame byelaws.

20. The Forest Panchayat may frame bye-laws for the distribution of forest produce among persons entitled thereto, for regulating, grazing, cutting of grass and collection of fuel, to levy fee to meet its administrative expenditure and for any other purpose consistent with these rules. The bye-laws shall come into force after they have been approved by the Commissioner.

Working Plans.

21. It shall be obligatory on the part of Forest Department to have working plans or projects for all Panchayati Forest prepared in consultation with the Forest lagers and to bear the entire cost of preparation of all such Working Plans or projects. The Conservator concerned shall get the working plan or projects prepared. The working plan or projects shall be approved by the Chief Conservator of Forests before it is brought into force. Once approved by the Chief Conservator of Forests it shall be the duty of Forest Panchayat to strictly adhere to the prescription of the working plan or project and not to deviate from it without the prior approval in writing of the chief conservator of forests.

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Exploitation and auction of Timber, firewood and minor forest produce.

22. The exploitation of timber, firewood (in which fallen firewood is not included) and minor forest produce [excluding resin, slate, stone. Gravel and other mineral products for resin rule 19(2) above may be seen] and grass for commercial purposes shall be done strictly according to the prescriptions of the working plan or projects, if any, in force or if no such project is in force after obtaining the consent of the Divisional Forest Officer concerned. The forest produce so exploited shall be sold by public auction in accordance with the orders issued by the Deputy Commissioner in consultation with the Conservator of Forests, Divisional Forest Officer from time to time:

Provided that:

- (i) Estimate of the value of the forest produce intended to be sold by public auction shall be prepared by the Forest Panchayat and got approved by the Divisional Forest Officer concerned;
- (ii) If the estimated price of the produce as approved by the Divisional Forest Officer is below Rs. 5,000 auction may be conducted by the Sarpanch of the Forest Panchayat;
- (iii) If the estimated price of produce is Rs. 5,000 or above the auction shall be conducted by the Divisional Forest Officer concerned.

Approval of auctions

All of Rs. 5,000 and above shall be subject to the approval of the Conservator of Forest concerned and those below Rs.5,000 shall be subject to the approval of the Divisional Forest Officer concerned. No such approval shall be given without first intimating the results of the auction in writing to the Panchayats concerned and giving them 15 days time for objections, if any. If any objection is received, the Divisional Forest Officer shall withhold his approval and refer the matter to the Deputy Commissioner. No auction shall be considered final unless such approval has been obtained in writing. An intimation about the approval of the auction shall be sent to the Divisional Forest Officer/Conservator of Forests to the Deputy Commissioner concerned.

Determination of income and its credit in Panchayati Forest Fund and distribution and utilization of income

23. (a) The net figure of income from the sale proceeds of resin and other forest produce shall be determined as follows:
- (j) Forest Department shall charge its actual cost of extraction of resin plus such overheads as may be determined by State Government from time to time.
 - (ii) As regards the other forest produce, Forest Department shall charge 10 percent of the sale proceeds as administrative charges.
 - (b) The net income as may be determined in manner indicated above on account of sale of resin and other forest produce together with the income accruing from other items such as compensation money and fees, etc. shall be credited to the Panchayati Forest Fund and shall be distributed and utilised as follows:
 - (i) Twenty percent to Zila Parishad for development purposes, i.e. for carrying out projects of local public utility;

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(ii) The remaining 80 percent shall be utilised in the following for development purposes, i.e. for carrying out project of local utility and for maintenance and development of Panchayat Forest—

- (a) half portion for carrying out projects of local public utility by Forest Panchayat which shall prepare proposal for such projects and will submit the same through Kshetra Samiti (where exists) to the Deputy Commissioner for sanction.
- (b) The remaining half portion shall be spent by Forest Department for maintenance and development of panchayati forests. Forest Department will not merge this amount in its Department for utilization of this amount shall be prepared in consultation with the Forest Panchayats and with their approval. Forest Department will submit utilization certificate of this amount to the Commissioner.

If in case of any Forest Panchayat, the entire allotted amount is not required for the maintenance and development of Panchayati Forests, the remaining amount with the concurrence of Divisional Forest Officer and with the permission of Deputy Commissioner, i.e. District Officer shall be made available to Forest Panchayat for carrying out other works under items (a) above.

The contingent expenditure such as stationery, Postage, T.A. or other necessary expenditure of similar nature required for the administration of Forest Panchayats will also be met from the portion of the amount to be spent through Forest Department.

Annual
Budget

24. Every Forest Panchayat shall prepare and pass an annual estimate of its income and expenditure herein after referred to as "annual budget" for financial year commencing from 1st April and allocate funds out of its annual income to discharge its obligation under rule 18. A copy of this annual budget shall be sent to the Deputy Commissioner for sanction who may, in consultation with the Divisional Forest Officer, make such alternations therein for reasons to be recorded in writing, as he thinks fit. Financial budget will be submitted till 31st December, prior to the financial year concerned and the Deputy Commissioner will accord his sanction before 1st April.

Modification
and changes in
annual Budget.

25. A Forest Panchayat may at any time, after the annual budget takes effect, make any modifications or changes therein by adopting a resolution in this behalf. The Sarpanch shall forward a copy of this resolution to the Deputy Commissioner who shall make modifications and changes in its annual budget in consultation with the Divisional Forest Officer, if deemed proper.

Administra-
tion of
Panchayati
Forest Fund.

26. (1) The Administration of Panchayati Forest Fund shall be in the hands of the Forest Panchayat subject to the general control of the Deputy Commissioner or an official appointed in this behalf by him.

Account of
money
transaction.

(2) All money transactions to which any member of the Forest Panchayat or any officer or a servant of Forest Panchayat is in his official capacity a party shall without any reservation be brought to account and all the money shall be credited in full to Panchayati Forest Fund with the exception of authorised advances.

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- Collection of forest panchayat money
- (3) Money due to a Forest Panchayat shall be collected either by payment at the office of the Forest Panchayat or by outdoor collection or by both the methods as the Deputy Commissioner may direct. Receipt for all money received shall be issued by the Sarpanch of the Forest Panchayat or by the person authorised to receive money on his behalf.
- Account of income and expenditure.
- (4) A proper account of all income and expenditure of the Panchayati Forest Fund shall be maintained by the Sarpanch. The accounts shall be closed and balanced at the end of every month and shall be examined and passed by the Forest Panchayat at a meeting in the following months.
- Duties of Sarpanch.
27. (1) Unless prevented by a reasonable cause, it shall be the duty of the Sarpanch;
- (a) to convene and preside over all meetings of the Forest Panchayat;
 - (b) to control and transact business and preserve order;
 - (c) to watch the finances and superintend the administration of the Forest Panchayat and bring to its notice any defects therein;
 - (d) to superintend and control the staff and establishment maintained by the Forest Panchayat;
 - (e) to carry out the resolutions of the Forest Panchayat;
 - (f) to arrange for the maintenance of various registers prescribed under the rules and to carry out all correspondence on behalf of the Forest Panchayat;
 - (g) to file civil suits and launch prosecutions on behalf of Forest Panchayat;
 - (h) to nominate in writing a member of the Forest Panchayat for the purpose of discharging the function of the Sarpanch in his absence; and
 - (i) to perform such other duties as are required of or imposed on him by or under the rules or any other law.
- Powers of the nominee of Sarpanch
- (2) The member nominated by the Sarpanch under clause (h) of sub-rule (1) shall, during such absence exercise all the powers and perform all the duties of the Sarpanch conferred on or assigned to him under these rules. If the Sarpanch fails to make any such nomination the members of the Forest Panchayat may elect any one of the members present at the time of the meeting as Sarpanch to conduct the proceedings of the meeting.
- Power of Sarpanch to incur expenditure.
- (3) The Sarpanch will have the power to incur an expenditure up to Rs. 50.00 and to draw and advance up to this limit from the Panchayati Forest Fund in anticipation of the sanction of the Forest Panchayat for performing duties assigned to him under these rules.
- Removal of Sarpanch by vote of no confidence.
28. The Sarpanch of a Forest Panchayat may be removed from office if a vote of no confidence is moved under prior intimation in writing to the Deputy Commissioner by at least one-third of majority votes at subsequent meeting of the Forest Panchayat.
- Resignation of Sarpanch
29. A Sarpanch of the Forest Panchayat wishing to resign his office may do so. Either by presenting to the Deputy Commissioner in person, or by sending to his address by registered post, his written resignation signed by himself and attested by the local revenue official and his office shall become vacant on the acceptance of the resignation.

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Handing and taking over charge of Sarpanch

30. A list of all records, funds and property shall be prepared wherever the charge is handed over and the person handing and taking over charge shall sign the list in token of its being correct. The copies of this list duly signed by both the persons shall be given to Forest Panchayat Inspector by the person taking over charge. A copy of this list duly signed shall also be given to the person handing over charge. In case of any dispute about any record, funds or property both the person shall be entitled to make their observations by affixing a note at the foot of the charge list.

Maintenance of registers and records.

31. A Forest Panchayat shall maintain such registers, books and record for such period as may be prescribed by the State Government or the Deputy Commissioner or the Working Plan/Project.

Annual report of the working of Forest Panchayat

32. The Forest Panchayat shall submit to the Deputy Commissioner with a copy to the Divisional Forest Officer concerned before the 15th day of April or each year an annual report of their working during the pervious financial year. The report shall contain the following information:-

- (a) a statement showing the utilization of their funds;
- (b) a statement showing the demand and realisation;
- (c) steps taken by Forest Panchayat during he year under report to carry out the purposes mentioned in rule 18;
- (d) income and expenditure incurred;
- (e) a statement showing the exploitation fellings (whether for commercial purposes or for bona fide domestic use of the right hilders and local villagers), silvicultural and other regeneration and recuperative works carried out during the year. If any working plan or working project is in force for the PANCHAYATI FOREST concerned the statement should in particular show what prescriptions were prescribed to be carried out by the said working plan or project and what was actually done against these prescription;
- (f) any other matter of importance.

Inspection of working of Forest Panchayat by Officials.

33. Working of all Forest Panchayats within their jurisdiction shall be inspected at least once in three years by officers specified for the purpose who will submit their inspection reports to the Conservator of Forest who will then submit his report to the Chief Conservator of Forests forwarding a copy thereof to the Commissioner and Deputy Commissioner concerned. Inspection shall be made during a year by the following officers also, of the Forest Panchayat within their respective territorial jursdiction according to the standard prescribed below:-

(1) Commissioner	Five inspections per district.
(2) Deputy Commissioners	Not less than 15 in their districts.
(3) Forest Panchayat Officer / Sub Divisional Magistrates.	Twenty five
(4) Special Officers (Forest Panchayat Inspectors)	Inspection of at least one-third in their jurisdiction.

These inspections shall be in addition to those made by officers specified for the purpose by the Conservator of Forests.

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- Recovery of Forest Panchayat Rule.
34. All money payable to Forest Panchayat on account of the expenses incurred on the Panchayati Forest, for the price of any forest produce sold under these rules, or any other dues legally chargeable under these rules from villagers or right holders or any person shall be deemed to be money payable to Government, and shall be recoverable as arrears of land revenue under section 82 of the Indian Forest Act, 1927.
- Withdrawal of money from Panchayati Forest Fund.
35. Money shall not be paid from the Panchayati Forest Fund except on requisition of withdrawal signed by the Sarpanch.
- Audit of accounts.
36. The audit of the account of every Forest Panchayat shall be done under the order of the Chief Audit Officer to Government Co-operative Societies and Panchayats. U.P. at such intervals and in such manner as the State Government may direct. The Deputy Commissioner shall be responsible for production of the records of the Forest Panchayats for audit.
- Disposal of Audit Objections
37. The audit objections shall be discussed at a special meeting of the Forest Panchayat convened by the Sarpanch within a month of receipt of the same and the action to be taken in regard to them shall be decided. The action decided to be taken shall be communicated and detailed reply to the audit objections sent to the Deputy Commissioner as soon as possible and in any case within copy shall be kept and produced for information to the inspecting Officers.
- Report of embezzlement
38. Whenever any embezzlement of money belonging to the Panchayati Forest Fund is discovered by the Sarpanch or any other officials the facts of such embezzlement Commissioner who will then inform the Accountant General, U.P. and the Commissioner.
- Inquiry about embezzlement or misuse of money
39. The Deputy Commissioner on his own motion or on receiving the report under rule 38 about embezzlement or misuse of money shall forthwith institute an inquiry in this connection.
- Suspension of member or Sarpanch
40. The Deputy Commissioner may, where an inquiry is contemplated or is proceeding suspend a member of a Forest Panchayat or a Sarpanch of Forest Panchayat and order him to hand over records, money or any property of the Panchayat to the person authorised in this behalf:
- Appeal against orders under rule 40
- Provided that an appeal shall lie against an order passed under this rule to the Commissioner. Such appeal shall be made within a period of 30 days from the date of order.
41. Any person vacating an office of the Sarpanch by resignation, removal or any person suspended shall forthwith hand over the charge of his office to a member of the Forest Panchayat nominated by the Deputy Commissioner.
42. (1) The Deputy commissioner either of his own receipt of complaint may, after such enquiry as he may deem fit to make, either himself or through an officer not below the rank of Sub-Divisional Magistrate at any time remove a member or Sarpanch of Forest Panchayat, if he—

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Removal of member or Sarpanch by Deputy Commissioner.

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- (i) remains absent without sufficient cause from more than three consecutive meetings;
- (ii) refuses to act or becomes incapable of acting for any reasons whatsoever, or if he is convicted of any offence involving moral turpitude;
- (iii) has abused his position or has persistently failed to perform the duties imposed by these rules or his continuance as such is not desirable in public interest;
- (iv) misbehaves or indulges in physical violence at a meeting of the Forest Panchayat;
- (v) acquires any of the disabilities mentioned in the first proviso to rule 9:

Provided that no member or Sarpanch of Forest Panchayat shall be removed unless he has been given an opportunity to show cause why he should not be removed from his office.

(2) An appeal against an order passed under subrule (1) shall lie to the Commissioner. Such appeal shall be made within a period of 30 days from the date of the order.

Appeal against order passed under sub rule(1)

43.(1) The Deputy Commissioner may suspend, supersede or dissolve any Forest Panchayat if in his opinion such Forest Panchayat abuses its position or is found negligent in the discharge of duties imposed upon it under these rules or if its continuance is not considered desirable in public interest.

Suspension, supersession or dissolution of Forest Panchayat.

(2) When a Forest Panchayat is thus dissolved suspended or superseded, the Deputy Commissioner may depute an Officer for the temporary management of the Panchayati Forest till a new forest panchayat is constituted. Such officer shall be Forest Panchayat Inspector or any local Revenue Officer Official (who should not be below the rank of Kanungo). In special Circumstances patwari can also be deputed as the said officer in similar cases of such Panchayati forest as may be situated at distant from tehsil headquarters.

Temporary management of Panchayati Forest

(3) The orders passed by Deputy Commissioner under this rule, shall be subject to revision by the Commissioner. The period of limitation for filing the revision shall be 30 days from the date of the passing of the order by the Deputy Commissioner.

Appeal against orders passed under rule-43

44. Where the Sarpanch of Forest Panchayat is suspended, the Deputy Commissioner may nominate in writing a member of the Forest Panchayat as a temporary Sarpanch of the forest Panchayat to exercise all the powers and perform all the duties of the Sarpanch until such date as either he is reinstated or if he is removed from office until such date as a new Sarpanch is elected.

Nominatin of Temporary Sarpanch.

45. The Deputy Commissioner may by order in writing prohibit, rescind, modify or confirm the execution of a resolution, direction or order passed by a Forest Panchayat or by any of its officers if in his opinion such resolution, direction or order is of a nature as to cause obstruction, annoyance or injury to public or public interest or is against the provisions of these rules.

Power to prohibit, rescind, modify confirm the execution or resolution direction or order passed by forest Panchayat.

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46. Subject to such instructions as may be issued from time to time by the Deputy Commissioner, two or more Forest Panchayat may combine by means of a written instrument to appoint a joint Forest Panchayat consisting of their representatives for the purpose of transacting any business in which they are jointly interested.

Appointment of
joint Forest
Panchayat.

47. The members of the Legislature, the members of Parliament, the members of Kumaon Forest Committee and of Garhwal Forest Committee, Adhyaksha, Zila Parishad and Pramukh of Kshetra Samiti shall be entitled to inspect any Panchayat and its forests within the area they represent.

Inspection of
Forest
Panchayat
and its forest
by
legislatures
etc.

48. In case a Forest Panchayat does not carry out the Forest Development work prescribed by the working plan, if any, in force or any other works connected with the development of the forests considered necessary by the Divisional Forest Officer/ Conservator of Forests, at the cost of Forest Panchayat.

Execution of
Forest
development
work by forest
department at
the cost of
forest
Panchayat.

49. All the existing Panchayati Forest/Forest Panchayats which prior to the commencement of these rules were constituted under the Kumaon Panchayat Forest Rules framed under the Scheduled District Act, 1874, or were constituted under Tehri-Garhwal Rajya Prant Panchayat Vidhan No. 1, 1938, shall be deemed to have been duly constituted and working under these rules with effect from the date of enforcement of these rules.

Saving in respect
of existing
Panchayati forest
Panchayat.