



# सरकारी गजट, उत्तरांचल

उत्तरांचल सरकार द्वारा प्रकाशित

## रुड़की

खण्ड-7] रुड़की, शनिवार, दिनांक 25 फरवरी, 2006 ई0 (फाल्गुन 06, 1927 शक सम्वत्) [संख्या-08

### विषय-सूची

प्रत्येक भाग के पृष्ठ अलग-अलग दिये गए हैं, जिससे उनके अलग-अलग खण्ड बन सकें

विषय	पृष्ठ संख्या	वार्षिक चन्दा
सम्पूर्ण गजट का मूल्य	—	₹0 3075
भाग 1-विज्ञप्ति-अवकाश, नियुक्ति, स्थान-नियुक्ति, स्थानान्तरण, अधिकार और दूसरे वैयक्तिक नोटिस	81-108	1500
भाग 1-क-नियम, कार्य-विधियां, आज्ञाएं, विज्ञप्तियां इत्यादि जिनको उत्तरांचल के राज्यपाल महोदय, विभिन्न विभागों के अध्यक्ष तथा सजस्व परिषद् ने जारी किया	—	1500
भाग 2-आज्ञाएं, विज्ञप्तियां, नियम और नियम विधान, जिनको केन्द्रीय सरकार और अन्य राज्यों की सरकारों ने जारी किया, हाई कोर्ट की विज्ञप्तियां, भारत सरकार के गजट और दूसरे राज्यों के गजटों के उद्धरण	—	975
भाग 3-स्वायत्त शासन विभाग का क्रोड़-पत्र, नगर प्रशासन, नोटीफाइड एरिया, टाउन एरिया एवं निर्वाचन (स्थानीय निकाय) तथा पंचायतीराज आदि के निदेश जिनमें विभिन्न आयुक्तों अथवा जिलाधिकारियों ने जारी किया	3-23	975
भाग 4-निदेशक, शिक्षा विभाग, उत्तरांचल	—	975
भाग 5-एकाउन्टेन्ट जनरल, उत्तरांचल	—	975
भाग 6-बिल, जो भारतीय संसद में प्रस्तुत किए गए या प्रस्तुत किए जाने से पहले प्रकाशित किए गए तथा सिलेक्ट कमेटियों की रिपोर्ट	—	975
भाग 7-इलेक्शन कमीशन ऑफ इण्डिया की अनुविहित तथा अन्य निर्वाचन सम्बन्धी विज्ञप्तियां	—	975
भाग 8-सूचना एवं अन्य वैयक्तिक विज्ञापन आदि	5-6	975
स्टोर्स पर्चेज-स्टोर्स पर्चेज विभाग का क्रोड़-पत्र आदि	—	1425

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification no. 705/X-2-2005-20(1)/2005, dated January 23, 2006 for general information :

NOTIFICATION

January 23, 2006

**No. 705/X-2-2005-20(1)/2005**—In exercise of the powers conferred by sub-section (2) of section 28 read with section 76 of the Indian Forest Act, 1927 (Act no. XVI of 1927) and in supersession of notification no. 3155/1-F.R.D./2001-8(15)/2001, dated 3-7-2001 (Uttaranchal Panchayati Forest Rules, 2001) and notification no. 7307/1-F.R.D./2001-10(5)/2001, dated 26-12-2001 (Uttaranchal Village Forest Joint Management Rules, 2001) the Governor is pleased to make the following rules :—

THE UTTARANCHL PANCHAYATI FOREST RULES, 2005

**1. Short Title, Extent and Commencement :**

- (a) These Rules may be called the Uttaranchal Panchayati Forest Rules, 2005.
- (b) These Rules shall be applicable to the entire State of Uttaranchal.
- (c) They shall come into force with effect from the date of their publication in the official Gazette.

**2. Definitions :**

In these rules unless the context otherwise requires—

- (a) 'Act' means the Indian Forest Act, 1927 (Act no. XVI of 1927) (as amended from time to time) in its application to Uttaranchal;
- (b) 'Collector' means the Collector of a district, and includes any other officer appointed in this behalf by the State Government to work under the over all charge of the Collector of district;
- (c) 'Range Officer', 'Van Daroga' ('Forester'), 'Van Arakshi' ('Forest Guard'), 'Sarpanch' and 'Member of Forest Panchayat Management Committee' shall mean respectively an office holder having territorial jurisdiction of a Village Forest/Panchayati Forest;
- (d) 'Sarpanch' means the Chairperson elected by the Management Committee constituted at the village level;
- (e) 'Regional Coordinator' and 'District Coordinator' means person elected at the regional level by the Sarpanchs of the Management Committees of the region, and at the district level by the Regional Coordinators of the District Advisory Committee;
- (f) 'Composite Management Plan' means the management plan made for all the Village Forests/Panchayati Forests situated within the jurisdiction of a Divisional Forest Officer for a period of five years, in accordance with the silvicultural principles and sustainable development. The plan will be in the shape of a single document with two or more volumes and will consist of general description of Village Forests/Panchayati Forests and the guiding principles for the preparation of microplans for the protection and management of individual Village Forests/Panchayati Forests;
- (g) 'Forest Officer', 'Forest Offence', 'Forest Produce', 'Cattle' and 'Tree' shall have the same meanings respectively as assigned to them in the Indian Forest Act, 1927;
- (h) 'Panchayati Forest (Village Forest) Management Committee' or 'Forest Panchayat', which has been termed as Management Committee, means a management committee constituted for the management of a Village Forest/Panchayati Forest, under these rules and includes the Village Forests/Panchayati Forests constituted prior to the date of the commencement of these Rules under Panchayati Forest Rules, 1931, Panchayati Forest Rules, 1976 or Uttaranchal Panchayati Forest Rules, 2001 or to be constituted in future;
- (i) 'Micro Plan' means the scheme of management of a individual Village Forest/Panchayati Forest made for five years;
- (j) 'Annual Implementation Plan' means a plan of execution made for one year in accordance with the 'Micro Plan' of the Village Forest/Panchayati Forest;

- (k) 'Panchayati Forest' means the existing area of a Panchayati Forest on the date of commencement of these rules and includes any area (outside the municipal or cantonment limits) which has been duly constituted as such under these rules and shall have the same meaning as has been assigned to the Phrase 'Village Forest' in the sub-section (1) of section 28 of the Act, which has been called Village Forest/Panchayati Forest in these Rules;
- (l) 'Right Holder' means such person, who is 'Bhumidhar' of the village where a Village Forest/Panchayati Forest has been constituted, or a person who has been given right to graze cattle, collect fodder, fuel and timber in the Village Forest/Panchayati Forest under law or any order of the court. Such landless persons, who have been residing in that village continuously for ten years, where such Village Forest/Panchayati Van has been constituted, are also included here;
- (m) 'State Government' means the State Government of Uttaranchal;
- (n) 'Village' means any village shown in the list of villages maintained under section 31 of the U.P. Land Revenue Act, 1901 (as applicable to Uttaranchal) and includes any village whose boundaries have been demarcated under a revenue settlement carried out in accordance with the said Act;
- (o) 'General body' means the group of adults of a village assembled in a convenient place as per the instructions of the Sub-Divisional Magistrate after the demarcation of the Village Forest/Panchayati Forest has been done as per Rule (4) and (5);
- (p) 'Self Help Group'/'Forest Users Group' means the members of the general body, who are jointly interested in the management and development of forests and are dependent on the forest produce of the Panchayati Forest for their livelihood. Not more than one member from a family shall be included in this group;
- (q) 'Adult' means a person of eighteen years or more in age;
- (r) 'Family' means the names of the members entered in the records of the Gram Panchayat;
- (s) 'Village Forest Fund'/'Panchayati Forest Fund' means the income received by Management Committee from different sources under Rule 28;
- (t) 'Gram Sabha' and 'Pradhan' shall have the same meaning as assigned to it in the U.P. Panchayat Raj Act, 1947 (as applicable to Uttaranchal).

### 3. Constitution of Village Forest (Panchayati Forest) :

*Procedure to apply for demarcation of Village Forest (Panchayati Forest)–*

On the application made by at least one fifth of the adult residents who have resided in the revenue village, including any land bordering the village, which has been constituted as Reserve Forest or declared a Protected Forest or is a forest belonging to the Government, or on the resolution passed in the meeting of the concerned Gram Sabha, the Sub-Divisional Magistrate concerned shall start the proceeding in this regard on the recommendation of the Forest Department:

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

### 4. Issue of notice regarding the area applied for and hearing of claims and objections :

On receipt of the application under Rule 3, the Sub-Divisional Magistrate shall cause service of a notice in the concerned village, and for wider publicity make public announcements, and shall also cause a copy of the notice to be affixed to some public place in the concerned villages, and in the adjacent villages, and in all the villages recorded in a forest settlement as having rights or concessions in the area 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.

### 5. Decision on claims/objections, demarcation of Village Forest/Panchayati Forest and appeal against the decision :

- (a) On the date so fixed or on any subsequent date to which the proceedings may be adjourned, the Sub-Divisional Magistrate shall hear the claims and objections, if any, and decide the same. If there

is any dispute as to the boundaries he may decide the same in a summary manner, and proceed with the demarcation of the proposed Village Forest/Panchayati Forest on the basis of his own decision. He may accept the applications 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 thereof. In the case of Reserved Forests the application will not be accepted without the approval of the State Government.

- (b) Any person aggrieved by the decision under sub-rule (a) of Rule 5 may prefer an appeal to the Collector within thirty days from the date of decision and the Collector shall bear and decide the appeal expeditiously.

**6. (a) Rights of users :**

In Village Forests/Panchayati Forests constituted from reserved forests only those persons whose rights are recorded in the list of rights shall be allowed to exercise rights of users in such forests. These rights will also be exercised by landless people who have been residing in that village continuously for ten years, where such Village Forests/Panchayati Forests have been constituted.

**6. (b) Duties of users :**

The users who are entitled for the rights as per Rule 6(a) shall have the following duties:—

- (1) Provide help in forest fire control in case of incidence of forest fire in the concerned Village Forest.
- (2) In case of any forest offence such as encroachment, illicit grazing or illicit felling, its information shall be immediately given to the Management Committee.
- (3) Provide support for protection of old plantations established earlier or plantations carried out by the Management Committee.

**7. Constitution of General Body and Management Committee :**

- (1) (a) When the Village Forest/Panchayati Forest is demarcated under Rules 4 and 5 the Sub-Divisional Magistrate shall call upon the adult residents of the village to assemble at a convenient place and such assembly of people will be called General Body. The General Body shall act as a Self Help Group (forest users). The General Body shall constitute a Management Committee in the presence of an officer nominated by the Sub-Divisional Magistrate.

A notice in writing in this regard shall also be served upon the concerned Patwari and Pradhan of the concerned Gram Sabha. The Committee shall consist of nine members. Only one member from one family shall be eligible for it. Four seats shall be reserved for women out of which one shall be from Scheduled Casts or Scheduled Tribe. One seat out of the remaining five seats shall be reserved for the male members of the Scheduled Castes or the Scheduled Tribes. If member of the Scheduled Castes or the Scheduled Tribes does not reside in the villages concerned then the aforesaid seats shall be treated as unreserved. As far as possible, the Management Committee shall be constituted unanimously. If it is not possible, then it will be done by majority vote by raising hands in the presence of a designated officer.

- (b) When the Management Committee has been duly constituted they shall elect a Sarpanch from amongst themselves by majority vote. On completion of the proceedings, the Sub-Divisional Magistrate shall enter the names of the members and the Sarpanch in the Forest Panchayat register and obtain their signatures on the said register.
- (c) Any Government servant or any employee of a local body/Panchayat Raj/Management Committee or any person who is in arrears of Village Forest/Panchayati Forest dues and any person convicted for an offence involving moral turpitude or booked for any offence under any Forest Act or Wildlife Act shall not be eligible for election as a member of the Committee or as a Sarpanch.
- (d) No Sarpanch shall be eligible for election as Sarpanch for more than two consecutive terms at a time.

**8. Election Review and appeal :**

- (a) Any right holder residing in the village who is aggrieved with the election of any members or any member who is dissatisfied with the election of Sarpanch may present an application to the Sub-Divisional Magistrate along with the grounds within thirty days from the date of election. The Sub-Divisional Magistrate shall dispose of such application within thirty days as far as practicable.

- (b) Any person aggrieved by an order under sub-rule (a) may within thirty days from the date of order prefer appeal to the Collector and the Collector shall dispose of such appeal within thirty days as far as practicable.

**9. Declaration of constitution of Management Committee :**

Sub-Divisional Magistrate will finally declare the Committee having formally constituted and declaration will consist the names of persons of General Body, Sarpanch and members of the Management Committee.

**10. Intimation about Consitution of Village Forest (Panchayati Forest) and Management Committee :**

The Sub-Divisional Magistrate shall send intimation about the Constitution of General Body, Village Forest/Panchayati Forest and Management Committee under these rules to the Commissioner, the Conservator of Forests, the Collector and the Divisional Forest Officer concerned.

**11. Composite Management Plan :**

The Divisional Forest Officer shall prepare a Composite Management Plan for all the Village Forests/Panchayati Forests within his/her control for a period of five years and submit it to the Conservator of Forests for approval and the Conservator of Forests shall accord his approval with or without modifications within sixty days.

**12. Microplan :**

It shall be obligatory on the part of a Management Committee to prepare a micro plan on the basis of guiding principles given in the Composite Management Plan for the management and protection of Village Forest/Panchayati Forest for a period of five years with the assistance of the concerned Deputy Ranger/Forester of Forest Guard as may be convenient from administrative point of view, giving due consideration to the requirement of the right holders and ensuring the ecological balance of the region. The micro plan will be placed before the General Body of all the right holders/Self Help Groups by the concerned Forest Range Officer for its approval before it is finally sanctioned by the concerned Sub-Divisional Forest Officer. It shall be the duty of the Committee to strictly follow the prescriptions of the finally approved micro plan.

**13. Annual Implementation Plan :**

Every year, Management Committee will prepare an Annual Implementation Plan, for the Management and development of Village Forests/Panchayati Forests with the help of Forester/Forest Guard on the basis of sanctioned micro plan, and will get it approved by Forest Range Officer by first of September. When this is done the prescriptions of such annual implementation plan will become operative.

**14. Functioning of Management Committee :**

The Committee shall start functioning after the annual implementation plan has been approved by the Forest Range Officer.

**15. Terms of the Sarpanch and member of the Management Committee :**

- (a) The term of the Sarpanch and members shall be five year and Management Committee shall have the power to fill up casual vacancies for the rest of the term thereof in accordance with the procedure laid down in rules 7 to 9.
- (b) Preparation for the election to the Management Committee shall be initiated by the Sub-Divisional Magistrate at least six months before the expiry of the term of existing Forest Panchayat constituted under the earlier arrangement and Management Committee constituted under these Rules, as the case may be, under intimation to the Collector and Divisional Forest Officer.
- (c) In case the term of Management Committee expires and election for constituting new Management Committee could not be held for some unavoidable, reason, Collector shall have the power to extend the term of Management Committee for a period of six months and during this extended term he shall ensure the election of the Management Committee.

**16. Meeting of the Management Committee and its proceedings :**

- (a) Management Committee shall hold its meeting every month on a fixed date. The proceeding of the meeting shall be recorded in Hindi in a register and a copy shall be given to the Forest Range Officer just after the meeting:

Provided that an emergent meeting may be convened by the Sarpanch either himself or at the written requisition of not less than one-half, of members of the Management Committee at any time after giving at least one day notice.

- (b) All decisions of the Management Committee shall be taken by majority vote of the members present and voting.
- (c) The quorum of Management Committee shall be five members including Sarpanch or his nominee.
- (d) Deputy Ranger, Forester or/and Forest Guard may attend Management Committee meeting but they will not be entitled to vote.
- (e) Forest Guard/Forester/Deputy Ranger shall be the Secretary of the Management Committee and any right holder of the Village Forest/Panchayati Forest who has been selected after a resolution passed in the meeting of Management Committee shall be Additional Secretary of the Management Committee, to assist the Secretary in the discharge of his duties.
- (f) It shall be the duty of the Sarpanch to convene a meeting of the General Body twice in a year especially in April and October where Sarpanch will apprise them about the development work of the Village Forest/Panchayati Forest, expenditure and revenue thereof and shall invite discussion. The proceeding of this meeting shall be sent to the Forest Range Officer. The right holders will be required to intimate their suggestions and problems in the General Body meeting and will also give their suggestions regarding development of Village Forest/Panchayati Forest, if any.

#### 17. Removal of Sarpanch or members by vote of no confidence :

- (a) The Sarpanch of a Management Committee may be removed from office if a vote of no confidence is moved, under prior intimation in writing to the Sub-Divisional Magistrate by not less than one third of the total members of the Management Committee and passed by a majority of not less than two-third of the total members of the Management Committee.
- (b) If majority of the Management Committee members consider it necessary to remove any individual member, the Sarpanch shall report the fact to the Sub-Divisional Magistrate. An officer nominated by the Sub-Divisional Magistrate shall proceed to the village and shall ascertain the wishes of persons entitled to vote and shall act accordingly. If a member is removed the officer nominated by the Sub-Divisional Magistrate shall immediately call on the voters assembled to elect a new member for the unexpired portion of the term of the member so removed and send intimation to the Sub-Divisional Magistrate for approval.
- (c) General Body may bring a proposal of no confidence against Sarpanch or any member of the Management Committee after passing a resolution with majority vote. A written information of such proposal, signed by not less than one fifth of the members of General Body, will be given to the Sub-Divisional Magistrate at least 15 days before the meeting of General Body. The Sub-Divisional Magistrate or an officer nominated by him shall proceed to the village and shall ascertain the wishes of persons entitled to vote and shall act accordingly. If Sarpanch/Member is removed, the Sub-Divisional Magistrate shall act according to the provisions of Rule 17(b) for the unexpired portion of the term of the Sarpanch/Member so removed.

#### 18. Exploitation and Utilization of forest produce :

- (a) The extent of exploitation of any forest produce from the Village Forests/Panchayati Forests shall be as provided in the micro plan and no forest produce shall be exploited unless the ecological requirements of the area are ensured by Village Forest/Panchayati Forest.
- (b) All customary rights of the rights holders such as collection of fallen fuel wood, lopping of branches of trees, cutting of grass, shall continue to be governed under the provisions of micro plan.
- (c) After fulfilling the requirement under sub-rules (a) and (b), the Management Committee may, on a resolution passed by it and with prior approval of Divisional Forest Officer, may dispose of forest produce for the *bonafide* domestic use of right holders or the local cottage industries or the village industries or for the work of public utility.

- (d) After fulfilling the requirements, as provided under sub-rules (a), (b) and (c) if the Management Committee feels that it has exploitable trees or other forest produce for commercial sale within its forests, it shall apply to Forest Range Officer who shall forward the application after preparing an estimate of its value with his comments and recommendations to the Divisional Forest Officer for orders, on receipt of which further action for exploitation and selling by auction of the trees or other forest produce shall be taken by the Assistant Conservator of Forests/Sub-divisional Forest Officer under appropriate Rules.
- (e) Subject to the provisions of sub-rule (d), in special circumstances Sarpanch may sanction the sale of one tree at scheduled rate issued by the Conservator of Forests to only right holders to meet their requirement for their emergent and urgent bonafide community or domestic use:
- Provided that--
- (1) A resolution of sanction is passed in the meeting of Management Committee and consent of more than half of the Management Committee members is obtained in writing prior to sale.
- (2) It will be compulsory for the Sarpanch to mark such tree with the stump marker of the Management Committee prior to its felling.

#### 19. Duties of Management Committee :

The duties of a Management Committee within its jurisdiction shall be--

- (a) to prepare a five year microplan and Annual implementation Plan for the Village Forest/Panchayati Forest and submit it to Forest Range Officer and Sub-Divisional Forest Officer for approval and sanction respectively;
- (b) to protect the trees from damage and to use only those trees, which have been marked silviculturally for felling by the official nominated by the Divisional Forest Officer;
- (c) to ensure that no land of Village Forest/Panchayati Forest area is encroached upon;
- (d) to fix boundary pillars, to make boundary walls and to protect it;
- (e) to abide by the directions and executive orders passed by the Divisional Forest Officer regarding conservation and improvement of forests;
- (f) to utilise the forest produce, to the best advantage of the right holders, keeping in view the silvicultural health and sustainable resource management of the Village Forest/Panchayati Forest;
- (g) to protect the forests from illicit felling of trees, lopping, fire and other damages and conserve them;
- (h) to ensure that catchments areas of water sources are adequately wooded with appropriate tree and vegetation to maximize rain water conservation;
- (i) to promote natural regeneration through management of forest fires and controlled grazing by excluding from grazing at least one fifth area annually by rotation;
- (j) to ensure conservation of wild life.

#### 20. Powers of Management Committee :

Management Committee shall have the status of a forest officer and shall exercise the following powers for the area entrusted to it--

- (a) To compound forest offence committed within the Village Forest/Panchayati Forest for a sum of money up to the limit of Rupees five hundred, for each offence by way of compensation according to the nature of offence:
- Provided that if the offender is prepared to compound the case, the Management Committee shall realize the full market value of the property involved in the offence, as assessed by an officer, not below the rank of a Divisional Forest Officer/Conservator of Forests concerned, at the prescribed scheduled rate in addition to the compensation referred to in this rule;
- (b) To institute and defend suits and proceedings in respect of claims arising under these rules;
- (c) To regulate grazing and admission of the cattle into the Village Forest/Panchayati Forest;

- (d) To impound cattle, trespassing into the Village Forest/Panchayati Forest in accordance with the Cattle Trespass Act, 1871;
- (e) To exclude, from any or all privileges in the Village Forest/Panchayati Forest, any person, whom the Management Committee may for sufficient grounds considers to be responsible for any fire or damage to the Village Forest/Panchayati Forest area or who does not obey order issued by the Management Committee in exercise of the powers conferred on it;
- (f) To seize all tools or weapons used in committing forest offences within the area of Village Forest/Panchayati Forest;
- (g) To make local sale of forest produce without detriment to forest and to issue permits and charge fees for grazing or cutting grass or collection of fallen fuelwood, with prior approval of the Divisional Forest Officer if considered necessary, and made for the *bonafide* use of the right holders; provided further that the permission of the Divisional Forest Officer would not be necessary for allowing grazing, or cutting of grass or collection of fallen fuelwood;
- (h) To extract and sell resin in accordance with the provisions of the Uttar Pradesh Resin and other Forest Produce (Regulation of Trade) Act, 1976 (as applicable to the Uttaranchal);
- (i) Management Committee, after getting approval from the General Body, may enter into contract with Self Help Group or a member as a group or individual member (as the case may be) for proper management, improvement, protection and development of the Village Forest/Panchayati Forest in its jurisdiction.

#### 21. Power to frame bye-laws :

The Management Committee may frame bye-laws for the distribution of forest produce among persons entitled thereof, for regulating grazing, cutting of grass and collection of fuelwood, 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 consent of general assembly and shall be approved by the Divisional Forest Officer.

#### 22. Appointment of Staff :

Management Committee/Forest Panchayat may appoint such number of paid personnel on contract basis as may be considered necessary provided funds are continuously available for payment to such personnel with the Village Forest/Panchayati Forest. Power to remove such personnel shall also vest with the Forest Panchayat/Management Committee.

#### 23. Maintenance of Registers and Records :

Every Management Committee shall maintain such registers, books and records for such period as may be prescribed by the State Government or the Collector or the Divisional Forest Officer or the Microplan/Project.

#### 24. Annual report of the working of the Management Committee :

- (1) The Management Committee shall submit to the Divisional Forest Officer before 15th day of April each year, an annual report of the working during the previous financial year who will submit a compiled report of his area to the Collector. The annual report for the Management Committee shall be compiled by the Deputy Forest Ranger or Forester, as the case may be, and shall contain the following informations:--
  - (i) A statement showing the utilisation of the Village Forest/Panchayati Forest Fund;
  - (ii) A statement showing the demand and realisation;
  - (iii) A statement of income and expenditure;
  - (iv) A statement showing the utilization, felling (whether for commercial purpose or for *bonafide* domestic use of the right holders and local villagers), silvicultural and other regeneration and recuperative work carried out during the year. The statement should in particular show what measures were set down in the Micro Plan and what was actually done to execute them;
  - (v) Any other matter of importance.
- (2) The Management Committee will submit an annual report of the working before the open assembly of the respective Gram Panchayat.

**25. Duties of Sarpanch :**

- (1) Unless prevented by a reasonable cause it shall be the duty of Sarpanch--
  - (a) to convene and preside over all meetings of Management Committee;
  - (b) to control and transact business and preserve order;
  - (c) to watch the finances, and to supervise its administration and to bring any irregularity to the notice of the Management Committee;
  - (d) to supervise and control the staff and establishment maintained by the Management Committee;
  - (e) to carry out the resolutions of the Management Committee;
  - (f) to arrange for the maintenance of the various registers and to carry out all correspondence on behalf of the Management Committee;
  - (g) to institute civil suits and launch prosecution on behalf of the Management Committee;
  - (h) to nominate in writing a member of the Management Committee for the functions of Sarpanch in his absence.
- (2) The Sarpanch shall use the seal of Sarpanch inscribed with the name of the Management Committee only in the presence of two other members of the Management Committee who shall also sign to mark their presence.
- (3) The member nominated by the Sarpanch under clause (h) of sub-rule (1) shall during the absence of the Sarpanch 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 Management Committee may elect anyone of the members present at the time of the meeting as the acting Sarpanch to conduct the meeting.
- (4) The Sarpanch will have the power to incur expenditure upto one thousand rupees and to draw an advance up to this limit from the Village Forest/Panchayati Forest Fund in anticipation of sanction of the Forest Panchayat for performing his duties under these rules.

**26. Resignation of Sarpanch :**

The Sarpanch of a Management Committee may resign his office by a written letter addressed to the Sub-Divisional Magistrate and signed by him and attested by a local Revenue Officer. Such a letter shall be given to the Sub-Divisional Magistrate in person or be sent to him by registered post, and his office shall become vacant on the acceptance of the resignation.

**27. Transfer of charge of Sarpanch :**

A list of all records, funds and property shall be prepared whenever the charge of Sarpanch is handed over and the persons handing and taking over charge shall sign the list in token of it being correct the copies of this list signed by both the persons shall be given to the Sub-Divisional Forest Officer by the person taking over Charge. In case of any dispute about any record, fund or property, both the persons shall be entitled to note down their observations at the end of the aforesaid list.

**Revenue and Expenditure****28. Village Forest/Panchayati Forest Fund :**

- (1) A Village Forest/Panchayati Forest Fund shall be created for every Management Committee, and the income from the following sources shall be deposited in it:--
  1. The sale proceeds of forest produce;
  2. Government grants;
  3. Any other source of revenue.

Money being the share of Committee/Body constituted under earlier Rules lying unutilized with the Collectors shall be deposited without unreasonable delay in the saving bank account opened in the name of the Management Committee in a Post Office, a Nationalized Bank, Scheduled Bank, Co-operative Bank and shall be operated jointly by the Sarpanch and the Secretary of the Village Forest/Panchayati Forest.

- (2) All withdrawals from the Bank shall be made with the prior approval of Management Committee and details of the amount withdrawn and expenditure incurred shall be placed before the General Body meeting of all the right holders in their next meeting.
- (3) The procedure for incurring expenditure and its accounting shall be in accordance with the orders issued by the State Government from time to time.

**29. Management of Village Forest/Panchayati Forest Fund :**

- (1) The Panchayati Forest Fund shall be managed by the Management Committee under the overall direction of the Divisional Forest Officer.
- (2) Money due to a Management Committee shall be paid to a member authorized by the Sarpanch or the Secretary in this behalf and receipt for the money received shall be issued by the person receiving it in Form No. 2.
- (3) An account with cheque facilities shall be opened by the Sarpanch in the name of the Management Committee in the nearest Post Office, Nationalized Bank, Scheduled Bank, or Co-operative Bank. The account shall be operated by the Sarpanch. All the withdrawals shall be by cheque which shall be jointly signed by Sarpanch and the Secretary of the Management Committee.

**30. Determination of net income from forest produce and distribution and utilization thereof :**

- (1) The net income from the sale of resin and other forest produce shall be determined as follows:--
  - (a) Forest Department shall take the actual expenditure incurred in resin tapping and such overhead as may be determined from time to time by the State Government;
  - (b) As regards the other forest produce, Forest Department shall charge ten percent of sale proceeds as administrative expenditure.
- (2) Net income, which is determined from the sale of Resin and other forest produce and obtained from other sources such as compensation amount and fees etc. shall be deposited in Village Forest/Panchayati Forest Fund and its distribution and utilization shall be done in the following manner :
  - (a) 30% (thirty percent) to the Gram Panchayat for development purpose, i.e. for implementation of projects of public utility;
  - (b) 40% (forty percent) for development and maintenance of village forest by the Management Committee;
  - (c) 30% (thirty percent) for projects of local utility and their maintenance by the Management Committee.

The proposals for these expenditures shall be passed in the annual meeting of the general body in the form of a project.

- (3) All payment exceeding rupees five hundred shall be made through cheques, jointly signed by Sarpanch and Secretary of Forest Panchayat.

**30. (a) Distribution and Utilisation of Income under Plantation Employment Scheme (plant, maintain and earn) :**

In case of entering into contract with Self Help Group or a member as a group or individual as per the powers given to the Management Committee under Rule 20(i) the distribution of income shall be in the following manner :--

- (a) 15 percent of the income from the forest produce will go to the Gram Panchayat.
- (b) 15 percent of the income from the forest produce will be deposited in the Village Forest Fund for development of Village Forest.
- (c) 70 percent of the income from the forest produce will go to members of the group or the member, as mentioned in the agreement.

In case where there are more than one revenue Villages/Gram Panchayats in one Village Forest/Panchayati Forest, the 15 percent amount will be distributed in equal proportion.

**Budget, Accounts and Audit****31. Annual Budget :**

Every Management Committee shall prepare and pass an annual estimate of its income and expenditure, (hereinafter referred to as the annual budget), for the financial year commencing from 1st April and allocate funds out of its income to discharge its duties under these Rules. A copy of the annual budget shall be sent to the Divisional Forest Officer for sanction who may make such alternations therein, for reasons to be recorded in writing as he thinks fit. The annual budget shall be submitted by the 31st December of the preceding year and the Divisional Forest Officer shall accord his sanction by the following 31st March.

**32. Modification and changes in annual budget :**

A Management Committee may, at any time after the annual budget takes effect, can suggest any modification or changes therein by adopting a resolution in this behalf. The Sarpanch shall forward a copy of this resolution to the Divisional Forest Officer who may make modifications and changes in the annual budget.

**33. Accounts :**

A proper account of all income and expenditure of the Management Committee shall be maintained by the Sarpanch. The accounts shall be closed and balanced at the end of every month and shall be examined by the Management Committee at a meeting in the next month and passed.

**34. Audit of accounts :**

- (1) The audit of the accounts of every Management Committee shall be done under the orders of the Chief Audit Officer to Government Co-operative Societies and Panchayats, Uttaranchal at such intervals and in such manner as the State Government may direct. The Sarpanch shall be responsible for production of the records of Management Committee for audit.
- (2) The Sub-divisional Forest Officer will nominate three right holders to carry out internal audit for every financial year and such audit reports shall be put up to the Divisional Forest Officer for perusals.

**35. Disposal of audit objections :**

The audit objections shall be discussed at a special meeting of the Management Committee convened by the Sarpanch within a month of receipts 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 shall be submitted to the Divisional Forest Officer as soon as possible and a copy shall be kept and produced for the inspecting officers.

**36. Report of embezzlement :**

Whenever any embezzlement of money belonging to the Village Forest Fund is discovered by the Sarpanch or any other official the facts of such embezzlement shall be immediately brought to the notice of the Management Committee and the Divisional Forest Officer who shall immediately inform the same to the Collector.

**37. Inquiry about embezzlement of money :**

The Collector shall on receiving a report under rule 36, institute an enquiry forthwith.

**38. Suspension of member or Sarpanch :**

Where an enquiry is contemplated or is pending against a member or a Sarpanch of a Management Committee, Collector may suspend such member or Sarpanch and order him to hand over records, money or any other property of the Committee to the person authorized by him in this behalf.

**39. Removal of member of Management Committee or Sarpanch :**

The Collector either on his own or on receipt of complaint may, after enquiry made by him or through an officer not below the rank of Sub-Divisional Magistrate, remove such member or Sarpanch of a Management Committee if he--

- (i) refuses to act, or becomes incapable of acting due to some reasons or is convicted of any offence involving moral turpitude;

- (ii) has abused his position or has persistently failed to perform the duties imposed by these Rules;
- (iii) is found guilty of a forest offence;
- (iv) misbehaves or indulges in physical violence in any meeting of the Management Committee;
- (v) acquires any of the disabilities under these Rules;
- (vi) remains absent without any valid reason in three consecutive meetings of the Management Committee:

Provided that a member or Sarpanch of a Management Committee shall not be removed unless he has been given an opportunity to show cause why he should not be removed from his office.

**40. Appeal against order passed under Rule 38 and Rule 39 :**

Any person aggrieved by an order under Rule 38 and Rule 39 may appeal to the Commissioner within thirty days of the order.

**41. Handing over charge of Office of Sarpanch :**

Any person vacating an office of the Sarpanch on account of resignation, removal or passing of no confidence motion or suspension, shall forthwith handover the charge of his office to a member of the Management Committee nominated by the Collector in this behalf.

**42. Nomination of temporary Sarpanch :**

Where the Sarpanch of a Management Committee is suspended or the office of the Sarpanch has otherwise become vacant, the Collector may nominate in writing a member of the Management Committee as a temporary Sarpanch and he will exercise all the powers and perform all the duties of the Sarpanch until he is reinstated, or, as the case may be, a new Sarpanch is elected. The new Sarpanch shall be elected within six months of the office of the Sarpanch becoming vacant.

**43. Suspension, Supersession or Dissolution of Management Committee :**

The Collector may suspend, supersede or dissolve any Management Committee if in his opinion such Management Committee 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.

**44. Appeal against orders passed under Rule 43 :**

The orders passed by the Collector under Rule 43 shall be subject to the orders passed on the revision filed if any 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 Collector.

**45. Temporary management of Management Committee :**

When a Management Committee is dissolved, suspended or superseded, the Collector may depute an officer not below the rank of Sub-Divisional Forest Officer for the temporary management of the Management Committee till a new Management Committee is reconstituted.

**46. Re-constitution of Management Committee :**

It shall be obligatory on the part of Collector to reconstitute new Management Committee within a period of six months from the date of supersession or dissolution of a Management Committee under Rule 43.

**47. Recovery of Management Committee dues :**

All money due to a Management Committee may be recovered as arrears of land revenue under Section 82 of the Act.

**48. Execution of Forest Development Work by Forest Department at the Cost of Management Committee:**

In case a Management Committee having the necessary funds does not carry out the forest development work prescribed by the composite plan in force, then such forest development works may be carried out by Divisional Forest Officer at the expense of the Management Committee.

**49. Power to prohibit, rescind or modify the execution of resolution, direction or order passed by Management Committee :**

The Divisional Forest Officer may, by order in writing, prohibit, rescind or modify the execution of a resolution, direction or order passed by a Management Committee 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.

#### 50. Inspection of working of Management Committee by Officials :

- (1) Collector, Sub-Divisional Magistrate, Divisional Forest Officer, Sub-Divisional Forest Officer, and Forest Range Officer will inspect Village Forests and the functioning of Management Committees under their jurisdiction and review its working from time to time.
- (2) Copy of such inspection reports shall be forwarded to Divisional Forest Officer who will take appropriate steps as he deems proper.

#### 51. Inspection of Village Forests and functioning of Management Committees by Member of Parliament, Legislatures etc. :

The Members of Parliament, Members of the Legislative Assembly, and Adhyaksha Zila Panchayat shall be entitled to inspect any Panchayati Forest (Village Forest) or working of Management Committee within the area they represent.

#### 52. Constitution of Kshetriya Paramarshdatri Samiti :

There will be 13 members of the Kshetriya Paramarshdatri Samiti. The constitution of this Samiti will be as under--

- |  |                  |     |
|--|------------------|-----|
| (1) Regional Coordinator   | Adhyaksh         | one |
| (2) Sarpanch elected from the region   | Member           | six |
| (3) Sarpanch nominated by the four Sub-Divisional Magistrate   | Member           |     |
| (4) Officer nominated by the one Sub-Divisional Magistrate (not below the rank of Block Development Officer) | Member           |     |
| (5) Forest Range Officer nominated one by the Divisional Forest Officer                                      | Member Secretary |     |

The Sarpanch of the Management Committees of the region shall elect seven members from amongst themselves for Kshetriya Paramarshdatri Samiti. For this purpose, Sub-Divisional Magistrate shall nominate some gazetted officer and get the procedure of election completed by calling a meeting of all the Sarpanch of the Management Committees of the region.

Four members will be nominated by the Sub-Divisional Magistrate, out of which two Sarpanch will be male and two female. Out of these four nominated members one male and one female Sarpanch will be of Scheduled Caste/Tribe. If female Sarpanch are not available in the Management Committees, nomination may be made from the members of the Management Committees.

The nominated and elected 11 members will elect Regional coordinator (Adhyaksh) from amongst themselves under the supervision of a gazetted officer nominated by the Sub-Divisional Magistrate. The officer nominated by the Sub-Divisional Magistrate and the Divisional Forest Officer as member of the Kshetriya Paramarshdatri Samiti shall not have the voting right to elect the Adhyaksh of the Kshetriya Paramarshdatri Samiti.

The constitution of Kshetriya Paramarshdatri Samiti shall be done only after the Village Forests and Management Committees have been formed in more than half villages in the region.

The meeting of the Kshetriya Paramarshdatri Samiti shall be held once in three months.

#### 53. Constitution of Zila Paramarshdatri Samiti :

In every district where Village Forest and Management Committee under Rules 3 to 9 have been constituted a Zila Village Forest Paramarshdatri Samiti, shall be constituted which here in after is called Paramarshdatri Samiti. The Pramarshdatri Samiti shall consist of the following members:--

- |   |          |
|---|----------|
| (1) District Coordinator  | Adhyaksh |
| (2) All Regional Coordinators of the district   | Members  |
| (3) Officer nominated by the Collector (not below the rank of Additional District Magistrate) | Member   |

- (4) Divisional Forest Officer nominated by the Conservator of Forests from amongst the Divisional Forests from amongst the Divisional Forest Secretary Officers of the district

Member

Regional Coordinators shall elect from amongst themselves Adhyaksh District Paramarshdatri Samiti or District Coordinator. The election will be held under the supervision of the officer nominated by the Collector in the manner as is provided under Rules 3 to 9 for the election of Sarpanch at the village level.

Meeting of District Paramarshdatri Samiti shall be held at least two times in a year.

#### 54. State-Level Paramarshdatri Samiti :

At the State Level, for the review of the management of Village Forests and for deciding policy, State Paramarshdatri Samiti shall be constituted as under :—

- |   |                  |
|---|------------------|
| (1) Forest Minister   | Chairperson      |
| (2) All District Coordinators of the District Coordinating Committees   | Members          |
| (3) Secretary, Rural Development, Government of Uttaranchal             | Member           |
| (4) Secretary, Forests, Government of Uttaranchal                       | Member           |
| (5) Secretary, Revenue, Government of Uttaranchal                       | Member           |
| (6) Additional Principal Chief Conservator of Forests (Village Forests) | Member Secretary |

The meeting of this Committee shall be held at least once in a year as far as possible in May or June in which all the points related to management of Village Forests and policy issues shall be discussed.

55. The term of District Coordinator, Regional Coordinator and nominated female and male Sarpanch/Management Committee members mentioned in the State Level Paramarshdatri Samiti, District Paramarshdatri Samiti and Regional Paramarshdatri Samiti will be for a period for which the General Body of the village have elected them as Coordinator/member of the Management Committee.

#### 56. Removal of Regional Coordinator/District Coordinator through no confidence motion :

If Sarpanch/Regional Coordinator want to bring no confidence motion against the concerned Regional/District Paramarshdatri Samiti, the motion can be brought by one third of Sarpanch/Regional Coordinators, as the case may be, by giving advance notice to the Collector/Sub-Divisional Magistrate. After getting such a notice, Sub-Divisional Magistrate/Collector shall remove the Regional Coordinator/District Coordinator only when the no confidence motion is passed with at least two third majority vote.

#### 57. Duties of the District Paramarshdatri Samiti and Regional Paramarshdatri Samiti :

Duties of the District Paramarshdatri Samiti and Regional Paramarshdatri Samiti in their respective jurisdiction will be as under:—

- To review the working of Management Committees;
- To issue guidelines regarding improvement in Village Forests;
- To help Management Committees in arranging funds from various sources;
- To assist Management Committees in discharging their duties.

58. All the existing Panchayati Forests/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, or Panchayati Forest Rules, 1976 or Panchayati Forest Rules, 2001, shall be deemed to have been duly constituted and working under these Rules with effect from the date of enforcement of these Rules.

By Order,

VIBHA PURI DAS,  
Principal secretary.