

Community Forestry Directives 2052 (1995)

His Majesty's Government Ministry of Forest and Soil Conservation Department of Forests

PREFACE This is an english translation of nepali version of "Community Forest Directives 2052 (1995)". Though, this is an unofficial translation, legal and technical professionals involved in this translation have tried their best to make the translation bear the spirit and meaning of the nepali version. Community Forestry Training Project (DANIDA) has kindly provided necessary fund to publish this english version.

Community Forestry Directives, 2052 (1995)

... Whereas both the Forest Act 2049 (1993) and the forest Regulation 2051 (1995) made in exercise of the power conferred by section 72 of the Forest Act 2049 (1993) (by his Majesty's Government) have already come into force on April 1995; now therefore with the objective of conserving and developing forest and properly utilising forest products by managing the community forest mentioned in the Act and the Regulation His Majesty's Government has in exercising the power conferred by Rule 67 of the Forest Regulation 2051 (1995) made the following directives:

1. Short Title and commencement:

- 1) This directives may be called the "Community Forest Directives 2052"
- 2) This directives shall come into force Tom Aswin 1 2052 (September 17 1995)

2. Definition: In this directive unless the subject or context otherwise requires,

- a) "Regulation" means the Forest Regulation 2051 (1995)"
- b) "Notable adverse effect on environment" means provisions regulated by other laws for the time being in force as well as the nature and the condition of the concerned areas.

3. Determination of the Community Forest:

- 1) If frees have been protected or it is desired to plant trees on the land as described under sub-rule (2) of rule 27 of the Regulation an application in the format as prescribed in Annex - 1 may be submitted directly or through the concerned Area Forest Office to the District Forest Offices
- 2) In case an application is received pursuant to sub-section (1) the District Forest Officer shall, by making necessary inquiry and completing other procedures, if need to be completed as mentioned in the Regulation, provide a certificate of the recognition as community forest in the format as prescribed in Annex - 2 and the notice thereof shall be given to the agency which has the ownership of the land.

4. Formation of the User Group and procedure of handing over the community Forest: Following procedures shall he pursued in constituting the User's Group pursuant to sub-rule (4) of Rule 27 handing over community Forest pursuant to sub-rule (3) of Rule 29 on receipt of an application pursuant to sub-rule (4) of Rule 29 and in monitoring and evaluating pursuant to sub-rule (5) of Rule 29:

- a) Whereas there is a possibility. in forming a User's Group. of being User's Camp in one district and forest area in another district or the User's Group and forest area in one district and user's group in another district too or the Users and Forest area in one district and Forest area in another district too; the User's Group shall have to submit an application to the District Forest Office of the District where they are living and the District Forest Officer on receipt of such application shall have to send the application to the District Forest Officer of the District of which the forest area have been asked for hand over. In such circumstances the District Forest Officer shall home to carry out the act with co-ordination. For illustration: In case that a User's Group is in 'A' district and Forest area is in 'B' district the users shall have to submit the application to 'A' district District Forest Officer and 'A' district District Forest Officer shall have to send the application to 'B' district District Forest Officer. The District Forest Officer of the District under which forest area lies shall form the user's group and also hand over the community forest.
- b) In case that a Forest area lies in two or more districts pursuant to sub-rule (4) of Rule (2) and the User's Group also lie in the respective districts or in other conditions the concerned district Forest Officers shall have to work by maintaining co-ordination!
- c) After the User's Camp has been registered pursuant to tore going paragrahs and the community forest has been handed over one copy each of the registration certify and the certificate handing over and operational plan shall compulsorily be sent to the concerned District Forest Offices.

d) The District Forest Officer within its area shall monitor and evaluate the work performance in the community forest so handed over and shall compulsorily have to send a copy of the report thereof to the concerned District Forest Offices.

5. Registration of the User's Group: As to (ascertaining) whether or not a User's Group which has submitted an application pursuant to Rule 27 of the Regulation has been constituted according to its constitution the District Officer shall have to consider the following matters:

- a) Whether or not a Forest desired to be managed as community forest has already been handed over to somebody or is in the process of handing over.
- b) Whether or not all the members of user's group have been represented in making the constitution.

6. Operation Plan:

- 1) Cash crop yielding products pursuant to sub-rule (2) of Rule 2X of the Regulation denote following crops or crops of the similar kind. a) Tea b) Coffee c) Cardamom d) Black Cardamom
- 2) On the submission of the operation plan along with an application to the District Forest Officer pursuant to Rule 29 of the Regulation the concerned District Forest Officer shall have to consider the following matters in making necessary investigation: a) Technical aspects b) Geography c) Environmental and Forest condition d) Whether or not His Majesty's Government has concluded any contract with a person or agency as to the Forest product of that Forest.
- 3) The words terms and conditions. prescribed by His Majesty's Government pursuant to sub rule (2) of Rule 24 of the Regulation mean the following matters; a) Provisions mentioned in the Act the Regulation and the Directive. b) Provisions mentioned in the Registration of the User's Group and in Operational Plan of the community Forest.
- c) The provisions accepted by the User's Group comply with.
- d) Provisions regulated by His Majesty's Government under the Act, the Regulation and this Directive. e) Where His Majesty's Government has concluded a contract with any person or organization as to forest product before handing over the community forest and such provisions to be included into the operational plan which are to be applied so long as the contract remains valid.

7. Record: In maintaining and forwarding the records pursuant to Rule 30 of the Regulation a map showing fore boundaries of (the community forest) should also be forwarded.

8. Establishment of an Industry:

- 1) The District Forest Officer shall make a recommendation for the establishment of an industry pursuant to sub-rule (4) of Rule 32 only after considering following matters:
 - a) Whether or not the User's Group has had the management capacity to run that industry. b) Whether or not the forest product to be yielded according to the operational plan of the community forest is sufficient.
 - c) The sale and distribution arrangement of the produced goods.
 - d) Matters relating to utilization of the fund collected from the sale and distribution.
- 2) In case more than one user's group jointly ask for a recommendation to establish an industry recommendation shall be required to be made by considering the following matters in addition to the provisions under sub-section (1) a) The quantity of the forest product to be made available according to the operational plan by each user's group.
- b) The manner of distributing each other among themselves the amount earned by the sale.

9. Hammer mark:

- 1) The District Forest Officer shall compulsorily be required to follow the procedure as prescribed in Annex - 3 so that code of the user's group is not repeated.
- 2) In case that a user's group submit an application pursuant to Rule 34 of the Regulation to register a hammer mark it must be registered as prescribed in Annex - 4 to ensure that the hammer mark is not duplicated and the district and the Department should be informed of it.

10. Transportation of the Forest Product: 1) In transporting the Forest product pursuant to sub-rule (2) and (3) of Rule 35 of the Regulation which makes it obligatory to inform the concerned forest office at least 24 hours earlier the stamp of the user's group as prescribed in Annex 5 must be compulsorily be affixed to the receipt as prescribed in Annex - 17 of the regulation.

11. Inspection of the accounts: In case it is necessary to investigate on the audit report submitted pursuant to sub-rule (3) of Rule 36 of the Regulation or in case a person or corporate agency has filled a written complaint against the accounts of the User's Group the District Forest Officer may inspect the accounts of the concerned user's group.

12. Community Forest may be withdrawn:

1) In case a written information is received pursuant to sub-rule (1) of Rule 37 of the Regulation a technical employee at least of the level of non gazetted first class shall have to be deputed to that area within 48 hours of the receipt of such information.

2) The personnel deputed pursuant to sub-rule (1) shall submit an investigation report to the District Forest Office within 7 days excluding the commuting days. In case a written notice is given stating that the report can not be submitted within seven days, the district forest Officer may if that notice is found reasonable extend the time limit of seven days either wholly or in part. It shall be the duty of the personnel so deputed to submit the report within the limit of extended time period.

3) After the report is received pursuant to sub-rule (2) the District Forest Officer may if found the acts to have been deviated from the operational plan, order in writing the user group not to implement other provisions of the operational plan except the plantation and conservation works. In addition, an explanation pursuant to sub-rule (1) (A) of rule 37 of the Regulation shall be required to ask.

4) After the receipt of the explanation submitted by the user's group a decision shall be made within fifteen days of the receipt of such explanation pursuant to sub-rule (1) (B) of Rule 37, whether or not to withdraw the forest or cancel the registration.

5) After a decision has been made pursuant to sub-rule (1) (B) of Rule 37 of the Regulation, the protection and development of such community forest shall be done by the concerned District Forest Office.

Annex- 1 (Relating to sub section (1) of Section 3) Application to be submitted for the Registration of community forest

To,

The District Forest Officer,
District Forest Office

Whereas subject to the Forest Act, 2049, the Forest Regulation, 2051 and community Forest Directive, 2052, we have been protecting the plantation/have desired to plant and manage and utilize according to operational plan enclosed herewith in the following public land therefore, we have submitted this application with the approval letter of the agency which owns the land for handing over as community forest.

a) Details of the proposed community Forest Name: Forest boundaries: Area: Plot No: Name of agency which owns the land: Date of plantation:

b) Whether there are wild life or not ? If yes, their species:

Applicant

(On behalf of the user's group)

Serial No. Name Designation Signature

1.

2.

3.

4.

5. Date:

Annex - 2 (Relating to sub section (2) of Section 3) Recognition Certificate the Community Forest

His Majesty's Government

Ministry of Forest and Soil Conservation Department of Forest District Forest Office

To, User's Group

Subject to the Forest Act, 2049, the Forest Regulation, 2051 and the Community Forest Directive, 2052, the following area has been recognized as a community forest to be managed and utilised according to the operation plan enclosed here with.

Details of the Community Forest

Name:

Fore Foundries:

Area:

Name of the agency which owes the land:

District Forest Offer Name:

Signature:

Date:

Note: In case this certificate is lost, torn out or destroyed, another certificate shall be issued on the payment of twenty rupees.

Annex - 3 (Relating to sub section (1) of Section 9) National Database Code

A separate code shall be maintained for each user's group. With the objective that the code of one user's group be not duplicated with another the process of coding is prescribed as follows:

1. Three letters of a District should be included (District code are given below).
2. Two letters of a Range post should be included and if two letters of a Range post coincides with another Range post another two appropriate words should be included.
3. All VDCs of a District shall be given a number 1 2 3 and so on and in whichever VDC the user group belongs to the corresponding number of the VDC shall be used as the code of VDC.
4. In numbering the operational plan it should begin with no. 1 in a VDC and similarly it should begin with no. 1 in another VDC.

Example of code of a Forest User Group:

NUW/BI/27/01

NUW = Nuwakot

BI = Bidur Range post 27 = Bidur Nagar Palika 01 = Operational plan number of the Forest User's Group

District Codes
District Code District Code
Accham ACH Lamjung LAM Argakhanchi ARG Makwanpur MAK
Bhojpur BJP Mahottari MAH Bhaktapur BHA Manang MAN Bara BAR Mustang MUS
Bajhang BAH Myagdi MGD Bardia BAD Mugu MUG Bajura BAJ Morang MOR Banke BAK
Nuwakot NUW Baglung BGL Nawalparasi NAW Baitadi BAI Okhaldhunga OKH
Chitwan CHI Palpa PAL Dhading DHA Panchthar PANDhankuta DHK
Parbat PBT Dolakha DOL Parsa PARDhanusa DNS Pyuthan PUT Dang DAN
Rasuwa RAS Dailekh DAI Rautahat RAU Doti DOT Ramechhap RAM Dolpa DPA
RUK Darchula DAR Rolpa ROLDandoldhura DAD Rupandehi RUP Gorkha GOR
Sankhuwasabha SSB Gulmi GUL Sindhuli SIN Humla HUM Sarlahi SAR
Ilam ILM Sindhupalchok SDP Jhapa JPA Saptari SAP Jumla JUM Surkhet
SUR Jajarkot JAJ Siraha SIR Kholang KHO Sunsari SUN Kabhrepalanchok KAB
Solumhumbu SOL Kaski KAS Syangja SYA Kailali KAI Salyan SALKathmandu KAT
Taplejung TAP Kapilbastu KAP Tanahu TAN Kanchanpur KAN Terhathum TTN
Kalikot KAL Udaypur UDALalitpur LAL

Annex - 4 (Relating to sub section (2) of Section 9) Design of the hammer mark of the Forest User's Group

The logo of community Forest should be enclosed in a circle having a diameter of 1.4 inch (3.5 cm) and following codes of National Database should be kept at four directions:

A) District code B) VDC Code C) Range post code D) Operational Plan code

Annex - 5

(Relating to Section 10) Design of the official stamp of the Forest User's group

The logo of community forest should be enclosed in a circle having a diameter of 1.4 inch (3.5 cm) and the name of Forest User's group (not committee), location, district, and year of handed over be kept around the circle.