

Panchayat Forest Rules

History

June 28, 1978	First promulgated Nepal Rajapatra, Vol. 28. no. 21 (Extraordinary), Asadh 14, 2035 (June 28, 1978)
February 26, 1980	First Amendment. Nepal Rajapatra Vol. 29. No. 60 (Extraordinary), Falgun 14, 2036 (February 26, 1980)
April 12, 1988	Second amendment, Nepal Rajapatra Vol. 37 Extra No. 64, Chait 30, 2044

Consolidated text

In exercise of the power conferred by Section 32 of the 1961 Forest Act, His Majesty's Government has framed the following rules:

1. Short title and commencement

- (1) These rules may be called the Panchayat Forest Rules (Second Amendment) 1988 (2044).
- (2) These rules shall come into force at once.

2. Definitions

Unless otherwise meant with reference to the subject or context, in these rules:

- (a) "Act" means the 1961 Forest Act.
- (b) "Work Plan" means the Panchayat forest work plan prepared by village panchayat and approved by the District Forest Officer.

"Approved plan" means the work plan approved by His Majesty's Government.

3. Determination of Panchayat Forest

- 3.1 Any Government forest or part thereof which is barren or degraded to shrubland and has been set aside for the purpose of developing forest through plantation by HMG.

3.2 The limitations on area under 3.1 of the old rule have been removed.

Explanation: Government forest which is barren or shrubland means a government forest which cannot be developed only by preserving the trees in their existing condition, and which can be developed as a forest only by reforestating at least two-thirds of the area.

A Panchayat Forest determined under sub-rule (1) shall have clearly demarcated forest boundary distinguishing it from government forest.

Panchayat Forests may be handed over to the local panchayat in one lot or in different lots. Provided that such local panchayats shall not be given additional lots unless it has planted trees on the previous lot, or made proper arrangements for the protection of trees which have already been planted.

4. Application to be submitted for planting Panchayat Forests

Any village panchayat desirous of planting a Panchayat Forest shall submit an application in the form indicated in schedule 1 to the concerned District Forest Officer.

5. Hand-over of Panchayat Forests

1. In case any village Panchayat submits an application under rule 4, to the concerned District Forest Officer shall conduct necessary inquiries. In case he deems it appropriate to hand over the government forest area mentioned in the application, or any part thereof, to the village panchayat as a Panchayat Forest, after conducting such inquiries, he shall submit a recommendation to the concerned Regional Director of Forests (RDF)
2. The concerned RDF shall conduct necessary inquiries in respect to the recommendation submitted under sub-rule (1). In case he deems it appropriate to allot the Panchayat Forest and hand over the same to the concerned village panchayat after conducting such inquiries, he may issue orders to the District Forest Officer accordingly.
3. After an order is received under sub-rule (2), the concerned District Forest Officer shall allot Panchayat Forest to the concerned village panchayat.

6. Certificates of Panchayat Forest

After any Panchayat Forest has been allotted to any village panchayat under sub-rule (3) of rule 5, the concerned District Forest Officer shall issue a certificate of Panchayat Forest in the form indicated in schedule 2.

7. Records of Panchayat Forests to be maintained

After a Panchayat Forest has been allotted to any village panchayat under these rules, the concerned District Forest Officer shall maintain records thereof. He shall send one such record to the concerned Regional Directorate of Forests (Formerly Forest Circle Office,) one copy to the Department of Forests, and one copy to concerned District Panchayat.

8. Panchayat Forests to be located within the concerned village panchayat

A Panchayat Forest to be allotted under the act and these rules shall be located within the area of the village panchayat to which it is to be allotted.

9. Trees to be planted within three years

The concerned village panchayat shall plant trees on the Panchayat forest within three years after receiving a certificate under rule 6.

10. Seeds and saplings required for planting a Panchayat Forest shall be made available by the District Forest Office to the concerned village panchayat free of cost.

11. Protection and development of Panchayat Forest

For the purpose of protection, management and development of Panchayat Forests, the concerned village panchayat shall undertake the following functions under the general supervision of the District Forest Office:

- (a) Plant seeds or saplings, in the Panchayat Forest.
- (b) Take care of the forest to establish it.
- (c) Act according to the plan of operation in relation to panchayat forests
- (d) Undertake other necessary functions.

12. Prohibited activities

The village panchayat shall not perform or direct the performance of any of the following activities in a Panchayat Forest:

- (a) Sell, mortgage, or otherwise alienate the forest.
- (b) Reclaim the forests
- (c) To use lands as gardens or orchards, or for growing crops or as farms.
- (d) To build houses or huts for purposes other than protection of forests.
- (e) Use the land in any manner other than as prescribed in the "work plan".

13. Sale and Distribution of forest products

- (1) The concerned village panchayat may sell and supply forest products from the Panchayat Forest for use by people of the area under its jurisdiction.
- (2) In case the forest products of the Panchayat Forest are in excess of the requirements of the people of the local village panchayat area, the concerned village panchayat may sell or distribute such surplus forest products for use by the people of other village panchayat areas.
- (3) Forest products may be extracted or sold from the Panchayat Forest every year under sub-rule (1) or sub-rule (2) only within the limits of the annual production.
- (4) In case forest products to be extracted or sold under sub-rule (3) are obtained through clear felling of timber, the concerned village panchayat shall undertake reforestation in the Panchayat Forest within one year and ensure protection, management, and development thereof.

14. Prices of forest products to be fixed

The prices of forest products of the Panchayat Forest shall be fixed by the concerned village panchayat, and particulars of such prices shall be sent to the concerned District Forest Office.

15. Permits and records of sale of forest products

- (1) While selling and supplying the forest products of a Panchayat Forest, the concerned village panchayat shall prepare three copies of the permit in the form indicated in schedule 3. One copy shall be issued to the buyer, one copy sent to the concerned District Forest Office, and one copy retained by the village panchayat.
- (2) The concerned village panchayat shall maintain accurate accounts of the sale or supply of forest products from the Panchayat Forest.

16. Scrutiny of permits

The forest products bought by any person from the Panchayat Forest after purchasing the same on the basis of a permit obtained under sub-rule (1) of rule 15 shall be released by the concerned village panchayat only after scrutiny and endorsement thereof.

17. Income to be credited to the village panchayat fund

The proceeds from the sale or supply of forest products from the Panchayat Forest shall be credited to the account of the concerned village panchayat.

18. Income from panchayat forest to be allocated for forest protection

The concerned village panchayat shall allocate the total income from the Panchayat Forest for forest protection and conservation, as well as for reforestation.

19. Annual reports

- (1) The concerned village panchayat shall submit an annual report of the Panchayat Forest to the concerned District Forest Office and district panchayat within one month from the date of expiry of each fiscal year.
- (2) The concerned District Forest Officer shall conduct necessary inquiries in respect to the annual report submitted under sub-rule (1), and then submit a report of his own to His Majesty's Government through the concerned Regional Director of Forests (formerly conservator).

A. Panchayat Forests to be managed through users committees

- (1) After receiving a certificate under rule 6, The concerning village panchayat will form a User's Committee according to the current rules relating to decentralization and such committee will be entrusted with the responsibility of managing Panchayat Forest Project.
- (2) The User's Committee formed under sub-rule (1) shall manage the panchayat forest project according to the work plan.
- (3) In case the User's Committee fails to work according to work plan the concerning panchayat shall dissolve it and form another User's Committee to carry out the work.

20. Directives to be compiled with

The directives issued by the Department of Forests from time to time in respect to Panchayat Forests shall be compiled with by the concerned village panchayats.

21. Certificates of old panchayat forests to be obtained

In case of Panchayat Forests allocated to any village panchayat by His Majesty's Government prior to the commencement of these rules, the concerned village panchayat shall obtain a certificate therefore under these rules by notifying the concerned District Forest Office within three months from the date of commencement of these rules.

22. Repeal

The 1968 Panchayat Forest Rules have been repealed.

Schedule 1

(Pertaining to rule 4)

Form of Application

The District Forest Officer.

..... District Forest Office

Being desirous of planting a Panchayat Forest for the purpose of developing forests through reforestation in accordance with the work plan on forests, subject to the provisions of the 1961 Forest Act and the Panchayat Forest Rules, I hereby request the allotment of the following forest area to this panchayat. Particulars are given below:

- (a) Name and address of the village panchayat where the Panchayat Forest is sought to be planted.
- (b) Particulars of the government forest on which a Panchayat Forest is sought to be planted.
 - (1) Name
 - (2) Boundaries
 - (3) Area
- (c) Are there any trees in the government forest ? If so, the number and species thereof.
- (d) Have the boundaries of the government forest been demarcated
- (e) Whether or not land or other taxes have been paid.
- (f) Whether or not land in that forest area has been cultivated during the past three years.
- (g) Whether or not (the applicant) is willing to sell or supply forest products in accordance with the working plans formulated by the District Forest Office.

Name of chairman of village panchayat

Seal of village panchayat

Date

Schedule 2

(Pertaining to rule 6)

Form of Certificate

His Majesty's Government

Department of Forests

..... District Forest Office

Certificate of Panchayat Forest

..... Panchayat

This certificate of Panchayat Forest is issued to the above mentioned panchayat for the purpose of development and management of forests through reforestation in the following forest area in accordance with the forest working plan, subject to the 1961 Forest Act and the Panchayat Forest rules:

(a) Name of the Panchayat Forest

(b) Boundaries

(c) Area

Name of the officer issuing the certificate

.....

Designation

Signature

Date

Schedule 3

(Pertaining to Sub-Rule (1) of Rule 15)

Form of Permit

Permit for Sale and Supply of Forest Products

- (a) Name of Panchayat Forest
- (b) Name and address of buyer
- (c) Category of forest products
- (d) Quantity
- (e) Time-limit within which forest products must
be taken out
- (f) Fees
- (g) Signature of person selling or supplying
forest products and date
- (h) Seal of the village panchayat
- (i) Signature of person receiving the permit