

PARTICIPATORY FOREST MANAGEMENT RULES - 2000

(Authoritative English text of this Department Notification No. Fts-II (B)15-10/87 Dated 23.8.2001 as required under clause (3) of article 348 of the Constitution of India)

Notification

No. Fts. II (B) 15- 10/87

Dated 23.08.2001

In exercise of the powers conferred by section 80 read with section 81 of the Indian Forest Act, 1927 (Act No. XVI of 1927), the Governor, Himachal Pradesh is pleased to make the following Regulations, namely:

1. Short title, application and commencement:

- (1) These Regulations may be called the Himachal Pradesh Participatory Forest Management Regulations, 2001.
 - (2) They shall apply to such Government forests and such Government land including the common land, which shall be selected jointly for participatory forest management by the Society and the Department.
- (3) They shall come into force from the date of publication in Rajpatra, Himachal Pradesh.

2. Definitions:

In these Regulations, unless there is anything repugnant in the subject or context, -

- (a) "Act" means The Indian Forest Act, 1927, (Act No. 16 of 1927) as amended in its application to Himachal Pradesh;
- (b) "Conflict Resolution Group" means a group consisting of a representative of the concerned Gram Panchayat, a representative of the local non-government organizations or local community based organizations and the concerned Assistant Conservator of Forests;
- (c) "common land", "family", "Gram Panchayat", "Panch", "Pradhan", "village" and "Ward" shall have the meanings respectively assigned to them in the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994);
- (d) "Department" means the Himachal Pradesh Forest Department;
- (e) "Divisional Forest Officer" means the forest officer in-charge of a territorial or wildlife forest division of the Department;
- (f) "Executive Committee" means executive body of the Society;
- (g) "Forest Officer" means a Forest Officer as defined under sub- section (2) of section 2 of the Act;
- (h) "General House" means General House of the Society;
- (i) "Government" means Government of Himachal Pradesh;
- (j) "grazier group" means a group of persons, whether resident members or migratory graziers, who are dependent on the grazing resource in the selected area for meeting their livelihood needs;

- (k) “**micro- plan**”, means a holistic forest management and development plan of the area selected for participatory management;
- (l) “**participatory forest management**” means management of Government forest and Government land including common land managed jointly by the Society and by the Department;
- (m) “**selected area**” means any Government forest and Government land including common land selected under regulation 3 of these Regulations;
- (n) “**self help group**” means any organized group of persons, who collectively by mutual help are able to enhance their economic status through resource based activities;
- (o) “**site specific plan**” means a sub component of the micro-plan which is a technically appropriate plan for the site;
- (p) “**Society**” means village forest development society registered under section 3 of the Societies Registration Act, 1860 (Act No. 21 of 1860) for participatory forest management;
- (q) “**sustainable forest management**” means management which is economically viable, environmentally benign and socially beneficial, and which balances present and future needs; and
- (r) “**user group**” means a group of persons dependent upon a common natural resource for sustaining its livelihood needs.

3. Intent of participatory forest management:

- (1) On an application made to the Divisional Forest Officer signed by at least 50 percent of the voters of a Gram Panchayat Ward, any Government forest and Government land including common land may be brought under participatory forest management. The land so identified shall be known as selected area.
- (2) In accordance with the wider objectives and plans of Government for sustainable forest management, the selected area shall be managed jointly by the Society and the Department on the terms and conditions of an agreement to be entered between the Society and the Department.

4. Village forest development society:

- (1) There shall be a Society for a Gram Panchayat Ward. However, where the Ward is not compact and the hamlets within it do not have common forests, common grazing lands, common rights and concessions more than one Society may be formed for each cluster of hamlets. The Society shall be registered under section 3 of the Societies’ Registration Act, 1860. (Act No. 21 of 1860).
- (2) All voters of a Gram Panchayat Ward shall be entitled to be enrolled as members of the Society.

5. Constitution of Executive Committee of the Society:

The Executive Committee shall consist of -

- (a) President to be elected by the General House;
- (b) Vice President -do-
- (c) Four Members -do-
- (d) Treasurer to be nominated by the elected members from amongst the members of the Society;

- (e) Joint Secretary (woman) -do-
- (f) Ward Panch ex-officio member;
- (g) President - Mahila Mandal -do-
- (h) Representative - Local women group -do-
- (i) Three Members to be co-opted from the village level committees constituted by other departments of the Government, societies registered under the Societies Registration Act, 1860, (Act No. 21 of 1860) , user groups, self help group and grazier group;
- (j) Member- Secretary to be elected by the General House.

Provided that at least 7 members of the Executive Committee shall be from amongst the women. Joint Secretary shall assist the Member-Secretary.

6. Term of office of members of the Executive Committee:

Elected members of the Executive Committee shall hold office for a period of two years from the date of assumption of office.

7. Powers of the Executive Committee:

The Executive Committee shall exercise the powers of a “Forest Officer” as assigned by the Government under the Act.

8. Usufruct Sharing:

The Society shall be entitled to the following benefits, namely :-

- (a) to collect the yield such as fallen twigs, branches, loppings, grass, fruits, flowers, seeds, leaf fodder and non timber forest products free of cost;
- (b) to the sale proceeds of all intermediate harvest, subject to protection of forest and plantations for at least 3 years from the date of agreement;
- (c) to organize and promote vocational activities related to forest produce and land; and other activities such as promotion of self help groups which may provide direct benefits, including micro-lending to women. None of the activities so promoted shall affect the legal status of the forest land;
- (d) recorded rights over the forest shall not be affected by these benefits;
- (e) the Government shall charge no royalty on the forest produce within the selected area;
- (f) after 5 years, the Society may expand the area, on the basis of a fresh agreement deed, by inclusion of adjoining or nearby areas;
- (g) after 20 years from the date of agreement and, based on the principles of sustained forest management, 75 percent of the net sale proceeds from the selected area shall be put into the account of Society and the remaining 25 percent of the net sale proceeds shall go to the concerned Gram Panchayat; and
- (h) to utilize at least 40 percent of the net sale proceeds on forest regeneration activities including soil and water conservation.

Provided that for the purpose of usufruct sharing, family shall be one unit.

9. Funds:

Funds shall be generated by the Society through contributions by members and the sale of usufructs under these regulations. All funds, including those received from the Government, Gram Panchayats and non-government sources, shall be utilized through the micro-planning process.

10. Maintenance of Accounts:

The sum received by the Society shall be deposited in the name of the concerned Society in a nationalized bank or scheduled bank or co-operative bank or post office and the account shall be operated under the signatures of the President, Treasurer and Member-Secretary of the Society.

11. Grant-in-Aid:

[The department shall release Grant-In- Aid to the Society under the Grant-In-Aid Rules subject to the availability of funds and satisfactory performance of functions by the Society.

12. Settlement of Dispute:

In case of any dispute in relation to usufruct sharing in the Society, the Deputy Ranger concerned of the Department, shall take steps to reconcile the dispute. In case the dispute is not resolved, the Deputy Ranger shall refer the dispute, along with his report to the Range Officer concerned of the Department. The Range Officer, after hearing the parties, shall resolve the dispute within 30 days from the date of receipt of report of the Deputy Ranger.

13. Appeal:

An appeal shall lie from the decision of the Range Officer to the Conflict Resolution Group to be filed within 30 days from the date of decision, who shall decide the same within 60 days from the date of filing of appeal, after affording an opportunity of being heard to the parties. The decision of the Conflict Resolution Group shall be final and binding on the parties. The Conflict Resolution Group shall send a copy of the decision to the Society and the Divisional Forest Officer concerned free of cost.

14. Preparation of micro-plans:

- (1) A micro-plan shall be prepared for the holistic forest management and development of the selected area, by the Society. The Department shall help the Society in preparation of the micro-plan. A micro-plan shall be operative for a period of five years from the date of its approval by the Divisional Forest Officer and may be revised after three years. The micro-plan shall be passed in the general house with at least 60 percent majority of the members present.
- (2) The Divisional Forest Officer may approve whole or part of the micro-plan.

15. Powers of the Government:

Notwithstanding anything contained in these regulations, the Government shall have the powers to issue directions to the Society on participatory forest management processes, micro-planning, co-ordination, monitoring, grant -in -aid and implementation mechanisms.

BY ORDER

FC-cum-Secretary (Forests) to the
Government of Himachal Pradesh

Endst. No. As above Dated Shimla-2 the 23.8.2001