(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.

(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**

(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 Caste 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 Constitution 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.
(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 Uttarakhand).

(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 byelaws 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:
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, Subdivisional 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 Sub-Divisional Magistrate Member four
(4) Officer nominated by the Sub-Divisional Magistrate (not below the rank of Block Development Officer) Member one
(5) Forest Range Officer nominated by the Divisional Forest Officer Member Secretary one

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 Pramarsahdatri Samiti shall consist of the following members:

(1) District Coordinator

(2) All Regional Coordinators of the district

(3) Officer nominated by the Collector (not below the rank of Additional District Magistrate)

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

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

(2) All District Coordinators of the District Coordinating Committees

Chairperson

Members
(3) Secretary, Rural Development, Government of Uttarakhand

(4) Secretary, Forests, Government of Uttarakhand

(5) Secretary, Revenue, Government of Uttarakhand

(6) Additional Principal Chief Conservator of Forests (Village Forests)

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:

(a) to review the working of Management Committees;
(b) to issue guidelines regarding improvement in Village Forests.

(c) to help Management Committees in arranging funds from various sources.

(d) 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