

**GOVERNMENT OF UTTRANCHAL Forest & Environment Section No.
315511-Va.Gra.Vi./2001-8(15)/2001 Dehradun : Date 3 July, 2001**

An exercise of powers conferred under clause (3) of Article 248 of Constitution of India, the Governor is pleased to order the publication of the following English translation of Notification for general information.

Notification

In exercise of the powers under sub-section (2) of section 28 and under section 76 of the Indian Forest Act, 1927 (Act. No. XVI of 1927) and all other powers enabling him in this behalf and in suppression of the Panchayat Forest Rules, 1976 published with U.P. Government Notification No. 6589/XIV-2-302-64, dated July 19, 1976, the Governor is pleased to make the following rules:

THE UTTRANCAL PANCHAYATI FOREST RULES, 2001

1. Short Title extent and commencement

These rules may be called the Uttranchal Panchayati Forest Rules, 2001

(2) They shall be applicable to the districts of Almora, Bageshwar, Champawat, Pithoragarh, Chamoli, Rudraprayag, Uttarakashi, Tehri Garhwal, Pauri Garhwal and Nainital Tehsil of district Nainital, Hill area of Dehradun Tehsil and Chakrata Tehsil of district Dehradun and to such other areas as the State Government may from time to time notify.

(3) They shall come into force with effect from the date of their publication in 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 mentioned in its application to Uttranchal;

(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) 'Commissioner', 'Conservator of Forest', 'Divisional Forest Officer', 'Sub Divisional Magistrate', 'Forest Range Officer', 'Patwari', 'Van Panchayat

Inspector' 'Gram Vikas Adhikari', 'Sarpanch', and 'Member of Forest Panchayat' shall mean respectively a 'Commissioner', a Conservator of Forests, a Divisional Forest Officer, a Sub-Divisional Magistrate, a Forest Range Officer, a patwari, a Van Panchayat Inspector, a Gram Vikas Adhikari, a Sarpanch and a Member of Forest Panchayat having territorial jurisdiction of a Panchayati Forest;

(d) 'Com positive Management Plan means the management plan made for all the Panchayati Forests situated with-in the jurisdiction of a Panchayat Van Vikas Adhikari for a period of a five years, in accordance with the silvicultural principles and sustainable development. The plan will be in the shape of a one single document with 2 or more volumes and will consist of general description of Panchayati Forests and the guiding principles for the preparation of microplans for the protection and management of individual Panchayati Forests.

(e) 'Forest Officer', 'Forest Offence', 'Forest produce', 'Cattle' and 'Tree' shall have the meanings respectively assigned to them in the Indian Forest Act 1927;

(f) 'Forest Panchayat' means a committee constituted for the management of a Panchayati Forest, under these rules and includes the Forest Panchayats existing on the date of the commencement of these rules, under any rules;

(g) 'Gram Sabha' and 'Pradhan' shall have the meanings assigned to them in the U.P. Panchayat Raj, 1947 (U.P. Act No. 26 of 1947)

(h) "Micro Plan" means the scheme of management of a individual Forest Panchayat made for five years and "Annual Implementation Plan" means a plan of execution made for one year in accordance with the "Micro Plan" of the Forest Panchayat. '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 have 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;

(j) 'Panchayat Van Vikas Adhikari', 'Up Panchayat Van Vikas Adhikari', 'Sahayak Panchayat Van Vikas Adhikark', 'Panchayat Van Up-Van Rajik' and 'Panchayat Vanvid' shall mean respectively a Divisional Forest Officer, an Assistant Conservator of Forests, a Forest Ranger, a Deputy Forest Ranger and a Forester specially deputed by the State Government, by order for performance of duties assigned to them in these rules;

(k) 'Right Holder' means a person, who is 'Bhumidhar' of the village where a Panchayati Forest has been constituted, or a lessee or a person who has been

given right to graze cattle, collect fodder, fuel and timber in the Panchayati Forest under law or any order of the court. Such landless persons, who have been residing in that village for long, where Panchayati Van has been constituted are also include here;

(I) 'State Government' means the State Government of Uttaranchal;

(m) 'Village Forest' means a village forest referred to in section 28 of the act.

(n) 'Village' means any village shown in the list of villages maintained under section 31 of the U.P. Land Revenue Act, 1901, and includes any village whose boundaries have been demarcated under a revenue settlement carried out in accordance with the said Act.

3. Procedure to apply for demarcation of Panchayati Forest

On the application made by at least one fifth of the adult apply for residents who or whose families have resided for ten years immediately preceding the date of application in the revenue village within whose settlement boundary the land applied for lies, including any land which has been constituted as reserved Forest or declared a protected forest or is a forest belonging to the Government, bordering the village, or on the resolution passed in the meeting of the concerned Kshetra Panchayat, the Sub-Divisional Magistrate concerned shall start the proceeding for demarcation of Panchayati Forest;

Provided that no land shall be declared to be Panchayati Forest if one third or more of the residents of the village or villages within which the area lies, enter objections to the scheme. The application 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 objectives.

On receipt of the application or on the passing of the resolution under rule-3, the Sub-Divisional Magistrate shall cause service of a notice in person on the concerned Pradhan and shall also cause a copy of the notice to be affixed to some conspicuous 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. A copy of the said

notice will also be compulsorily served on the Divisional Forest Officers and Forest Range Officers having the jurisdiction on the area.

5. Decision on claims and objections, demarcation of Panchayati Forest and appeal.

- (1) 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 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.
- (2) Any person aggrieved by the decision under sub-rule (1) 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. Rights of users.

In Panchayati Forest constituted from reserved forests only those persons whose rights are recorded in the list of rights within whose settlement boundary such forests lie shall be allowed to exercise rights of users in such forests. Landless people who have been residing in that village for long, where Panchayati forests have been constituted will also exercise these rights.

7. Constitution of Forest Panchayat.

- (1) When the 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 time and shall call upon the persons assembled to elect a Forest Panchayat in the presence of an officer nominated by him, and a notice in writing of this shall also be served upon the concerned Patwari and Pradhan of the concerned Gram Sabha. The Forest Panchayat shall consist of nine members. Four seats including one for the member of Scheduled Caste or Scheduled Tribes. shall be reserved for women. One seat out of balance five seats shall be reserved for the male members of the Scheduled Castes and the Scheduled Tribes. If a member of the Scheduled Castes or the Scheduled Tribes does not reside in

the village's concerned then the aforesaid seats shall be treated as unreserved.

- (2) When the members have been duly elected they shall choose a Sarpanch from amongst themselves. On completion of the election proceedings, it shall be necessary for the Sub-Divisional Magistrate to enter the names of the elected members and the Sarpanch in the Forest Panchayat register and obtain their signatures on the said register:

Provided that any Government servant or any employee of the local authority or any employee of the Forest Panchayat or any person who is in arrears of Panchayati Forest dues and any person convicted for an offence involving moral turpitude shall not be eligible for election as a member or a Sarpanch

Provided further that no Sarpanch shall be eligible for election as Sarpanch for more than two consecutive terms.;

- (3) In Any forest Panchayat, if seats reserved for the members of the Scheduled Castes or the Scheduled Tribes or women, remains vacant in election then t he Forest Panchayat may co-opt such members from amongst the right holders of the concerned village by a resolution passed by the Forest Panchayat.

8. Election Petition and appeal.

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

(2) Any Party aggrieved by an order under sub-rule (1) may within thirty days from the date of order prefer appeals to the Collector and the Collector shall dispose of such appeal within thirty days as far as practicable.

9. Declaration of constitution of Van Panchayat.

Sub-Divisional Magistrate, will finally declare the Van Panchayat having formally constituted and declaration will consist the names of Sarpanch and members of the Constituted Van Panchayat.

10. Intimation about Constitution of Panchayati Forest and Forest Panchayat.

After the constitution of Panchayat Forest and the Forest Panchayat under these rules the Sub-Divisional Magistrate shall send intimation about their Constitution to the Commissioner, the Conservation of Forests, the Collector and the Divisional Forest Officer concerned.

11. Composite Management Plan.

Panchayat Van Vikas Adhikari shall prepare a Composite Management Plan for all the Panchayati Forests under his 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 modification's within sixty days.

12. Microplan.

It shall be obligatory on the part of a Forest Panchayat to prepare a micro plan on the basis of guiding principles given in the Composite Management Plan for the management and protection of Panchayati forests for a period of five years with the assistance of the Sahayak Panchayat Van Vikas Adhikari, giving due consideration to the requirement of the right holders and ensuring the ecological balance of the region. The microplan will be placed before the general meeting of all the right holders for its approval before it is finally sanctioned by the Panchayat Van Vikas Adhikari. It shall be the duty of Forest Panchayat to follow strictly the prescriptions of the microplan.

13. Annual Implementation Plan.

Every year, Van Panchayat will prepare, an Annual Implementation Plan, for the Management and development of Panchayat forests with the help of Panchayat Van Vikas, on the basis of sanctioned microplan, and will get it approved by Sahayak Panchayat Van Vikas Adhikari by first of September. When this is done the prescription of such annual implementation plan will be made operative.

14. Functioning of Forest Panchayat.

The Van Panchayat shall start functioning after the annual implementation plan has been approved by the Sahayak Panchayat Van Vikas Adhikari

15. Terms of the Sarpanch and member of Forest Panchayat.

(1) The term of the Sarpanch and members of a Forest Panchayat shall be five years and Forest Panchayat 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.

(2) Preparation for the election to the Forest Panchayat shall be initiated by the Sub-Divisional Magistrate at least six months before the expiry of the term of existing Forest Panchayat, under intimation to the Collector and Panchayat Van Vikas Adhikari.

(3) In case the term of Forest Panchayat expires and election for constituting new Forest Panchayat could not be held for some unavoidable reason then Collector, shall have the power to extend the term of Forest Panchayat for a period of six months and during this extended term he shall ensure that election to the Forest Panchayat is held.

16. Meeting of the Forest Panchayat and its proceedings.

(1) Forest Panchayat shall hold its meeting at least once in every two months after giving seven days notice. The proceeding of the meeting shall be recorded in Hindi in a Register and a copy thereof shall be sent to the Sahayak Panchayat Van Vikas Adhikari 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 Forest Panchayat at any time after giving at least one day notice.

(2) All decisions of the Forest Panchayat shall be taken by majority vote of the members present and voting.

(3) The quorum of Forest Panchayat shall be five members including Sarpanch or his nominee.

(4) Patwari, Van Panchayat Inspector, Gram Vikas Adhikari, Panchayat Van Up-Van Rajik and Panchayat Vanvid may attend Forest Panchayat meeting but they will not be entitled to vote.

Panchayat Van Up-Van Rajik or the Panchayat Vanvid, as the case may be, shall be the Secretary of the Forest Panchayat and any right holder of the Panchayati Forest who has been selected after a resolution passed in the meeting of Forest Panchayat shall be Additional Secretary of the forest Panchayat, to assist the Secretary in the discharge of his duties.

(6) It shall be the duty of the Sarpanch of a Forest Panchayat to convene a general meeting of all the right holders of the Forest Panchayat once in a year preferably in December or January where Sarpanch will apprise them about the development work of the Panchayati . Forest, expenditure and revenue thereof and shall invite discussion. The proceeding of this meeting shall be sent to the Panchayat Van Vikas Adhikari. The right holders will be required to intimate their respective demand of fuel wood for the whole of year in the annual general meeting and will also give their suggestions regarding development of Panchayati Forest, if any.

17. Removal of Sarpanch or member by vote of no confidence.

- (1) The Sarpanch of a Forest Panchayat 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 Forest Panchayat and passed by a majority of not less than two-third of the total members of the Forest Panchayat.
- (2) If majority of the Forest panchayat members consider it necessary to remove an individual member, the Sarpanch shall report the fact to the Sub-Divisional Magistrate. 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 Sub-Divisional Magistrate shall immediately call on the voters assembled to elect a new member for the un-expired portion of the term of the member so removed.

18. Exploitation and Utilization of forest produce.

- (1) The extent of exploitation of any forest produce from the Panchayati Forests shall be as provided in the microplan and no forest produce shall be exploited unless the ecological requirements of the area are ensured by Forest Panchayat.
- (2) 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 microplan.
- (3) After fulfilling the requirement under sub-rules (1) and (2) the Forest Panchayat may, on a resolution passed by it and with prior approval of Panchayat VanVikas Adhikari, 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.

(4) After fulfilling the requirements, as provided under sub-rules(1) and (2) if the Forest Panchayat feels that it has exploitable trees or other forest produce for commercial sale within its forests, it shall apply to Sahayak Panchayat Van Vikas Adhikari who shall forward the application after preparing an estimate of its value with his comments and recommendations to the Panchayat Van Vikas Adhikari for orders, or receipt of which further action to mark and sell the tree or other forest produce shall be taken by the Up Panchayat Van Vikas Adhikari to sale it by a public auction.

(5) Subject to the provisions of sub-rule (1), 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 interment and urgent bonafide domestic use;

Provided that:

- (i) A resolution of Sanction is Passed in the meeting of Forest Panchayat or consent of more than half of the Forest Panchayat members is obtained in writing prior to sale; and
- (ii) It will be compulsory for the Sarpanch to mark such tree with his stump marker prior to its felling.

19. Duties of Forest Panchayat.

The duties of a Forest Panchayat within its jurisdiction shall be:-

- (a) To prepare a five year micro-plan and Annual implementation for the Panchayat Forest and submit it to Panchayat Van Vikas Adhikari and Sahayak Panchayat Van Vikas Adhikari for sanction and approval 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 Panchayat Van Vikas Adhikari;
- (c) To ensure that no land of 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 execute orders passed by the Panchayat Van Vikas Adhikari 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 Panchayati Forest.

(g) To protect the forests from illicit felling of trees, lopping, fire and other damages and conserve them;

(h) To ensure that catchment areas of water sources are well wooded with appropriate tree and vegetation species to maximise rain water conservation;

(i) To promote natural regeneration through management of forest fires, controlled grazing by excluding from grazing one-fifth of Panchayati Forest annually by rotation and to promote three tier appropriate vegetation on degraded land;

(j) To ensure preservation of wild life;

20. Powers of Forest Panchayat.

Forest Panchayat 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 Panchayati Forest for a sum of money upto 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 Forest Panchayat shall realize the full market value of the property involved in the offence, as assessed by an officer, not below the rank of a Panchayat Van Vikas Adhikari, 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 Panchayati Forest;

(d) To impound cattle, trespassing into the Panchayati Forest in accordance with the Cattle Trespass Act, 1871;

(e) To exclude, from any or all privileges in the Panchayati Forest, any person, whom the Forest Panchayat may for sufficient grounds consider to be

responsible for any fire or damage to the Panchayati Forest area or who does not obey order issued by the Forest Panchayat in exercise of the powers conferred on it;

(f) To seize all tools or weapons used in committing forest offences within the area of Forest Panchayat;

(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 fuel if considered necessary; provided such an exploitation has the prior approval of the Panchayat Van ViKas Adhikari, and made for the bonafide use of the right holders; Provided further that the permission of the Panchayat Van Vikas Adhikari would not be necessary for allowing grazing, or cutting of grass or collection of fallen fuel.

(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).

21. Power to frame bye-laws.

The Forest Panchayat may frame bylaws for the distribution of forest produce among persons entitled thereof, for regulating, grazing, cutting of grass and collection of fuel, to levy fee to meet its administrative expenditure and for any other purpose consistent with these rules. The bylaws shall come into force after they have been approved by the Panchayat Van Vikas Adhikari.

22. Appointment of Staff.

Subject to the availability of funds, Forest Panchayat may appoint such number of paid personnel as may be considered necessary.

23. Maintenance of Registers and Records.

Every Forest Panchayat shall maintain such registers, book and records for such period as may be prescribed by the State Government or the Collector or the Panchayat Van Vikas Adhikari or the Microplan/Project.

24. Annual report of the working of the Forest Panchayat

The Forest Panchayat shall submit to the Panchayat Van Vikas Adhikari 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 region to the collector. The annual report for the Forest Panchayat shall be compiled by the Secretary of

the Forest panchayat, Panchayat Van Up Van Rajik or the Panchayat Vanvid, as the case may be and shall contain the following information:

- (a) A statement showing the utilisation of the Panchayat Forest Fund.
- (b) A statement showing the demand and realisation;
- (c) A statement of income and expenditure;
- (d) A statement showing the utilisation, fellings (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;
- (e) Any other matter of importance the Forest Panchayat for performing his duties under these rules.

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 Forest Panchayat;
- (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 Forest Panchayat;
- (d) To supervise and control the staff and establishment maintained by the Forest Panchayat;
- (e) To carry out the resolutions of the Forest Panchayat;
- (f) To arrange for the maintenance of the various registers and to carry out all correspondence on behalf of the Forest Panchayat;
- (g) To institute civil suits and launch prosecutions on behalf of the Forest Panchayat

(h) To nominate in writing a member of the Forest Panchayat for the functions of Sarpanch in his absence.

(2) The Sarpanch shall use the seal of Sarpanch inscribed with the name of the Forest Panchayat only in the presence of two other members of the Forest Panchayat 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 Forest Panchayat 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 upto this limit from the Panchayati Forest Fund in anticipation of sanction of

26. Resignation of Sarpanch.

The Sarpanch of a Forest Panchayat 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 handling 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 Sahayak Panchayat Van Vikas Adhikari 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.

28. Revenue and Expenditure Panchayati Forest Fund.

(1) A Panchayati Forest Fund shall be created for every Forest Panchayat, and the income from the following sources shall be deposited in it:

(a) The sale proceeds of forest produce;

(b) Government grants;

(c) Any other source of revenue.

(d) Money being the share of Van Panchayat lying utilized with the collectors under sub rule (2) Kha) of rule 23 of Panchayati Forest Rule, 1976

(2) All money received under sub-rule (1) shall be deposited without unreasonable delay in the savings bank account opened in the name of the Forest Panchayat in a Post Office, a Nationalized Bank, Scheduled Bank, co-operative Bank and shall be operated jointly by the Sarpanch and Secretary of the Van Panchayat.

(3) All withdrawals from the Bank shall be made with the prior approval of Van Panchayat and details of the amount withdrawn and expenditure incurred shall be placed before the general meeting of all the right holders in their next meeting.

(4) 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 Panchayati Forest Fund.

(1) The Panchayati Forest Fund shall be managed by the Forest, Panchayat under the overall control of. the Panchayat Van Vikas Adhikari.

(2) Money due to a Forest Panchayat shall be paid to the Sarpanch or the Secretary or a member authorised by the Sarpanch 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 Forest Panchayat in the nearest Post Office, Nationalised Bank, Scheduled Bank, Co-operative Bank. The account shall be operated by the Sarpanch. All the withdrawals shall be by cheque which shall be countersigned by the Secretary of the Forest Panchayat.

30. Determination of net income from forest produce and distribution and utilisation thereof.

(1) The net income from the sale of resin and other forest produce shall be determined as follows:

(a) The Forest Department shall take all 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, the 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 compensation amount and fees shall be deposited in Panchayati Forest Fund and its distribution and utilization shall be done in the following manner:

(a) Twenty percent to the Zila Panchayat for implementation to development projects of public utility;

(b) Utilisation of balance eighty percent of amount shall be done for implementation to development purposes, like projects of public utility, maintenance and development of Panchayati Forest in the following manner:

(c) Not less than fifty percent of the amount shall be incurred for maintenance and development of Panchayati Forest by Forest Panchayat;

(i) Not more than fifty percent of the amount shall be incurred on implementation of projects of local utility by Forest Panchayat. The proposal of this expenditure shall be passed in annual general meeting by Forest Panchayat by making annual plan.

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

Budget, Accounts And Audit

31. Annual Budget.

Every Forest Panchayat 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 Panchayat Van Vikas Adhikari 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 Panchayat Van Vikas Adhikari shall accord his sanction by the following 31st March.

32. Modification and changes in annual budget

A Forest Panchayat may, at any time after the annual budget takes effect, can suggest any modification or changes therein by adopt a resolution in this behalf. The Sarpanch shall forward a copy this resolution to the Panchayat Van Vikas Adhikari who make modifications and changes in the annual budget.

33. Accounts.

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

34. Audit of accounts.

- (1) The audit of the accounts of every Forest Panchayat shall be done under the orders of the Chief Audit Officer to Government Co-operative Societies and Panchayat, Uttranch at such intervals and in such manner as the State Government may direct. The Sarpanch shall be responsible for production of the records of Forest Panchayat for audit.
- (2) Up Panchayat Van Vikas Adhikari will nominate three right holders to carry out summary interval audit every financia year and such audit reports shall be put up to the Panchay Van Vikas Adhikari for perusal.

35. Disposal of audit objections

The audit objections, if any, shall be discussed at a special meeting the Forest Panchayat convened by the Sarpanch within a month of receipt of the same and the action to be taken in regard to the, shall be decided. The action decided to be taken shall be communicated and detailed reply to the audit objections shall be submitted to the Panchayat Van Vikas Adhikari 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 Panchayati 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 Forest Panchayat and the Panchayat Van Vikas Adhikari who shall immediately inform the Collector.

37. Inquiry about embezzlement of money.

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

38. Suspension of member or Sarpanch.

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

39. Removal of member or Sarpanch.

The Collector either of his own or on receipt of complaint may, after enquire made by him or through an officer not below the rank of Sub-Divisional Magistrate, remove such member or Sarpanch of a Forest Panchayat 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) Misbehaves or indulges in physical violence in any meeting of the Forest Panchayat;
- (iv) Acquires any of the disabilities under these rules;
- (v) Remains absent without any valid reason in three consecutive meetings of the Forest Panchayat;

Provided that a member or Sarpanch of a Forest Panchayat 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 or rule 39.

Any person aggrieved by an order under rule 38 or 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 Forest Panchayat nominated by the Collector in this behalf.

42. Nomination of temporary Sarpanch.

Where the Sarpanch of a Forest Panchayat is suspended or the office of the Sarpanch has otherwise become vacant the collector may nominate in writing a member of the Forest Panchayat as a temporary Sarpanch of the Van Panchayat to exercise all the powers and perform all the duties of the Sarpanch until he is reins fated 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 Suppression or Dissolution of Forest Panchayat.

The Collector may suspend, supersede or dissolve any Forest Panchayat if in his opinion such Forest Panchayat 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

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 Panchayati Forest.

When a Forest Panchayat is dissolved, suspended or superseded, the Collector may depute an officer now below the rank of Van Panchayat Inspector or sahayak Panchayat Van Vikas Adhikari for the temporary management of the Panchayati Forest till a new Forest Panchayat is reconstituted.

46. Re-constitution of Forest Panchayat.

It shall be obligatory on the part of Collector to reconstitute new Forest Panchayat within a period of six months from the date of suppression or dissolution of a Forest Panchayat under rule 43.

47. Recovery of Forest Panchayat dues.

All money due to a Forest Panchayat 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 Forest Panchayat.

In case a Forest Panchayat 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 Panchayat Van Vikas Adhikari at the expense of the Forest Panchayat.

49. Power to prohibit, rescind modify or confirm the execution of resolution, direction or order passed by Forest Panchayat.

The Panchayat Van Vikas Adhikari may be order in writing prohibit, rescind, modify or confirm the execution of a resolution, direction or order passed by a Forest Panchayat 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 Forest Panchayat by Official

- (1) Collector, Sub-Divisional Magistrate, Panchayat Van Vikas Adhikari, Up Panchayat Van Vikas Adhikari, Sahayak Panchayat Van Vikas Adhikari and Van Panchayat Inspector will inspect Panchayat Forests under their jurisdiction and review its working from time to time.
- (2) Copy of such inspection reports shall be forwarded to Panchayat Van Vikas Adhikari who will take appropriate steps as he deems proper.

51. Inspection of Forest Panchayat and its forest by legislatures etc.

The members of the Legislative Assembly, Adhyaksha Zila Panchayat and Pramukh of Kshetra Panchayat shall be entitled to inspect any Panchayat and its forests within the area they represent.

52. Constitution of Paramarsh Datri Samiti.

Constitution of Zila Panchayat Van Paramarsh Datri Samiti

In every district where Panchayat Forest and Forest panchayat under rules 3 to 9 have been constituted a Zila Panchayat Van Paramarsh Datri Samiti, shall be constituted which shall be here inafter called Paramarsh Datri Samiti. The Prammarsh Datri Samiti shall consist of the following members:

1. Adhyaksh Zila Panchayat	Adhyaksh
2. Panchayat Van Vikas Adhikari of the district	Sachiva
3. One Male Sarpanch nominated by the Collector	Member
4. One female Sarpanch nominated by the Collector	Member
5. Divisional Forest Officers posted in the district	Member
6. District Panchayat Raj Officer	Member
7. Block Pramush nominated by District Magistrate (not more than two)	Member

All the Hon'able members of State Legislative Assembly of the District will be special invitee to the Samiti meeting.

53. Meeting of Paramarsh Datri Samiti.

The meeting of the Paramarsh Datri Samiti shall be held atleast once in a year.

54. Duties of the Paramarsh Datri Samiti.

Duties of the Paramarsh Datri Samiti will be as under.

- (a) To review the working of Forest Panchayats;
- (b) To issue guidelines regarding improvement in Panchayati Forests.
- (c) To help Forest Panchayats to arrange funds from various sources.
- (d) To assist Forest Panchayats in discharging their duties.

55. Joint Forest Management

If a Forest Panchayat be Resolution, decides that Panchayati Forest under its management, be managed in accordance with Uttar Pradesh Joint Management 1997 Rules, the Panchayati Forest, in such situation, shall, subject to the supervision, direction, control and concurrence of the Divisional Forest Officer, be managed jointly by the Forest Panchayat and such officers of the forest department as are nominated in this behalf by the Divisional Forest Officer, on terms and conditions specified in form-I and the provisions of the Uttar Pradesh Panchayati Forest Rules, 1976 shall cease to apply in respect thereof.

56. Saving in respect of existing Panchayati Forests/Forest Panchayat.

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 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
Dr. R.S.Tolia
Principal Secretary

No. (1)/1-Va.GraVi./2001.above dated

Copy forwarded to the following for information and necessary action:-

- (1) All Principal Secretaries/Secretaries, Govt. of Uttranchal.
- (2) Commissioners of All commissionaires Uttranchal.
- (3) Staff Officer, Chief Secretary, Govt. of Uttranchal.
- (4) Principal chief Conservator of Forests Uttranchal, Nainital.
- (5) All Heads of Departments, Uttaranchal
- (6) All Chief Conservators of Forests, Uttranchal. All Heads of Departments, Uttranchal.
- (7) All District Magistrates, Uttranchal.
- (8) Director, Govt. Printing Press, Roorkee, Uttranchal with the request to publish the notification in the forthcoming edition of the Gazettee and Supply 7000 copies of the notification to the Government.
- (9) Accountant General, Uttranchal, Uttranchal Prakosht Allahabad.
- (10) All District Development Officers/Project Directors, Uttranchal.
- (11) Director, Treasury, Uttranchal.
- (12) All Presidents Districts Panchayats/District Panchayat Officers, Uttranchal.
- (13) All Divisional Forest Officers, Uttranchal.
- (14) All Pramushs, Chhetra Panchayats, Uttranchal.
- (15) Guard File.

By Order

(Ashok)
Additional Secretary