

## INTRODUCTION

India's forest management policies have been the centre of intense debate on environment and development for over last three and a half decades. Concern for the state of forests arises from the increasing awareness that forests are essential for sustainable development of not only the population living in and around forests but also as repository of nation's valuable natural resources including genetic diversity. It is argued that the State has usurped the rights of local communities over a period of time leading to alienation of local population from the management of forests. On the other hand, forests under State management have suffered serious depletion due to relentless pressure from ever increasing demand from trade and industry and the tendency of the forest department to look upon forests as revenue earning resources (Khanna & Sama, 2001).

The manifest failure of State and market mechanisms to promote sustainable and equitable natural resources management in developing societies has stimulated a search for community based alternatives (Agrawal & Gipson, 1999). It is argued that community based natural resource management (CBNRM) offers the best prospect for meeting conservation objectives while improving the condition of marginalised forest communities who are denied the fundamental right to substantive participation in decisions that impact on their well-being and livelihood. The basic assumption of CBNRM is that people who live close to a resource and whose livelihoods directly depend upon it have more interest in sustainable use and management than State authorities and distant corporations (Li, 2002).

Our experience with social forestry and eco-development programmes proves the point. Attempts to solve the problem of deforestation and land degradation through social forestry floundered because the symptoms and not the causes were tackled. The social forests as recommended by National Commission on Agriculture could not be created for want of rights and

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titles. The principal purpose of social forestry was to build institutional capacity of communities so that they could undertake fuelwood and fodder plantations through self-help schemes. This did not happen (Saxena 1996). The plantations raised in degraded lands, strips along roads, railway lines and canals are mostly managed as government owned forests defeating the very purpose of social forestry programme. Even the much hyped Joint Forest Management (JFM) and its new face as National Afforestation Programme (NAP) also suffer from the same weaknesses of top-down planning and bureau-technocratic management processes. No wonder, therefore, the poor conservation outcomes of these intrusive resource management strategies have forced the policy makers to revisit the whole issue of participatory natural resource management.

The key challenge today is to evolve a system of conservation and sustainable use of natural resources by creating appropriate institutions that would put to good use the potential for genuine motivation and practical knowledge of local communities in resource management (Rao & Gadgil. 1995). The factors which determine how local communities participate to manage their resources have not been studied adequately and its dynamics are still less understood. It is in this context that the study of Forest Management by Forest Panchayats (*Van Panchayats* in Uttaranchal) assumes importance. A *Van Panchayat* (VP) is a statutory body like that of Gram Panchayat (GP) created for the sole purpose of managing the forests devolved to it for meeting local needs and aspirations. *Van* or forest panchayats in Uttaranchal were constituted as early as in 1931, initially under the Scheduled District Act, 1874 and subsequently under section 28 of the Indian Forest Act, 1927.

Forest panchayats are the product of protracted negotiations and deliberations by Kumaon Forest Grievances Committee (KFGC) constituted by the then government of United Provinces (UP) in 1921 in the wake of an intense agitation by the people of hill districts against the policy of forest settlement restricting people's rights and access to forest resources. Forest panchayats of Uttaranchal are thus the oldest local institutions of community

based forest management which have survived the vicissitudes of changing times and circumstances over nearly eight decades. The existing work on common property institutions has yet to develop fully a theory of what makes for a sustainable community based resource management (Agrawal, 2001). The focus on the institution of forest panchayat in this study is to examine whether it has the potential of meeting the conditions leading to efficient, equitable and sustainable use of the common property resources in the hilly areas of Uttaranchal.

### **Objectives**

The specific objectives of the study are :

- (1) To understand the contextual issues concerning land and forest management in Uttaranchal;
- (2) To study the evolution of forest panchayats as community based forest management institutions in the hilly areas of Uttaranchal;
- (3) To analyse the powers and functions of forest panchayats and factors affecting their effectiveness as institutions of participatory common property resource management; and
- (4) To suggest measures for strengthening forest panchayats for sustainable development in the hilly and mountain areas.

### **Methodology**

This study was taken up under the individual study scheme of NIRD during 2002-2003. This was supposed to be a quick and short study to understand the form and functioning of the forest panchayats of Uttaranchal. The methodology adopted was to glean through the published literature and also the records of the State Government, specially the department of revenue and forest to get an insight into the origin and evolution of forest panchayat institution in the State. This was supplemented with the structured discussion with some officers of the State Government connected with the management of forest panchayats as also forest panchayat functionaries

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themselves specially the forest panchayat sarpanches. Subsequently, few case studies of forest panchayats were added to get more insight on the functioning of forest panchayats and also to appreciate the real issues involved in their management. Thus, a combination of documentary research and case study approach has been used to capture the dimensions and dynamics of community based resource management exemplified by the working of forest panchayats.

#### **Survey of Literature**

Considering the fact that forest panchayats were formed during the second decade of the last century, it is amazing that it did not evoke interest among the forest researchers and the social scientists for a long time. This is a clear indication of the neglect suffered by the institution of forest panchayat for nearly four decades of their oblivious existence. Even the world renowned *Chipko* movement spearheaded by the noted social activists of Uttaranchal during the seventies and eighties did not resurrect forest panchayats to their rightful position. We will not go into the question of why it happened as that issue will be discussed in the subsequent sections of this report. Suffice to say here that the institution of forest panchayat was considered insignificant and information on forest panchayats was so suppressed from the public specially from the intelligentsia that they were not noticed.

It was only after the Forest Conservation Act, 1980 imposed restrictions on the use of forest land for non-forestry activities and subsequent moratorium on felling above 1000 metres as imposed by the Supreme Court that forest panchayats started attracting official and academic attention leading to some studies and documentation work. Notable among the studies are by the State Planning Institute U.P (1983), Ballabh and Singh (1988), Saxena (1996), Rawat (1998), Tolia (1998), Agrawal (2001) and Sarin (2001). The study by State Planning Institute U.P. was carried out in the context of the proposed amendment to Forest Panchayat Rules 1976. The study dwelt on the management aspects of the forest panchayats by treating it a programme of the government. The study typically focused on the

compliance of the various provisions made in the Forest Panchayat Rules 1976 and the study found that an average annual income earned by forest panchayat over 12 year period was Rs. 1136. It concluded that the forest panchayats have failed in achieving the objective of planned development of forest resources due largely to lack of fund and non-cooperation of the people. The study also found that there were 4290 forest panchayats in the five hill districts of Almora, Nainital, Pithoragarh, Pauri Garhwal and Chamoli. There were no panchayats in Tehri, Uttarakashi and Dehradun districts. The total area covered by these panchayats in 1983 was 241800 ha.

Tolia (1998) in his monograph on Land, Forests and Village Community has made a broad sweep of the issues connected with the management of common property resources, land and forest management, genesis of forest panchayats and suggestions for their strengthening. He observed that forest panchayats suffered from an overall neglect not only by the forest department but also from the revenue department. He has suggested for converting it as one of the functional committees of village panchayat to look after the subjects devolved to them under 11th Schedule of the Constitution. Ballabh and Singh (1988) in their comparative study of the 1931 and 1976 Rules governing the working of forest panchayats concluded that the revised rules have reduced the powers of forest panchayats and correspondingly their capacity to protect and manage panchayat forests has also diminished. The weakened forest panchayats find it difficult to deal with the encroachers or others who violate the rules framed for the use of forest resources. The main problem was lack of cooperation from the functionaries of revenue and forest departments who were supposed to provide the needed administrative and technical support to the panchayats.

Sexena (1996) in a monograph titled Towards Sustainable Forestry in The U.P. Hills observed that though *Van* (Forest) panchayats were grass roots organisations and had tremendous potential for enlisting people's participation, owing to the indifferent attitude of the administration and other associated problems the forest panchayats were not functioning

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efficiently. He has highlighted the problems of dual control of revenue and forest departments, lack of delegation to forest panchayats to enable them to take quick action, lack of government functionaries to supervise and dispose of long pending requests of forest panchayats, poor or no budgetary support, encroachments, poor record keeping, lack of training, ban on felling etc. Despite these limitations and constraints, many forest panchayats were doing well in protecting their forests. He has suggested delegation of more powers to forest panchayats. He concluded that if forest panchayats are given adequate financial and administrative support, they could independently take the responsibility of regenerating civil and soyam forests in the region.

Rawat (1998) in the *Forestry in Central Himalaya* has described the functions and powers of forest panchayats as stated in the rules framed for their working. He also compared the forest panchayats with the village forest protection committees constituted under JFM scheme of forest department. He described forest panchayats as the only JFM village mechanism which has full and legal backing of the Indian Forest Act 1927. For creation of new forest panchayats, no permission was required under the Forest Conservation Act 1980 which prevents afforestation activity in forest areas by agencies other than the forest department. There was endless potential for its extension into class I reserve forest called civil/soyam forest under the control of revenue department.

Arun Agrawal 2001 in his essay on *State Formation in Community Spaces* contended that categories of forest management, whether christened as scientific forestry or participatory forestry, signified particular alignments of power and allocation regimes. Allowing villagers control over some forested areas could be seen as a changing nature of the relationship between State and communities in the exercise of power. The allocation of new responsibilities to village level institutional regimes was also an effort to craft ingenious ways to manage forests. Formation of forest panchayats did not just symbolise the reproduction of State structure at the local level, it also shows how this reproduction relied on the willingness of locally

situated actors to use new laws to extend State control over themselves. This way, the forest panchayats formed the vanguard of State formation in those locations that were not accessible to State effort.

In his study on Collective Dilemmas and Collective Pursuits, Satanjit Singh focused on the village community, politics and management strategies adopted by forest panchayat to conserve or exploit its resource endowments. He observed that contrary to the current understanding of community and conservation that valorises the community's capability for conservation, the community even in a relatively homogeneous society was fraught with conflicts based on varied interests of its inhabitants. Collective action could often be marred by the diverse economic interests of individual households. The study provides an indepth understanding of how the various pulls in a community affected collective strategies aimed at local conservation and points to the limitations of the existing institutions to forge collective pursuits, given the uneven power distribution in the society.

Madhu Sarin is skeptical about growing interference of the forest department in the affairs of forest panchayats. In an essay from *Right Holders to Beneficiaries*, (2001) the author observed that in the name of devolution, the JFM in Uttaranchal was enabling the forest department to reassert jurisdiction over the only legal example of community managed forests in the country. It was the failure of such centralised bureaucratic authority which led to the shift to devolution policies in 1990. The author argued that genuine devolution of forest management required a reinstitution of negotiated communal property rights with real use and management authority and a reordering of State community roles within a holistic land use and forest policy framework for maturing self-governing community institution.

The Central thesis of this study is that forests belong to people (Woods, 2001) and that in a democracy we cannot wish away the needs and requirements of the people living in and around forests. The vast majority of the people in Uttaranchal live in villages for whom forest is inseparable from the considerations of their livelihoods security. Their needs of

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fuel- wood, fodder, fiber, timber, sand, slate, stone, fruits, roots, herbs etc., have to be taken into consideration in formulating the strategy for conservation and development of our forest resources for larger societal benefits. Secondly, considering that forests constitute the dominant land use and the land available for private use in the hills is less than 10 per cent of the geographical area, forests and other common property resources such as water and minerals must only provide the basis for creating avenues of employment and economic support to prevent the exodus of its young and exegetic people necessary for sustainable development of hill economy. This calls for devising appropriate institutional mechanism for channelising adequate flow of earning from the forest resources to local population, both human and animals.

## LAND AND FOREST ISSUE IN UTTARANCHAL

The new State of Uttaranchal occupies a pivotal position on the northern borders of India. It largely comprises the erstwhile hill districts of Uttar Pradesh popularly known as Uttarakhand or '*Dev Bhoomi*' the abode of God. It is a source of sacred rivers, the Ganga and the Yamuna and is dotted with several holiest shrines and pilgrim centres. The State has a geographical area of 53483 sq.km. constituting 1.6 per cent of the country's geographical area. The population according to 2001 census was 8.48 million which constitutes about 0.8 per cent of the country's population. The average density of population works out to 159 persons sq.km., though the density varies widely between the lowest 37 persons sq.km. in Uttarkashi district to a highest of 612 persons sq.km. in Haridwar district. Rural-urban distribution of population is 74.4 and 25.6 per cent, respectively.

Land use is dominated by the forests which occupy nearly 65 per cent of the total area of Uttaranchal. On the other hand, the net sown area is only about 14 per cent of the geographical area. This also does not reflect the real ground situation as most of this cultivated land is located in the plain districts of Haridwar and Udham Singh Nagar. In the hilly districts, net sown area is uniformly low, around 9 per cent of the total area. This is significant because three quarters of the population in the hills live in rural areas and over four-fifths of rural workers are dependent on agriculture for their livelihoods. For the success of any economic enterprise, access to and control over the factors of production is a necessary requirement. If the main economic base of hills economy i.e. agriculture is so weak, one can imagine the difficulty in the development of the region. Yet, ironically, agriculture contributed nearly 29 per cent of the SDP. The forests, which occupy about 65 per cent of its land area, contributed only 2.55 per cent of the SDP (GoU, 2004). This is the main argument of our discussion on the land and forest issue in Uttaranchal.

## **Forest**

FAO defines forest as land with tree canopy cover of more than 10 per cent and an area of more than 0.5 ha. According to FAO, timber and rubber wood plantations are classified as forests, but fruit orchards and trees planted under agro-forestry system are classified as other lands with trees outside forests (SFR, 2001).

In India however, legal connotation of forest is employed to classify an area as forest. An area of land recorded as forest in revenue records or proclaimed to be forest under a forest law or Act is described as forest. Thus, forest area is an area recorded as forest in the government records. The recorded forest area is categorised into (i) Reserved Forest, (ii) Protected Forest and (iii) Unclassed Forest.

*Reserved Forest* : Reserved forest is an area notified under the provisions of Indian Forest Act or State Forest Acts as forest having full degree of protection. In reserved forests all activities are prohibited unless permitted.

*Protected Forest* : Protected forest is an area notified under the provisions of Indian Forest Act or State Forest Acts as forest having limited degree of protection. In protected forests all activities are permitted unless prohibited.

*Unclassed Forest* : Unclassed forest is an area recorded as forest but not included in reserved or protected forest category. Ownership status of such forests varies from state to state.

*Recorded Forest Area* : The State ranks 6<sup>th</sup> among the States/UTs in terms of percentage of recorded forest area (SFR, 2003). Of the recorded forest area of 34662 sq.km., 23827 sq.km. or 68.7 per cent is reserved forest, 10673 sq.km. or 30.8 per cent protected forest and 162 sq.km or 0.5 per cent is unclassified forests. Of the 10673 sq.km. protected forest, 5178 sq.km

or 48.51 per cent is now under forest panchayats and 5495 sq.km. or 51.49 per cent as Civil/ *Soyam*\* forest which is under the control of forest department since 1964. Prior to 1964, Civil/ *Soyam* forests were under the control of revenue department.

The actual forest cover however was only 24465 sq.km. or 70.06 per cent of the recorded forest area. Of this, very dense forest cover comprised only 4002 sq.km. or 16.4 per cent, moderately dense forest area 14420 sq.km. or 58.09 per cent and open forest accounted for 6043 sq.km. or 24.7 per cent of the forest cover (SFR,2003). Thus, there is a considerable difference between the recorded forests and the actual forest cover. Recorded forest area refers to all lands statutorily notified as forests irrespective of whether they have any tree cover or not. It shows that in Uttaranchal, actual forest cover is only 70.6 per cent of the recorded forest area and 44.76 per cent of the total area of the State, and one-fourth (24.7 per cent) of it is open forest with crown density between 10-40 trees per ha.

Since about two-thirds of the area of Uttaranchal is recorded as forest area, the dependence of local population on the forest resources has always been very substantial. There exists a symbiotic relationship between agriculture and forests in the hills. On an average, one hectare of cultivated land requires two hectares of forests to support it (Sanwal 1989). It is, therefore, imperative to maintain a balance between the cultivated land area devoted to annual or bi-annual crops on the one hand and adequate forest cover adjoining the village on the other. Declining forest cover or its closer is a great threat to the well-being and prosperity of the local people. They are, therefore, willing to protect the forest resources adjacent to the village as it is in their self-interest. The people in the hills look upon forests not only to complement their agriculture but also to supplement their income.

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\* In the princely State of Tehri (now Tehri and Uttarkashi districts) civil forest or wasteland was called *soyam*'. *Soyam* in revenue parlance refers to the poorest soil quality where nothing grows.

### **History of Marginalisation of People**

Prior to annexation of Uttaranchal hills by the British in 1815, there were no restrictions on the use of forests by the people. Forest land was tenure-free and constituted an integral part of agro-pastoral economy of the hills people. There was no interference from the rulers. Village communities regulated the use of forests through their traditional institution called “*Lath Panchayat*” meaning a Panchayat for the management of forests in which rules were locally evolved and varied from village to village (Dewan, 1998). The first major intervention in land management came with the successive land surveys and settlement operations carried out by G.W. Trail, the second Commissioner of then Kumaon Division (Common administrative unit comprising about two-thirds of present Uttaranchal). In 1823, during the course of the fourth survey and settlement operation, besides measuring and mapping the agricultural land and assigning rights of ownership to the proprietors, village boundaries were also demarcated as outer limits for future extension of cultivation in the adjoining forests and ‘*Benap*’ (unmeasured) land and for exercising villagers’ rights of grazing and use of forests for their fuel, fodder, timber etc., needs. These boundaries were drawn in conformity with the customary rights enjoyed by the villagers over the adjacent forests and generally covered wide areas with a radius of about 5 miles from the centre of the village (Saxena, 1995).

These village boundaries described as ‘*Nazar Andzi*’ or eye gestimate at the time of settlement, became a permanent point of reference for the hills people as far as their rights on village commons are concerned (Tolia, 1988). The seeds of village or community forestry in Uttaranchal were sown with the commencement of the Trail’s settlement in the first quarter of the nineteenth century. This operation for the first time, formalised the notion of ownership of the village community over the forest land around them on which they could apply the rule of inclusion and exclusion and claim exclusive right. Until then, forest had not much importance other than meeting the subsistence needs of the local community. The vastness and abundance of forest encouraged the illusion that they were inexhaustible.

However, by the middle of the nineteenth century, the situation changed radically. The growth of ship building industry and expansion of railway network in India increased the demand for hard timber on a large scale. At the same time rosin and turpentine processing created demand for resin extracted from pine trees. The forest acquired commercial importance and with that started the phase of State control, restrictions and regulations on the use of forest resources. To prevent indiscriminate exploitation of the forests, the then Commissioner of Kumaon division, Henry Ramsey was appointed as ex-officio Conservator of Forest in 1860 (Rawat 1998). Ramsey took the initiative to check indiscriminate felling by introducing the system of closing of forest and working in rotation and hammer marking of the trees cleared for felling.

In 1864, the Governor General of India, ruled for abandoning the proprietary rights of individuals in the forests and to implement this policy, a new legislation to regulate the use of forests was mooted which gave birth to the first Indian Forest Act of 1865 (Barfal *et.al* 2002). It was followed by the creation of a separate department of forest for Kumaon division in 1868 and transfer of 'Sal' forest area to the new department for scientific management. The new conservator of forest submitted an action plan for the regulated use of forest in 1869. At the same time, attempts were also made to prevent irresponsible exploitation of forests by unscrupulous elements, considering the widening gap between demand and supply of hard wood for the fast expanding network of railways. This led to the amendment of the 1865 Forest Act in 1878, which formalised State monopoly over the forests, thus diluting and compromising the traditional and customary rights of the forest dwellers on the resources of their habitat (Guha 1989).

The new Forest Act 1878, for the first time classified the forest into two categories *viz.*, (i) Reserved forest and (ii) Protected forests. In the reserved category were included those forests which were relatively less affected by biotic interference or were beyond the reach of the villagers. They were closed and brought under the control of forest department. The

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customary rights of the local community over the reserved forest were extinguished. The second category of forest was brought under the control of the civil authority, the commissioner of Kumaon. They were designated as protected forests meaning reserved, but none the less, open for subsistence use of the people who were allowed the right to collect fuelwood, grass for fodder, lopping of trees, quarrying of stones, grazing of animals and collection of minor timber and non-timber forest produce like fruits, roots, cane, honey, game animals etc., all for subsistence and domestic use. Such protected forest areas were delineated through an elaborate forest settlement process in which the onus of proving their traditional and customary rights on the forest land was on the village communities (Guha 1989).

However, the Government did not stop at that. The importance of the forests both for commercial as well as conservation purposes was increasing. The colonial Government clearly saw an opportunity to raise revenue by increasing the sale of forest products. The forests, which were an integral part of the social economy of the hill community, had assumed great commercial importance. In order to camouflage the stealth by the government, forests were declared as 'national wealth' and to gain absolute control over the forest and other natural resources of the hills, the government issued a notification on 17th October 1893 by which all the '*Benap*' (unmeasured) and fallow land lying within the boundaries of the villages was declared as the State property and placed under the category of 'District Civil Forests'. The deputy commissioner of the district was delegated with the powers of the conservator of forest to regulate the use of these lands.

The significance of this development lay in the fact that it snatched away from the people, their right to freely use the '*Benap*' and fallow land lying within the boundaries of the villages as defined under Trail's 1823 settlement popularly known as 'Sal Assi' settlement i.e. settlement of 1880 Vikrami Sambat. It also resulted in the termination of the people's traditional right of extension of agricultural holdings over the '*Benap*' fallow lands within the village boundaries. Further in 1902, the district civil forest was also divided into two categories of (i) Closed Civil Forest and (ii) Open

Civil Forest. The closed civil forest was obviously declared as reserved forest within the civil forest and open civil forest remained as protected forest in which only, the village communities were allowed to exercise their limited rights of cattle grazing, fuel and fodder collection etc., in a restrained manner. In order to demarcate the closed and open civil forests, fresh forest settlement operations were carried out between 1911 and 1917 on an extensive basis to cover and close the forest lying within the village boundaries of 1823 revenue settlement. As a result of these settlements, the area of reserved forest alone increased by 3311 sq. miles or nearly 5000 sq.km. In this settlement, the closed civil forests were declared class II reserved and open civil forests as class I reserved forests. These were the new reserved forests added during 1911-1917 settlement operations.

Obviously, the takeover of the forest land from within the village boundaries was perceived by the people as a retrograde step and an infringement of the established positions and clear encroachment on their legitimate rights. Specially, the acquisition of '*Benap*' and fallow land by the government through the notification in 1893 did not go well with the people. This action was openly denounced as a regressive policy of the government, which sowed the seeds of antagonistic relationship between the people and the forest, on the one hand and between people and the forest department on the other. This resulted in an unprecedented uprising of the people and the easiest way to vent their anger was to burn the forest. Frequent forest fires racked the country side burning beyond the powers of colonial government to control or douse the fire. In the year 1921 alone, the area of forest that was reportedly burnt was over 253927 ha. most of which was due to incendiary fires (Guha, 1989), The Government was forced to relent and pave the way for the formation of forest panchayats.

The growth of forest panchayats will be discussed in the subsequent section of this report, here we revert back to the tactics adopted by the Government to consolidate its hold on the forests of Uttaranchal even after accepting the recommendations of Kumaon Forest Grievances Committee (KFGC). The major flaw in the whole process was that while the land was

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transferred from forest department to revenue department in 1924 purportedly for the use of the local community, the rules and regulations for the management of this land were framed after 7 years in 1931. Secondly, the system of customary rights, enforceable communally and also judicially which existed before 1911, was replaced by new rules of forest panchayats whose rights came into operation only after it was constituted individually and separately for each village by the sanctioning authority of the Divisional Commissioner (Saxena 1995). Naturally, this was a slow and long drawn process. Moreover, the revenue officials who were to take initiative in the formation of forest panchayats were indifferent, not used to this type of job, and were also preoccupied with their own revenue and law and order responsibilities. As a result, forest panchayats were formed only in some villages where the local community was proactive and the vast majority of villages remained without a forest panchayat.

Without an omnibus institutional arrangement for the management of the forests transferred to revenue department, it got degenerated into open access lands resulting in heavy deforestation by opportunistic elements in the society. The Government, instead of expediting the formation of forest panchayats to regulate the use of forest, thought it proper to revert 3000 sq. km. of civil forest land back to the forest department in 1964 (Saxena 1995). Secondly, the last revenue settlement called '*Hal Bandobast*' of 1955-65 excluded the forest area which lay within the village boundary of 1823 settlement. As mentioned above, most or all of these forests had been settled as district civil reserved forests during 1911-1917 forest settlement. Thus, the villages where forest panchayats could not be constituted lost their right on the forest land which was within the boundaries of the village earlier. As a result of all these manipulations, people of Uttaranchal have been deprived of their customary and legal rights on forest resources, the dominant factor of production as evident from Table 1.

Table 1 shows the status of recorded forest area in Uttaranchal in a comparative perspective of the two other new States of Jharkhand and Chhattisgarh and one neighbouring hilly State of Himachal Pradesh which

is similar in size and characteristics and which has been the source of inspiration for the demand of the separate State of Uttaranchal. It will be seen that Himachal Pradesh has the highest share of recorded forest area which is 66.5 per cent of the total geographical area closely followed by Uttaranchal with 64.81 per cent. Other two States of Jharkhand and Chhattisgarh are way behind at 29.6 and 44.2 per cent, respectively, but still higher than the national average, 23.6 per cent. When we see the distribution of forest area under different categories of Reserved, Protected and Unclassed forests, the scenario is different. Uttaranchal with 68.7 per cent of the recorded forest area under the category of reserved forest tops the rank among the states listed there. Other states are far behind in the share of reserved forest to total recorded forest area. In fact, other states are lower than even the national average of 51.06 per cent. Interestingly, Himachal Pradesh has the lowest of only 5.1 per cent recorded forest area under the reserved forest category and highest of 89.2 per cent area under the protected forest category in which Uttaranchal is lowest.

**Table 1 : Recorded Forest Area in Selected States**

State	Geog. Area	Recorded Forest Area				As per cent of Geog. Area
		RF	PF	UF	Total	
Uttaranchal	53483	23827 (68.7)	10673 (30.8)	162 (0.5)	34662 (100.00)	64.81
Himachal	55673	1896 (5.1)	33043 (89.2)	2094 (5.7)	37033 (100.00)	66.52
Chhattisgarh	135191	25782 (43.1)	24036 (40.03)	9954 (16.7)	59772 (100.00)	44.21
Jharkhand	7974	4387 (18.6)	19185 (81.3)	33 (0.1)	23605 (100.00)	29.61
India	3287263	399919 (51.6)	238434 (30.8)	136387 (17.6)	774740 (100.00)	23.57

Source: State of Forest Report, 2003, Forest Survey of India.

### ***Chipko and After***

Guha in his foreword to India's Forest Policy and Forest Laws (Singh 2000) has succinctly described the contradictions inherent in Indian forest policy even after Independence. To quote him "The forest department was unquestionably the most unpopular arm of the colonial government. After India became independent in 1947, the legislative and administrative apparatus of forest management remained unchanged. Control and commercialisation remained the operating motives of State policy. If anything, State control and commercial exploitation both intensified to meet the growing demands of industry, large areas of natural forests were cleared and replaced by monocultures of exotics. Factory users of wood were given handsome subsidies while village users were grievously discriminated against. For example, bamboo was sold to a Birla-owned rayon mill at one rupee a tonne while basket weavers had to buy it at the market rate which tended to be at least a thousand times as much. Tragically, even in free India, government policy continued to seriously ignore village needs, demands and interests".

Although Guha concluded his observations with the statement that the forestry regime began to change only in the seventies in response to popular protests such as *Chipko* movement which broke out in 1973, the experience in Uttaranchal shows that nothing had really changed even after *Chipko* movement. No doubt, the *Chipko* movement was a rude shock to the powerful control and commercialisation lobby in the forestry sector, but instead of getting chastened and subdued, the lobby successfully maneuvered to turn the tide against the *Chipko* ideology itself. The decade of seventies was marked by a series of forestry related legislations in U.P. all aimed at tightening the grip of forest department which appeared to be loosening in the wake of *Chipko* movement. As stated earlier, 3000 sq. km. of civil/*soyam* forest which had been de-reserved and transferred to revenue department in the early thirties was reverted back to forest department in 1964. This encouraged the forest department to increase its influence in the remaining over 4000 sq. km. forest land under the control of forest

panchayats by amending the 1931 Forest Panchayat Rules in 1972 and again in 1976 as we shall see later. Besides amending the Forest Panchayat Rules in 1972, and 1976, another draconian law called U.P. Protection of Trees in Rural and Hill Areas Act 1976 which prevents individuals from felling marketable species of timber trees growing in their own land without obtaining permission from forest department officials. In 1981, a blanket ban on all green felling above 1000 mtr.asl was imposed.

The *Chipko* movement which started in 1973 from the forests of Reni and other villages in Uttaranchal was actually the movement against the discrimination policy of the Government in allocation of industrial timber to contractors from outside while refusing the same to a local industry managed by the forest labourers cooperative setup with the KVIC help. Dasholi Gram Swarajya Sangh (DGSS) had a saw mill operated by its forest labourers cooperative. DGSS applied to forest department for some ash trees used for making yokes used in ploughing by the farmers. But the department declined permission stating that the ash tree was under protected category and therefore, could not be felled. A sports goods manufacturing company from Ludhiana was awarded the contract of felling ash trees from the same forest where DGSS denied permission. The people, men and women in that area, stood in rage and protested to prevent felling of ash trees by the contractor. This was done by giving a war cry '*Chipko*' meaning hug or tightly embrace the trees. The women of the village challenged the labourers of the contractor to chop off their necks before felling the trees. The labourers returned without doing the assigned job and the trees were saved. This was the significance of *Chipko* movement which spread all over Uttaranchal in no time.

But '*Chipko*' which was basically a movement of local people to gain control over the use of their forest resources so critical for their sustenance was projected by the national media as a movement for the conservation of forests because the net result was that the forest was saved. Thus, the issue of local forest rights got sidelined as the idiom of *Chipko* got hijacked by the new national and global ideology of environmental conservation. Despite

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its emphasis on promoting local forest based livelihoods and employment, 'Chipko' was used to justify a spate of fresh centralising environmental policies and laws with consequences adverse to the interest of local people (Sarin 2001). The first thing that the Government did was that it constituted a Forest Development Corporation in 1974 to departmentalise the commercial harvesting and working of forests. Ostensibly the objective was to replace the contractor system but the hidden agenda was to deny the local institutions and cooperatives to get into forestry operations. In actual practice, the labour regime adopted by the corporation was identical to the practices established by its predecessor, the private contractors i.e. engaging labour from outside the region through the agency of 'mates' or labour contractors (Saxena 1995).

This was followed by another Draconian Law called U.P. Protection of Trees in Rural and Hills Areas Act in 1976 to prevent individuals from felling marketable species of trees for timber even on their own land without obtaining permission from forest department officials. The Central government in 1980 passed the Forest Conservation Act to make it mandatory for the state governments to seek prior permission to transfer even one acre of forest land for non-forest purposes. Further, through an amendment to Forest Conservation Act, in 1988, afforestation work by any individual or institution other than and without the permission of the Government was ruled illegal (Saxena, 1995). These developments completely alienated the people from the forests around them.

### **Agriculture**

In the beginning, agricultural land use was suitable for crop production. Irrigated or rainfed low lands were main producers of foodgrains. They were well terraced with inward slope. Terraces were regularly repaired after the rainy seasons during winters. Irrigation was done by gravitation channels to irrigate as much land as possible. The rostering of water and its distribution was done by the village consensus. The village self-help conventions maintained the system. Farming system was highly integrated i.e. soil fertility was maintained with the compost made of cattle dung.

Livestock were maintained by fodder obtained from forests and grazing which were well stocked. The basic needs of fuel were also met from the adjacent forests. Inter-village forest boundaries were defined by convention based on the principle of proximity and natural divides like ridges or rivulets. Forests were protected by conventions and also by patrolling. Fodder needs of dry seasons like winter and summers were met by a system of collection and storage based on indigenous techniques. Leaves of non-fodder trees and shrubs were used for animal beddings which contributed the material for rich manure and compost. The system depended on locally available renewal resources, required low inputs with low but stable productivity (Shah, 1996).

It is believed that this equilibrium was maintained till the middle of the nineteenth century after which it started getting disturbed. The main factor behind the decline was the forest reservation policy of the colonial government. Progressive extension of reserved forests on the one hand and mounting demand of increasing human and livestock population on the other hand made the land left for the use of the villagers grossly inadequate. This led to decline in agricultural yields due to drop in support system. To meet their growing foodgrain requirements, people started extending agriculture to marginal and sub-marginal lands on higher slopes triggering soil erosion and land degradation.

In spite of the fragile ecology, the pressure of population on the land is very high. The agricultural density in Uttaranchal works out to 1204 persons sq.km. if we take only net sown area and 739 persons sq.km. to consider gross cropped area. In view of the limited productivity of land because of thin and constantly eroding soil mantle, these densities are unsustainable. Low productivity of agricultural land and lack of viable alternative sources of livelihood left no alternative to the people but to migrate out of the region for supplementary income. This largely explains the exodus of young and enterprising people from Uttaranchal which has serious implications not only for the economic development but also for the enrichment of the socio-cultural life in the hills.

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Studies have shown that income from crop husbandry in the hills varies from 15 to 41 per cent of the total household income. Whereas between 26 and 32 per cent household income is contributed by the livestock sector. On the other hand, non-farm sources are found to be contributing 31 to 53 per cent of the family income (Maithani 1992). It means that given the physical and structural constraints, the conventional farm sector : crop animal husbandry combination is not capable of meeting even subsistence needs not to speak of surplus income to meet the higher needs of its people. That means the exodus will continue. The situation clearly calls for looking beyond this combination for securing livelihoods above subsistence levels on a sustained basis.

The solution lies in changing the land use system and expanding and diversifying the economic base of the hills people. One way to deal with the situation is to transform the existing crop-animal husbandry combination into viable agro-forestry and horti-silvi-pastoral land uses. In such an expanded farming system the crop husbandry need to be restricted to about 10 per cent of the present cultivated land in the valleys which is irrigated and productive. The dominant farm sector activity can only be tree cropping or agro-forestry. This should serve as the main income earning component of the expanded farming system. Thus, at the strategic level, diversification of mountain economy into horti-silvi-pastoral land uses is seen as a viable solution to the twin problems of poverty and environmental degradation.

### **Land Constraint**

This strategy however is not likely to work because of the small size of landholdings and widely scattered terraced agricultural plots. The average landholding in Uttaranchal varies from the lowest 0.54 ha in Pithoragarh district to a highest 1.67 ha in Nainital district (CMIE 2000). There are altogether 9.25 lakh landholdings in Uttaranchal of which 88.11 per cent are small and marginal holdings. If we leave aside the plains districts of Udham Singh Nagar and Haridwar, all landholdings in the hill districts are small and marginal holdings with an average holding size of less than 1 acre or 0.4 ha. It is to be admitted that a viable diversified horti-silvi-pastoral

farm unit in the hills would require an operational landholding of not less than 4 ha size. Based on land to man ratio, it should not be difficult to afford a farm size of 4 ha per household provided the ambit of land use is extended beyond the 'nap' or cultivated private holdings and is extended to *Benap* or civil/*soyam* forest land within 1823 village boundaries. If the people centered development in Uttaranchal has to draw upon its factor endowment i.e. land, then releasing the land constraint for diversified agri-horti and agro-forestry based farming systems should be a prudent policy imperative.

Management of land and forest in Uttaranchal is an issue which has not been addressed with the priority and concern it deserves notwithstanding intense debate and discussion on this subject. This is an area of neglect which manifests the lack of will to grapple with the real issues concerning livelihood security of mountain community and environmental stability for the sustainable development of the mountain people as well as the people in the Gangetic plain. In Uttaranchal hills, practically the entire land is owned by the Government controlled by the Forest, Revenue, Horticulture etc., departments. The land available to people for cultivation as stated above is less than 10 per cent of the reporting area on which subsists the entire population which has grown many fold from the time when the village boundaries were first drawn in the year 1823. Part of this village land was usurped by the Government by converting them into class I and II Reserved Forests during 1911-1917 forest settlement as discussed above. Thus, contrary to the common notion, the pressure of population on land is more acute in Uttaranchal hills than in the plains. The debate on the land and forest resources in Uttaranchal generally gets stuck on the question of transferring chunks of forest and wastelands to the poor people. There are various Statutes and Acts which prohibit such transfer and use of forest land for non-forest purposes. At the same time, the Indian Forest Act provides for the formation of village forests. It states that "the State Government may assign to any village community the rights of Government to or over any land which has been constituted a reserved forest.... All forests so assigned shall be called village forests".

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Similarly, the National Forest Policy 1988 calls for “meeting the requirement of fuelwood, fodder, minor forest produce and small timber of the rural and tribal population” and “creating a massive people’s movement with the involvement of women” among its main objectives. The forest policy goes much beyond in stating that “Land laws should be so modified wherever necessary so as to facilitate and motivate individuals and institutions to undertake tree farming.... Wherever possible degraded lands should be made available for this purpose either on lease or on the basis of tree patta scheme”. Of all the things these two provisions in the Forest Act and National Forest Policy have so far not been implemented in Uttaranchal.

### **Forest Economy**

It is now widely recognised that as more and more people in poverty press upon limited natural resources due to restrictions imposed by the Government, they begin to deplete the stock of renewal resources and degrade the natural base on which these resources renew themselves. According to Dove (1993), poverty of forest dwellers is an outcome of the exploitation of forest resources by powerful outsiders. One aspect of this argument is the suggestion that NTFP are unlikely to be a solution to poverty as any product that is valuable and for which commercial exploitation is viable will be taken over by such outsiders (Fisher 2000).

This view is supported by our experience in Uttaranchal where trade in medicinal herbs, resin, sand, stone etc., is the monopoly of the public corporations in spite of the fact that Panchayati Raj Act and even forest panchayat rules intend to devolve them to local institutions. Our forest policies seek to protect the forest from the people rather than for them. The policy of treating the forest as a source of raw material for national development rather than as a source of livelihood for the local people adversely affects the relationship between people and forests (Sanwal 1996). Experience also shows that where legislation has secured the rights of villagers, results have been very encouraging. The Panchayat Forests in Uttaranchal is a case in point which now extends over 48 per cent of the civil/*soyam* forests area with the tree cover matching that of the Reserved

Forest even when panchayat forests are not fully controlled by the community and income benefits flowing to the people have been negligible.

The view that excessive orientation to commercial angle in forest management will tend to destroy the emotional attachment that people have with the forest is mistaken. The real attachment comes from the expectation of economic benefits which works as the most powerful incentive for the people to participate with concern and care. The main factor behind the tragedy of commons (Civil/Soyam Forest) in Uttaranchal is the separation of the economic angle from the social angle in the management of the CPR. Another reason was the absence of any institutional arrangement for the regulated use of the forests by the people. Collective management and collective institutions are also effective only when there is economic incentive. There are off-course exceptions, when people take up plantations with emotional attachment and a sense of satisfaction.

Since the major land use in Uttaranchal is forest which is essentially a common property resource, it becomes necessary to develop viable village level institutions like forest panchayats for their profitable management. The point to be emphasised is that, acquiring users rights rather than ownership right over CPR including forest should be the main plank of the strategy in the community based resource management in mountain areas of Uttaranchal. The paramount need is to devise a land management policy which could strike a balance between the livelihood security of the hills people on the one hand and imperative of restoring ecological balance on the other. The first priority for creating a sustainable forest based economy should be to establish a property rights regime that integrates the economic interests of hills people with the health of forest eco-system. The new State of Uttaranchal will be required to introduce radical shift in the pattern of resource use to ensure both livelihood security and quality of life for its citizens. Panchayati forests will provide the institutional basis for such a shift in resource management.

## **EVOLUTION OF FOREST PANCHAYATS**

Forest panchayats were created in Uttaranchal through the notification of Kumaon Forest Panchayat Rules 1931 in response to mass protests against conversion of common village lands into reserved forest. To facilitate the establishment of panchayat forest, newly created Class I reserved forest located closer to villages were transferred from the control of forest department to the revenue department in 1924 with the legislative enactment on the recommendations of Kumaon Forest Grievances Committee (KFGC). The committee was set up by the colonial rulers in 1921 to enquire into the grievances of the hills people and suggest modifications in the policy of forest reservations. The report of the committee is reproduced at annexure 1. The most significant suggestions of this Committee were :

- (i) To de-reserve the larger part of the reserved forests created during 1911-1917 forest settlements; and
- (ii) Lay the foundations for creating community forests that would be managed under a broad set of rules framed by the Government but for which villagers themselves will make the specific rules for every day use to fit local conditions.

In retrospect, one single act that laid the foundation for one of the oldest community based resource management institutions in India, to my mind was the drawing of village boundaries during the initial survey and settlement operations in 1823 which included large chunks of forest and fallow lands as a support area and a buffer to meet the sustenance needs of the village communities. The credit for this historic act undoubtedly goes to the then Commissioner of Kumaon G.W.Trail who with whatever motive, showed the sensitivity to safeguard the livelihoods of the hills communities subsisting on agro-pastoral economy. In no small measure, the credit should also go to P.Wyndhum, another Commissioner of Kumaon who after 100 years of Trail's settlement operation showed great appreciation of the need

and problems of the common people of the hills and agreed to the suggestion of reverting part of the reserved forests to the people and the proposal for the management of the forests by the village community through forest panchayats.

The Government accepted both the recommendations of the KFGC which paved the way for the establishment of forest panchayats first under the provisions of Scheduled District Act 1874 and subsequently under Section 28, of the Indian Forest Act 1927. The Government notification – “Kumaon Forest Panchayat Rules 1931” laid the guidelines for the constitution and working of forest panchayats. The full text of the notification is placed as annexure II of this report. Briefly, the rules stipulate the following:

### **Definition**

The rules state that “Any land lying outside the boundaries of the Municipalities and Cantonments for the management of which a plan is prepared under these rules, will be treated as panchayati forest and these Rules will apply to all such lands”. Clearly, it has to be (i) Wasteland in rural areas for which (ii) A plan for conservation and afforestation should be prepared by the Panchayat. It may be noted that the very definition of the forest panchayat stipulates a plan for afforestation and conservation of the wasteland.

### **Formation of Forest Panchayat**

“Any two or more title holders or tenants or artisans who have been either themselves or their family members living in the village for more than 12 years... can apply to the Deputy Commissioner for Constitution of forest panchayat within the boundaries of the village.... However, if one-third or more families of the village oppose such a proposal, permission for establishment of the forest panchayat will not be granted”. The rules also stipulate that while applying for the creation of panchayat forest, specific details regarding the location of the land and its boundaries should also be given with the proposal.

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Under a special provision, the regulation allowed the formation of more than one forest panchayat in one village if the village is riven with groupism and factions. This is to be done by dividing the village common land between such groups. It shows that the Government was keen to utilise the opportunity occasioned by the prolonged agitation and the sensitisation created by it for the development of wasteland. Further, it also allowed formation of forest panchayats in uninhabited villages made of the “people who cultivate the land there or who claim a right on the forest of the village”. It also allowed the forest panchayat to be formed by even two families meaning thereby that it could be small users group for the management of the forest land allotted to them for the purpose and there could be more such groups operating in the same village.

“After receiving the application... the Deputy Commissioner will inform the Pradhan(s) about it with all the details of the land proposed to be covered under the forest panchayat. A date will be fixed by the Deputy Commissioner to hear objections if any”. No less a person than the Deputy Commissioner or District Magistrate was required to visit the village for constituting the forest panchayat. This shows the importance attached to the task by the colonial rulers.

“On the appointed date the Deputy Commissioner will visit the site for on the spot inspection of the land. After hearing claims and objections from the people gathered there, he will give his decision then and there”.

“After that the Deputy Commissioner will call all the right holders at a place and the time convenient to him and get the forest panchayat constituted in his presence. The panchayat can have minimum 3 and maximum 9 members. After that the members will elect a Sarpanch from amongst them”.

The rules also provided for the appointment of a Special Officer “for the inspection and reconstruction of the panchayat forests”. The special officer would work under the direction of the commissioner but as an

assistant of the deputy commissioner in the district. “The Special Officers will enjoy all those powers which are vested in the Deputy Commissioner”. It is evident that the Government took up the issue of forest panchayats in a serious manner and accorded them a very high status by making them to interact and be guided by an officer no less than the Deputy Commissioner or a special officer appointed exclusively for overseeing the affairs of forest panchayats reporting directly to the commissioner and enjoying powers vested in the deputy commissioner. The amount of interest and responsibility taken by the Commissioner himself is also noteworthy. It is clear that forest panchayats were placed under the charge of a special officer in the rank of Dy. Commissioner i.e. senior than the Divisional Forest Officer (DFO).

The rules laid that “the decisions of the Special Officers .... will be subject to review by the Deputy Commissioner and the decisions of Deputy Commissioner can be reconsidered by the Commissioner”. And that “the decision of the Commissioner .... will not be challenged in the court of law”. In a way the Divisional Commissioner was more than the Head of the Department of the forest panchayat project. After all it was the Commissioner who constituted the KFGC and accepted its recommendation for the formation of forest panchayats. Thus, the Commissioner was the mentor of the forest panchayats.

### **Role and Responsibilities of Forest Panchayats**

The 1931 rules did not specify any functions and responsibilities as such but the procedure suggested focuses on the role of forest panchayats and how the panchayats were to perform them. It says : “After the constitution of forest panchayat, the Deputy Commissioner will prepare a written Memorandum of Association (MoU) for the management of the land allotted for the establishment of forest panchayat”. While deciding the terms and conditions, Deputy Commissioner was advised to “keep the existing conditions of the piece of land set aside for the purpose of forest panchayat”. The rules stipulated that the Deputy Commissioner should include the following points in the MoU.

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- (i) The panchayat or its members will not be authorised to either sell or divide the land allotted for the purpose of forest panchayat.
- (ii) The panchayat will use the produce of the panchayat forest only for the benefit of its members who are in the list of right holders. It meant that there was scope for the sale of forest produce by the panchayat excepting resin which was governed by a separate set of rules.
- (iii) Panchayat will prevent the loss of trees occurring due to negligence of the users.
- (iv) Panchayat will not allow any member or user to use the panchayat land for agriculture purpose.
- (v) Panchayat will cause to erect the boundary pillars and protect them.
- (vi) The panchayat will abide by the orders issued by the deputy commissioner from time to time for the protection and improvement of the panchayat forest.

It will be noticed that there is no mention of a management plan for the panchayat forest as was emphasised in the definition section above. It appears that the management plan essentially meant good conservation practices leading to natural regeneration of forest to the level of sustainable yield.

#### **Tenure of the Forest Panchayat**

The term of the members of forest panchayat was fixed at 5 years. The rules allowed the sarpanch to appoint new members in the event of any vacancy arising in the mid-course of the panchayat's five-year life. But the sarpanch or the panchayat was not authorised to fill a vacancy arising due to the removal of a member. The procedure for the removal of a member was also laid down in the regulation. For removing a member through a majority vote, the sarpanch would inform the deputy commissioner who

will visit the village to witness the voting and also see that a replacement was also elected in the same sitting of the panchayat.

### **Powers of the Forest Panchayat**

The declaration rules that the status of the panchayat will be like that of Forest Officer, and the panchayat would exercise the following powers within its jurisdiction.

- (i) Imposing a penalty of Rs. 5 for any violation of the rules by any user. If this penalty was considered inadequate, initiating legal proceedings against the offender after reporting the matter to the higher authorities. The forest panchayat had the powers to not only impose penalty but also to initiate legal proceedings against the offender.
- (ii) Presenting and arguing the case arising out of these petitions.
- (iii) To issue passes after receiving fees for the collection of grass, fuel wood, stones, slate etc., and grazing of animals.
- (iv) Panchayat will regulate the entry of cattle and control grazing in the forest.
- (v) Panchayat can confiscate the animals entering the forest without its permission and can detain them for 48 hours.
- (vi) If any right holder caused any damage to panchayat forest, panchayat can deprive the offender from the rights on forest produce after ascertaining their complicity in the act.
- (vii) Forest panchayat can also confiscate the tools and implements used in its forest.
- (viii) Forest panchayat can frame bylaws to distribute the products of forest and to regulate the use of forest like grazing, grass cutting, fuelwood collection etc., among the right holders. For this purpose, if required, panchayat can appoint patrol or chowkidar to guard and enforce the rules.

### **Tapping and Sale of Resin**

The forest panchayat was not permitted to tap and sell resin from chir trees without the prior approval of the forest department. Resin being the main commercial produce of the forest, was retained as a monopoly of the forest department. Therefore, a different procedure was adopted for the extraction of resin if it was to be done by the forest panchayat. The rules stipulated that :

- (i) Tapping and sale of resin will be done by the forest department directly and the income earned from this will be distributed between panchayat and forest department in the ratio to be decided by the Conservator of Forest, or
- (ii) The panchayat could carry out the task of resin tapping on the following terms;
  - (a) That resin tapping work will be done only in accordance with the prevailing procedures laid by forest department and the forest department can make surprise checks to ensure whether or not the rules are being followed.
  - (b) That the entire collection (resin) will be sold either to the forest department or to the agency authorised by the Conservator of Forest.

A rider was also added that if the conservator of forest any time felt that the works were not being carried out by the panchayat as per laid norms or if it was felt that resin tapping was not considered necessary, the conservator of forest could stop the work with the due permission of the ceputy commissioner. These special provisions for resin tapping are indicative of the hyper sensitivity of the forest department against decentralisation and sharing of cash income with the local people. Yet, the rules did not rule out resin tapping by forest panchayats if they had the skill and wanted to do the job.

### **Functioning of the Forest Panchayats**

The forest panchayats would hold their meetings once in three months to be chaired and conducted by the sarpanch. Sarpanch as an elected head is the Chief Executive and therefore, responsible for the enforcement of the rules. All registers, accounts and cash and other mobile property of the panchayat would be in his custody. All decisions would be taken democratically in the meeting based on the majority opinion. The sarpanch is required to prepare the minutes of the meeting and keep all records of forest panchayat. Two-thirds members would constitute the quorum and in-case of a tie, the sarpanch can exercise his right to vote for settling the case.

Income from all sources would be deposited in the forest panchayat fund. This amount was to be utilised first for the development of panchayat forest i.e. fencing, plantation etc. and the balance if any would be spent on public services within the village.

The deputy commissioner was authorised to suspend or terminate the forest panchayat if in his assessment the panchayat was violating the provisions laid in the notification or was found unable to fulfill its responsibilities as per the rules. In such a situation, the deputy commissioner could constitute new forest panchayat for the village following the laid down procedure again. If the people of the village did not favour constitution of a new forest panchayat, then the deputy commissioner had the option either to hand over the panchayat forest to the forest panchayat of the adjacent village willing to take responsibility or to hand over the management to revenue or forest department. In the latter case the deputy commissioner would himself assume the powers of the Forest Panchayat as per section 12 of the Panchayat Forest Rules 1931. In case, however, the new panchayat could not be formed for some reasons, the panchayat would stand dissolved and the land reverted to the original position that existed before the establishment of the forest panchayat.

### **Role of Forest Department**

It is noteworthy that 1931 Rules did not assign any role to forest department in the management of forest panchayats. The only role assigned to the forest department was to inspect the work and the accounts etc. of forest panchayats within their jurisdiction and report to the deputy commissioner. Among the officials of forest department, only conservator of forest and the divisional forest officers were authorised to do the inspection of forest panchayats which shows the high status enjoyed by these bodies treated as democratic institutions at the grassroots level.

In order to protect forest panchayats from the machinations of petty bureaucracy of the forest and revenue departments, the members of Kumaon Forest Grievances committee were also authorised to carry out independent inspections of forest panchayats within their areas and report directly to the commissioner with a copy of their inspection report to the deputy commissioner. Panchayat forests are demarcated as village forest under section 28 of the Indian Forest Act and are entered in the land records in the name of panchayats giving them the much needed legal support.

### **Strong Government Support**

To give direction to the nascent institution, an apex advisory body known as Kumaon Forest Advisory Committee was formed by the Government. This was nothing but rechristened form of the erstwhile Kumaon Forest Grievances Committee, which had successfully mediated the agreement between the anti-reservation agitation leaders and the Government. The then Commissioner, Kumaon and the Chairman of the Forest Advisory Committee, Owen (1933-35) had in his notes described the Forest Advisory Committee as “really the Kumaon Parliament and a most useful body” (Tolia 1998). Another Commissioner Ibbotson (1937-39) also took keen interest in the forest management and in his note advised the deputy commissioners to “master the art of managing Panchayat Forests”. Preservation of Class I forests (which had been transferred to the revenue department) in his view was the most important task in Uttaranchal

for containing the floods, soil erosion and augmenting water supply. “If forests could not be preserved, both hills and plains stand a chance of the fate of Mesopotamia” he wrote. Ibbotson advocated “wide extension of the panchayati forests movement” and considered it his top priority job. Subsequently, Commissioner T.J.C. Action (1941-43) and W.W. Finlay (1943-47) also continued to guide forest panchayat regime with great personal care and regard for the rules and procedures to maintain their credibility. They did not believe in targetted approach and in adding mere numbers. The emphasis was on submission of the proposals by the villagers voluntarily and maintaining quality and setting standards and healthy conventions for the working of the new institution. It is evident from the fact that in spite of the strong support from the top Government authority, the number of forest panchayats constituted in the whole of Uttaranchal between 1926 and 1947 was only 429 (Tolia 1998). This is in stark contrast to the current approach when in our chase for targets, hundreds of forest panchayats are constituted overnight on paper !

With the passage of time, specially after Independence, the interest in forest panchayats waned in the new euphoria generated by the post-Independence nation-wide programme of community development and extension service. This slowed the progress of the formation of forest panchayats in the same zeal with which it had started. One of the factors contributing to the complacency perhaps was that the people no longer felt any difficulty in accessing civil forests unlike earlier when they would have acrimonious exchanges with the forest guards on a daily basis. In 1948, the State Government further liberalised its land policy with the passage of Kumaon ‘*Nayabad*’ Grant and Wasteland Act. This over-rode the provisions of the Government notification of October 1893 by which all the ‘*Benap*’ land lying within the boundaries drawn in 1823 land settlement was declared as the State property and converted as district civil forests (Vaid, 1989). This made it easy for the villagers to extend cultivation over adjacent ‘*Benap*’ lands, the common property of the village. After this Act, the rights of the villagers over the unmeasured land were restored to pre-1893 level subject to certain conditions (Tolia 1998).

### **Dilution of Government Support**

The forest department which inherited the structure of colonial Government was always opposed to the transfer of civil and protected forests to revenue department and then on to the villagers for the constitution of panchayat forests. It is another matter that during the British time, forest officials were not able to influence the decision of the Government in their favour even though the conservator of forest had been the Secretary of the Forest Grievances Committee as well as in its new form as Forest Advisory Committee. But they continued to regard forest communities as obstacles to conservation. The professional foresters considered that the goals of conservation and the interests of local communities were in opposition. Traditional management of resources was discredited on the lines that population growth impelled the forest communities to over-exploit the forest resources citing Hardins 'Tragedy of Commons' as a case in point (Singh 1999). Moreover, the opening of civil forests for extension of cultivation and clearance of the forests for the establishment of orchards, fruit belts, road construction etc., resulted in large scale deforestation during the first decade after Independence. This appeared to be proving what the forest department had been advocating.

In order to prevent further damage to forest cover, the State Government instead of expediting the formation of forest panchayats as an instrument of social responsibility and control, preferred to revert the civil forests back to forest department in 1964 (Pandey 1994, Saxena 1996). This action of the Government put the clock back to 1893, undoing what had been achieved by the people of Uttaranchal after years of struggle and agitation against the anti-people policies of the colonial Government. Subsequently, Kumaon Nayabad Grant and Waste Land Act, 1948 was also repealed in 1973. This naturally peeved the people, which combined with the pentup anger of continued denial of access to forest resources started simmering to explode in the new wave of agitation which found expression in the '*Chipko*' movement of the seventies. The factors and circumstances behind the rise of '*Chipko*' have already been discussed in the preceding section. Mainly,

it was a protest against the policy of deliberate discrimination in favour of big business, industries and contractors in awarding contracts for commercial exploitation of forest resources and a conscious attempt to ignore the rightful claims of the local small and cottage industries and forest labourers' cooperatives. Under the impact of '*Chipko*' movement, the Government merely modified the mode of extraction of forests by replacing contractors by a State monopoly called Forest Development Corporation. Other issues subsumed in the '*Chipko*' particularly the question of involving local community as partners in the management and use of forest resources, were ignored.

### **New Forest Panchayat Rules**

Two new developments during the early seventies signaled the dilution of earlier State support to forest panchayats and increased the role of forest department in the management of civil and panchayat forests. One was the amendment of 1931 Forest Panchayat Rules in 1972 with the enhanced role of Government officials and second was the creation of parallel forest department at district and lower level for afforestation of civil/*soyam* forests which were reverted to forest department in 1964 from the control of the revenue department. It may be recalled here that the entire civil/*soyam* forest land was to be converted into forest panchayat land as recommended by KFGC which was accepted by the then State Government. Thus, the existence of forest panchayats was undermined even when there was enough evidence of good performance by the large number of panchayats both in conservation and development of Panchayat Forests (SPI 1984, Singh & Ballabh 1994, Pande, '94). In fact the Kumaon Forest Grievances Committee had recommended that "if in future the Government are satisfied that the management of excluded forest (Panchayat Forest) has been successful, it is suggested that Government might consider the ultimate handing over of the entire Class I and Class II Reserves to District Boards for management (Govt. of UP 1921)". But it was not to be and instead, the democratic State Government considered it more prudent to hand over these forests to forest department.

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The new forest panchayat rules first notified in 1972 and again renotified in 1976 modified many provisions of 1931 Rules in such a way that compromised the autonomy and status of the forest panchayats. Though the deputy commissioner continued to be the pivot of forest panchayat affairs, the role of special officer was assigned to sub-divisional magistrate designated as forest panchayat officer who would in turn be assisted by forest panchayat inspectors who was either a tahsildar or a *naib* tahsildar. Quota of inspection was fixed for all the officers starting from commissioner down to block development officer. The role of forest department was also increased by adding many new provisions such as making it mandatory for the forest panchayat to get the working plans prepared for the panchayat forest by the forest department. The forest panchayat was required to strictly adhere to the prescription of the working plan and any deviation from the working plan could be made only with the prior approval of the conservator of forest. Similarly, in the 1931 notification, the panchayat was authorised to collect and distribute grass, stones, slate etc., among the right holders, but now it could be done only after obtaining the consent of the Divisional Forest Officer. The representative of the DFO along with the VLW, Patwari and Panchayat Secretary were allowed to attend forest panchayat meetings as non-voting members. Similarly, the enforcement powers of sarpanch were reduced and benefit sharing arrangements were modified resulting in no or less income accruing to forest panchayat. Thus, the forest panchayat rules 1972 limited the concessions that the hills peasant had won from the colonial Government. The original texts of the 1972 panchayat forest rules are placed as Annexure III to this report.

This was bound to raise fresh ire as the moves were perceived to be anti-people and against the spirit of the recommendations of the Kumaon Forest Grievances Committee and all that the '*Chipko*' stood for. There were mass protests to which the people of Uttaranchal had by then become accustomed. Agitations were frequent and widespread sometimes taking violent turns. In 1976, the majestic Nainital Club was put on fire and was burnt completely because that happened to be the venue of the Forest Auction where forest contractors and officials had gathered. Huge forests were lost

in incendiary fires. Frequent protests and the fast unto death undertaken by the renowned Gandhian, Sunderlal Bahuguna in the forests of Badiyargad (Alakananda Basin) forced the Government to enforce moratorium on green felling above 1000 m.asl. for 20 years. In effect, it meant that felling of green forest for timber was banned even for the Forest Development Corporation. It is interesting to note that the Government was willing to suffer huge losses of property and forest and would not mind the wrath of people but was not prepared to consider the legitimate demand of the people to change its policy of exclusive rights for serving the needs of outside market at the face of local deprivation.

### **Back to Forest Department**

Management of forest panchayats has always been a bone of contention between the revenue and forest departments. Circumstances at the time of the formation of forest panchayats were such that the revenue department had to be placed at the centre stage because of the sheer contempt with which the forest department was held by the people then. In fact its origin lay in the report of Kumaon Forest Grievances Committee that means grievances of the people against the alleged atrocities committed by the forest department in their zeal to control the newly acquired reserved forests.

However, it is also true that the revenue department was neither oriented nor interested in the protection and proper management of the panchayat forests. For the revenue department, forest panchayats were merely a formality to be completed in their formation that too at the convenience of revenue functionaries. After the formation of forest panchayats the management of the forest panchayats was left to the sarpanches who were mainly interested in provisioning for the right holders their fuels, fodder and timber dues. The 1976 amendment to the Forest Panchayat Rules had envisaged preparation of working plan for panchayat forests by the forest department. But the revenue department never took the initiative to write to the forest department for the purpose. Because of this communication gap between the two departments, undue misunderstanding was created against the forest department officials that they are not cooperating. Although

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protection of forest against encroachment and misuse was very much on the minds of the panchayats, but the concept of conservation for sustainable use was lacking. As a result, the contribution expected from the forest panchayats to prevent users drawing from the adjacent reserved forests was wanting. In fact, there were instances when the users would spare their own panchayat forest and prefer to draw their supplies of fuel and fodder from the adjacent reserved forests. This naturally peeved the forest department functionaries who were already regretting the loss of government forest to forest panchayats. They were however, successful in wresting the control over forest panchayat land by drastically amending the 1976 forest panchayat rules to their advantage in 2001 at the face of stiff opposition from the pro-revenue department lobby which was supported by the forest panchayat sarpanches also.

Two factors appear to have helped the forest department in their bid to take over the control of forest panchayats. First, the provisions of Forest Conservation Act 1980 enjoined upon the forest department to ensure the safety and security of all sorts of forest land. In fact, the Forest Conservation Act advanced its own definition of forest when it said “ the term forest land refers to reserved forest, protected forest or any area recorded as forest in the Government records (Anonymous 1997-98). This meant that the forest department had a reason to monitor or interfere in the affairs of the forest panchayats. This would not be possible unless space is created in the forest panchayat rules for the forest department to intervene effectively. In this exercise; the forest department was powered by the judicial activism of the Supreme Court which came down heavily against liberal transfer of forest land for various purposes by the politicians. Moratorium on green felling above 1000 m asl. was one such ruling of the Supreme Court which highlighted the need for conservation of natural environment.

Another factor which helped the forest department to regain control over the panchayat forest lands was the requirement occasioned by the preparation for and sanction of U.P. Forestry Project of the World Bank. Preparation for this project had started wayback in 1994-95 but which was

finally sanctioned by the World Bank in 1998. Forest panchayats of Uttaranchal were projected as the living and working JFMs in the State which was naturally attractive for the World Bank to consider while appraising the proposal of U.P. Government. In fact, one of the objectives of the project was to assist the forest panchayats to strengthen their capacity for the efficient management of the forest under their control (Rawat 1998). World Bank Project was such attraction that even the pro-revenue department lobby including the politicians got persuaded to accept the active and rather decisive role of forest department in the management of forest panchayat lands. This is how forest panchayat rules 2001 was approved quietly although the revision of forest panchayat rules 1976 was hanging fire for over two decades. Several attempts had been made in the interregnum to amend FP Rules but nothing would emerge because the problem was always seen as to which department should control the forest panchayats (Saxena 1996). There was hue and cry against the supertitious manner in which the 2001 rules were approved and communicated.

Uttaranchal Forest Panchayat *Sangarsh Morcha* (Front for fighting the cause of forest panchayats) had organised more than 80 conferences all over the State to mobilise public opinion against the new rules. The pressure worked and the Government agreed to reconsider the issue and constituted a committee of legislators and party leaders to consider modifications in the 2001 rules. The committee submitted its report recommending the overhaul of the system for greater autonomy to forest panchayats but instead of implementing the recommendations, the forest department has come out with more stringent Rules in 2005 which have virtually changed the status and character of the forest panchayats to that of a JFM or self-help group totally dependent on the wishes of the forest department functionaries. This however, appears to be a overzealous act which may boomerang on the forest department. Instead of being benign to win over the confidence of the people, the 2005 Rules further confirm or rather reinforce the anti-people attitude of the forest department. However, one of the fallouts of this forced takeover by the forest department is that the department is now committed to expand forest panchayats in all the hill districts. The State

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Government order dated 29, March, 2003 sets out a detailed guideline for the expansion of forest panchayat programme in the State. This order *inter-alia* stipulates that forest panchayats should be formed in all the revenue villages in the hills districts and where civil forest land is not available, the adjacent reserved forest land should be allotted for this purpose.

In conclusion, it is apparent that forest panchayats which were constituted with lot of fanfare and bestowed with due authority and respect as little democracies by the colonial government suffered serious degradation at the 'hands of free democratic government. As a result, the institution of forest panchayat instead of developing into a potent force of sustainable resource management was incapacitated to languish in neglect and disuse. This happened at a time when Panchayati Raj was being advocated and promoted for the success of community development programme which was also ailing due to excessive statism in rural development activities. In a way, this was inevitable in the development paradigm which was the cult of that time. But the way the forest panchayat rules have been amended in 2001 and 2005 does not conform to the popular ethos of the time towards greater decentralisation and devolution of power to local institutions.

The only silver lining in the whole process of shifting control over the forest panchayat is that the panchayats stand extended to all the revenue villages of the hills districts. The gain in the real sense is that the Government is now committed to constitute forest panchayats in all the villages and even where there is no civil forest land or it is not in adequate measures, the adjacent reserved forest land could be used for allotment to the forest panchayat. In a way this is a great policy change which in the long run should help the cause of community based resource management in the state of Uttaranchal.

## **CONSTRAINTS IN THE MANAGEMENT OF PANCHAYAT FORESTS**

The chief function of forest panchayat is to regulate the use of its forests in such a way that it meets the subsistence needs of the village community in a sustainable way. It is, therefore, essentially a problem of natural resource management to satisfy the current needs of fuel, fodder, timber etc., of the stakeholders and also to ensure regeneration and replenishment of the resources for meeting future needs. Though it is a tall order, yet this is precisely what is expected of the forest panchayats. And to guide them in this task, rules are framed indicating broad areas within which they are supposed to operate.

### **Traditional System**

It appears that the prescribed role of the official forest panchayats comes in conflict with the role of informal traditional forest panchayats and for good reasons. In the traditional system, the whole forest area lying within the conventional village boundaries constituted the forest of the village. The chief function of the informal panchayats is largely to prevent extraction of its forest resources by the users from other villages either openly or surreptitiously. It also has some rules for the residents of the village where it performs some regulatory function to prevent excessive use or misuse of the forest by the rights holders themselves. This function relates to closer of the part of the forest used for grazing or plantations, preventing extraction of fuelwood, timber, grass etc., for sale in the market and ensuring equitable distribution of benefits i.e. forest produce between stakeholders. What is not done by the traditional forest panchayats is trade in forest products and, therefore, conceptually there is no scope for cash income and management of fund by the traditional forest panchayat. In real situation, however, some cash accrual may be there mainly by way of collection of fine from the errant member(s) or auctioning of the forest produce and tools confiscated from the members of other village(s). These

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small amounts are accounted for and ploughed back to the management of the forest mostly in the payment of the wages of the forest guard. It is, therefore, simpler and less bothersome for both the panchayat as well as the individual users. Rules are well known and consequences of the violation of the rules are also well understood as they are locally evolved through open discussion and consensus. The standard practice is to appoint a forest guard who is paid through contribution from each household.

#### **Management by Modern Panchayats**

On the other hand, the management of the forest by the new forest panchayats which is the main focus of this study, is rather a difficult task as it changes the relationship between forest panchayat members and the users. This is because in concept the forest panchayat assumes the role of the State agency having been formed by the Government to protect the forest allotted to the panchayat. Here the rules of the game are different. The level of collective interest in the various resources of the forest is determined by the village economy, the state of forests, tenurial arrangements and differentiation within the community. So the approach of all rights holders is never uniform. Specially the poor and the women are not comfortable with the approach of forest panchayat. Although the actual practice on the ground varies from village to village because of the above factors and the flexibility allowed by the rules to frame their own bye-laws, but by and large the approach is to protect the forest resources from encroachers and intruders and then to auction or distribute it among the stakeholders for a price. The price may be nominal, say for grass or fuelwood, but the fact is that it is not free. This policy of pricing of the forest produce even when it is used for domestic use by the residents of the village is something which is not appreciated by users for many reasons.

Firstly, paying for the grass or fuelwood which they themselves harvest from the forest is beyond the imagination of the people who have been for ages using their forests freely to meet their domestic needs. It is their customary right to use forest resources to fulfill subsistence needs. Secondly, large majority of the users being poor cannot afford to pay as they hardly

have any cash left to pay for grass or fuelwood from their own forest. This policy of pricing of forest produce used for domestic needs, therefore, militates against the interests of the poor who instead of being helped, end up getting excluded in the process. Thirdly, given the terrain and distances involved, it is easy to get away with the forest produce without being caught or even when caught, one can always argue that the produce was collected from the adjacent reserved forest which is beyond the jurisdiction of local forest panchayat. The dual control of revenue and forest departments means that none consider forest panchayats as their responsibility. It is evident from the fact that there is hardly full time staff assigned to the revenue or forest department for attending to the task of forest panchayats. As a result, forest panchayats are last in the priority list of the administration (Saxena, 1996). Because of these limitations, resource use management by forest panchayats has not been as effective as it is supposed to be. This is evident for the facts presented in Table 2.

### **Lack of Viability**

The status of forest panchayats in Uttaranchal as on May 31, 2006 is presented in Table 2. Figures in the Table make interesting reading. It shows the physical position with 12092 forest panchayats covering 517789 ha of land. (GoUA, 2006) It may be pointed here that there was a spurt in the formation of forest panchayats after 2003 because of the policy shift in favour of forest panchayats. The State government issued a circular dated 29.03.2003 suggesting formation of forest panchayat in every revenue village (GUA, 2003). As a result of this drive, the number of forest panchayats got nearly doubled from 6413 in 2001 to 12092 in May 2006. But interestingly, forest area under forest panchayats increased from 420779 ha in December, 2001 to only 517789 ha in May 2006. It shows that though forest panchayats were formed, forest land was not transferred to them. As a result, area per forest panchayat fell from 65.6 ha in 2001 to 44.86 ha in 2006. However, the area of forest per panchayat varied widely between the highest 153.97 ha in Chamoli district to a negligible 09.72 ha in Tehri Garhwal district. Average area per forest panchayat worked out to

Table 2 : Status of Forest Panchayats in Uttarakhand May, 2006

S. No.	Name of the Dist.	No. of Forest Panchayats	Area Covered in ha.	Area Per Panchayat, in ha	Net income (Rs.)	Income Per F.P.	Income Per ha.
1.	Almora	2199	69853	31.77	41400000	18827	593
2.	Bageshwar	822	38783	43.97	10100000	11451	260
3.	Champawat	629	31233	49.66	19200000	30525	615
4.	Nainital	496	28068	56.59	1400000	2823	50
5.	Pithoragarh	1666	87054	52.25	3300000	1981	38
6.	Chamoli	1082	166595	153.97	7400000	6839	44
7.	Dehradun	215	7659	35.62	Nil	Nil	Nil
8.	Pauri	2431	52880	21.75	1300000	535	25
9.	Rudrapur	574	15446	26.91	600000	1045	39
10.	Tehri	1332	12953	9.72	Nil	Nil	Nil
11.	Uttarkashi	646	7265	11.25	100000	155	14
	Total/Average	12092	517789	44.86	9422222	8242	186

Source : Forest Panchayat Atlas of Uttarakhand, 2006, Forest and Rural Development Commissioner (FRDC), Govt. of Uttarakhand, Dehradun.

44.86 ha only. Going by the thumb rule of 1 ha of agriculture land needing a minimum support forest area of 2 ha, an average hill village of 50 families should have a minimum of 100 ha forest area under the panchayat to make it viable and sustainable. It appears that on this count most of the forest panchayats are inviable and, therefore, cannot be expected to serve their purpose of meeting the biomass needs of the village and thereby preventing encroachment on reserved forest.

The average land per forest panchayat was lowest in Tehri Garhwal district where it was 09.72 ha. per village (Table 2). A detailed study of forest panchayat formation in the district brought out some interesting facts which cast aspersion on the approach of the departments involved in their formation. The facts are presented in Table 3.

**Table 3 : Size Distribution of Forest Panchayats in Tehri Garhwal Districts**

S. No.	Size Class	No. of Forest Panchayats	No. in % of Total Panchayats
1	2	3	4
1.	No. forest land	28	2.10
2.	Less than 1 ha.	32	2.40
3.	1 to less than 2 ha.	88	6.61
4.	2 to less than 5 ha.	378	28.38
5.	5 to less than 10 ha.	388	29.13
6.	10 to less than 15 ha.	177	13.29
7.	15 to less than 20 ha.	92	06.91
8.	20 to less than 25 ha.	55	04.13
9.	25 to less than 35 ha.	44	03.30
10.	35 to less than 50 ha.	26	01.95
11.	50 + ha.	24	01.80

Source: Forest Panchayat Atlas of Uttaranchal, 2006, FRDC, Govt. of Uttaranchal, Dehradun.

The figures in Table 3 are self-explanatory. The most interesting part is that 28 forest panchayats in the district are formed without assigning any land for the purpose. Further, 32 villages had less than 1 ha land each allotted for forest panchayat and 88 had less than 2 ha each. Nearly 40 per cent or 526 forest panchayats had land less than 5 ha each. This further confirms our observation that the officials of both revenue and forest departments have no interest in the policy of forest panchayats and are quite cool and indifferent to the very idea. This is unfortunate because in the ultimate analysis it is the bureaucracy which is the instrument with which the policies of the government are implemented. This lack of application in the formation of forest panchayats only confirms the general belief that one should not expect innovative ways of working from bureaucracy.

### **Missed Opportunity**

A great opportunity of showcasing a workable pro-poor development policy was missed by the Government despite all the favourable factors converging at the onset of new millennium. The new State of Uttaranchal was formed in November 2000. This offered an opportunity to break out of the inertia and think afresh in the new circumstances to build on niche areas and measure up to the expectations of the people from the new State. Amendment of Forest Panchayat Rules 1976 was long overdue and innovative ideas were already contained in the report and recommendations of the Bhardari committee constituted by the Government to suggest modifications in the Rules. World Bank sponsored forestry project was also crying for innovations to demonstrate forest panchayats as ideal form of joint forest management mechanism. Lastly, the March, 2003 Government order had clearly indicated how to go about forming new forest panchayats and strengthening the old ones. In spite of all these favourable factors if the story is what it is today, then it could be only due to lack of application on the part of bureaucracy.

Business as usual is the trademark of the working of public systems. This is evident in the case of forest panchayat policy. What actually happened was that forest panchayats were created on paper, some of them even without

any forest land to meet the target communicated in the March 29, Government order. After that no body has bothered to look into the state of forest panchayats constituted on a crash basis as was decreed. In the discussion with officials, the familiar blame game was in evidence. The forest department washed its hands by stating that as per the laid procedure, the formation of forest panchayats was the job of revenue department. The revenue department on the other hand, argued that land proposed for allotment was controlled by the forest department and unless the forest department released the land the same could not be delivered to panchayats.

As per the State of Forest Report, 2003, the protected forest also called civil/*soyam* forests comprised 10673 sq.km. area or 10.673 lack ha. Of this as stated above 5.7789 ha. (48.51 per cent) only is under forest panchayats and remaining 549511 ha (51.49 per cent) was still with the forest department. It may be restated here that this land had been de-reserved and handed over to revenue department on the recommendation of Kumaon Forest Grievances Committee for management by forest panchayats under a set of rules to be framed by the Government. Bulk of this land (3 lakh ha) was again transferred back to forest department by the State Government in 1964, as stated earlier, to be managed as protected/civil forest. Latter, forest department created civil /*soyam* forest divisions for the management of this land. But when the need arose in the wake of March, 2003 Government order to expand the number and area under forest panchayats, the officials found no land for devolving to panchayats.

It may be recalled that the March, 2003 Government order was categorical in stating that forest panchayats should be constituted on civil forest and where civil forest land was not available or not adequate, adjacent reserved forest land could be used for devolving to forest panchayat. The GO reiterated that forest panchayats could be formed on reserved forest land. But that was not to be. Even the civil forest, not to speak of reserved forest was not released by the forest department. This in spite of the fact that panchayat forest is renamed by the forest department as village forest as defined under section 28 of the Indian Forest Act, 1927. Section 28, of

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the Indian Forest Act, 1927 clearly states that “ the State Government may assign to any village community the rights of Government to or over any land which has been constituted a reserved forest .... all forest so assigned shall be called village forest”. It is clear from the above that Government order of 29 March, 2003 was correct in stating that if civil forest land was not enough, adjacent reserved forest land should be assigned for constituting forest panchayat. The solution to the problem, therefore, clearly lies in reverting all the civil forest and part of the reserved forest to restore the viability of forest panchayats.

Income per forest panchayat varied from the highest Rs. 30525 in Champawat district to a lowest Rs. 155 for Uttarkashi. It may be stated here that these income figures are from the beginning of the formation of panchayat forest. This is quite revealing and explains why both revenue and forest departments are indifferent to forest panchayats in their area. A survey of 644 forest panchayats in Almora district also found that as many as 433 had no income at all. Only 45 forest panchayats could boast of a balance of Rs. 25,000 in their passbooks (Singh 1997). Given the way rules are framed and the factors discussed above, there is actually no scope for income generation in panchayat forests. The forest panchayat will continue to remain on the margin of societal activity. It is therefore, imperative to have a serious look at the policy for forest panchayats which are valued as the pride of our past and hope of the future of mountain community of Uttaranchal. The average total net income of Rs. 822 earned by a forest panchayat during all the years of its existence and the net income per ha of panchayat forest being Rs.186 is beyond anybody’s comprehension.

### **Autonomy to State Control**

One may ask why this deplorable situation? Explanation lies in the State policy and not in public behaviour. As discussed earlier, the forest panchayat rules provide for support to the panchayat from revenue and forest departments to facilitate rule enforcement for the protection of forest land and maintenance of vegetation in the forests. Over the past seventy five years, the rules have been gradually revised in such a way that forest

panchayats have increasingly come to depend on Government officials for activities related to management of their forests. The latest amendment of forest panchayat rules 2005 (annexure V) have reduced them to the status of Villages Management Committee constituted under the National Afforestation Programme (NAP), a Centrally sponsored scheme introduced during the Ninth Five Year Plan. In fact, the village management committee is the replica of VFPC of the World Bank assisted JFM project implemented during 1998-2003.

An analysis of forest panchayat rules 1931, 1972/76, 2001 and 2005 is presented in Table 4. It will be seen that the forest panchayat has been gradually squeezed of whatever power it enjoyed vide 1931 Rules. The first impression one gets from the comparative picture presented in Table - 3 is that all duties and responsibilities are of the forest panchayat while all powers are concentrated in the officials. Second, the control over forest panchayat has shifted from revenue department to forest department. Revenue department's role is now restricted to the formation of forest panchayat only. In that also as per 1931 Rules, DC was personally responsible for forest panchayat as he was to himself visit the sites and supervise the election of forest panchayat. In 1972/76 amendments this role was given to the nominee of the DC and in 2001 and 2005 amendments, SDM is the sole authority controlling forest panchayat and his nominee will supervise their formation. DC and Commissioner are no longer in the picture which amounts to degradation of forest panchayat status. From 2005 onwards, forest panchayat has been converted into village management committee under the national afforestation programme of the forest department.

In 1931 Rules, forest panchayat had the power of imposing financial penalty which was diluted in 1972/76 amendment to mere compounding of penalty, that too if the offender agrees. Similarly, local sale of forest produce other than resin and timber was the sole authority of forest panchayat as per 1931 Rules whereas from 1972 onward, forest panchayats have to obtain prior approval of DFO for the disposal of forest produce. In

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1931, after 1972 amendment, bye-laws have to be got approved by the Commissioner (1972/76) and by DFO (2001 and 2005). For the meeting of Forest Panchayat, 1931 Rules provided a quorum of two-third members which is reduced to simple majority in 2001 amendment and 5 members including the sarpanch in 2005 amendment. The real loss is in the income of forest panchayats. As per 1931 Rules, all the income accruing from the sale of minor forest product was to be the income of forest panchayat. In addition, the income from the sale of resin was also its income. From 1972 onwards the formula introduced, has reduced the income of forest panchayat to that of only 40 per cent of total accrual from the sale of forest produce. From 2001 onwards, many new activities have been introduced like preparation of micro-plan and annual action plan which requires heavy inputs from forest department personnel making the forest panchayat totally dependent on forest department for taking up any activity within their forest area (Table 3). In the latest (2005) amendment, the forest panchayat has been renamed as Management Committee of the village forest. Thus, the new amendment has virtually changed the character of the institution from that of legal body to that of an NGO or self-help group.

The move clearly shows a policy from autonomous status to state control of forest panchayat. The 1931 rules, though crisp, appear more authentic and guiding and creating an enabling environment. The four amendments are laced with characteristic abstraction of bureaucratic style. Initially, forest panchayats were almost free with limited control and simple procedures. In 1972/76 the institution came under total control of the revenue department and by 2001 amendment the control moved on to forest department. This has fulfilled the long cherished desire of the forest department which is using it as a low cost field agency of the department.

It may be stated here that the World Bank refused further extension of the forestry project in 2003 because the World Bank did not like the manner in which the institution of forest panchayat was marginalised in the process of implementation of the forestry project. The World Bank Consultant in his report clearly stated that “a different type of legal regime has to be

S.No.	Item	1931	1972-1976	2001	2005
1.	1. Procedure for formation of forest panchayat	<p>1. Any two or more title holders or tenants farmers or artisans who have been living in the village for more than 12 years can apply to the Dy. Commissioner for constitution of Forest Panchayat (FP). If one-third or more families of the village oppose such a proposal, permission for establishment of FP will not be granted.</p>	<p>1. At least one-third of the adult residents who have resided in the village for 12 years may apply to the Dy. Commissioner for the settlement of the scheme. Provided that no land shall be declared to be FP if one-third or more of the residents of the village raise objection to the scheme.</p>	<p>1. On the application made by at least one-fifth of adult residents who have resided for 10 years in the village or on the resolution passed by the Kshetra Panchayat, the SDM shall start the proceeding for constitution of Forest Panchayat (FP). Provided that no land shall be declared to be Panchayat Forest if one-third of the residents of the village enter objections.</p>	<p>1. Same as in 2001 with the exception that in 2005 amendment Kshetra Panchayat has been substituted by Gram Sabha.</p>

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S.No.	Item	1931	1972-1976	2001	2005
1a.	1a. Special provision	<p>1.a In the villages riven with groupism and factionalism, separate forest panchayats can be established by each group by dividing the waste and fallow land within the village boundaries between them.</p> <p>2. After receiving the application, the DC will inform the Pradhan of the village or all the Pradhans of adjoining villages and a date will be fixed to hear objections.</p>		<p>1.a Dy. Ranger or Forester as the case may be, shall be the secretary of FP and any right holder of the Panchayat Forest selected in a meeting of FP shall be the additional Secretary to help the Secretary in the discharge of his duties.</p> <p>2. On receipt of application the SDM will serve a notice in person on the Pradhan of the village and shall indicate a date for hearing claims and objections.</p>	1a. Same as in 2001
2.	2. Issue of notice for the hearing of claims and objections.		<p>2. On receipt of application the DC shall serve a notice to the Pradhan of the Gaon Sabha and shall indicate a date for hearing objections and claims if any.</p>	<p>1a. Same as in 2001</p>	1a. Same as in 2001

(Contd.)

S.No.	Item	1931	1972-1976	2001	2005
3.	3. Decision on claims, objections and demarcation of FP and appeal.	3. On the appointed date the DC will visit the site, and after hearing claims and objections will give his decision then and there.	3. On the date so fixed or any subsequent date, DC shall visit the locality and hear the claims and objections and decide the same on the spot.	3. On the date so fixed or any subsequent date the SDM shall hear the claims and objections and decide the same in summary manner.	Same as in 2001.
4.	4. Rights of users	4. The FP to be created will be only of those people whose names are in the rights list or if they live within the village boundary.	4. Only those persons whose rights are recorded in the list of rights holders within the village shall be allowed to exercise users' rights in the panchayat forest.	4. Those persons whose rights are recorded in the rights list within the village shall be allowed to exercise users' rights in the forests.	4. These rights will also be exercised by landless people residing in the village for 10 years. Duties of users have been added in the 2005 amendment.

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S.No.	Item	1931	1972-1976	2001	2005
5.	5. Constitution of panchayat procedure, size and structure	5. DC will call all rights holders at a place to get panchayat constituted in his presence, panchayats should have minimum 3 and maximum 9 members. They shall then elect a sarpanch by majority vote.	5. DC shall call upon the residents aged 21 years and above at a convenient place to elect FP in the presence of his nominee. This shall consist of 5-9 members who will then elect a sarpanch by majority. Sarpanch will not be eligible for election for more than two terms.	5. SDM will call adults to assemble at a convenient place to elect a FP in the presence of his nominee. The panchayat shall consist of 9 members, two seats including 1 SC/ST shall be reserved for women.	5. Same as in 2001 excepting that some new terms as general body or self-help group used for the title holders of the village. Similarly, forest panchayat is substituted by Management Committee and panchayat forest by village forest.
6.	6. Election petition and appeal	6. The commissioner will be free to accept or reconsider the decision of DC. The decision of commissioner on the matters concerning FP will not be contested in any court of law.	6. Any order passed by DC shall be subject to revision by the commissioner if an appeal is made within 30 days of date of that order.	6. Any right holder aggrieved with the election of members or members aggrieved on the election of sarpanch may submit the application to SDM who will depose it within 30 days. Any party aggrieved of this decision can appeal to the DC within 30 days in writing.	6. Same as in 2001.

(Contd.)

S.No.	Item	1931	1972-1976	2001	2005
7.	7. Declaration of constitution of FP	7. DC will prepare a MoU for the management of FP land and refer the proposal to the commissioner for approval.	7. After constitution of FP, DC shall send intimation to the conservator and DFO concerned.	7. SDM will declare the FP constituted with names of sarpanch and members.	Same as in 2001.
8.	8. Powers of FP as a forest officer	8. Imposing a penalty of Rs. 5 for any violation of the rule by any users : * Initiating legal proceedings against the offender if the penalty is found adequate in the court. * Presenting and arguing the case.	8. To compound forest offences up to a limit of Rs. 50 for each individual offence and up to a limit of Rs. 500 after taking previous approval of DFO. * Institute, defend suits and proceedings in respect of claims under these rules.	8. Compound forest offences up to a limit of Rs. 500 for each offence provided that if the offender is prepared to compound the case, the FP will realise full market value of the property assessed by DFO. * Institute and defend suits and proceedings in the court	8. Same as in 2001. Management Committee may enter into contract with SHG or individual members for proper management of the village forest.

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S.No.	Item	1931	1972-1976	2001	2005
		<ul style="list-style-type: none"> <li>* Issue passes, receiving fees for collection of grass, grazing, fuelwood, stones etc.</li> <li>* Regulate grazing</li> <li>* Impound animals for 48 hrs.</li> <li>* Debar offenders from the rights over the forest.</li> <li>* Confiscate tools and implements.</li> <li>* Panchayat can extract resin only with prior approval of FD.</li> </ul>	<ul style="list-style-type: none"> <li>* Make local sale of forest produce including slate and stone.</li> <li>* Issue permit and charge fee for grazing, cutting grass or collection of fallen fuel, provided such an exploitation has prior approval of DFO.</li> <li>* Regulate grazing</li> <li>* Impound animals for 48 hrs.</li> <li>* Exclude offenders from any or all privileges in FP.</li> <li>* To seize tools and weapons used in offences.</li> </ul>	<ul style="list-style-type: none"> <li>* Regulate grazing.</li> <li>* Impound cattle.</li> <li>* Exclude any offender privileges of FP.</li> <li>* Seize tools or weapons used in the crime.</li> <li>* To make local sale of forest produce and issue permits with fee for grazing or cutting grass or collection of fallen fuel provided by DFO.</li> <li>* Extract resin and sell it to forest development corporation only.</li> </ul>	

(Contd.)

S.No.	Item	1931	1972-1976	2001	2005
9.	9. Power to frame bye-laws	<p>9. FP can frame bye-laws to distribute the produce and to regulate the use of forest by right holders.</p> <p>* Can appoint petrol to enforce these rules and bye-laws.</p>	<p>9. FP may frame bye-laws for distribution of forest produce and regulating the use of forest.</p> <p>* Bye-laws shall come into effect after they have been approved by the commissioner</p>	<p>9. FP may frame bye-laws for distribution of produce and regulating use of the forest.</p> <p>* Bye-laws shall come into effect after they have been approved by the DFO</p>	<p>Same as in 2001.</p>
10.	10. Quorum in the meeting	<p>10. Two-thirds members of FP will constitute the quorum. In case of tie, the sarpanch will exercise the right to vote for settling the case.</p>	<p>10. Quorum of FP meeting shall be two-thirds of total members including sarpanch or his nominee. All decisions of FP shall be taken by two-thirds majority. Patwari, VLW and panchayat secretary and a nominee of DFO may attend the meeting without voting right.</p>	<p>10. Quorum of FP meeting shall be 5 members out of 9 including sarpanch. All decisions will be taken by the majority vote of the members present and voting. Patwari, FP inspector, VLW, Forester, Dy. Ranger may attend but shall not vote.</p>	<p>10. Same as in 2001.</p>

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S.No.	Item	1931	1972-1976	2001	2005
11.	11. Income of FP	11. Income of the FP will be deposited in the FP fund. This amount will be first used in the development of the panchayat forest and the remaining amount for public services.	11. Income shall be credited to FP fund and shall be utilised as follows : * 20 per cent zilla parishad. * 40 per cent to FP for projects of local utility. * 40 per cent retained by revenue department for maintenance and development of panchayat forest through forest department.	11. Income shall be deposited in the saving bank account to be operated jointly by sarpanch and the secretary of FP. * Panchayat forest fund shall be managed under the overall control of DFO. * Income shall be utilised as follows : * 20 per cent zilla parishad * 40 per cent on maintenance of panchayat forest * 40 per cent on local utility.	11. Same as in 2001 with the difference that 30 per cent to gram panchayat, 40 per cent on maintenance of panchayat forest as in 2001, 30 per cent on local utility.

(Contd.)

S.No.	Item	1931	1972-1976	2001	2005
12.	12. Source of income	<p>12. Imposing of penalty</p> <ul style="list-style-type: none"> <li>* Fees and collection from users.</li> <li>* Sale of grass, stone, slate, fuelwood, timber as per the rule.</li> <li>* Sale of resin when resin tapping is done by FP under the rule below "That resin tapping will be done by FP in accordance with procedures laid by forest department. FD can make surprise checks to ensure whether or not the rules are being followed.</li> </ul>	<p>12. * Sale of forest produce as per the rule above.</p> <ul style="list-style-type: none"> <li>* Fines and fees from users</li> <li>* Unless special permission of the State government is obtained no resin may be extracted and sold by FP. Any such extraction and sale of resin shall be done by FD.</li> <li>* Forest department shall charge actual cost of extraction of resin plus such overheads as may be determined by the state government.</li> <li>* As regards other forest produce FD shall deduct 10 per cent of the sale proceeds as administrative charges.</li> </ul>	<p>12. * Sale proceeds of forest produce</p> <ul style="list-style-type: none"> <li>* Government grants</li> <li>* Under regulation of trade Act 1976 resin trade is the monopoly of FD. The net income from the sale of resin and other forest produce shall be as below.</li> <li>* FD shall take all actual expenditure on resin tapping and overheads as determined by the government.</li> <li>* As regards other produce, the FD shall deduct 10 per cent of sale proceeds as administrative expenditure.</li> </ul>	12. Same as in 2001.

(Contd.)

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S.No.	Item	1931	1972-1976	2001	2005
13.	13. Duties of forest panchayat	<p>13. Prevent division or sale of FP land.</p> <ul style="list-style-type: none"> <li>* Distribute forest produce only among its members and right holders.</li> <li>* FP will prevent the loss of trees occurring due to negligence of users.</li> <li>* FP will not allow any members or users to use FP land for agriculture purpose.</li> <li>* Panchayat will cause to erect boundary walls.</li> </ul>	<p>13. Prevent reckless destruction of trees and felling.</p> <ul style="list-style-type: none"> <li>* Use only those trees marked by FD for felling.</li> <li>* Ensure that no encroachment takes place and no land is broken for cultivation.</li> <li>* To erect and maintain boundary pillars.</li> <li>* To carryout directions given by DC on the advice of conservator.</li> </ul>	<p>13. Prepare a five-year micro plan and annual action plan for FP and submit for approval of FD.</p> <ul style="list-style-type: none"> <li>* Protect the trees from damage and to use only those trees marked silviculturally for felling by the official nominated by the DFO.</li> <li>* Prevent encroachment</li> <li>* Fix boundary pillars wall and to protect it.</li> <li>* Abide by the directions and execute them.</li> </ul>	<p>13. Same as in 2001 plus DFO to prepare a composite management plan for all FPs for 5 years.</p>

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S.No.	Item	1931	1972-1976	2001	2005
14.	13. Separate office of FP	14. * The provincial government with the permission of KFGC appoint one or more special officers for the inspection and reconstruction of the FPs to work under the direction of Commissioner. These special officers will enjoy all powers vested in DC.	14. The State government may appoint one or more officers called the special officers to organise and supervise the working of panchayat forest. Each officer will work under the control of the commissioner but exercise all the powers vested in the Dy. Commissioner.	14. In every district, Advisory Committee will be constituted consisting of the following : * ZP President. * District FP Officer, Secretary * One male sarpanch nominated by DC-member. * DFO in the district member. * District PR officer - member * Two block pramuks nominated by DC member.	14. Same as in 2001 plus many new provisions such as. Regional Coordinator, District Coordinator composite management plan, village forest annual plan, general body, self-help group users' group Management Committee.

(Contd.)

brought about to enable joint management of forestry in the context of the new Panchayat Raj Act (Saxena, 1996).

### **Functioning of Forest Panchayat**

The forest panchayat or the sarpanch after 1972 amendment to FP rules does not possess any enforcement authority to punish the offenders and have to depend on the response from the revenue authority 'Patwari' or forest panchayat inspector who doubles as law and order authority in the hills. Forest panchayat becomes helpless if the offender refuses to pay any penalty or continues open defiance of panchayat's directive. Through various changes in the rules the support for panchayats has been considerably reduced. The power of forest panchayats has also been restricted. As such, for every small matter the forest panchayats have to seek the help from the DC where their petitions come to stand still for want of adequate manpower to process them. This puts the elected members of forest panchayat at the mercy of the illicit demands made by the lower level officials of revenue department to speedily process their files. Similarly, the procedures for the extraction of resin as well as the auction of timber trees are long and tiresome. Forest panchayat can utilise money for those activities only which the District Magistrate would define as 'public utility'. These various restrictions have totally eroded the power and resource mobilisation capacity of forest panchayats such that they can no longer fight cases of encroachment and other land disputes in the courts (Agrawal, 2001).

Whereas revenue department officials write the enforcement of rules, the forest department coordinates the commercial harvest of products from panchayat forests and provides technical assistance to protect them. The rules stipulate that forest department will prepare comprehensive working plans, micro-plans and annual action plans for the forest panchayats but in practice, this rule has seldom been observed. Since in the overall fixture, forest panchayat members and sarpanch are treated as subordinate to even the petty officials of revenue and forest departments, this asymmetry casts the officials in the role of arbiters in case of dispute between the individual users and the forest panchayat functionaries. This further erodes whatever

moral authority they could have, putting forest protection into jeopardy. This loss of forest panchayat authority is vividly portrayed in a case study of a forest panchayat of Almora district.

### **Case Study I**

A plot of land of good commercial value belonging to forest panchayat was usurped by a trader of adjacent market in the middle of the night by constructing a one room structure over there. The villagers came to the site to protest but were chased away by the musclemen engaged by the trader. Even though a contingent of local police were in the market, they did not intervene in the conflict arguing that they could intervene only in a law and order situation meaning that there was no bloodshed. The local 'Patwari' (village revenue officer with police powers) was not in station. The encroachers managed to lay the roof before the court opened in Almora the next day. As the construction was completed, the forest panchayat could not get stay order from the court which ordered for the maintenance of the *status quo* till the case was fully heard. Given the manner in which the judicial system works, it could well be a number of years before the case would be decided and encroacher would enjoy full rights to the disputed site. The case continued for one year costing the forest panchayat dearly. The interesting part of the case was that the revenue department was silent even though the land technically belonged to the revenue department only. Not only has the forest panchayat fund dried up in fighting the case, but, it has also resulted in the spirit of the villagers transforming from enthusiasm to despair and now to opportunism (Singh 1999).

Fighting a court case specially pertaining to land dispute is a huge organisational enterprise. The indifference among the villagers is clear specially when they are in an unhelpful state whose interest they are protecting. The long interaction with the administrative and judicial system makes them aware of the inefficiencies and limitations of the system they held in awe from far. This encourages others to venture on encroachment of their own common land. While it can be argued that villagers would only be rationale in contemplating such a move, would nevertheless signify

the complete alienation of the villagers from their natural resources and from the State institutions created for their management. This is not so much an expression of the villagers' desire to encroach their own land as much as it is a statement on the failure of institution to work effectively to balance the rights and privileges of villagers and the state as well as other factors that have made it difficult to sustain the livelihoods of the hill population (Singh 1999).

### **Case Study II**

Nagari Gaon Forest Panchayat, about 14 km South-east of Bhowali town (Nainital district) was set up during the pre-Independence period. The sarpanch and the members did not remember the year when it was originally constituted. But the panchayat was reconstituted in 1992. Originally, forest panchayat had an insignificant 7 ha land area which was meaningless for a village of about 2000 persons. According to the sarpanch, after the Supreme Court ruling, allowing inclusion of adjacent '*Benap*' land within the forest panchayat, the area of Nagari Gaon forest panchayat also got increased by 20 ha in 1992. So the total area of the forest panchayat was 27 ha.

Replying to a query, about the management of forest, the sarpanch informed that the entire panchayat forest land had been handed over to civil/*soyam* division of the forest department one year back for plantation. The forest panchayat had no details of the plantation work. They were not informed even about the number of plants planted and the length of the protection wall constructed in spite of their repeated requests. One of the members present complained that forest department officers talk only to sarpanch and the village pradhan (head of village panchayat). The main species planted were chir (*Pinous longifolia*) and oak.

The panchayat forest inspector, a forester from forest department works from the Commissioner's office. All documents and records were reported to be in his custody though the sarpanch was able to show us the register containing the minutes of the FP meetings, brings us to the question if the

records were with the forest panchayat inspector, then how come the minutes book and some other registers were shown to us? The explanation given was that since we were to visit the village and there was prior notice, the minutes book and other registers were procured from the inspector.

It was also reported that forest panchayat does not have the map of the their forest land. The plantation work was being carried out by the soil conservation division on behalf of the DFO Civil/*Soyam*. It was expected to be over in 3 to 4 years time and after that the land will be handed over back to the panchayat.

The members conceded that since the forest panchayat land was not enough to meet fodder, fuel etc., needs of the village, villagers were freely using the adjacent reserved forest very close to the village for all purpose.

One of the members present complained that the forest panchayat had not met for the last one year. He did not even remember when the last meeting was held. However, the record showed that the last three meetings were held on 25-07-2001, 15-11-2001 and 22-2-2002. It is more or less confirmed that no meeting of forest panchayat was held for the last eight months till 29-10-2002, the date of our visit to the panchayat.

The meeting on 22-02-2002 was in connection with the plantation of trees in the premises of the schools and the temple, though it was not the right season to do plantation. As per the minutes, the meeting was attended by sarpanch and three members whose names were not written on the register under their unclear signatures. There was no mention either of how many plants were planted on the premises of three schools whose names were given as PS Malla, PS Talla Tirckhaket and JHS Tirckhaket. In addition to the three members, 'Pradhan' of village panchayat, old pradhan, teachers and students of the three schools also attended/witnessed the meeting. Copies of the minutes were endorsed to forest panchayat inspector and the basic education officer of the district.

The meeting held on 15-11-2001 was attended by the sarpanch only though there were two more innocuous signatures without any mention as

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to who they were. This meeting was purportedly held to handover the panchayat forest to forest department for plantations. One of the members present informed that, the same plot had been earlier handed over to forest and horticulture department for plantation under watershed development project four-five years back. The survival rate of the last plantation was only 10 per cent.

The third meeting held on 25-07-2001 as per records was also attended by two members only whose names were not specified. The forest panchayat has 9 members including the sarpanch.

It was also reported that forest panchayat has no account in any bank. There was no information on income and expenditure of forest panchayat but the sarpanch mentioned that forest panchayat was handicapped because of the lack of financial resources. It had made several requests to forest department to include the panchayat under JFM programme but so far there has been no response. It is clear that the ground reality about the working of forest panchayat atleast in the above two cases is pathetic and quite different from what is generally believed to be. Community participation in planning and management was virtually absent.

### **Case Study III**

Kandolia is one of the oldest forest panchayats in Pauri Garhwal district. In fact, Kandolia forest occupies the top of the ridge on which Pauri town is located. Pauri houses the headquarters of the Commissioner, Garhwal administrative region and Kandolia is the hill top where the offices of the commissioner, District Magistrate and the forest conservator are located.

Kandolia forest panchayat was constituted in 1931 comprising the following four villages;

1. Nandkot, 60 households.
2. Pauri Gaon, 65 households
3. Chyuncha, 80 households
4. Kandeyi, 40 households

The combined forest panchayat covers 50 ha of forest land. The current sarpanch was elected 4 years back for a period of 5 years. The incumbent has been associated with forest panchayats for the last 25 years in various capacities. He had been sarpanch of an adjacent Nakot forest panchayat for 10 years (two terms). Prior to that he was a forest guard of the Kandolia forest panchayat for nearly 10 years. This shows how a person has made working with forest panchayats as a profession. The expertise developed by him is helpful in dealing with the forest and revenue bureaucracy. When asked how he could be the sarpanch of two forest panchayats, he said, though he belonged to Pauri Gaon he owned some agricultural land in Nakot, another village which made him right holder there also. Since he had worked as *Chowkidar* (forest guard) of Kandolia forest panchayat, the villagers of Nakot wanted to utilise his expertise and offered him the sarpanchship of their forest panchayat. This shows that the people value the experience and competence of a person and are not necessarily apprehensive about the misuse of his powers by sarpanch even if he may not be from the same village. For them protection and management of the panchayat forest is more important than who the sarpanch is, so long the person is one among them.

The forest panchayat has employed a forest guard who is a right holder and is paid Rs. 1600 pm. for his services as a guard. This is paid by the forest panchayat by collecting at the rate of Rs. 20 per household per year. The deficit is made up from the income of the forest panchayat. As a veteran, the sarpanch was well acquainted with the working of forest department and could speak as a forest officer and articulated rules of utilisation of forest resources based on scientific practices. He was though, a humble person who had studied up to 10th class only. For the right holders, the rule he said was that only one person from a household would go to the forest to collect fodder and or fuelwood etc. Further, the panchayat forest was opened once in a year for 10 to 15 days only for collecting the supplies of fodder and fuelwood for the whole year. This shows that the management of panchayat forest was rather stringently regulated. However, a portion of the panchayat forest remains open round the year for grazing of cattle.

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The rights holders are entitled to collect fodder and fuelwood as above besides timber for own house construction and fuelwood for marriages or similar other rites or functions. This is given on concessional rate of Rs. 250 per tree for wedding and Rs. 300 per family for house construction. Allocation for house construction or repairs is allowed once in 10 years only. The panchayat also received assistance during 2003-04 from forest department for afforestation in the bald patches under national afforestation programme operated by FDA (Forest Development Agency). FDAs are the associations of village forest protection committees (VFPCs) organised during JFM scheme. Afforestation work covered 10 ha of the forest panchayat land on which saplings of oak, deodar, rhododendron pine etc., supplied by civil/*soyam* forest division were planted.

Two incidents in the management of Kandolia forest panchayat are reassuring about the efficacy of this institution. One is the settlement of inter-village feud which cropped up because of the theft of fodder by the women of Chyunchya village from the panchayat forests. It was reported that some women entered the forest at the dead of night at 10 pm and lopped off 25 oak trees to take away the leaves for the cattle. The guard came to know who were involved in the theft. The matter was reported to sarpanch who called the meeting of forest panchayat along with other right holders. After deliberations, the forest panchayat imposed a fine of Rs. 50 on each of the women involved in the act. Secondly, the matter was reported to the revenue department with the request to recover the fine as revenue arrears. This firm decision by the forest panchayat ensured that no one takes away the fodder out of the turn and goes scot-free. This also shows that local institution, if given power and freedom of action, is in a much better position in dealing with such incidents than the distant government officials or even local politicians.

The second incident is far more instructive. It involved a tiff between the local administration and the forest panchayat. A decision was taken by the forest panchayat to construct a canteen at a tourist spot within the panchayat forest area where it is frequently visited by the tourists. The

sub-divisional magistrate in his capacity as the forest panchayat officer auctioned the canteen construction to someone without the knowledge of the panchayat. The panchayat members suspected the intention of the SDM and met the District Magistrate and lodged a complaint against the SDM. The DM was unhappy to the extent that he rebuked the forest panchayat delegates and warned them not to complain on such a trivial issue or else he would split the forest panchayat into four parts, one for each constituent village. But the forest panchayat delegates did not budge and wanted the DM to revoke the decision of the SDM and stop construction of the canteen. The dispute continued for nearly two years. In the intervening period, residents of the four villages mobilised support from different quarters and organised '*Dharnas*' (squatting of people in groups) in front of the SDM office to put pressure on the administration. The DM finally agreed to handover the shed to the forest panchayat. The panchayat resolved in its general meeting that instead of an open auction, only the right holders from the constituent villages should participate in the auction. It was also decided that any one wanting to participate in the auction should deposit an amount of Rs. 5000 as security money with the forest panchayat. The forest panchayat amended its previous decision and resolved to allot the canteen shed to the unemployed youth of the four villages on five years rotation basis at a fixed rent of Rs. 5000 per year. One youth of Pauri Gaon was allotted the canteen on the stipulated terms.

It may be noted that in spite of internal dissensions and inter-village feuds on the use of forest resources, the people of the four villages displayed great solidarity when faced with an external threat. They were also successful in resolving their internal disputes on the use of the forest resources and enforce discipline among the users. Economic interest of the users was the paramount motivating force for maintaining unity and solidarity. Panchayat forest being close to Pauri town, is a good source of fodder for the households subsisting on dairy activity. In the social economy of the hills almost every household possesses some milch and draught animal. The milch cattle near towns is a boon as sale of milk enhances the income of the household substantially. It is therefore, of great importance that they protect the forest

to secure the supply of fodder which is free of cost. It is this self-interest which is persuading the people of the four villages to share the resources of the forest together. If they split and constitute four forest panchayats it will not be advantageous as the size will become uneconomical. In the joint forest panchayat, they are able to afford more benefit on mutual help and reciprocity basis.

### **Conclusion**

Forest panchayats are beset with many problems. The main difficulty arises from the loss of authority due to successive amendments to forest panchayat rules. Second difficulty arises from the lack of response and protection from the revenue and forest departments. In many cases, though the forest panchayats were constituted earlier, they have not been provided with the records of the land, specially the maps. People tend to encroach upon the reserved forest, there being no demarcation. Forest panchayats are also losing ground to statutory village panchayats in the absence of adequate authority and are surviving on the past aura. Although the panchayat consists of a sarpanch and 8 members, it was noticed in the field visits that the members are indifferent and passive and want to be in the good books of the users who would like to free ride the forest. As a result, the burden of enforcement falls on the sarpanch alone who with the help of forest guard, an employee of the forest panchayat, manages the whole operation. Thus, functioning of forest panchayats tends to be undemocratic and its strength and success depends solely on the capacity and resources of the sarpanch. Lack of a secured source of funds, having no control over the funds generated by the panchayats through the sale of forest or resin, ban on green felling over 1000 metres have only compounded their problems. Yet as is evident from the case study of Kandolia forest panchayat, given the right incentive and leadership quality of the sarpanch, forest panchayats have great potential in emerging as the viable institution for community based resource management in the hills of Uttaranchal.

## TENACITY OF FOREST PANCHAYATS

Through an amendment to the Constitution in 1976, Forest and Wild Life preservation was included in the concurrent list. Subsequently, Forest Conservation Act (1980) and the Environment Protection Act (1986) were notified introducing stringent checks on deforestation. This meant greater control of bureaucracy over the resources of forest and corresponding decline in the operative space for local institutions like forest panchayats. In Uttaranchal, restrictive policies had started much earlier with the transfer of civil/*soyam* forests to forest department in 1964, amendments in forest panchayat rules in 1972 and 1976, creation of forest Development Corporation in 1974 and passage of U.P Protection of Trees in Rural and Hills Areas Act, 1976. Further, there is also general moratorium on felling above 1000 m.asl. However, all these hurdles did not directly affect the functioning of forest panchayats as their chief function has been to conserve and regulate the use of civil forests and wastelands. So, in spite of lack of support and rather indifference of the Government agencies, forest panchayat movement continued spreading in more and more areas. This resilience was largely for two reasons—one and foremost is the unflinching belief of the village people in the indispensability of forest as a part of their livelihood and life support system on which they would like to retain a claim come what may, and two, the fact that once a forest panchayat is created on a forest land it cannot be alienated, as no such provision exists under the relevant rules to resume the land transferred to it (Tolia 1998). As a result, by 1990 there were 4188 forest panchayats in Uttaranchal controlling 241800 ha of forest land. And as on 31-12-2001, their number had grown to 6413 with an area of 420779 ha. The real spurt in the formation of forest panchayats however, was witnessed between 2002 and 2005 when their number shot to 12092 with an area of 517788 ha spread over allover the hills districts (Table 4).

**Table 4 : Growth and Distribution of Forest Panchayats in Uttarakhand**

S. No.	Name of the District	Number of Forest Panchayats				Total
		1931-50	1951-70	1971-90	1991 & After	
1	Almora	314	470	576	135	1495
2	Bageshwar	42	83	63	132	320
3	Champawat	41	168	56	351	616
4	Nainital	60	117	26	310	513
5	Pithoragarh	20	369	216	266	1051
6	Chamoli	68	192	117	102	479
7	Dehradun	—	—	159	—	159
8	Pauri Garhwal	173	369	243	756	1541
9	Rudra Prayag	07	32	09	20	68
10	Tehri Garhwal	—	—	—	102	102
11	Uttarkashi	—	—	18	51	69
Total		905	1800	1483	2225	6413

Source : Forest Panchayat Atlas of Uttarakhand, CF&RD, Govt. of Uttarakhand, Dehradun (2002).

Till 1990 there was slow but steady increase in the number of forest panchayats in Uttarakhand which was the period of indifference of government agencies towards forest panchayats. The period between 1991-2001 shows the first sign of interest in forest panchayat because of which there was some activity at the official level and efforts were made by the forest department to increase their number. This was the period when World Bank sponsored U.P. Forestry Project was planned and implemented. The interest in forest panchayat developed because of the necessity to access World Bank funds. But the real spurt in the number of forest panchayats was during 2002-2005. About 5679 new forest panchayats were formed to impress the World Bank with a view to seeking extension of the forestry project beyond 2003. Till 1970 there were no forest panchayats in Tehri

Garhwal, Uttarkashi and Dehradun districts because, forest panchayats were introduced in Kumaon district ruled by the British. Tehri Garhwal and Uttarkashi comprised the Tehri State till 1947 and merged with rest of U.P. in 1948 only. Therefore, forest panchayat movement had not spread in the princely State of Tehri and after Independence, forest panchayat movement had slowed down considerably for various reasons.

The number of forest panchayats in old Kumaon administrative division, including half of Garhwal (Pauri and Chamoli districts) are not only more but they also pride on the illustrious history having been formed in the pre-Independence period. On the other hand, forest panchayats in Tehri, Uttarkashi and Dehradun are new lacking the fervour and experience of their organic growth. After 1991 they were created by the forest department on a campaign mode specially after the UP Government started formulating the forestry project for World Bank funding under its Joint Forest Management (JFM) scheme and more so the unseuccessful attempt to get the project extended for the second term. So after decades of apathy and adversarial attitude, the forest department suddenly discovered the virtue in forest panchayats as an ideal mechanism for implementing JFM. This perspective of equating forest panchayats with the VFPC under JFM is the main hurdle in the way of community based resource management through the mechanism of forest panchayats in Uttaranchal.

### **New Initiatives**

Considering the popularity of forest panchayats and the importance attached to them by the people, the State Government took the initiative to appoint a committee of the elected representatives and officials of Uttaranchal in January 1983 under the Chairmanship of Shri Sultan Singh Bhandari, MLC, Pauri Garhwal. The terms of reference (TOR) given to the committee was to suggest the types of changes required to be made in the panchayat forest rules so that the panchayats felt reassured about their rights over the resources of their forest, considered them as their own property, and took responsibility to protect them. The committee was also asked to consider the possibilities of replacing the rules, issued by administrative

order, by an ordinance to provide strong legal backing to forest panchayats. It may be noticed from the terms of reference of the Committee that the dominant view in the Government that time was to restore the autonomy of forest panchayats which had been diluted by 1972 and 1976 amendments to forest panchayat rules. There was also a proposal to strengthen them with the protection of a separate Forest Panchayat Act. The Committee submitted its report in September 1983 with recommendations having far reaching consequences for the forest panchayat programme in Uttaranchal.

The report of the Committee generated lot of discussion and was keenly debated in different fora. As stated earlier, in the wake of the recommendations made by the Committee, the Government entrusted a detailed evaluation study of forest panchayats to State Planning Institute in 1984. The findings of this study alongwith recommendations of Bhandari Committee report were discussed extensively in a series of district level workshops of the forest panchayat presidents, organised by the deputy commissioners of respective districts. Based on the deliberation of these workshops, fresh forest panchayat rules were framed in 1989 for the consideration of the Government. However, the new rules could not be adopted by the Government because of strong opposition from the people who complained that the final draft prepared by the officials did not incorporate the opinion of the Bhandari Committee and of the forest panchayat sarpanches. As a result the new rules could not be implemented and forest panchayats continued to be governed by the 1976 rules till 2000.

Main points of the Bhandari Committee report are reproduced below.

1. The provisions of forest panchayats should be extended to all the hill districts of Uttaranchal\*.

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\* As stated earlier, forest panchayat programme was confined to Almora, Nainital and Pithoragarh districts of Kumaon and two Garhwal districts of Chamoli and Pauri. For some reasons, it could not be introduced in Tehri, Uttarkashi and Dehradun districts till 1990.

2. The programme should include all forest panchayats: including traditional 'Lath Panchayats' and those constituted under Scheduled District Act 1874 or Tehri Garhwal State Panchayat Act 1938.
3. All villages having common land up to and more than 25 ha should compulsorily have a forest panchayat.
4. Villages not having enough common land within their boundaries, may be allotted land from out of adjacent Class I and Class II Reserves for the formation of forest panchayat.
5. Co-opting SC/ST and women members if they are not elected in the normal way.
6. Deputy commissioner should continue to be the chief officer for the constitution and regulation of forest panchayats and he/she be conferred with the powers of Conservator of Forest. But DC being himself busy in other routine works, another officer from revenue department equivalent to the rank of DC should be appointed to oversee the working of forest panchayats on a whole time basis.
7. A separate organisation may be created from out of forest department to provide technical support to forest panchayat work at all levels under the supervision of the deputy commissioner.
8. Forest panchayats should be given more financial and administrative powers, specially the power of arresting the offender and awarding minimum punishment.
9. All income of forest panchayats should be deposited in forest panchayat fund to be managed solely by the forest panchayat. Only 10 per cent of its income may be set aside for meeting the expenses of District Forest Panchayat Advisory Committee. The cost of proposed separate organisation under the DC should be funded through state budget and the practice of sharing 40 per cent income with the forest department and 20 per cent income with zilla parishad as per old rules should be dispensed with.

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10. In view of the limited applicability and enforcement powers of the Rules framed under Section 28 of Indian Forest Act 1927, forest panchayats should be constituted under a separate Act for which State Government should bring out an ordinance to save time.
11. Trial of forest offences should be brought under the jurisdiction of *Nyaya* Panchayats constituted under UP Panchayati Raj Act 1947 instead of munsif and sessions judges.
12. Forest panchayats should be represented in the three-tier panchayati raj system at all levels.
13. Administration of forest panchayats should be vested in the Chairman Revenue Board assisted by a special technical organisation.

The new forest panchayat rules notified in 2001 by the Government of Uttaranchal are patterned more on the draft Rules framed in 1989 but which could not be introduced then. However, these rules do include some of the recommendations of Bhandari Committee such as, forest panchayat scheme now stands extended to all the hill districts of Uttaranchal, formation of forest panchayats in all the revenue villages, ensuring adequate participation of SC/ST and women in the forest panchayats and linkages between forest panchayat and the three-tier panchayati raj system etc. But the crucial recommendations pertaining to enhancing the enforcement power and finances of forest panchayats, creation of a separate organisation at the State level with its own budget, etc., have not been considered. Some of the points have been incorporated but just in the opposite way. For instance, the Committee had recommended for the creation of a separate organisation from out of the forest department to provide technical assistance to forest panchayats under the control of the deputy commissioner. The new Rules provide for a District Forest Panchayat Officer, Deputy Forest Panchayat Officer, Assistant Forest Panchayat Officer, Panchayat Forest Ranger, Panchayat Forest Deputy Ranger and Panchayat Forester all from forest department without any special organisational arrangement. In fact the new Forest Panchayat Rules 2001 are more cumbersome than all previous Rules

and more complex than the draft Rules framed in 1989 mainly because it tries to combine the provisions of Joint Forest Management scheme with the forest panchayat scheme unique to Uttaranchal. This attempted welding of the two sets of rules has made the new rules more of a hotch potch which is difficult to operate on the ground. The full text of the Uttaranchal forest panchayat rules 2001 are placed as annexure – IV.

### **Forest Panchayats as VFPCs**

As stated earlier, forest panchayats of Uttaranchal acquired a sharper focus with the commencement of the World Bank aided U.P. Forestry Project in March 1998. This was because forest panchayats were adopted as village level Forest Protection Committees. But for this purpose, forest panchayats are required to sign a MoU with the forest department accepting the conditions for participating in the JFM as proposed in the World Bank-forestry project. This has led to a new controversy with the critic blaming the forest department of back-door entry into the affairs of forest panchayats by alluring these bodies with the World Bank money. It is true that forest department started showing interest in forest panchayats after 60 years of their existence only when the World Bank funded forestry project was formulated. It is alleged that the forest department which hardly even evinced any interest in the fate of panchayat forests, has now become the administrative department responsible for effecting changes in the rules governing the functioning of forest panchayats (Tolia 1998). This has been described as takeover by forest department of an autonomous institution functioning under the revenue department (Sarin 2001).

The World Bank funded UP Forestry Project and its Village Forest Joint Management (VFJM) component has come under intense criticism from various quarters. It is argued that the design of the project is basically top down and leaves little scope for incorporating items which reflect the needs of the people. The minimum quorum of one-third in the JFM committee ensures that officials need not even call other non-official members before taking decisions which cannot be participatory in practice.

Further, it is argued that while in most parts of the country JFM is implemented in degraded forest lands, in Uttaranchal JFM has been taken up in panchayat forests which have a long history of forest protection and regeneration. It is alleged that by doing this the forest department intends to take the credit of afforestation done by forest panchayats and show it to the World Bank as their achievement. The issue of heavy funding of the community forest management institution has also been raised. It is argued that the project has introduced liberal funding in village forest institutions that were earlier managing forests without any external assistance. It is apprehended that this could be the beginning of the end of the self-propelled forest panchayat movement in Uttaranchal. The main objection is that it has introduced more centralisation and bureaucratic interference in the working of forest panchayats which, in the long term, will hurt the interest of these institutions (SPWD 2000, Sarin 2001).

The forest panchayats created under section 28 of Indian Forest Act recognises the rights of all residents of the village or rights holders. On the other hand, the JFM notifications create rights for the limited village forest protection committee members only. In a situation when the rights over the forest resources are with all the residents of the village, the VFPC members cannot have the privileged position or power to appropriate forest resources (Singh 2000).

### **Alternative Formulations**

In a sharp rejoinder to the unilateral amendment and notification of 2001 forest panchayat rules, the sarpanches of the forest panchayats of Uttaranchal organised themselves in to a '*Van Panchayat Sangharsa Morcha*' (Forest Panchayat Resistance Front) to oppose the move of the Government to virtually handover the forest panchayats to forest department. The '*Morcha*' submitted a parallel amendment to 1976 rules which is radically different from the rules framed by the Government. The main points in the rules framed by the '*Van Panchayat Sangharsa Morcha*' are :

- (1) Forest panchayat shall be created from 'Social Forests', implying all types of forests adjacent to village which are used by the villagers for their daily needs.
- (2) Three-tier systems of forest panchayats are suggested at Village Forest Panchayat (VFP), Block/Anchal level Forest Panchayat (AFP) and District/Zilla level Forest Panchayat (ZFP).
- (3) Village Forest Panchayat (VFP) will be constituted by the AFP following the same procedure which the DC or SDM was to adopt in 1931 and 1976 Rules.
- (4) VFP shall have the power to control crime, sale of all forest produce excepting resin and timber, and frame bye-laws which will be adopted in the general meeting of all rightholders.
- (5) A Panchayat Forest Trust shall be formed in each VFP in which income generated from all sources will be deposited in the name of VFP.
- (6) The Anchalik (area) Forest Panchayat (AFP) will comprise three male members, three female members and one member from SC/ST. These members will be elected by the sarpanches of the VFP of concerned block who will then elect a president from among themselves. The functions of AFP are more or less similar to that of forest panchayat inspector. ADO (Forest) to be its secretary.
- (7) The presidents of all the AFP Committees in a district would be the members of Zilla Forest Panchayat (ZFP). DM or his nominee and DFO will be other permanent members of the ZFP which is suggested to have the powers earlier enjoyed by the DC.

The alternative forest panchayat rules suggested by the '*Morcha*' reflect the sentiments of the intelligentsia and other civil society members about the need to decentralise and democratise the institution of forest panchayat.

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Responding to the growing discontentment on the subject, the Forest Minister of the new Government of Uttaranchal constituted a committee of Congress Party members in 2002 to suggest suitable modifications in the 2001 amendment to forest panchayat rules. Though it was an informal committee constituted at the party level, being the party in power with commitment to restore the autonomy of forest panchayat\* the expectations were high. This committee took the thread from Kumaon Forest Grievances Committee report and after surveying the developments in various official formulations finally toed the line adopted by Bhandari Committee and made recommendations different from what was contained in the official rules 2001. The tone and tenor of this report will become evident from a glimpse of some of its observations and recommendations.

The report starts with an evocative statement – “Forest Panchayats are the symbol of the glorious history of Uttarakhand which have been earned by our elders after a long struggle against the British colonial rulers”. The Committee traced the history of forest movement and said “In 1931, the UP Government issued a 22 point FP Rules. Under those Rules the forest panchayats were largely autonomous institutions. In 1976, the UP Government framed another 49 point Rules according to which “The forest department (FD) started making plans/projects for the FP areas with departmental funds. It became necessary that FPs should follow the instructions of the forest department which created scope for the interference of FD in an increasing manner. Instead, the villagers consider Revenue Department as their friend and well wisher. Because of the constant skirmishes with the FD, the villagers do not have respect for it and they did not like its control and frequent interference in the affairs of Forest Panchayat”. “It is interesting to note that despite taking 40 per cent of the FPs income, the FD never fulfilled its responsibilities in respect of the FPs”.

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\* The 2001 forest panchayat rules were notified by the BJP Government which had formed the Government in Uttaranchal by virtue of their majority in the assembly after bifurcation of Uttaranchal. In the subsequent assembly elections in 2002, Congress party manifesto had promised amendment of 2001 forest panchayat rules. Thus, there was commitment made to the people by the Congress party.

The type of recommendations this committee made to amend the 2001 FP Rules was that “There should be a separate Directorate of Forest Panchayats at the State level under a full time Director. ...., Sarpanch should be elected through secret ballot by the general voters and 33 per cent posts should be reserved for women on rotational basis”. And finally it says that Uttaranchal Panchayat Forest Rules 2001 should not become applicable till the time a Forest Panchayat Directorate was established and a separate institutional infrastructure was created with officers having full time posts and separated from forest department. The Committee also recommended that a forest panchayat legislation be brought in Uttaranchal and till the new arrangements were made, the FP 1976 Rules should continue to be in force.

What transpired afterwards is not clear as no legislation has been introduced on the subject in the Assembly of Uttaranchal till November, 2006. The committee had submitted its report in the middle of 2002. As the fresh Assembly elections are due in February, 2007, the forest panchayat issue has again started echoing the valleys and hills of Uttaranchal. This time it is going to be in the form of a campaign against the party in power about the promises not kept. This is likely to lead to some policy changes in respect of forest panchayats, may be before the elections.

### **Corrective Measures**

Some changes had been introduced after the report of the committee. In a significant development, the State Government issued a letter in March 2003 containing comprehensive guidelines for the formation of new forest panchayats and also to strengthen the existing ones. This letter dated 29-3-2003 is issued by the Principal Secretary and Commissioner, Forest and Rural Development Department, Government of Uttaranchal. The full text of this circular may be seen at annexure – VI. The letter states ‘interalia’ :

- (1) In every village of Uttaranchal, .... the formation of forest panchayats has to be completed by all the DMs and DFOs in the span of one year commencing from 1<sup>st</sup> of April, 2003 .....

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- (2) The UA Government has given utmost importance for fulfilling the aims of this work plan. The CM expects all the districts to fulfil these objectives and the concerned DMs and DFOs to personally ensure its fulfillment as well as remove all hurdles locally....
- (3) Conservator of forest (forest panchayat) as nodal officer, will undertake detailed visits of all the districts and will hold joint meetings with the concerned officers .....
- (4) There can be instances where a village has small size of non-Zamidari Abolition (non-ZA) land and their requirement of fodder or fuel cannot be met from the newly formed or the proposed forest panchayat covering non-ZA land only. In such situations, the adjacent reserved forest can also be used for the formation of FP. The extent of the reserved forest to be included in the FP can be decided in the meeting of Gram Sabha .....
- (5) The main purpose of the formation of FP is to ensure that the requirement of fuel, fodder and other needs of the village population is met locally ....
- (6) Fuel and fodder compartments will be carved out of the reserved forests whose boundaries meet the boundaries of the adjacent revenue villages....
- (7) Considering the dominance of pine trees in the forests of the State, concerned DFOs will have to make special efforts to raise plants and grasses of fodder species in these nurseries.
- (8) Constitution of Forest Panchayat Fund christened as Village Development Fund with the purpose to support different afforestation works, micro-plan implementation and other forestry related activities of the forest panchayats....
- (9) The FP revolving fund would be constituted at the district level by drawing 10 per cent of forest panchayat income where the FP income

is Rs. 1000 or more. FPs having less than Rs. 1000 in their account will not be required to contribute to the revolving fund....

- (10) The District FP revolving fund will be used for the constitution of new FPs or expansion of the old FPs only and not for any other purpose ....
- (11) All payments by Uttaranchal Forest Corporation made to FPs in future will be in the form of account payee cheques drawn in favour of the concerned FP....
- (12) The Department of Rural Development is carrying out a campaign called operation SHG in which all families below the poverty line are to be organised into SHGs.... there is need to integrate the work of SHG with the work of FP.... and
- (13) The Conservator of Forest (FP) will ensure formation of federation of Forest Panchayats at Block, District and State levels.

The Government order of 29th March, 2003 addresses some of the concerns of the committee constituted by the forest minister and *Van Panchayat Sangharsh Morcha*. However, it has moved only half way. Where as the forest panchayats now stand extended to all the hill districts of Uttaranchal, the manner the FPs have been formed raises more questions than responded. It will be seen from Table 4 that number of forest panchayats did increase rather exponentially during 2003-'05. The total number of forest panchayats till 2001 was only 6413 which increased to 12092 by the end of 2005 which amounts to nearly doubling (89 per cent) in four years. The forest area of the panchayats increased from 420779 ha in 2001 to 517788 ha. in 2003 which is an increase of only 97009 ha. or 23 per cent. This exposes the mindset of the forest department that it would not allow the forest land ceded to any other agency no matter even if it was legally constituted for forestry purpose only.

It may be mentioned that the March, 2003 notification while prescribing coverage of all revenue villages under the forest panchayat, has categorically

stated that in villages where non-ZA land meaning civil/*soyam* forest land was not available in adequate measure in such situations, adjacent reserved forest land should be brought under the forest panchayats. In actual practice, the forest department which carried the campaign for formation of FPs did not even transfer the civil/*soyam* forest under its possession not to speak of releasing the reserved forest for the purpose. It may be repeated here that 300,000 ha of civil/*soyam* land was transferred from revenue department to forest department in 1964 whereas the additional forest land released by FD during 2002-'05 for new FPs is only 97009 ha.

Given the urgency expressed in the March 2003 letter, it is undoubtedly a direct and quick response to the developments on the forest panchayat front discussed above. This only confirms our observation that FP movement has now gained its own steam which is bound to keep it moving and gaining more ground, no matter whether it is forest or wasteland! What is significant is that FPs have moved from the margin to the center stage of public policy and debate in Uttaranchal. The Government seems to be now focused on the issue mobilising all its resources to make it people-friendly and acceptable to the cross section of public opinion. Forest department will have to yield to the popular pressure sooner or later. The real challenge however, lies in strengthening the institution of forest panchayat with necessary functional autonomy and flexibility of working in accordance with the requirements of specific local needs and situations.

## **TOWARDS SUSTAINABLE COMMUNITY FORESTRY IN UTTARANCHAL**

The foregoing account of the status of forest panchayats presents a mixed picture of both hope and despair. The source of hope emanates from its resilience and the capacity to withstand the onslaughts on its body by way of frequent tampering with the rules and regulations governing its functioning. It was also able to endure the pain of prolonged neglect and indifferent attitude of the very State agents whose job was to promote and support the cause of forest panchayats. It is thus, evident that, the forest panchayats have suffered badly from the inadequacy of official support and, therefore, if it has to play its assigned role and even more to meet the rising expectations of the people and wide ranging reform will have to be introduced in its structure, alignment and operative procedures. The fact that repeated attempts to reorganise and strengthen it from the antiquity did not bear fruits is the cause for despair.

The institution has not grown with the time to be in tune with the current trends in decentralisation and participative development processes as is witnessed in the mainstream panchayat raj system. This in spite of the fact that forest panchayat predates the new three-tier panchayati raj institutions. There is hardly any choice in Uttaranchal. The trend worldwide is to protect and promote common property resource institution for community based resource management. The advantage of CBRM if properly protected and nurtured is that it is more efficient than State managed system and more equitable than private property institutions. We need both efficiency and equity in the management of our natural resources. The real challenge in CBRM is rather the availability of common property institutions that could last over time, constrain users to safeguard the resources and produce fair outcomes. Forest panchayats in Uttaranchal, as would be evident from the preceding discussion, have passed through these tests and fulfill the requirements of a sustainable CBRM institution.

### **Subsistence or Sustainable Development**

Development always involves specific resources and people. The quality of life of the population is largely a factor of resource endowment and the manner in which those resources are utilised. The provision for basic needs has been the central concern in development thinking in our country. The new forest policy of 1988 is testimony to this concern. So the resource use pattern has to factor this requirement in the development plans and programmes. The integration of community development with forest management is necessary for the betterment of both people and forests.

There is now for instance a heightened interest in a clear understanding of the role of Community Based Resource Management (CBRM) as a welcome alternative to solving problems and distortions created by prolonged narrow focused, elite oriented policies of resource management. A pre-requisite for the success of the emerging alternative paradigm of participatory CBRM is the admission of the limitations and flaws of the conventional technocratic approach to resource management. One of the outcomes of this approach, which is widely understood, but admitted is that with this so called scientific forestry, are able to save forests nor help the social cause of removing poverty and deprivation of the masses who live around and depend on the resources of forests for their livelihood.

Community-based resource management can be looked at in various ways. It is a process through which the people themselves are given the opportunity or responsibility to manage their own resources, define their needs, goals and aspirations and make decisions affecting their well-being. As a strategy for achieving a people-centred development, CBRM has a decision-making focus in which the sustainable use of natural resources in a given area lies with the people in the local communities. As an approach, CBRM provides the opportunity and responsibility to local communities to manage their resources in a sustainable way. It is a tool, that facilitates the development of multiple and multi-level resource management skills vital to the realisation of the potential of the community. And finally CBRM

stands for people empowerment for achieving equity and sustainability in the management of the given resources (Felliazar Jr. 1994).

We stand today on a threshold of a potential paradigm shift in the way our forest resources are managed. Development so far have witnessed a process of focusing on intensifying the extraction of forest (as also other natural) resources with large scale State intervention to benefit a narrow elite while passing on the cost of resource degradation to the people and the poor. As we have seen in the preceding section, the issue has now come under intense and critical public scrutiny and with the little democracy (forest panchayat) slowly asserting its role in forest management, these disempowered institutions are beginning to make their voice felt.

At the same time the cost of highly wasteful centralised bureaucratic management of forest resources in the name of scientific forestry can no longer be accepted. Specially after the ban on felling, there is substantially not much work left. The trend world-wide is for collaborative rather than custodial and policing approaches followed previously by the forest department. Fortunately, Uttaranchal has a vibrant civil society that has played a significant role in involving people in the education and prudent management of forest resources. The women of 'Chipko' movement continue to be active in various eco-development and resource management activities. The strong NGO sector has the necessary urge and capacity to contribute substantially in the people-centered forestry programme.

Most discussions in the context of forest panchayats tend to over emphasise the point that the sole purpose was to meet the subsistence needs of fuelwood, fodder, leaf litter etc., rather than being a source of cash income (Sarin 2001). While it is true that these domestic needs are critical for sustaining local agro-pastoral livelihoods, at the same time it needs to be appreciated that living at subsistence level that too under the difficult conditions of hills cannot motivate the youth to stay back and be satisfied with adequate supply of fuel and fodder only. The moot question here is that the needs and aspiration of today's youth call for earning a stream of cash income to raise the level of welfare and cater to their health, education

and socialisation needs of living above subsistence level. How is this possible unless people's access to commercial products of forests is ensured through the development of forest lands for income generation? In the institutional framework where average agricultural holding size is around 1 acre (0.4 ha), the role of forest panchayat and the village forests to create that extra space for living above subsistence level, by adopting the extended agri-horti silvi-pastoral farming system assumes importance.

There are certain grey areas in the management of panchayat forests which emerged prominently during the course of this study. These are issues which are known but never analysed objectively to resolve them. The tendency is either to ignore or brush them aside lightly as inconsequential. But this attitude has not and will not help the cause of forest panchayats or for that matter that of forests themselves. It is, therefore, time to address them earlier than latter.

Forest panchayats lack viability because of their small size and limited access to commercial forest produce. Viability of forest panchayats could be raised by converting the remaining civil forest into panchayat or village forest and if required assigning additional land from adjacent reserved forests to panchayats. This is not a new proposal. It is provided in the Indian Forest Act 1927 and is mandated by March, 2003 notification of the State Government. Considering however, the confusion about how much of civil forest land is actually available with the Government, there is need for a comprehensive land settlement in the State. In any case land settlement is long overdue as the last settlement was undertaken during 1955-'65. The proposed new settlement should focus on promoting agro-forestry as desirable land use pattern in the hills and restoring the viability of forest panchayat as means for sustainable livelihoods. It may be stated here that 3 lakh ha of civil forest land meant to be converted into forest panchayat land was reverted back to forest department in 1964 because the revenue department could not perform its responsibility to constitute forest panchayats in the majority of the villages. Now that forest panchayats have been formed in all revenue villages and majority of them suffer from land

constraint, the first thing required to be done is to revert the civil forest back to forest panchayat fold.

### **Enhancing the Powers of Forest Panchayat**

The main weakness of forest panchayats which got highlighted time and again was its total dependence on the unhelpful officials of revenue and forest department for whatever it does. Forest panchayats were initially constituted under Scheduled District Act 1874. Subsequently, when Scheduled District Act got repealed, forest panchayats got tied up with Section 28 of Indian Forest Act 1927. This appears to be the problem bedeviling the forest panchayats. Because when they were constituted, Class – I reserved forests were de-reserved and classified as civil forests which have conventionally been under the control of revenue department though the purpose was to ultimately convert them into community forests. So forest department was totally de-linked. However, the situation with the village forest under section 28 of Indian Forest Act is not the same. Here, there is no such thing that the village forests will be controlled by the revenue department. Instead, the Act under Clause (3) of the same section 28 says that “All provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to village forests”. This could mean that the village forests will continue to be controlled by the forest department. The vagueness created by this dual arrangement has done great harm to forest panchayats because the forest department finding no role in their formation turned indifferent when they were supposed to provide technical support for their forestry programme. So, instead of facilitating, the forest department thought it proper to apply stringent regulating provisions stifling local initiative and autonomy. However, there is still scope for de-linking forest panchayat from the day-to-day interference of the revenue and forest departments.

### **Enhancing Regulatory Authority of Forest Panchayats**

Thus, torn between the two departments, forest panchayats lost the support of both and got paralysed in the process. Although the rules said

that forest panchayats would be vested with the powers of a forest officer, these powers were never enjoyed by the FPs. Among other powers, a forest officer as per Section 72 of the Act shall have “(b) The power of a civil court to compel the attendance of witness and the production of documents and material”, “(c) Power to issue a search warrant under the Code of Criminal Procedure”, and “(d) Power to hold an inquiry into forest offences and in the course of such inquiry to receive and record evidence”, and “Any evidence so recorded shall be admissible in any sub-sequential trial before a magistrate, provided that it has been taken in the presence of the accused person”. If forest panchayats have the powers of the forest officers as mentioned above, then they would not be so ineffective in dealing with forest offences. Forest panchayat’s power as forest officer was circumscribed by the subsidiary Rule in Section 76 which says “The State Government may make rules to prescribe and limit the powers and duties of any Forest Officer under this Act”. It appears that the provision of this section was used specially for prescribing the limits of powers of the forest panchayat. If forest panchayats cannot be given full powers of enforcement as applicable to a forest officer, then the suggestion that forest offences should be brought within the jurisdiction of ‘Nyaya’ Panchayats constituted under panchayati raj Act is worth considering. This simple reform will go a long way in enhancing the regulatory authority of forest panchayats. What is needed is to empower forest panchayats with sufficient punitive punch.

### **Separate Organisation for Forest Panchayats**

There is also a suggestion to bring in legislation for reorganising forest panchayats by creating an autonomous board for their management. It is argued that limited applicability of enforcement power of rules framed under Section 28 of Indian Forest Act cannot empower forest panchayats. Suggestion, therefore, is to establish an independent agency through an Act of the State Government. There is some merit in this because then forest panchayats will not be dependent on revenue and forest departments. They will have their own fund, and professional support base to rely upon. That will certainly add to the autonomy and operational flexibility to work

according to their own rules. At present there is an under-current of suspicion and lack of trust in forest department. This strong opposition to forest department should be seen in the context of the history of forest movements in Uttaranchal. The forest movement of the twenties culminating in the formation of Kumaon Forest Grievances Committee, Tilari episode of thirties and 'Chipko' movement of the seventies of the last century were all directed against the policies and functioning of forest department. Forest department's opposition to the idea of panchayat forests is also well documented. It is actually a fight for the control of forest resources that forest panchayat sees the forest department as a potential threat to its existence. They fear that growing interference of the forest department may lead to take over of panchayat forests by the department. Forest department has also not conducted itself in such a way that would dispel this fear. Therefore, there is suggestion to separate forest panchayat from the direct day-to-day interference of forest department. Separate organisation may have forestry professionals either as direct recruits or on deputation. In the present arrangement, DFOs doubling as '*Panchayat Van Vikas Adhikari*' will not serve the cause of community forestry. A condition should be created in which village community feels 'reassured about their rights over the resources of panchayat forests, consider these forests as their property and take responsibility to protect them'.

### **Linkages with Panchayati Raj**

It is surprising that forest panchayats have no formal organic links with the statutory panchayati raj system. It is true that there was no panchayati raj when the forest panchayats were constituted during the twenties and thirties. UP Panchayati Raj Act became operative from 1948. Perhaps, because for a long time until 1992, panchayati raj institutions themselves were weak, like today's forest panchayats living on the mercy of the bureaucrats, the need to integrate forest panchayat with the mainstream panchayati raj system was not felt. But what is interesting is that even after 73<sup>rd</sup> Constitution amendment empowering the village and other panchayats with the backing of the Constitution, there has been no move to give the

same protection to forest panchayats also. In fact, there is vehement opposition to the idea of linking or attaching forest panchayats with the village panchayats and this opposition was more vociferous from the official quarters.

To a question whether forest panchayat should be converted into a sub-committee or empowered standing committee of village panchayat, the response from elected forest panchayat functionaries was muted, neither yes nor no. But, when the same question was put forth before the officials of revenue/ forest departments and also DRDAs, the opinion was uniform. Various unspecified reasons were mentioned: like, no, it will create more complications, no, because village panchayat is a political organisation, no, it should continue to be free etc. It was clear that village panchayat was perceived to be a democratically elected body asserting its authority and seeking accountability of the petty bureaucracy to it. If the forest panchayats also get linked to the village panchayat, not only the bureaucracy will lose the hold, but much of the fund for social forestry etc., will flow directly to forest panchayats as is the case with the village panchayat.

It is to be considered whether the forest panchayat can remain as it is or lose authority when there is so much happening in the other panchayat i.e. Gram Panchayat. The 73<sup>rd</sup> amendment empowers the Gram Panchayats to directly receive and use development funds. Funds for forestry work at the village level need not go through the FD. Given the empowerment of panchayats as a legal entity capable of both receiving the forestry funds and regulating the benefits from the resources, the legal arrangements for the constitution of forest committee or forest panchayat now should emanate from the village panchayats and not from the revenue or forest departments (Saxena, 1995).

The general criticism of panchayats is that in the past they failed to manage CPRs effectively and are partly responsible for their decline by colliding with the vested interests. Moreover, as political organisations, panchayats find it difficult to enforce the discipline required for managing the commons. This then harms the interests of the poor people of the village

who are dependent on the resources of forests. But it is also argued that in the past, panchayats were not so empowered as to be able to prevent CPR degradation of their own. The centralised system of resource management through departments led to the loss of a sense of ownership by local communities and consequent misuse of resources by vested interests. Another dimension of forest management by panchayats is to protect the interest of poor who subsist on them.

The high power committee of the Government of India (GOI, 2002) on the devolution of power and functions to panchayats have specified certain functions to be performed by village panchayats in respect of social forestry and farm forestry. It may be noted here that social forestry and farm forestry are among the 29 subjects mentioned in the 11<sup>th</sup> Schedule which have been devolved to PRIs. The functions identified by the working group are –

- 1) Identifying degraded and wastelands for social forestry and farm forestry and formulate projects with the support of Gram Sabha.
- 2) To execute social forestry projects through village people.
- 3) Lease land to the groups/individuals interested in social forestry on sharing basis.
- 4) Encourage private farmers for undertaking farm forestry and assist them distribute seedlings/saplings and participate in *Van Mahotsava*.
- 5) To ensure adequate production of fuel, fodder and timber for local use.

Under the head marketing of fuel, fodder and timber, the village panchayat has been assigned the task of collection, distribution and sale of fuel, fodder and timber (MORD, GOI, 2002). Given so much of emphasis on forestry by village panchayats it is anybody's guess when the question will be raised on the need for the existence of separate forest panchayats for the same purpose without any power and fund. Moreover, the

Government of India have also issued clear instructions to all states stating that no separate organisations should exist at the village level independent of the village panchayats implying that all other formal, informal organisations should be working under the umbrella of the panchayats which is supposed to be institution of local-self government at the village level.

### **The Way Forward**

Given the option of choosing between forest and panchayati raj departments, the forest panchyats would prefer the latter option. But at the same time, forest panchayat would like to retain its separate existence and identity as a community based resource management institution. Moreover, FPs are not merely CBRM institutions like the VFMCs under the JFM of the forest department. FPs are themselves legally constituted bodies under section 28 of the Indian Forest Act. So when it is said that there should be no separate organisations at the village level independent of the village panchayat, in my perception, this instruction or recommendation does not refer to forest panchayats. Forest panchyats and cooperatives are the two organisations which are created under the Central Acts like panchayati raj institutions. So if cooperatives can co-exist with the village panchayat because of its specific and specialised function, forest panchayat can as well co-exist alongside the village panchayat on the same analogy.

Further, the section 28(1) as stated earlier, dose not only allow creation of village forests, it also says that the village community may be assigned the rights of the government over the village forest. This would imply that forest panchyats managing village forests under March 2003 notification of Uttaranchal Government can enjoy all the powers of the local self-government institution for the limited purpose of village forest management. This would suggest that there is scope for both the agencies, forest panchayat and gram panchayat, to co-exist in complementary roles. The function identified by the working group of the government of India under the social and farm forestry programme included in the 11<sup>th</sup> Schedule of the Constitution, can be assigned to forest panchayat which will also be guided by the decision of the Gram Sabha. In fact, the governing body of the village,

forests under 2005 Rules is Gram Sabha only. The management committee i.e. forest panchayat is required to be controlled and guided by the governing body i.e. Gram Sabha.

Given this symmetry, it would be prudent to integrate FP with the GP in such a manner that autonomy of FP is maintained and its functions are made complementary to the functions assigned to the Gram Panchayat. Where Gram Panchayat has more revenue villages, this committee would comprise the surpanches of the constituent village forests. Where, the Gram Panchayat is co-terminus with the revenue village, the whole forest panchayat could constitute the empowered subject committee of the village panchayat for the management of the village forest. This arrangement however, can work only if the Panchayati Raj Act accommodates such provisions for the management of forest resources by panchayats. Fortunately, Uttaranchal does not yet have its Panchayati Raj Act and is being guided by the provisions of UP Panchayati Raj Act. It is, therefore, for consideration whether such an arrangement can be introduced by making special provisions when the Uttaranchal Panchayati Raj Act is formulated. This will require ascertaining of legal opinion. In case it is not feasible to retain forest panchayat as an empowered committee of the Gram Panchayat, then in that case there is no option other than making them one of the subject committees of the GP for managing the village forest transferred to forest panchayats under section 28 of Indian Forest Act. Panchayati Raj Act provide for the creations of such Committees and UP Panchayati Raj Act under which Uttaranchal Panchayats are functioning at present has already created several subject matter committees. This arrangement will obviate the need for a separate Act for the management of forest panchayats as suggested by Bhandari committee in 1983 and reiterated by Uttaranchal Forest Minister's Committee in 2002.

### **Anchoring Forest Panchayats with a Development Agency**

Once the forest panchayats are integrated with the statutory village panchayats as discussed above, there would still arise the need for restructuring of forest panchayat system at the block, district and state levels

also. One consequence of this arrangement would be that the forest panchayats would get out of the administrative control of the forest department. The alternatives could be either to create a separate directorate of panchayat or village forests or merge it with panchayati raj or rural development departments. The dominant view is to create a separate directorate of village forest by merging the civil/ *soyam* forest divisions and forest panchayats. In that case there will be two forest departments one for the reserved forests which occupy 69 per cent of the recorded forest area and other for village forests which will then logically cover the 31 per cent recorded forest area categorised as civil/*soyam* or protected forest. This arrangement will induce the forest department to transfer all of civil/*soyam* forest to forest panchayat as was envisaged in the March, 2003 notification of the State Government but which could not be implemented because of the mindset problem.

In case, as a fallout of this integration with statutory panchayats, the forest panchayats are merged with the rural development department, then its administration at the State and district level would get transferred to RD which controls panchayati raj also at the State level and District Rural Development Agencies (DRDAs) at the district level. Thus, DRDAs could be made the nodal agency for the managements of forest panchayats.

Most of the problems of maladjustment could be solved if the forest panchayats are brought under DRDA umbrella. DRDAs are semi-autonomous bodies registered under the Societies Act 1860. This imparts them with needed flexibility to plan and work according to the specific local needs and potentials. In the recommendations of all the Committees, a point has been repeatedly highlighted that forest panchayats should continue to be controlled by the deputy commissioners or the revenue department. For lack of understanding no one could conceive of a linkage with the development or rural development department. Perhaps the fear of getting hooked to panchayats prevented such a suggestion emanating from the concerned quarters. It is only because of the need for technical advice that forest department involved. Mostly, the deputy commissioner or an

officer of equivalent rank, CDO in Uttaranchal, happens to be the chief executive of DRDA. This way the forest panchayats can get the needed support and protection from the administration. For technical advice, DRDAs have the system of hiring or borrowing technical expertise on deputation or on contract basis. Depending upon the need, it can borrow professionals from forest and revenue etc., departments as many as required to work at different levels. That will take care of the psychological problem of working with the forest department. DRDAs having direct linkage with the PRIs will be an added advantage to organically involve the block/anchal panchayat and zilla panchayat in the forest panchayat scheme.

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## **Annexure - I**

### **REPORT OF THE FOREST GRIEVANCES COMMITTEE**

#### **1. Directions**

This Committee was constituted under Forest Department resolution No. 712-C, dated the 13 April, 1921

Instructions were to

- (a) Enquire into the grievances of the residents of the Kumaun hill patties regarding the policy instituted in 1911 of reserving civil forests.
- (b) Report to Government on modifications of that policy or of rules or reservations made in accordance with that policy appear to be desirable.

#### **2. Constitution of Committee**

The members of the Committee were:

1. The Commissioner, Kumaun, Chairman
2. Thakur Jodh Singh, B. Negi, MLC, Garhwal
3. Mr. R.G. Marriott of the Indian Forest Services
4. To this was added - Pandit Lachmi Datt Pande, Chairman, Municipal Board, Almora, as a member to represent Almora. When the Government suggested that a member might be co-opted for Nainital by the three original members, Pandit Lachmi Datt was co-opted for that district also.

#### **3. Meaning of Word “Kumaun”**

In this report where the word “Kumaun” is used it refers to the hill pattis of both Kumaun and Garhwal, i.e. of the Kumaun revenue division; it should not be taken in its locally restricted meaning of Almora and Nainital only.

#### **4. Tour of the Committee**

The Committee toured in Almora from 16 to 27 May, 1921. In Garhwal from 28 May to 19 July, 1921. The Committee assembled in Nainital for eight days, toured in Nainital and Almora districts from 10 to 25 August, 1921, toured in Ranikhet and concluded the examination of witnesses and this report was written in Almora town.

Garhwal	:	3430
Almora	:	1042
Nainital	:	568
Total	:	5040

In all some 5040 witnesses were examined either in person or by representatives, all grades of society came forward to give their views; the Committee met with a very favourable reception when on tour. The Committee keep as an appendix to their office file a typed copy of all the evidence recorded.

The Committee confined themselves to recording the grievances alleged; they were quite unable to enter into and examine and report on individual grievances. The Government officials, both revenue and forests, were also invited to record their views and make suggestions.

The Committee wish to record the assistance they received from Deputy Commissioners and sub-divisional officers in the notifying of their dates to the general public.

The grievances recorded were often of the same nature and doubtless it would have been quite possible to have arrived at the conclusion given below, had fewer persons been examined. The Committee, however, felt that opportunity should be given to all classes of persons tell about their grievances.

## 5. History

The history of this forest settlement is already well known to the Government and it is not necessary to enlarge on it, it will suffice to say that this forest settlement was imposed by Sir John Hewett's Government on Kumaun in order to conserve the water supply of the Kumaun hills which feed the large canals of the united provinces. It was distinctly promised by him that any profits which should accrue to the forest department in the administration of these tracts should be spent on the needs and development of Kumaun.

In 1908, Sir John Hewett affirmed in a speech delivered at a darbar in Barcilly, about adherence to the declared policy of Government. "The Government has no desire to make money out of the forest and intends to spend on them, for the benefit of the people of Kumaun, the amount by which the receipts exceed the expenses."

## 6. Result of 1911 to 1917 Settlement and Increase in Staff

The result of this settlement which cost some Rs. 4,65,526 was that by various notifications the following areas were declared reserve forest:

	Sq.miles
Almora	969
Garhwal	2125
Nainital	217

To administer this large area of forest, these tracts were divided into five forest divisions and ultimately into six which are known as:

1. North Garhwal division
2. South Garhwal division
3. Ranikhet division

4. Central Almora division
5. East Almora division
6. Nainital division

These divisions are included as parts of old reserves of Nainital and Almora districts and Airedeo forest. Such areas are not within the scope of this enquiry nor are they very large (170 sq. miles) compared with the area taken in by the 1911 to 1917 settlement.

The following staff would administer the tract :

1 Conservator, 10 Gazetted Officers, and 88 Subordinate (excluding forest guards).

A very large number of including two gazetted officers and 33 subordinates were entertained prior to 1911 to control civil forest.

As the gazetted officers and subordinate on this staff had to employ *utar* labour it can readily be recognised that their appointments to these hill patties was by no means a welcome burden. This question of *utar* is however, a thing of the past but it is no doubt one of the greatest grievances which the residents of Kumaun had against the forest settlement. It is mentioned here in order to record that this grievance has been looked into by the Government abolishing the *utar* system in March last.

## **7. Effect of the Settlement**

In the course of their enquiry, the Committee have been struck by the numerous sets of rules which have been issued from time to time to regulate the conduct of the residents of Kumaun in their exercise of forest rights, to place on record the fact that in many cases, e.g grazing rules and lopping rules, no attempt has ever been made to enforce them strictly. The Settlement Officers of 1911-17 started off with the hope that the residents of these hills would gradually become accustomed to the rules as gazetted and that control might be exercised as time goes by.

It is clear to this Committee that these hill men have not properly understood the rules that were made and often had vague ideas of the entries within their rights lists; strict enforcement of these rules has never been attempted. Since the Armistice, the return of a large number of hill men (24000) from the front has made this quite impracticable.

These hills are administered by revenue staff only and there are no regular police. Their introduction would be most unpopular and it is quite obvious to this Committee that the intensive forest administration on the lines laid down by the forest settlement officers must now be dispensed with.

## **8. Civil Forest**

This Committee must record that while the effect of the 1911-1917 forest settlement was very burdensome in such areas as were reserved and handed over to the forest department, on the other hand, the control which the Deputy Commissioner as Conservator did exercise over the protected (civil) forests of 1893 was relaxed.

Previous notifications and rules were abolished and control only was maintained in the following ways by notifications as below.

No. 413 and 416/XIV-83, dated the 16 June, 1915.

No. 000/XIV-83, dated the 18 October, 1916.

1. All rights of user of forest produce for bonafide domestic or agricultural requirements were unrestricted except that deodar, tun, walnut and cypress trees and "all trees growing within 50 feet of the center line of any road managed by Government or by a District Board" were not to be cut without the Deputy Commissioner's permission. The Government right to all stones, states and other minerals was reserved.
2. No building was to be created on unmeasured (civil forest) land without the permission of the Deputy Commissioner.

3. All extension of cultivation by genuine terraces were freely permitted, but in cases of new cultivation (*alag chuks*) a *nayabad* application was still necessary.
4. In certain villages which have been scheduled, the old restriction on extension of cultivation was maintained and for extensions a *nayabad* application requiring the Commissioner's sanction was still necessary.

Such villages are those (A) in which the grazing grounds were few or (B) in which *katil* (i.e. unterraced) cultivation was considered injurious to the hill side.

The power to restrict was maintained in such scheduled villages by Sir John Campbell with the object of maintaining village grazing grounds generally or of preventing denudation along the Nayar in Garhwal.

As regards restriction No. 4 (scheduled villages), though these rules are not within the province of the Committee (they concern civil forests and rules of management which were in force before 1911), yet the Commissioner who is a member has been convinced in the course of this enquiry that these restrictions are often uncalled for and are felt as a grievance and that the list of scheduled villages should be largely reduced.

## **9. Developments Made by the Forest Department**

Against the long list of grievances, it was found that there is a general willingness on the part of witnesses to recognise the subject to the enjoyment of their rights the commercially valuable forests should be protected and exploited provided that the progress made by the forest department in developing the resin and timber industries during the past ten years has been remarkable and gives every reason for believing that they will become a most valuable source of income to Kumaun. Moreover, the forest department now spends about ten lakhs of rupees per annum in Kumaun most of which is on work in the new reserves. Indirectly the forest department provides employment to a large number of men who work for forest contractors. It is indeed a question whether the progress has not

been too rapid; for several witnesses have complained that labour has been unsettled, labourers drawn away from agriculture and wages unduly raised. But the great importance of the expanding source of employment cannot be ignored to a population which cannot be fed upon its own country's resources and that proposals involving the destruction or decay of the resin and timber industries would be opposed to the true interests of the people.

#### **10. Forest Grievances**

The grievances which have been brought to the notice are as under:

1. Demarcation : Forest boundary pillars often come too close to cultivation or buildings.
2. Lopping restrictions
3. Restrictions on grazing
4. Exclusion of sheep and goats from the reserves
5. Employment of forest guards to enforce numerous rules and regulations and their constant interference with women and children, who under the customs in vogue in Kumaun are the chief people to exercise on behalf of the villagers such rights as lopping, collection of minor produce, grazing, etc.
6. Large number of forest cases which have either to be compounded or fought out in a criminal court.
7. Unsatisfactory methods of dealing with indents for timber.
8. Rules regarding fire protection.
9. Strict restriction on the exercise of minor rights to those which are formally recorded in the rights list.
10. Measured land was taken up within the reserves and in some cases inadequate compensation was given or none was given.

11. Prohibition of all extensions of cultivation within the reserves. No pretence can be made to give any classification in order of importance which could be applied generally throughout these 1911-1917 reserves, but offer the following comments on the various grievances enumerated above and indicate remedies to meet them.
12. Demarcation : This grievance affects a much larger area in Garhwal than in Almora or Nainital.

The areas constituting new reserves being.

	Square miles
Almora	969
Garhwal	2,125
Nainital	217

It is a grievance, which is constantly mentioned throughout the three districts especially where boundary pillars and cultivation coincide, it is a real hardship which under existing rules could only be met by a general removal of pillars and redemarcation.

### **13. Lopping Restrictions**

Lopping is practically forbidden in Almora, Nainital and in the South of Garhwal. In the North of Garhwal it is regulated by cumbersome rules difficult to follow or enforce.

These regulations give rise to 75 per cent of the cases, which constitute grievance No. (6), paragraph (10) and are a constant cause of friction between the forest guard and women and children who are the persons most affected by these rules.

These rules, in practice apply mainly to oak which is the principal fodder tree in all the central and northern forests of Kumaun; they are a very real hardship. In the high level forests when snow is on the ground,

villagers must lop to get fodder for the cattle while throughout Kumaun in the months of April and May cattle are dependent on oak and kokat leaves where grass is scarce.

It is proposed to impose all restrictions on the lopping of oak and kokat trees should be removed throughout the 1911-1917 reserves except in the forest mentioned in paragraph (33), clause (3) regeneration areas etc. of class II forests.

#### **14. Restrictions on Grazing**

In Garhwal, enumeration of cattle on kharaks (steading) has been made and fees charged for all buffaloes grazing in the high level forests above the numbers entered in the rights list; this is a source of little profit (some Rs. 2000), but causes great friction between the forest guard and the people. In Almora and Nainital, permits have been issued which are based on entries in the rights lists. In some forests, where the grazing is considered too heavy, an attempt has been made to restrict numbers to those so entered in the permit. This again necessitates a count and resultant friction. In other parts of Almora and Nainital, permits have been issued and no action has been taken. All this has led to the apprehension that action will be eventually taken, that the objectionable count by the forest guard will be introduced and cattle excluded or fees levied on excess.

The hills of Kumaun, except on the bugials, provide no rich and luscious grass like the Terai where herds of graziers may roam and a large income be made from ghi and cattle breeding. These hills cannot maintain their flocks for a full year. In the South, flocks migrate to the Terai and Bhaban, in the North they migrate to the bugials and high level forest. Had it been recognised that the first function of cattle in these hills is to produce and carry manure and that even old and decrepit animals perform this function and that numbers are more important than wellfed herds, it might have been realised that limitation of cattle to a definite number was a mistake.

We propose that there should be no counting of cattle, no levy of fees and no restrictions on number permitted to graze in these 1911-1917 reserves

except as limited in paragraph (33) clause (3) regeneration areas etc., class II forests.

### **15. Exclusion of Sheep and Goats**

The forest settlement officer in Almora considered that goats and sheep were highly injurious to forest trees and these animals were excluded from Almora reserves outside the unadministered portions of the North, this exclusion was also imposed on South Garhwal.

Goat is the only meat which is available for the hill-man to eat and the supply of goats has been reduced, the same applies to sheep, but in a lesser degree. These animals are also like cattle, a great agricultural necessity for manuring fields and as in the case of cattle or sheep and goats should be given free access to the reserves.

### **16. Forest Guards Enforcing Rules**

In these hills there has been no *purdah* system, women and children are constantly employed in the lighter tasks of agriculture. It is no more unusual to find the wives and daughters of hissedars, Pradhans and soldiers cutting grass, grazing cattle and performing other outdoor work than it is to find the wives and daughters of yeoman-proprietors working on their farms in the north of England, Ireland or Scotland. It is by women and children that the bulk of the forest offences are committed. The custom of the country will not permit them being summoned to court and the interference of the forest guard to his futile attempts to prevent them lopping or grass cutting contrary to rules and regulations has been a very bitter source of complaint.

The forest guard has to be removed so as to do away with this real grievance in all classes of forests where it can possibly be effected. This can be done throughout all reserve forests of class (1).

### **17. Forest Cases**

There is a general complaint that forest cases are not enquired in detail. Forest officers under section 67 of the Forest Act often offer to accept

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compensation from suspected persons in lieu of prosecution after a less thorough enquiry than is made by criminal courts.

Distances are great and whether the case be true or false, as originated by the forest guard, the great majority are compounded by the accused and no attempt is made by them to resist and fight the case out in the criminal courts. The number of cases in these 1911-1917 reserves in the last year were as below:

Illicit lopping and cutting for fodder	622
Felling timber trees	160
Fire cases	83
Miscellaneous	163
Total	1023

The bulk are due to lopping and more care should be given to the investigations of these cases by the ranger and divisional forest officer to recognise that matter to give them the attention they deserve.

The remedies suggested are :

1. To reduce the rules and restrictions to reduce the possibility of committing offences.
2. To give forest guards more work to do and less time to spend on the detection of minor infringements of rules.

These suggestions made will reduce the number of compounded cases by 80 per cent.

**18. Timber Indents**

The present position is that expect in Nainital these indents are complied with not by the ranger but by the divisional forest officer. This means great delay.

Other grievances are that timber is given by the cubic foot and not by tress, that it is often given at a distance from the village and that subordinate officials give useless tress and reserve the good tress for sale.

We find on enquiry that villagers have not applied for anything like the full amount available under the rights list either because they made use of their civil or because the allowance was liberal or because the system was unpopular. However this may be, there are great complaints as to supply. These can be met by the withdrawal of all restrictions on the extraction of timber for agricultural implements, cowsheds and buildings throughout class I reserves, restricting the indent system to building timber only in class II reserves.

The following improvements on the system are suggested :

1. Rangers should comply with indents direct
2. Indents should be met at any time of the year except during the fire protection season (March to June)
3. Whole trees should be given and the cubic foot allotment used only by the department for their own guide.

Sound timber as near the village or building in question as is possible without doing harm to the forest should be issued and the system of meeting these demands from annual coupes should be abandoned.

### **19. Rules Regarding Fire Protection**

The general impression was that firing produces better growth of grass and that an accumulation of pine needles (Paitu) retards it and is also dangerous to grazing on steep hill sides. People wish to fire the forest at their own convenience and not so early as the forest department generally do (February and March).

These grievances can be met by withdrawal of all fire protection over class I reserved forest, but for proper forest management, the forest

department must be permitted to exercise fire control as is suggested below under class II reserved forest.

**20. Strict restrictions on the Exercise of Minor and Miscellaneous Rights to those which are Formally Recorded in the Rights List**

Such rights are - stone for mills, bamboo and ringals, water channels for irrigation or mills, limestone, clay, slate, bark of creepers, babil, fruit and roots, dry leaves, thatching grass, fodder grass underwood and firewood from fallen wood.

People who do not adjoin the reserves complain as loudly as persons adjacent. Before reservation in 1911-1917, rights were claimed and sometimes acknowledged by villagers within one another's revenue boundaries (*san assi*). Such rights were however often questioned in the civil court as between villagers. Where the forests are still reserved no such question arises and no boundary dispute can occur.

The settlement officers were guided by distance in the award of more or few of these minor and miscellaneous rights.

In our classification of reserves the rights list need to be ignored and free exercise of user be given to villages both near and far.

Were this proposal made for a country where level roads exist and cart traffic is usual it would be open to objection, but in these hilly tracts the physical difficulties of the country are a very formidable restriction on excessive use.

The only exception to this ignoring of rights lists will be that indents for timber will be still allotted in class II forest according to the right list.

**21. Measured Lands were taken up Within the Reserves and in some cases Inadequate Compensation was given or none was given**

This has been dealt with under paragraph (30).

## **22. Prohibition of all Extension of Cultivation within the Reserves**

This complaint is most general where isolated blocks exist and boundaries are too close. This has been dealt with in paragraph (29).

## **23. Remedies**

The above said detailed general grievances and remedies may be classified as below :

1. Isolated forests to be excluded from forest management and converted to civil and ultimately to become panchayati.
2. Revision of demarcation by the Deputy Commissioner as Forest Settlement Officer.
3. Enquiry by the Deputy Commissioner into complaints as to measured land having been included in reserves under Land Acquisition Act or by agreement, admitted or implied.
4. Removal of rules and regulations over reserves still maintained under forest department management where such rules and regulations can possibly be dispensed with.

## **24. Excluded Forest (Remedy 1)**

The classes of forests which should be excluded from forest management and from any risk of re-assumption by Government are as under:

- i. All isolated blocks of kokat and non-commercial sal.
- ii. All isolated blocks of oak
- iii. All isolated blocks of chir which are not workable for resin or sleeper purposes
- iv. Small isolated chir forests on which the demand for forest produce from surrounding villages is so intense that there is little prospect of

being able to introduce the closure necessary for regeneration purposes without causing very great inconvenience to all the people who are accustomed to exercise rights of use in them

- v. Blocks of chir or other forest added on by 1911-1971 settlement to old reserves (including additions to Airedeo forest) where any such additions are under two square miles.

By this exclusion of such entire non-commercial forest (i), (ii) and (iii) we will obviate, the necessity of any revision of demarcation in such excluded areas.

The desire for commercial chir-tapping areas should not be abandoned except where regeneration will be too inconvenient, hence the wording of (iv).

It is recognised that in classes (v) reducing the profits from resin of the forest department but on the other hand, there is a need to consider tacking on of additional reserves to the old reserves of Kumaun. Airedeo has been a very great grievance on the part of the people and has even led to accusations of bad faith.

In the suggestions made in paragraph (25), fuel and charcoal areas for Pauri and grass and fodder areas for trade routes, must be provided for and kept in class II reserve.

As regards plantations, the Committee can give no decided opinion Mr. Marriott advocates retaining them under forest management, other members were for disforestation. Reasons on the one side are that they have been established at some expenses by Government and will be destroyed if abandoned; on the other, there is the objection that most of them though small and isolated, need a forest guard and consequently will cause friction between him and the neighbouring villagers.

**25. Agency by which forests will be excluded from forest management and points to be considered**

The selection of these forests for exclusion from forest management should be done by the Deputy Commissioners as Forest Settlement Officers, we suggest that in doing so they should consider:

- i. The villagers' point of view
- ii. The forest point of view
- iii. The interests of the town are affected in fuel and charcoal area, Pauri is the only town. Almora, Nainital, Lansdowne and Ranikhet have old reserves dating before 1911-1917 settlement and should not want additional forests.
- iv. The need of dry and green fodder for transport animals and fuel for travellers on pack pony routes.

In deciding to include a fuel and charcoal area in forest reserves the Deputy Commissioner should chose blocks near Pauri.

**26. Resin Tapping in Excluded Forest**

We recognise that the extraction and export of resin throughout Kumaun must remain a Government monopoly to be worked under control of the forest department. In the excluded forests there will doubtless be various small chir areas very valuable from a resin point of view. In such areas, the forests should have the opinion of working resin under such terms as they think fit but could only undertake to do so on an application on the analogy of section 36, Forest Act by the village or villages adjacent to the block. These interested villagers might be induced to apply by giving them a percentage of the net profits on the resin collected. Some villagers may ask for their existing civil forests to be so leased and exploited by the forest department later.

The government monopoly mentioned above should not restrict the extraction of resin for local domestic or medicinal purposes.

### **27. Procedure of Exclusion**

To reduce the areas to the status of civil forest (paragraph 8); cancellation can be done under section 26 of the Forest Act of the notification under section 19 which made such reserves. They then automatically return to the condition of the civil forest in the rest of Kumaun (see paragraph 8).

Section 21 of the Forest Act provides a five years period from the date of notification under which local government is empowered to act against any area however large while under section 72, Forest Manual Government has power after any lapse of time to disforest any area under ten sq. miles.

In cases where the area to be disforested is over ten sq miles in area and has also been notified as a reserve for a period of over five years, the formal sanction of the government of India will be required.

Until management by panchayat is evolved as suggested below, these forests will remain as civil forests and will be controlled by the Deputy Commissioner under the few rules of control which still exist (see paragraph 8).

Deputy Commissioner should however, be instructed by the Commissioner to refuse application for *nayabad* grants to any hissedars or outsiders in these cancelled reserve, unless the consent of the whole body of hissedars concerned be first obtained by the applicant. On the other hand, Deputy Commissioners should enquire into complaints for the restoration of old nap land within these cancelled reserves and satisfy them where possible by return of compensation and return of the land.

### **28. Future Management of Forest when excluded**

These forests should be managed by a panchayat composed either of *panches* from adjacent villages or if each village so chose a separate village panchayat can manage for itself that portion of the blocks as defined by old revenue boundaries to be within its area of user.

Brief rules for management will have to be framed. Communal rules are under discussion but this Committee consider that they will require further consideration before they are applicable.

**29. Revision of Demarcation : (Remedy 2)**

The Deputy Commissioner should be empowered as a Forest Settlement Officer to remove the existing boundaries of the reserves where they are too close or where the population of the village demands extension of cultivation. The outcry against the forest pillars has been caused by a desire to get a freedom from the rules and restrictions which these pillars represent rather than by an existing need for more land. This outcry has been largely met by exclusion from reserves by use of section 26, Forest Act (Remedy 1) and by the liberal abolition of rules and restrictions (Remedy 4).

**30. Enquiry into Land Acquisition Cases : (Remedy 3)**

In order to avoid small isolated patches of cultivation in reserved forest the settlement officers were constrained to acquire land by exchange for a *nayabad* grant in civil or by purchase or by land acquisition. We have been unable to go into the merits of individual cases, but we feel that persons who refused to compromise were in a difficult position when their only remedy was a civil suit and in some cases a real grievance is still in existence. In many cases this will have been met by our first or second remedy *viz.*, cancellation of reserve notification or demarcation, but it will be a graceful act to permit the Deputy Commissioner to go into and revise orders in any cases in which a real grievance still is found existing.

**31. Removal of Rules and Regulations in Reserves still maintained under Forest Department Management where such Rules or Regulations can possible be dispensed with : (Remedy 4)**

To achieve this, these forests must now be separated into two classes:

*Class I* : Forests which although of little or no commercial value are of importance to help maintain the water supply in main rivers and

catchments areas of the Himalayas. Instance of such forests are the Gaghar range of hills in Nainital, the oak forest of Bhakkot and Dudatoli and the northern oak forests of Almora and Garhwal.

*Class II* : All forests now stocked with chir, sal deodar, cypress, kail, spruce or sliver fir, which are commercially exploitable or are likely to become so in the near future together with fuel and grass reserves and deodar banis.

### **32. Reserved Forest, Class I**

In this class, management will be almost nominal and there should be no general restriction on the exercise of rights or concessions either by persons recorded in the rights lists or by outsiders so long as they are bonafide residents of Kumaun.

The only restriction which should remain are:

- i. No royal trees should be cut without permission.
- ii. Cultivation within boundary pillars should not be permitted except by disforestation under section 26 of the Forest Act and a *nayabad* grant under the rules.
- iii. No sale of forest produce should be permitted except by village artisans for local needs.
- iv. The export of hides, skin, stones, slates and other minerals should remain a government monopoly and it should not interface with the rights of villagers to quarry stones or slates for their domestic or village use.
- v. Restrictions on kharaks, see paragraph (36) below:

There will be no restrictions in these forests which are the major area of these reserved hill forests.

Forest guards are no longer required. It will only be necessary for a periodical inspection to be made by a forest officer not below the rank of a

range officer, this will be the only visible sign of control exercised by the forest department.

To ensure the relaxation of rules will not be abused, government in the forest department must reserve to itself the right to impose a forest staff and close any seriously damaged area to some or all rights of user for a necessary period for recuperation. This would be represented by the Divisional Forest Officer through the deputy commissioner and commissioner to the conservator and on to governments as is the practice now in Kumaun.

### **33. Reserved Forest Class II**

Throughout this area the forest department will require further power than those noted above and as detailed under :

1. Fire control : This will be necessary throughout the area, which will be exercised as under:
  - a. In resin, felling regeneration areas, fuel and grass preserves and deodar banis, complete fire protection will be insisted on
  - b. In other areas firing will be done under departmental control every year.
2. Preservation from damage of all trees of species which are exploitable on a commercial scale and control of their felling.

This will not be needed over other species and among species over which no control should be exercised are, all oaks, sandan, genthi, kokat including shrubs and creepers.

3. In regeneration areas fuel and grass preserves and deodar banis, the department must be permitted to exercise intensive control and be empowered to close all rights including the cutting of grass, grazing and lopping or felling any species of trees.

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The regeneration areas should not exceed 1/6 of the total area of the block under forest control at one time. Care must be taken in drawing up the working plan for closure of regeneration causing least inconvenience to the neighbouring villages that closure to grass cutting and grazing to be for such limited period as is necessary for successful forest management.

The selection of those class II areas must rest with the forest department; reference, however, should be made by the Deputy Conservator through the Deputy Commissioner and Conservator as is now the practice in Kumaun.

These proposals have been dealt with general grievances and their remedies. There are however, some other grievances which are not general or which cannot be met by a classification of forests and each require their own remedy. We catalogue below the grievances and then proceed to discuss them in separate paragraph and propose remedies.

Such grievances are :

1. Ignorance as to financial position
2. Cultivation in kharaks
3. Gun licences for protection of crops
4. Shooting and fishing in the reserves
5. Bhotia rules
6. Deodar banis
7. Banaons
8. Reserves for grass supply
9. Reserves for fuel supply
10. Inconveniences caused by district and forest divisional boundaries overlapping

11. Restrictions on collections of driftwood and leases thereof in Ganges at Srinagar and on the Nayar
12. Complaints against the summoning of women and children to attend as accused in summons cases under the Forest Act
13. Building on extension of nap land.

### **35. Ignorance as to Financial Position**

The intelligentsia of Kumaun have criticised before us the financial policy of Government in the distribution of the profits. They assert that the District Boards are not aware of the method in which the proforma account of income and expenditure is maintained and would like to be represented when the accounts are made up.

For instance, the saw mills under the utilisation circle were included in the accounts, and have been removed. The Resin division is still within the Kumaun Circle accounts (1919-1920), the settlement expenses may or may not be still debited to Kumaun while all profits from civil forests are still pooled in provincial revenue.

The following are the suggestions :

1. In view of our proposals in this report, the settlement expenses should certainly not be debited to Kumaun. The settlement was an experiment which the Provincial Government is responsible for
2. Utilisation Circle: All previous expenses by this circle should be cut out of the proforma account. This again was an experiment of the Provincial Government.
3. Resin Factory: The expenses of this institution should be provincial and Kumaun given a fair F.O factory rate for the resin it supplies.

Even from the proforma accounts before us it is obvious that these hills forests have of themselves paid good profits, Rs. 3.5 lakh in 1918-19, 2.2 lakh in 1917-18, while the financial return of the Kumaun circle for 1920-21 show a profit of Rs. 1.71 lakh.

All this indicates an examination of these proforma accounts by a financial expert who would deal equally with the claims of Government and the Kumaun division.

Another grievance is that though 2 lakh of rupees a year have been given to Kumaun, Kumaun has in the past been told that this grant weaken its claim to ordinary extra grants given to other districts e.g., for education. It is apprehended that this policy may be repeated.

This being a purely financial question, Mr. Marriott, the forest member, has not taken a part in the discussion.

### **36. Cultivation in Kharks**

Kharaks are “steading” or summer grazing stations to which the low level villages drive their cattle in the hot weather and rains and there build *kutch* chapper for shelter. Under the 1911-17 settlement, villagers have been confined generally to a right or concession of their cattle. No count as yet but it is apprehended. Cultivation of temporary rain crops round the shelters has been permitted in certain places on a permit, there have been few applications, but there is a general complaint that cultivation is closed.

We would recommend that in both class I and II forests, kharkas should be defined and marked on the ground and cattle allowed in unlimited numbers. Temporary cultivation up to the maximum limit of one acre may be allowed and in class II forests, the actual kharkas should be demarcated by the forest department.

### **37. Gun Licenses for the Protection of Crops**

It is also a complaint which has been advanced in each district that sufficient gun licenses for this purposes have not been given. In Almora and Garhwal, extensive distribution have already been made and the Commissioner has assured that the same will be done in Nainital and there will be no difficulty in suitable cases in any part of the division.

### **38. Shooting and Fishing in the Reserves**

Complaints were received that shooting and fishing have been stopped in the reserves and perhaps the forest guards have prevented people or people have been ignorant of the fact that the 1911-17 settlement avoided these two questions entirely.

The system of stationary “bands” in some of our hill streams has led to a large destruction of breeding fish which come up from the Ganges and its distributaries. It is for the fishery department to consider whether this interference with the migration of fish from the larger rivers to their breeding ground should not be restricted.

### **39. Bhotia Rules**

The chief complaints are that in the Darma and Johar valleys that these trades are assessed to fees by the forest department on all their cattle whether they are used for trade or not; and this is due to a misreading of the rules and these people should be dealt with in the same way as “residents of Garwhal” and the rules should be as under:

“Bhotias of all classes

Tibetans                      During such times as the

Danpuris                      Cattle may be used as pack animals for residents  
of Garwhal the purpose of carriage.

The rules lay down certain lines within which these persons have free grazing collecting stations for fees from traders should be brought further South.

Another grievance was that their camps are too apart and the distance should be fixed at six miles or under, and in cases of emergency e.g wet weather, sicknees, etc., the strict limits of halt should not be enforced. These objectives are reasonable and should be met.

The traders complain that they are not allowed to take sickles or axes in the forests and it is proposed to allow lopping for villagers, sickles may be allowed to these traders but certainly not axes.

#### **40. Dcodar Banis**

These exist in Kali Kumaun. These should be maintained by the forest department; they have been administered without rights and should so remain. Some are wired in; they vary from 4 to 30 acres. One of the chief objects of these plantations is now to provide wood for the sleeper room on the sadhan at Daramdeo. When wood is sold locally to villagers, it should be sold at favourable rates, when for bonafide domestic use and given free for temples and districts boards uses. These are included in class II of reserve forests.

#### **41. Banaons**

Temples trees and oak greens which villagers had conserved for their own use in pre-settlement times were taken into reserved forest. These complaints will be met by the Deputy Commissioner in his action under paragraph (24) by excluding under section 20, Forest Act from forest management or by revision of the boundary under paragraph (29).

#### **42. Reserves for Grass Suppliers and Fuel Supply**

These should be limited strictly to necessary requirements. Intensive management given a better crop and make it possible to supply need from a limited area.

**43.** Inconvenience caused by district divisional boundaries overlapping: when rights lists were strictly adhered to, especially as regards minor rights and kharaks, villagers found this overlapping irksome. All these restrictions are to be withdrawn and it is expected that this inconvenience will be met. It is suggested that where convenient, forest divisional and revenue district boundaries should coincide, ultimately each district obtains its own forest revenue, then an adjustment of the accounts should be made by revenue districts and not by forest divisions.

**44. Restrictions on Collection of Driftwood and Leases thereof on the Ganges at Srinagar and on the Nayar**

This is a common local complaint. The income is insignificant and collection of drift firewood should be unrestricted as in other parts of Kumuan.

**45. Complaints against Summoning of Women and Children to Attendance as Accused in Summons Cases under Forest Act**

In the past many forests offences have been committed by women and children and no doubt the fear of having ultimately to go to court has included their relatives to compound whether the case was strong or weak. The Section 205, Criminal Procedure Code might be used by the Magistrates when trying such cases against women and children.

Under the customs of Kumaun it is this class of villagers who generally work in the forest and commit forest offences. The Kumauni and Garhwal bitterly resent this threat to hale their women and children before the courts.

**46. Buildings on Extension of *Nap* Lands**

This is not a grievance concerning the reserved forests, but is rather an objection to a general rule which regulates building on unmeasured lands outside the reserves. This rule was introduced under G.O.No.600/XIV-83, of 18 October 1916 and runs as under.

**MISCELLANEOUS**  
**Forest Department**  
**The 18<sup>th</sup> October 1916**

No.600/XIV-83, In exercise of the powers conferred by Section 81 of the Indian Forest Act, 1878 the Lieutenant Governor of the United Provinces is pleased to make the following rule as an addition to the rules issued under notification No. 416-XIV-83, dated the 16<sup>th</sup> June 1915, for the areas to which the provisions of Chapter IV of the said Act were applied by notification No. 869-F638-44, dated the 17<sup>th</sup> October 1893.

No building shall be created on unmeasured land without the permission of the Deputy Commissioner.

**R. Burn,**  
*Chief Secretary*

This rule was introduced to prevent the building of shops and residential houses without payment of ground rent and to prevent disputes which might arise regarding such sites. Applications to build are treated by the same procedures as applications for *nayabad* grants. It is however, unnecessary that such applications should be made for building for bonafide agriculture purpose on sites which are extensions of cultivation. This is a matter which concerns civil forest and not the forest department. It is hardly a subject for discussion by this Committee. The Commissioner, however, is prepared to get the rule altered.

**47. Action of Deputy Commissioner as Forest Settlement Officer**

To effect the remedies suggested no special staff will be required. The work can be done by the Deputy Commissioner as Forest Settlement Officer acting under the Commissioner as directed in the Forest Act. The immediate work to be done by him will be as under :

1. Selection of blocks for exclusion from reserves under section 26 of Forest Act.

2. Revision of demarcation where vicinity of cultivation demands it.
3. Enquiry and disposal of complaints where measures and land has been enclosed within reverses and which have not already been dealt with by action under (i) and (ii).

We consider that this work is urgent in the interest of the forest department who will have to revise working plans accordingly.

**48.** Action by the forest department in connection with the revision of the settlement rules will be: To select as soon as possible the forests which are required for inclusion in class II. Where they adjoin class I forests their boundaries are clearly demarcated (e.g. by roads, streams or bridges) should be indicated as a temporary measure by painting rings round standing trees or some other simple measure subsequently by cleared lines or roads.

To revise drastically the rule in G.O. No. 761-XIV-83, dated 8 October 1914, and G.O. No. 407-XIV - 1, dated the 14 June 1915.

**49.** If Government accepts the proposals all the serious grievances of the people will have been remedied and that the task of forest department developing the forests will be easier. It is hoped that the tracts to be excluded will be properly utilised and managed by the panchayats and people will gain experience and insight in the utility and value of the forests and realise that the few rules and restrictions which have been proposed to be retained for the management and control of the new reserves are left to the forest department.

In addition to the experience to be gained by the actual management and control of the forest to be now excluded, education be given in all the schools in the subjects and importance of forestry and the necessity for forest protection and that district officials and leading residents be asked to help in explaining forest policy to villagers.

**P. Wyndham  
Jodh Singh  
Lakshmi Dut Pande**

## Annexure – II

### **(Free English Rendering of the Forest Panchayat Rules Originally in Hindi) Kumaon Forest Panchayat Rules 1931**

In exercise of the powers under section of the Scheduled District Act 1874 (Act No. XIV of 1874), the Governor is pleased to make the following rules :

1. These rules will apply to the whole of Kumaon division and will be known as Forest Panchayat Rules.
2. Any land lying outside the boundaries of Municipalities and Cantonments for the management of which a plan is prepared under these rules will be treated as Panchayati Forest and these rules will apply to all such lands.
3. Any two or more title holders or tenants, farmers or artisans who have been either themselves or their family members living in the village for more than 12 years from the date of application for *Van* panchayat scheme can apply to the deputy commissioner for constitution of a forest panchayat within the boundaries of the village delineated in the year 1823 (Vikrami Samvat 1880). *Van* panchayats can also be formed in such villages, which were settled in the process of a land settlement or recognised as such by any decision of any court of law. However, if one-third or more families of the village oppose such a proposal, permission for establishment of the forest panchayat will not be granted.

The application should contain full information on the location of land with boundaries clearly demarcated.

*Special Provision* : In the villages riven with groupism and factionalism, separate forest panchayats can be established by each

group by dividing the waste and fallow land within the village boundaries between them.

Note : In uninhabited villages, forest panchayats can be constituted by the people who cultivate the land there or who claim a right on the forest of that village.

4. After receiving the application for the establishment of a forest panchayat under rule 3 above, the deputy commissioner will inform the Pradhan or all the Pradhans of adjoining villages about it with all the details of the land proposed to be covered under the forest panchayat. A date will be fixed by the deputy commissioner to hear objections if any.
5. On the appointed date the deputy commissioner will visit the site for, on the spot inspection of the land. After hearing claims and objections from the people he will give his decision. If there is any dispute about the boundaries of the village, the deputy commissioner will be free to decide the case without waiting for the final settlement of the dispute in the court of law which may later modify the order of the deputy commissioner. Deputy commissioner can either accept or reject the request of the village by giving his reasons for doing so and also specify the conditions if any in case of conditional approval.
- 5.(A) The forest panchayats to be created in the class I and class II Reserved Forests will be only of those people whose names are in the rights list or if they live within the village boundary demarcated in the "Vikrami Samvat" 1880.
6. After that, the deputy commissioner will call all the right holders at a place and the time convenient to him to get the forest panchayat constituted in his presence. The panchayat should have minimum 3 and a maximum of 9 members. After that the members will elect a sarpanch from amongst them.
7. (A) The decisions taken by the deputy commissioner under rules 5, 5A and 6 above can be reconsidered by the commissioner.

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- (B) The decisions of the special officer (appointed under rule 20) in respect of rules 4,5,5A and 6 will be subject to review by the deputy commissioner and the decisions of deputy commissioner can be reconsidered by the commissioner.
  - (C) The decision of the commissioner on the matter concerning rules 4,5,5A and 6 will be final which will not be challenged in the court of law.
8. After the constitution of forest panchayat under rule 6, the deputy commissioner will prepare a written memorandum of understanding for the management of the land allotted for the establishment of forest panchayat. The deputy commissioner while deciding the terms and conditions of the agreement, will keep the existing condition of the piece of land set aside for the purpose of forest panchayat and will refer the proposal to the commissioner for approval.
  9. While deciding the terms of agreement under rule 8 above, the deputy commissioner will mention the following :
    - a. The panchayat or its members will not be authorised to either divide or sell the land allotted for the purpose of forest panchayat.
    - b. The panchayat will use the produce of the panchayat forest only for the benefit of its members who are in the list of right holders.
    - c. Panchayat will prevent the loss of trees occurring due to negligence of the users.
    - d. Panchayat will not allow any members or user to use the panchayat land for agriculture purpose.
    - e. Panchayat will cause to erect the boundary pillars and protect them.
    - f. The panchayat will abide by the orders issued by the deputy commissioner from time to time for the protection and improvement of the panchayat forest.

- g. Non-compliance of the conditions stipulated in clauses 9A to 9F above may result in the cancellation of the allotment of land for *Van* panchayat.
10. The term of the members of forest panchayat will be 5 years and in case of a vacancy arising in the mid-course the panchayat will have the right to appoint new members for the remaining period but it will not have the power to fill the vacancy arising due to removal of a member under rule 11.
  11. If the forest panchayat members desire to remove a member through the majority vote, the sarpanch will inform the deputy commissioner about it. The deputy commissioner will visit the village to witness the process of voting to remove the member. After the member has been removed, the deputy commissioner will see to it that a replacement is elected and thereby the members of forest panchayat.
  12. The status of the panchayat members will be like that of a forest officer and the panchayat will exercise following powers within the jurisdiction of panchayat.
    - a. Imposing a penalty of Rs. 5 for any violation of the rules by any user. If this penalty is considered inadequate, initiating legal proceedings against the offender after reporting the matter to the higher authorities.
    - b. Presenting and arguing the case arising out of these petitions.
    - c. To issue passes after receiving fees, for the collection of grass, grazing, fuelwood, stones and slate etc.

But the panchayat will not be able to tap and sell resin from chir trees without the prior approval of the government for which the following provisions will prevail.

- i. Tapping and sale of resin will be done by the forest department directly and the income earned from this will be distributed between panchayat

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and the forest department in the ratio to be decided by the conservator of forest, or

- ii. The panchayat could carry out the task of resin tapping on the following terms.
  - (a) That resin tapping work will be done only in accordance with the prevailing procedures laid by forest department and the forest department can make surprise checks to ensure whether or not the rules are being followed.
  - (b) That the entire collection (resin) will be sold either to the forest department or to the agency authorised by the conservator of forest.

*Special Provision* : If the conservator of forest feels that any particular forest panchayat is not competent to take up the task of resin tapping or if it is found that the panchayat is not following the laid terms and norms or if for some reasons, resin tapping is not considered proper, then the conservator or forest will have the power to stop resin tapping with the due permission of the deputy commissioner of the district. Provided however, that this rule will not apply if the resin is being tapped for domestic use or for medical purposes.

- d. Regulating the entry of cattle in the panchayat forest and controlling grazing.
- e. Confiscate the animals entering the panchayat forest without the permission of panchayat and keep them detained for 48 hours.
- f. In case any one from the village acts in contravention of the rules and orders of panchayat and in the process causes damage to the panchayat forest, such person(s) after ascertaining their complicity in the act should be deprived of few or all rights over the panchayat forest.
- g. Confiscate the tools and implements used in the offence committed in the panchayat forest.

13. Forest panchayat can frame bye-laws to distribute the products of forest and to regulate the use of forest like grazing, grass cutting, fuelwood collection among the right holders. And panchayat can appoint patrol or chowkidars to enforce the rules and bye-laws.
14. If the Provincial Government so desired, additional powers may be delegated for reaching agreements in the cases related to forest offences or give one or more powers under the clause 72 of Forest Act (1927) to the forest panchayat constituted under these rules. So long these powers are not granted to forest panchayat, they will remain vested in the deputy commissioner.
15. Decisions of the panchayats will be based on majority opinion and the minutes of meeting will be prepared. Two-thirds members of panchayat will constitute the quorum. In case of a tie, the sarpanch will exercise his right to vote for settling the case.
16. The deputy commissioner will make available to the forest panchayat appropriate registers and account books to keep their account. The register, accounts and the cash amount and other mobile property of the panchayat will be in the custody of its sarpanch.
17. The income from forest panchayat will be deposited in the forest panchayat fund. This amount will be first used in the development of panchayat forest and the remaining amount for other public services of the village.
18. The deputy commissioner will have the power to suspend or terminate the forest panchayat if in his assessment the panchayat was violating the rules and was unable to fulfill its responsibilities and constitution of the new forest panchayat after holding the meeting of the villagers. If the people of the village do not favour establishment of the new panchayat, the deputy commissioner will have the right to hand over the panchayat forest to another adjacent panchayat which is willing to shoulder the responsibilities.

Until a new panchayat comes into existence, the deputy commissioner may hand over the management to the officials of revenue or forest department and debit the expenditure on meetings patrol or forest guard etc., against the panchayat fund. Under such a situation the deputy commissioner will assume all the powers under Section 2 of forest panchayat rules 1931. If the new panchayat could not be formed because of some reasons, the panchayat will be dissolved and land will revert to the original position that existed before the establishment of forest panchayat.

19. The income earned under different heads and from various sources by the forest panchayat will be treated as public fund and will be recovered from the right holders or the members of village community under clause 82 of the Indian Forest Act as revenue arrears.
20. The Provincial Government, with the concurrence of Kumaon Forest Committee, may appoint one or more special officers for the inspection and reconstruction of the panchayat forests constituted under these rules. Each of these officers will work under the direction of the commissioner but as an assistant of the deputy commissioner in the district. These special officers will enjoy all those powers which are vested in the deputy commissioner. This will include the authority to forge agreements between contesting parties.
21. On the instruction of the deputy commissioner, the conservator of forest or divisional forest officer will inspect the accounts and other records of the forest panchayats within their divisions, call documents for inspection and report to the deputy commissioner about the working of panchayat forests.
22. Members of Kumaon Forest Grievances Committee will also have the right to inspect the forest panchayats within their areas. They should also send a copy of their inspection report to the deputy commissioner.

### **Annexure – III**

#### **THE PANCHAYATI FOREST RULES, 1972**

In exercise of the powers under Section 28 of the Indian Forest Act, 1927 (Act No. XVI of 1927) and all other powers enabling him on this behalf and in suppression of the existing rules on the subject the Governor is pleased to make the following rules :

1. These rules shall be called the Panchayati Forest Rules, 1972. They shall be applicable to Nainital, Almora, Pithoragarh, Garhwal and Chamoli districts and to such other areas as the State Government may from time to time notify.
2. The term “Panchayat Forest” includes any area (outside the Municipal or Cantonment limits) which has been duly constituted as such under Rules 5 to 11 hereinafter.

Provided that the formation of panchayati forest in any forest area under the administrative charge, of forest department shall be done in consultation with the forest department.

3. In these rules unless there is anything repugnant in the subject or context.
  - a. “Act” means Indian Forest Act, 1927 as amended in its application to Uttar Pradesh.
  - b. A “Forest Panchayat” means a committee constituted for the management of Panchayati Forest under these rules;
  - c. “Forest Officer”, “Forest Offence”, “Forest Produce”, “Cattle” and “Tree” shall have the same meaning as assigned to them under the Indian Forest.

- d. “Gaon Sabha” and “Prashan” shall have the same meaning as assigned to these terms in the UP Panchayat Raj Act, 1947 (UP Act No. XXVI of 1947).
  - e. The terms Commissioner, Deputy Commissioner, Sub-Divisional Magistrate, Tahsildar, Patwari, Forest Panchayat Inspector, Conservator of Forest. Divisional or Sub-Divisional Forest Officer, Block Development Officer used in these rules mean a Commissioner, Deputy Commissioner, Sub-Divisional Magistrate, Tahsildar, Patwari, Forest Panchayat Inspector, Conservator of Forest, Divisional or Sub-Divisional Forest Officer, Block Development Officer under whose territorial jurisdiction the panchayat forest lie.
4. The State Government may appoint one or more officer, hereinafter called the Special Officer, to organise and supervise the working of the panchayati forest constituted under these rules. Each officer shall work under the control of the Commissioner but exercise all the powers vested in the Deputy Commissioner under these rules.
    1. Received the assent of the Governor Vide Noti. No. 3394/XIV-3, dated 18<sup>th</sup> May, 1972.
  5. At least one-third of the adult residents who or whose family has resided for 12 years immediately preceding the date of application in the village within whose *sal assi* boundary the land applied for lies may apply to the deputy commissioner for the settlement of a scheme of management of any area not including any holding lying within the *sal assi* boundary of their village or villages within which their rights of user have been recognised by judicial decision or in a forest settlement :

Provided that no land shall be declared to be panchayat forest if one-third or more of the residents of the village or villagers, within which the area lies, enter objection to the scheme.

6. On receipt of an application under rule 5, the deputy commissioner shall cause a notice to be served by personal service on the Pradhan of the Gaon Sabha concerned; and by affixation in the village or villagers, the residents of which apply, in the adjacent village, and in all 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.
7. On the date so fixed or on any subsequent date to which the proceeding may be postponed, the deputy commissioner shall visit the locality and shall hear the claims and objections if any, on the spot and decide the same. If there is any dispute as to the *sal assi* boundary, he may decide the same in a summary manner, and proceed with the demarcation of the proposed panchayat forest on the basis of his own decision. He may accept the application in whole or 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 reason thereof.
8. In panchayat forest constituted from classes I and II reserved forests, only those persons whose rights are recorded in the lists of rights within whose *sal assi* boundary such forests lie shall be allowed to exercise rights of user in such forest.
9. The deputy commissioner shall then call upon the *sal assi* residents aged twenty-one years or more of the area and others of the same age as above who will benefit thereby to assemble at a convenient place and time, and shall call on the persons so assembled to elect a forest panchayat in the presence of an officer nominated by the deputy commissioner. This shall consist of five to nine members as may be decided by the deputy commissioner, when the members have been duly elected they shall elect a sarpanch from among themselves by

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majority voice vote. The sarpanch shall be responsible for the proper management of the panchayat forest. Any petition raising a dispute relating to the election of the sarpanch or any member may by and member of the forest panchayat or a resident respectively, be referred to the deputy commissioner for decision.

Provided that a Government servant or any employee of a local body or a person who is in arrears of panchayat forest dues and persons convicted on criminal offences involving mortal turpitude shall not be eligible for election as member or sarpanch.

Provided further that no sarpanch shall be eligible for elections as sarpanch consecutively for more than two terms.

10. Any order passed by the deputy commissioner under rules 7 and 9 above shall be subject to revision by the commissioner. The period of limitation for filling the revision shall be thirty days from the date of passing of the Order by the deputy commissioner.
11. When a forest panchayat has been duly constituted under Rule 9, the deputy commissioner shall take from it an agreement in writing to manage and work in the area to be granted or assigned to it according to working plan. The deputy commissioner shall submit the proceedings to the commissioner for sanction.
12. The deputy commissioner may, where he consider it necessary nominate not more than two persons as member of forest panchayat from among the residents of panchayat forest area. If no scheduled caste member is elected to the forest panchayat at least one nominee of the deputy commissioner shall be of the scheduled caste.
13. After the constitution of panchayat forest and the forest panchayat under rules 7 to 12 above, the deputy commissioner shall send intimation about their constitution to the conservator of forest and the divisional forest officer concerned.

14. The term of the office of the members of a forest panchayat shall be five years and the forest panchayat shall have power to fill casual vacancies for the unexpired portion of the said period except in case of a vacancy caused by the removal of member which will not be filled by the forest panchayat. The State Government would have the authority to extend the term of any or all forestry panchayat if it so deemed necessary.
15. If a majority of the forest panchayat members consider it necessary to remove an individual member, the sarpanch shall report the fact to the deputy commissioner. The deputy commissioner shall proceed to the village and shall ascertain the wishes of the persons entitled to vote and shall act accordingly. If the member is removed, the deputy commissioner shall immediately call on the voters assembled to elect new member for the unexpired portion of the term of the member so removed.
16. (1) A forest panchayat shall hold a meeting at least once every three months. The proceedings of the meeting shall be recorded in a register in Hindi and a copy thereof shall be sent to the deputy commissioner within seven days of the meetings :  
  
Provided that an emergent meeting may be convened by the sarpanch either himself or at the requisition of at least half the strength of the forest panchayat at any time after giving at least three days prior notice.
  - (2) All decisions of forest panchayat shall be taken by two-thirds majority vote.
  - (3) The quorum of forest panchayat shall be two-thirds of the total members including the sarpanch or his nominee.
  - (4) The Patwari, village level worker, panchayat secretary and a nominee of the divisional forest officer may attend a meeting of the forest panchayat but shall not have any right to vote.

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17. A forest panchayat may appoint, subject to the availability of funds and previous approval of the deputy commissioner such paid staff as may be necessary.
18. It shall be the duty of every forest panchayat to make reasonable provisions within its jurisdiction.
  - (a) To prevent reckless destruction of trees and for felling only those trees that have been marked silviculturally by forest department as fit for exploitation.
  - (b) To ensure that no encroachment of any kind takes place and no land is broken for cultivation in contravention of the rule made under Kumaon Nayabad and Wastelands Act, 1948.
  - (c) To erect and maintain boundary pillars.
  - (d) To carry out the directions and execute the orders given to it by the deputy commissioner to maintain, improve and exploit the forest. Such orders will be issued by the deputy commissioner on the advice of the conservator of forest or divisional forest officers.
  - (e) To utilise the produce of panchayat forest, to the best advantage of the village community and of the right holders, recognised by established custom or permitted by the commissioner consistent with silvicultural availability.
  - (f) To close at least 20 per cent of the area for grazing unless otherwise permitted by the authority to be specified by the commissioner for the purpose; and
  - (g) To protect the forest from illicit felling, lopping and other kind of damage and fire.
19. (1) The 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 offences committed within its forest for an amount up to the limit of Rs. 50 for each individual offences by way of compensation according to the nature of offences and up to a limit of Rs. 500 after obtaining previous approval of the divisional forest officer concerned.

Provided that, if the offender is prepared to compound the case, the forest panchayat shall realise the full market-value of the property involved in the offence assessed by an officer not below the rank of a divisional forest officer, 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 make local sale of forest produce including slate and stones without detriment to the 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 divisional forest officer and is made for the bonafide domestic use of right holders. The permission of the divisional forest officer would not be necessary for allowing grazing or cutting grass or collection of fallen fuel. If the forest panchayat feels that it has exploitable trees or other forest produce for commercial sale within its forest, it shall apply to the deputy commissioner who shall forward the same with his comments and recommendations to the divisional forest officer who in turn shall forward the same with his recommendation to the conservator of forest concerned for order on receipt of which further action to mark and sell the trees or other forest produce shall be taken by the divisional forest officer.
- (d) To regulate grazing and the admission of cattle into panchayat forest;

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- (e) To impound cattle entering into the panchayat forest and to detain them up to 48 hours if such cattle are not covered under permits issued by the panchayat;
- (f) To exclude from any or all privileged in the panchayat forest any person whom the panchayati may, with good reason, consider responsible for any fire or damage to the area or who disobeys orders issued by the panchayati in exercise of the powers conferred on it.
- (g) To exercise such other powers as may be notified by the State Government from time to time.
- (h) To seize all tools or weapons used in committing forest offences within the area.

Any order passed under clause (f) or clause (h) shall be appealable to the deputy commissioner. Such appeal shall be made within a period of thirty days from the date of the Order of forest panchayat.

- (2) Unless special permission of the State Government has been obtained, no resin from Chir trees may be extracted and sold except with the approval of the conservator of forests. Such order of approval may *inter-alia* pursue :
  - i. That any such extraction sale of resin shall be done by the forest department itself.
  - ii. That the trees must be trapped and resin must be extracted and sale of resin subject to the provisions :
    - a. That the trees must be tapped and resin must be extracted in accordance with the rule in force in the forest department for such tapping and extraction and that the work may at any time be inspected by the forest department officials to ensure that such rules are being observed; and

- b. That all outturn of resin be sold in accordance with the directions of the conservator of forests;

Provided that, if he considers that any forest is not suitable for resin tapping, or that such orders are not being carried out or that for any other reason resin tapping operations are not desirable he shall in consultation with the divisional forest officer, prohibit such extraction of resin altogether.

Provided further that nothing in the last preceding provision shall empower him to prohibit the extraction of resin for local, domestic or medical purpose.

20. The forest panchayat may frame bye-laws for the distribution of forest produce among persons entitled thereto, for regulating, grazing, cutting of grass and collection of fuel and for any other purpose consistent with these Rules. The bye-laws shall come into force after they have been approved by the commissioner.
21. It shall be obligatory on the part of forest department to have working plans or schemes for all panchayat forest prepared and to bear the entire cost of preparation of all such working plans or schemes. The conservator concerned shall get the working plan or scheme prepared. The working plan or scheme shall be approved by the chief conservator of forest before it is brought into force. Once approved by the chief conservator of forest it shall be the duty of forest panchayat to strictly adhere to the prescription of the working plan or scheme and not deviate from it without prior approval in writing of the chief conservator of forest.
22. The exploitation of timber firewood and minor forest produce [excluding resin for which Rule (2) above may be seen], slates, stones, gravel, grass for commercial purpose shall be done strictly according to the prescription of the working plan or scheme of any, in force or if no such scheme is in force after obtaining the consent of the divisional forest officer concerned. The forest produce so exploited

shall be sold by public auction in accordance with the orders issued by the deputy commissioner in consultation with the conservator of forest, divisional forest officer from time to time.

23. (a) The net figure of income from the sale proceeds of resin and other forest produce shall be determined as follows :
- (i) Forest department shall charge its actual cost of extraction of resin plus such overheads as may be determined by the State Government from time to time.
  - (ii) As regards the other forest produce, forest department shall charge 10 per cent of the sale proceeds as administrative charges.
- (b) The net income as may be determined in the manner indicated above on account of sale of resin and other forest produce together with the income accruing from other items, such as compensation money and fee etc., shall be credited to the panchayat forest fund and shall be distributed and utilised as follows :
- (i) 20 per cent to zilla parishad for development purposes, i.e. for carrying out projects of local public utility.
  - (ii) 40 per cent to forest panchayats for development purposes, i.e. for carrying out projects of local public utility; and
  - (iii) 40 per cent to the forest department which shall be kept separate by the department and not merged in its general revenues and shall be spent by them on maintenance and development of panchayat forest. The approval of the commissioner to the proposals of the forest department for utilisation of the income will have to be obtained and utilisation certificates will also be furnished to him by the forest department.
24. Every forest panchayat shall prepare and pass an annual estimate of its income and expenditure hereinafter referred to as “annual budget” for financial year commencing from 1 April and allocate funds out of

its annual income to discharge its obligations under Rule 18. A copy of this annual budget shall be sent to the deputy commissioner for sanction who may in consultation with the divisional forest officer, make such alteration therein for reasons to be recorded in writing as he thinks fit.

25. A forest panchayat may at any time after the annual budget takes effect make any modifications or changes therein by adopting a resolution in this behalf. The sarpanch shall forward a copy of this resolution to the deputy commissioner who shall make modifications and changes in its annual budget in consultation with the divisional forest officer, if deemed proper.
26. (1) The administration of panchayat forest fund shall be in the hands of the forest panchayat subject to the general control of the deputy commissioner or an official appointed on his behalf.
  - (2) All money transactions to which any member of the forest panchayat or any officer or a servant of forest panchayat is in his official capacity a party shall without any reservation be brought to account and all the money shall be credited in full to panchayat forest fund with the exception of authorised advances.
  - (3) Money due to forest panchayat shall be collected either by payment at the office of the forest panchayat or by outdoor collection or by both the methods as the deputy commissioner may direct. Receipts for all money received shall be issued by the sarpanch of the forest panchayat or by the persons authorised to receive money on his behalf.
  - (4) A proper account of all income and expenditure of the panchayat forest fund shall be maintained by the sarpanch. The accounts shall be closed and balanced at the end of every month and shall be examined and passed by the forest panchayat at a meeting in the following month.

27. (1) Unless prevented by a reasonable cause, it shall be the duty of the sarpanch
- a. To convene and preside over all meetings of the forest panchayat;
  - b. To control and transact business and preserve order;
  - c. To watch the finances and superintend the administration of the forest panchayat and bring to its notice and defects therein;
  - d. To superintend 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 various registers prescribed under the rules and to carry out all correspondence on behalf of the forest panchayat;
  - g. To file civil suits and launch prosecutions on behalf of forest panchayat;
  - h. To nominate in writing a member of the forest panchayat for the purpose of discharging the function of the sarpanch in his absence; and
  - i. To perform such other duties as are required of or imposed on him by or under the rules or any other law.
- (2) The member nominated by the sarpanch under clause (h) of sub-rule (1) shall during such absence, 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 any one of the members present at the time of the meeting as sarpanch to conduct the proceedings of the meeting.

28. 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 deputy commissioner by at least one-third of the members of the forest panchayat and passed by two-thirds of majority votes at subsequent meeting of the forest panchayat.
29. A sarpanch of the forest panchayat wishing to resign his office, may do so, either by presenting to the deputy commissioner in person, or by sending to his address by registered post, his written resignation signed by himself and attested by the local revenue officials and his office shall become vacant on the acceptance of the resignation.
30. A list of records, funds and property shall be prepared wherever the charge is handed over and the person handing and taking over charge shall sign the list in token of its being correct. The copies of this list duly signed by both the persons shall be given to forest panchayat inspector by the person taking over charge. A copy of this list duly signed shall also be given to the person handing over charge. In case of any dispute about any record, funds or property, both the persons shall be entitled to make their observations of affixing a note at the foot of the charge list.
31. A forest panchayat shall maintain such registers, books and records for such periods as may be prescribed by the State Government or the deputy commissioner.
32. The forest panchayat shall submit to the deputy commissioner with a copy to the divisional forest officer concerned before the 10<sup>th</sup> day of April of each year an annual report of their working during the previous financial year, the report shall contain the following information :
  - a. A statement showing the utilisation of their funds;
  - b. A statement showing the demand and realisation;

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- c. Steps taken by forest panchayat during the year under report to carry out the purpose mentioned in Rule 18;
  - d. Income and expenditure incurred;
  - e. A statement showing the exploitation, feeling (whether for commercial purposes or for bonafide domestic use of the right-holders and local villagers), silvicultural and other regeneration and recuperative works carried out during the year. If any working plan or working scheme is in force for the panchayat forest concerned, the statement should in particular show what prescription were prescribed to be carried out by the said working plan or scheme and what was actually done against these prescriptions;
  - f. Any other matter of impotence.
33. Working of all forest panchayats within their jurisdiction shall be inspected at least once in three years by officers specified for the purpose by the conservator of forest who will submit his report to the chief conservator of forest forwarding a copy thereof to the commissioner and the deputy commissioner concerned. Inspection shall be made during a year by the following officers also, of the forest panchayats within their respective territorial jurisdiction according to the standard prescribed below :
1. Commissioner : 5 inspections per district
  2. Deputy Commissioner : Not less than 15 in their districts
  3. Forest Panchayat Officers/  
Sub-Divisional Magistrate : 25
  4. Tahsildar : 15
  5. Block Development Officer : 10

These inspections shall be in addition to those made by officers specified for the purpose by the conservator of forest.

34. All money payable to forest panchayat on account of the expenses incurred on the panchayat forests for the price of any forest produce sold under these rules or any other dues legally chargeable under these rules from a villagers or right-holder or any person shall be deemed to be money payable to Government and shall be recoverable arrear of land revenue under Section 82 of the Indian Forest Act 1927.
35. Money shall not be paid from the panchayat forest fund except on requisition of withdrawal signed by the sarpanch.
36. The audit of the accounts of every forest panchayat shall be done under the Orders of the Chief Audit to Government, Cooperative Societies and Panchayats, UP at such intervals and in such manner as the State Government may direct. The deputy commissioner shall be responsible for production of the records of the forest panchayats for audit.
37. The audit objections shall be discussed at a special meeting of the forest panchayat convened by the sarpanch within a month of receipt of the same and the action to be taken in regard to them shall be decided. The action decided to be taken shall be indicated on an interleaved copy of the margin of this audit note and the annotated copy shall be sent to the deputy commissioner as soon as possible and in any case within three months of the receipt of the objections. Another copy shall be kept and produced for information of the inspecting officers.
38. Wherever any embezzlement of money belonging to the panchayat forest fund is discovered by the sarpanch or any other officials the facts of such embezzlement shall be immediately brought to the notice of the deputy commissioner who will then inform the Accountant General, UP and the Commissioner.

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39. The deputy commissioner on receiving the report under Rule 38 shall institute an inquiry into the embezzlement.
40. The deputy commissioner may during the course of an inquiry suspend a member of a forest panchayat or a sarpanch of forest panchayat and debar him from taking part in any act or proceedings of the said body and order him to hand over records, money or any property of the said body to the person authorised on his behalf.

Provided that an appeal shall lie against an Order passed under this rule to the commissioner such appeal shall be made within a period of 30 days from the date of Order.

41. Any person vacating an office of the sarpanch by resignation, removal or any persons suspended shall handover the charge of his office to a member of the forest panchayat nominated by the deputy commissioner.
42. The deputy commissioner either of his own or on receipt of a complaint may, after such enquiry as he may be deem fit to make either himself or through an officer not below that rank of a sub-divisional magistrate at any time remove a member of sarpanch of forest panchayat, if he
  1. Remains absent without sufficient cause for more than three consecutive meetings;
  2. Refuses to act or become incapable of acting for any reasons whatsoever, or if he is convicted of any offence involving moral turpitude.
  3. Has abused his position or has persistently failed to perform the duties imposed by these rules or his continuance as such is nor desirable in public interest.
  4. Misbehaves or indulges in physical violence at a meeting of the forest panchayat;

5. Acquires any of the disabilities mentioned in the first proviso to rule 9.

Provided that no member or sarpanch of forest panchayat shall be removed unless he has been given an opportunity to show cause why he should be removed from his office.

An appeal against an Order passed, under sub-rule (1) shall lie to the commissioner. Such appeal shall be made within a period of 50 days from the date of the Order.

43. The deputy commissioner 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 under these rules or if its continuance is not considered desirable in public interest.

When a forest panchayat is thus dissolved, suspended or superseded, the deputy commissioner may nominate a forest panchayat for the temporary management of the panchayat forest which shall hold office for the remaining un-expired term of the forest panchayat.

The Orders passed by the deputy commissioner under this rule, shall be subject to revision by the commissioner. The period of limitation for filing the revision shall be 30 days from the date of the passing of the Order by the deputy commissioner.

44. Where the sarpanch of forest panchayat is suspended, the deputy commissioner may nominate in writing member of the forest panchayat as temporary sarpanch of the forest panchayat to exercise all the powers and perform all the duties of the sarpanch until such date as either he is reinstated or if he is removed from the office until such date as a new sarpanch is elected.
45. The deputy commissioner may by Order in writing prohibit, rescind, modify or confirm the execution of a resolution, direction or Order

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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.

46. Subject to such instructions as may be issued from time to time by the deputy commissioner, two or more forest panchayats may combine their representatives for the purpose of transaction of any business in which they are jointly interested.
47. The members of the Legislature, Adhyaksha, Zilla Parishad and other elected representatives shall be entitled to inspect any panchayat and its forests within the area they represent.
48. In case forest panchayat does not carry out the forest development work prescribed by the working plan, if any in force or any other works connected with the development of the forests considered necessary by the divisional forest/conservator of forest, the same may be got done by the divisional forest officer/conservator of forest at the cost of forest panchayat.
49. All the existing panchayat forests/ panchayats which, prior to the commencement of these Rules, which were constituted under the Kumaon panchayat forest rules framed under the Scheduled District Act 1874, shall be deemed to have been duly constituted and working under the rules with effect from the date of enforcement of these rules.

**Annexure - IV**

**GOVERNMENT OF UTTARANCHAL  
Forest and Environment Section  
No. 3155/I-Va.Vi./2001-8(15)/2001  
Dehradun : Dated 3 July, 2001**

(Free English rendering of the Uttaranchal Panchayati Forest Rules 2001 originally in Hindi).

**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 on his behalf and in suppression of the Panchayat Forest Rules, 1976 published with U.P. Government Notification No. 6589/XVI-2-302-64, dated July 19, 1976, the Governor is pleased to make the following rules:

**THE UTTARANCHAL PANCHAYATI FOREST RULES, 2001**

1. Short title, extent and commencement
  - (1) These rules shall be called the Uttaranchal Panchayati Forest Rules, 2001.
  - (2) They shall be applicable to the districts of Almora, Bageshwar, Champawat, Pithoragarh, Chamoli, Rudraprayag, Utrakashi, 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 amended in its application to Uttaranchal;
- (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 overall 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 Forest, 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) 'Composite Management Plan' means the management plan made for all the panchayat forests situated within the jurisdiction of a Panchayat Van Vikas Adhikari for a period of five years, in accordance with the silvicultural principles and sustainable development. The plan will be in the shape of a one single document. With two or more volumes and will consist of general description of panchayat forests and the guiding principles for the preparation of micro plans for the protection and management of individual panchayat 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 panchayat forest, under these rules and includes

the forest panchayats existing on the date of commencement of these rules, under any rules;

- (g) '*Gram Sabha*' and '*Pradhan*' shall have the meanings assigned to them in the U.P. Panchayati Raj, 1947 (U.P. Act No. 26 of 1947);
- (h) '*Micro Plan*' means the scheme of management of all individual forest panchayats 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.
- (i) '*Panchayati Forest*' means the existing area of a panchayat forest on the date of commencement of these rules and includes any area (outside the municipal or cantonment limits) which has 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 Adhikari*', '*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 panchayat 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 panchayat forest under law or any Order of the court. Such landless persons, who have been residing in that village for long, where Panchayat *Van* has been constituted are also included here;
- (l) '*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 panchayat forest

On the application made by at least one-fifth of the adult 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 panchayat forest.

Provided that no land shall be declared to be panchayat forest if one-third or more of the residents of the 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 issue 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 panchayat 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 and proceed with the demarcation of the proposed panchayat 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 and 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 panchayat 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. These rights will also be exercised by landless people who have been residing in that village for long, where panchayat forests have been constituted.

7. Constitution of forest panchayat

- (1) When the panchayat forest is demarcated under rule 4 and 5 the sub-divisional magistrate shall call upon the adult residents of the village

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to assemble at a convenient place and time, 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 castes or scheduled tribes shall be reserved for women. One out of five seat shall be reserved for the male members of the scheduled castes and the scheduled tribes. If member of the scheduled castes or the scheduled tribes does not reside in the villages concerned then the aforesaid seat 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 deemed 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 panchayat 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, remain vacant in election, then the 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 election of any member 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 possible.
- (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 within thirty days as far as possible.

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 panchayat 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 conservator 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 panchayat forests under his control for a period of five years and submit it to the conservator of forests for approval with or without modification within sixty days.

12. Micro plan

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 panchayat 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 micro plan 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 micro plan.

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 *Vanvid*, on the basis of sanctioned micro plan, and will get it approval by *Sahayak Panchayat 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 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 proceeding

- (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 emergency meeting may be convened by the sarpanch either by himself or at the written request 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.
- (5) *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 panchayat 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 appraise them about the development work of the panchayat 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 fuelwood for the whole of year in the annual general meeting and will also give their suggestions regarding development of panchayat 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-thirds 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 unexpired portion of the term of the member so removed.

18. Exploitation and utilisation of forest produce

- (1) The extent of exploitation of any forest produce from the panchayat forests shall be as provided in the micro plan 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 fuelwood, lopping of branches of trees, cutting of grass, shall continue to be governed under the provisions of micro plan.

- (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 *Van Vikas Adhikari*, 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, on 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 sell it by a public auction.
- (5) Subject to the provision 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 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 forest panchayat within its jurisdiction shall be :

- (a) To prepare a five-year micro plan and annual implementation plan 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 panchayat 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 panchayat 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 rainwater conservation.
- (i) To promote natural regeneration through management of forest fires, controlled grazing by excluding from grazing one-fifth of panchayat 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

The 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 panchayat 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 forest panchayat shall realise the full market value of the property involved in the offence, as assessed by an officer, not below the rank of 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 panchayat forest;
- (d) To impound cattle, trespassing into the panchayat forest in accordance with the Cattle Trespass Act, 1871;
- (e) To exclude, from any or all privileges in the panchayat forest, any person, whom the forest panchayat may, for sufficient grounds consider to be responsible for any fire or damage to the panchayat 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 bye-laws 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 bye-laws 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 micro plan/project.

24. Annual report of the working of forest panchayat

The forest panchayat shall submit to the Panchayat *Van Vikas Adhikari* before 15<sup>th</sup> day of April each year, an annual report of the working during the previous financial year, who will submit a compiled report of his division 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 setdown in the micro plan and what was actually done to execute them; and
- (e) any other matter of importance.

25. Duties of sarpanch

- (1) Unless prevented by a reasonable cause it shall be the duty of a 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.

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- (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 any one 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 up to one thousand rupees and to draw an advance up to this limit from the 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 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 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 *Sahayak Panchayat Van Vikas Adhikari* by the person taking over charges. 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. Panchayat forest fund

- (1) A Panchayat 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) Share of *Van* panchayat lying unutilised with the collectors under sub-rule(2) (Kha) of rule 23 of panchayat 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 Nationalised Bank, Scheduled Bank, Cooperative 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 panchayat forest fund

- (1) The panchayat 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 on his 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, cooperative 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 per cent 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 panchayat forest fund and its distribution and utilisation shall be done in the following manner :
  - (a) Twenty per cent to the zilla panchayat for implementation to development projects of public utility.
  - (b) Utilisation of balance eighty per cent of amount shall be done for implementation to development purposes, like projects of public utility, maintenance and development of panchayat forest in the following manner :
    - (i) Not less than fifty per cent of the amount shall be incurred for maintenance and development of panchayat forest by forest panchayat;
    - (ii) Not more than fifty per cent 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 payments 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 annual estimate of its income and expenditure, hereinafter referred to as the annual budget, for the financial year commencing from 1 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 alterations therein, for reasons to be recorded in writing as deemed fit. The annual budget shall be submitted by the 31 December of the preceding year and the *Panchayat Van Vikas Adhikari* shall accord sanction by the following 31 March.

#### 32. Modification and changes in annual budget

A forest panchayat may, at any time after the annual budget take effect, can suggest any modification or changes therein by adopting a resolution on his behalf. The sarpanch shall forward a copy of this resolution to the *Panchayat Van Vikas Adhikari* who may make modifications and changes in the annual budget.

#### 33. Accounts

A proper account of all income and expenditure of the panchayat forest fund shall be maintained by the sarpanch. The accounts shall be closed and balance 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, Uttaranchal 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.

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- (2) *Up-Panchayat Van Vikas Adhikari* will nominate three right holders to carry out summary interval audit every financial year and such audit reports shall be put up to the *Panchayat Van Vikas Adhikari* for perusal.

35. Disposal of audit objections

The audit objections, if any, shall be discussed at a special meeting of the forest panchayat convened by the sarpanch within a month of receipt of the same and the action to be taken in regard to them 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 panchayat 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 on his behalf.

39. Removal of member or sarpanch

The collector either of his own or on receipt of complaint may, after enquiry 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 handover the charge of his office to a member of the forest panchayat nominated by the collector on his 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 reinstated 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, supersession or dissolution of forest panchayat

The collector may suspend, supersede or dissolve any forest panchayat if in his opinion such forest panchayat, 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 43

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 panchayat 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 panchayat 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 supersession 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 by 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 is 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, *Adhyakshas* of Zilla 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 zilla panchayat *Van Paramarsh Datri Samiti*

In every district where panchayat forest and forest panchayat under rules 3 to 9 have been constituted, a *Zilla Panchayat Van Paramarsh Datri*

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*Samiti*, shall be constituted which shall be hereinafter called *Paramarsh Datri Samiti*. The *Paramarsh Datri Samiti* shall consist of the following members :-

1. *Adhyaksh* Zilla 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 *Pramukh* nominated by district magistrate                      Member  
(not more than two)

All the Hon'ble members of State Legislative Assembly of the district will be special invitees 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 panchayat 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 by resolution, decides that panchayat forest under its management, be managed in accordance with Uttar Pradesh Joint Forest Management 1997 rules, the panchayat 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 on this behalf by the divisional forest officer, on terms and conditions specified in form-I and the provisions of the Uttar Pradesh panchayat forest rules, 1976 shall cease to apply in respect thereof.

56. Saving in respect of existing panchayat forests/forest panchayat

All the existing panchayat 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, 1974, or were constituted under Tehri Garhwal Rajya Prat 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.

**Annexure - V**

**THE UTTARANCHAL PANCHAYATI FOREST RULES, 2005**

1. Short Title, Extent and Commencement

- (a) These rules may be called the Uttaranchal panchayati forest rules, 2005.
- (b) These rules shall be applicable to the entire State of Uttaranchal.
- (c) They shall come into force with effect from the date of their publication in the 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 amended from time to time) in its application to Uttaranchal;
- (b) 'Collector' means the collector of a district, and includes any other officer appointed on his behalf by the State Government to work under the overall charge of the collector of district;
- (c) 'Commissioner', 'Collector', 'Sub-Divisional Magistrate' 'Patwari', 'Conservator of Forests', 'Divisional Forest Officer', 'Sub-Divisional Forest officer', / 'Assistant Conservator of Forests', 'Forest Range Officer', 'Deputy Range Officer', '*Van Daroga*' ('Forester'), '*Van Arakshi*' ('Forest Guard'), 'Sarpanch', and 'Member of Forest Panchayat Management Committee' shall mean respectively, an office holder having territorial jurisdiction of a village forest/panchayat forest.
- (d) 'Sarpanch' means the chairperson elected by the management committee constituted at the village level;

- (e) 'Regional Coordinator' and 'District Coordinator' means person elected at the regional level by the sarpanch of the management committees of the region, and at the district level by the Regional Coordinators of the District Advisory Committee;
- (f) 'Composite Management Plan' means the management plan made for all the village forests/panchayat forests situated within the jurisdiction of divisional forest officer for a period of five years, in accordance with the silvicultural principles and sustainable development. The plan will be in the shape of a single document with two or more volumes and will consist of general description of village forests/panchayat forests and the guiding principles for the preparation of micro plans for the protection and management of individual village forests/panchayat forests;
- (g) 'Forest Officer', 'Forest Offence', 'Forest Produce', 'Cattle' and 'Tree' shall have the same meanings respectively, as assigned to them in the Indian Forest Act 1927;
- (h) 'Panchayati forest (Village forest) Management Committee' or 'Forest Panchayat', which has been termed as Management Committee, means a management committee constituted for the management of village forest/panchayat forest, under these rules and includes the village forests/panchayat forests constituted prior to the date of the commencement of these rules under Panchayati Forest Rules 1931, Panchayati Forest Rules 1976 or Uttaranchal Panchayati Forest Rules 2001 or to be constituted in future;
- (i) "Micro Plan" means the scheme of management of an individual village forest/panchayat forest made for five years;
- (j) 'Annual Implementaion Plan' means a plan of execution made for one year in accordance with the "Micro Plan" of the village forest/panchayat forest;
- (k) 'Panchayati Forest' means the existing area of a panchayat forest on the date of commencement of these rules and includes any area

(outside the municipal or cantonment limits) which has 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, which has been called village forest/panchayat forest in these rules;

- (l) 'Right Holder' means such person, who is '*Bhumidhar*' of the village where a village forest/panchayat forest has been constituted, or a person who has been given right to graze cattle, collect fodder, fuel and timber in the village forest/panchayat forest under law or any order of the court. Such landless persons, who have been residing in that village continuously for ten years, where such village forest/panchayat *Van* has been constituted are also included here;
- (m) 'State Government' means the State Government of Uttaranchal;
- (n) 'Village' means any village shown in the list of villages maintained under Section 31 of the U.P. Land Revenue Act, 1901 (as applicable to Uttaranchal) and includes any village whose boundaries have been demarcated under a revenue settlement carried out in accordance with the said Act;
- (o) 'General body' means the group of adults of a village assembled in a convenient place as per the instructions of the sub-divisional magistrate after the demarcation of the village forest/panchayat forest has been done as per rule (4) and (5);
- (p) 'Self-Help Group' / 'Forest Users' Group' means the members of the general body, who are jointly interested in the management and development of forests and are dependent on the forest produce of the panchayat forest for their livelihood. Not more than one member from a family shall be included in this group.
- (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' shall have the same meaning as assigned to it in the U.P. Panchayati Raj Act, 1947 (as applicable to Uttaranchal)

3. Constitution of Village Forest (Panchayat Forest)

Procedure to apply for demarcation of village forest (panchayat 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 a resolution passed in the meeting of the concerned gram sabha, the sub-divisional magistrate concerned shall state the proceeding in this regard on the recommendation of the forest department.

Provided that no land shall be declared to be village forest/panchayat forest if half or more of the residents of the village or villages within which the area lies, enter objections to the schemes.

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 rules-3, the sub-divisional magistrate shall issue service of a notice in the concerned village, and for wider publicity make public announcements, and shall also issue a copy of the notice to be affixed to some public place in the concerned villages, and in the adjacent village, 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 he also claims and objections shall be heard.

5. Decision of 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 objection, if any, and decide the same. if there is any dispute as to the boundaries he may decide the same and proceed with the demarcation of the proposed village forest/panchayat 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 refers the application in whole original 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 hear and decide the appeal expeditiously.

6. (a) Rights of Users

In village forests/panchayat 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/panchayat forests have been constituted.

6 (b) Duties of Users

The users who are entitled for the rights as per rule 6(a) will 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 incrimination 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

- (1)(a) When the village forest/ panchayat 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 any 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 member 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/ panchayat 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 member 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 possible.
- (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 possible.

#### 9. Declaration of Constitution of Management Committee

Sub-divisional magistrate will finally declare the Committee having formally constituted and declaration will consist of the names of persons of General Body, sarpanch and members of the Management Committee.

#### 10. Intimation about constitution of village forest (panchayat forest) and Management Committee

The sub-divisional magistrate shall send intimation about the Constitution of General Body, village forest / panchayat forest and

Management Committee under these rules to the commissioner, the conservator of forests, the collector and the divisional forest officer concerned.

11. Composite Management Plan

The divisional forest officer shall prepare a Composite Management Plan for all the village forests/ panchayat forests within his/her control for a period of five years and submit it to the conservator of forests for approval and he/she shall accord his/ her approval with or without modifications within sixty days.

12. Micro Plan

It shall be obligatory on the part of a Management Committee to prepare a micro plan on the basis of guiding principles given in the Composite Management Plan for the management and protection of village forest/ panchayat forest for a period of five years with the assistance of the concerned deputy ranger/forester or forest guard as may be convenient from administrative point of view, giving due consideration to the requirement of the right holders and ensuring the ecological balance of region. The micro plan will be placed before the General Body of all the right holders/ self-help groups by the concerned forest range officer for its approval before it is finally sanctioned by the concerned sub-divisional forest officer. It shall be the duty of the Committee to strictly follow the prescriptions of the finally approved micro plan.

13. Annual Implementation Plan

Every year, Management Committee will prepare an annual implementation plan, for the management and development of village forests/panchayat forests with the help of forester/forest guard on the basis of sanctioned micro plan, and will get it approved by forest range officer by first of September so that annual implementation plan will be operative.

14. Functioning of Management Committee

The Committee shall start functioning after the annual implementation plan has been approved by the forest range officer.

15. Terms of the sarpanch and member of the Management Committee

- (a) The terms of the sarpanch and members shall be five years and Management Committee 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 and 9.
- (b) Preparation for the election to the Management Committee shall be initiated by the sub-divisional magistrate at least six months before the expiry of the term of existing forest panchayat constituted under the earlier arrangement and Management Committee constituted under these rules, as the case may be, under intimation to the collector and divisional forest officer.
- (c) In case the term of Management Committee expires and election for constituting new Management Committee cannot be held for some unavoidable reasons, the collector shall have the power to extend the term of Management Committee for a period of six months and during the extended term he shall ensure the election of the Management Committee.

16. Meeting of the Management Committee and its Proceedings

- (a) The Management Committee shall hold its meeting every month on a fixed date. The proceedings of the meeting shall be recorded in Hindi in a register and a copy shall be given to the forest range officer 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 Management Committee at any time after giving at least one day notice.
- (b) All decisions of the Management Committee shall be taken by majority vote of the members present and voting.

- (c) The quorum of Management Committee shall be five members including sarpanch or his nominee.
- (d) Deputy ranger, forester or/and forest guard may attend Management Committee meeting but they will not be entitled to vote.
- (e) Forest guard/forester/ deputy ranger shall be the secretary of the Management Committee and any right holder of the village forest/ panchayat forest who has been selected after a resolution passed in meeting of Management Committee shall be additional secretary of the Management Committee, to assist the secretary in th discharge of his duties.
- (f) It shall be the duty of the sarpanch to convene a meeting of the General Body twice in a year especially in April and October where sarpanch will apprise about the development work of the village forest/ panchayat forest, expenditure and revenue thereof and shall invite discussion. the proceeding of his meeting shall be sent to the forest range officer. The right holders will be required to intimate their suggestions and problems in the General Body meeting and will also give their suggestions regarding development of village forest/ panchayat forest, if any.

17. Removal of Sarpanch or Members by Vote of No-Confidence

- (a) The sarpanch of a Management Committee 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 Management Committee and passed by a majority of not less than two-thirds of the total members of the Management Committee.
- (b) If majority of the Management Committee members consider it necessary to remove any individual member, the sarpanch shall report the fact to the sub-divisional magistrate. An officer nominated by the sub-divisional magistrate shall proceed to the village and shall

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ascertain the wishes of persons entitled to vote and shall act accordingly. If a member is removed, the officer nominated by the sub-divisional magistrate shall immediately call on the voters assembled to elect a new member for the unexpired portion of the term of the member so removed and send intimation to the sub-divisional magistrate for approval.

- (c) The General Body may bring a proposal of no-confidence against sarpanch or any member of the Management Committee after passing a resolution with majority vote. A written information of such proposal, signed by not less than one-fifth of the members of General Body, will be given to the sub-divisional magistrate at least 15 days before the meeting of General Body. The sub-divisional magistrate or an officer nominated by him shall proceed to the village and shall ascertain the wishes of persons entitled to vote and shall act accordingly. If sarpanch/member is removed, the sub-divisional magistrate shall act according to the provisions of rule 17(b) for the unexpired portion of the term of the sarpanch/member so removed.

18. Exploitation and Utilisation of Forest Produce

- (a) The extent of exploitation of any forest produces from the village forests/panchayat forests shall be as provided in the micro plan and no forest produce shall be exploited unless the ecological requirements of the area are ensured by village forest/panchayat forest.
- (b) All customary rights of the 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 micro plan.
- (c) After fulfilling the requirement under sub-rules (a) and (b), the Management Committee may, on a resolution passed by it and with prior approval of divisional forest officer, 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.

- (d) After fulfilling the requirements, as provided under sub-rules (a), (b) and (c), if the Management Committee feels that it has exploitable trees or other forest produce for commercial sale within its forests, it shall apply to forest range officer who shall forward the application after preparing an estimate of its value with his comments and recommendations to the divisional forest officer for orders, on receipt of which further action for exploitation and selling by auction of the trees or other forest produce shall be taken by the assistant conservator of forest/sub-divisional forest officer under appropriate rules.
- (e) Subject to the provisions of sub-rule (d), in special circumstances sarpanch may sanction the sale of one tree at scheduled rate issued by the conservator of forest to only right holders to meet their requirement for their emergent and urgent bonafide community or domestic use.

Provided that :

- (1) A resolution of sanction is passed in the meeting of Management Committee and consent of more than half of the Management Committee members is obtained in writing prior to sale.
- (2) It will be compulsory for the sarpanch to mark such tree with the stump marker of the Management Committee prior to its felling.

#### 19. Duties of Management Committee

The duties of a Management Committee within its jurisdiction shall be :

- (a) To prepare a five-year micro plan and annual implementation plan for the village forest / panchayat forest and submit it to forest range officer and sub-divisional forest officer for approval and sanction, 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 divisional forest officer.

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- (c) To ensure that no land of village forest/panchayat 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 executive orders passed by the divisional forest officer 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 village forest/panchayat forest.
- (g) To protect the forests from illicit felling of trees, lopping, fire and other damages and conserve them;
- (h) To ensure that catchments areas of water sources are adequately wooded with appropriate tree and vegetation to maximise rainwater conservation.
- (i) To promote nature through management of forest fires and controlled grazing by excluding 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/panchayat forest for 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 realise 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/panchayat forest.
- (d) To impound cattle, trespassing into the village forest /panchayat forest in accordance with the Cattle Trespass Act, 1871;
- (e) To exclude, from any or all privileges in the village forest / panchayat forest, any person, whom the Management Committee may for sufficient grounds consider to be responsible for any fire or damage to the village forest/panchayat 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 / panchayat 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 Uttaranchal).
- (i) Management Committee after getting approval from the General Body, may enter into contract with self-help group or a member as a

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group or individual member (as the case may be) for proper management, improvement, protection and development of the Village forest/panchayat 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 bye-laws 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 / panchayat forest. The 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 micro plan/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 information.
  - (i) A statement showing the utilisation of the village forest / panchayat forest fund.

- (ii) A statement showing the demand and realisation;
  - (iii) A statement of income and expenditure;
  - (iv) A statement showing the utilisation, 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.

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- (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 up to one thousand rupees and to draw an advance up to its limit from the village forest/ panchayat 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 office. 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/Panchayat Forest Fund**

- (1) A village forest/panchayat 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 lying unutilised 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 nationalised bank, scheduled bank, cooperative bank and shall be operated jointly by the sarpanch and the secretary of the village forest/panchayat 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 / Panchayat Forest Fund**

- (1) The Panchayat 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 authorised by the sarpanch or the secretary on his behalf and receipt

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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, nationalised bank, scheduled bank, or cooperative 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 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 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 the per cent of sale proceeds as administrative expenditure.
  - (2) Net income, which is determined from the sale of resin and other forest produce is obtained from other sources such as compensation amount and fees etc., shall be deposited in village forest / panchayat forest fund and its distribution and utilisation shall be done in the following manner;
    - (a) Thirty per cent to the gram panchayat for development purpose, i.e. for implementation of projects of public utility.
    - (b) Forty per cent for development and maintenance of village forest by the Management Committee.
    - (c) Thirty per cent for projects of local utility and their maintenance by the Management Committee.

The proposals for these expenditures shall be passed in the annual meeting of the general body in the form of a project.

- (4) All payments exceeding rupees five hundred shall be made through cheques, jointly signed by sarpanch and secretary of forest panchayat.
30. Distribution and Utilisation of Income under Plantation Employment Scheme (Plant, Maintain and Earn)

In case of entering into contract with self-help group or a member as a group or individual as per the powers given to the Management Committee under rule 20(i) the distribution of income shall be in the following manner:

- (a) 15 per cent of the income from the forest produce will go to the gram panchayat
- (b) 15 per cent of the income from the forest produce will be deposited in the village forest fund for development of village forest.
- (c) Seventy per cent of the income from the forest produce will go to members of the group or the member, as mentioned in the agreement.

In case where there are more than one revenue villages / gram panchayats in one village forest / panchayat forest, the 15 per cent amount will be distributed in equal proportion.

### **Budget, Account and Audit**

#### 31. Annual Budget

Every Management Committee 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 1 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 divisional forest office 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 31 December

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of the preceding year and the divisional forest officer shall accord his sanction by the following 31st March.

32. Modification and Changes in Annual Budget

A Management Committee may, at any time after the annual budget takes effect, can suggest any modification or changes therein by adopting a resolution on its behalf. The sarpanch shall forward a copy of this resolution to the divisional forest officer who may make modifications and changes in the annual budget.

33. A proper account of all income and expenditure of the Management Committee shall be maintained by the sarpanch. The accounts shall be closed and balanced at the end of every month and shall be examined by the Management Committee at a meeting in the next month and passed.

34. Audit of Accounts

- (1) The audit of the accounts of every Management Committee shall be done under the orders of the Chief Audit Officer to Government Co-operative Societies and Panchayats, Uttaranchal at such intervals and in such manner as the State government may direct. The sarpanch shall be responsible for production of the records of Management Committee for audit.
- (2) The sub-divisional forest officer will nominate three right holders to carry out internal audit for every financial year and such audit reports shall be put up to the divisional forest officer for perusals.

35. Disposal of Audit Objections

The audit objections shall be discussed at a special meeting of the Management Committee convened by the sarpanch within a month of receipt of the same and the action to be taken in this regard shall be decided. The action decided to be taken shall be communicated and detailed reply to the audit objections shall be submitted to the divisional forest officer as soon as possible and a copy shall be kept and produced for the inspecting officer.

36. Report of Embezzlement

Whenever any embezzlement of money belonging to the village 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 Management Committee and the divisional forest officer who shall immediately inform the same to the collector.

37. Inquiry About Embezzlement of Money

The collector shall, on receiving a report under rule 36 institute an enquiry forthwith.

38. Suspension of Member or Sarpanch

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

39. Removal of Member of Management Committee or Sarpanch

The collector either on his own or on receipt of complaint may, after enquiry made by him or through an officer not below the rank of sub-divisional magistrate, remove such member or sarpanch of a Management Committee 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) is found guilty of a forest offence;
- (iv) misbehaves or indulges in physical violence in any meeting of the Management Committee;

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- (v) acquires any of the disabilities under these rules;
- (vi) remains absent without any valid reason in three consecutive meetings of the Management Committee;

Provided that a member or sarpanch of a Management Committee 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 and Rule 39

Any person aggrieved by an Order under rule 38 and 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 Management Committee nominated by the collector on his behalf.

42. Nomination of Temporary Sarpanch

Where the sarpanch of a Management Committee is suspended or the office of the sarpanch has otherwise become vacant, the collector may nominate in writing a member of the Management Committee as a temporary sarpanch and he will exercise all the powers and perform all the duties of the sarpanch until he is reinstated, 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, Supersession or Dissolution of Management Committee

The collector may suspend, supersede or dissolve any Management Committee if in his opinion such Management Committee 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 43

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 Management Committee

When a Management Committee is dissolved, suspended or superseded, the collector may depute an officer not below the rank of sub-divisional forest officer for the temporary management of the Management Committee till a new Management Committee is reconstituted.

46. Re-constitution of Management Committee

It shall be obligatory on the part of collector to reconstitute new Management Committee within a period of six months from the date of supersession or dissolution of a Management Committee under rule 43.

47. Recovery of Management Committee Dues

All money due to a Management Committee 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 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 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.

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50. Inspection of Working of Management Committee by Official

- (1) Collector, sub-divisional magistrate, divisional forest officer, sub-divisional 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 the divisional forest officer who will take appropriate steps as he deems proper.

51. Inspection of Village Forests and Functioning of Management Committees by Members of Parliament, Legislatures etc.

The Members of Parliament, Members of the Legislative Assembly and *Adhyaksha* of Zilla Panchayat shall be entitled to inspect any panchayat 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 Paramashdatri Samiti*. The constitution of this Samiti will be as under;

- |  |                  |      |
|--|------------------|------|
| (1) Regional Coordinator   | Adhyaksha        | 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 Committee 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 look into the completion of procedures of election by holding 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 whom two sarpanches will be male and two female. Out of these four nominated members, one will be a male and another a female sarpanch belonging to scheduled caste/tribe. If female sarpanches 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 (*Adhyaksha*) 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 hve 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 *Zilla Paramarshdatri Samiti*

In every district where village forest and Management Committee under rules 3 to 9 have been constituted, a Zilla Village Forest *Paramarshdatri Samiti*, shall be constituted which hereinafter is called *Paramarshdatri Samiti*. The *Paramarshdatri Samiti* shall consist of the following members;

- |   |                 |
|---|-----------------|
| (1) District Coordinator                      | <i>Adhyaksh</i> |
| (2) All Regional Coordinators of the District | Members         |

- |   |                  |
|---|------------------|
| (3) Officer Nominated by the Collector<br>(not below the rank of Additional<br>District Magistrate)                                       | Member           |
| (4) Divisional Forest Officer nominated by<br>the Conservator of Forest from amongst<br>the Divisional Forest Officers of<br>the district | Member Secretary |

Regional Coordinators shall elect from amongst themselves *Adhyaksha 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 minimum twice 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   | Chairperson |
| (2) All District Coordinators of the District<br>Coordinating Committees            | Members     |
| (3) Secretary, Rural Development,<br>Government of Uttaranchal                      | Member      |
| (4) Secretary, Forests, Government of Uttaranchal                                   | Member      |
| (5) Secretary, Revenue, Government of Uttaranchal                                   | Member      |
| (6) Additional Principal Chief Conservator<br>of Forest (Village Forests) Secretary | Member      |

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-thirds majority vote.

57. 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 guideline 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 panchayat 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

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were constituted under Tehri Garhwal Rajya Prant Panchayat Vidhan No. 1, 1938, 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*  
*Principal Secretary*

**Annexure - VI**

**Dr. R.S. Tolia**  
**Principal Secretary and Commissioner**  
**Forest and Rural Development Department**  
**Uttaranchal Government**  
**Dehradun**

**Free English Rendering of**  
**Letter No. 1300/PS/Commissioner F&RD**  
**Dated 29/03/2003, originally in Hindi.**

**Subject :** Work Plan for Formation of Forest Panchayat (FP), Area Expansion, Timely Election, Micro Planning and Financial and Human Resource Management (2003-2004).

In every revenue village of Uttaranchal where non-ZA land is available (since the last land settlement, there is no unmeasured land available in UA) and also in those villages which are in the vicinity of reserved forest areas (reserved forest areas can also be brought under Joint Forest Management of which forest panchayat itself is an example) but do not have non-ZA land or have it in small size, the formation of FPs has to be completed by all the DM's and DFO's in the span of one year, commencing from 1 April, 2003. As per the work plan (2003-2004), which has been explained in the succeeding paras, various works have to be implemented soon after the completion of the Panchayati Raj elections. The UA Government has given utmost importance for fulfilling the aims of this work plan. The CM expects all the districts to fulfill these objectives and the concerned DM's and DFO's to personally ensure its fulfillment as well as remove all hurdles locally. Shri J.C. Suhag, Forest Conservator, FP, will carry out detailed visits of all the districts and will hold joint meetings with the concerned officers. The progress on the work plan will be forwarded to the administration after each of these meetings.

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### Formation of FP and Area Expansion

2. First and foremost it has to be ascertained as to how many revenue villages are there where FPs have been formed, how many revenue villages have enough non-ZA land where FPs can be expanded and how many revenue villages are there which are in the vicinity of reserved forest areas but do not have non-ZA land or have it in small size and need land for the formation of the FP and its expansion. In the 3 Forest Conservator's Conference held on 12 March 2003, the present situation is stated as following –

S.No.	District	The No. of FPs formed till 31-12-02	No. of FPs	Proposal till 31-01-03
1.	Pauri Garhwal	1640	1650	19
2.	Rudraprayag	250	250	14
3.	Chamoli	570	577	26
4.	Almora	1473	1482	7
5.	Bageshwar	478	517	2
6.	Champawat	616	616	32
7.	Pithoragarh	1051	1051	11
8.	Tehri Garhwal	70	70	148
9.	Uttarkashi	36	140	41
10.	Dehradun	159	159	51
11.	Nainital	496	496	-
12.	Udham Singh Nagar	NA	NA	NA
13.	Haridwar	NA	NA	NA

3. Forest Conservator, FP, has informed that in all the revenue villages of 4 districts where non-ZA land was available, at least 1 FP has been formed. As per this definition, the following districts – Nainital (496),

Champawati (616), Pithoragarh (1051), and Bageshwar (517) have saturated their revenue villages. These four districts have to do the following :

- 3.1. It has to be ascertained that FPs have been formed in all the revenue villages and as per the Orders of the Commissioner (Old FP Rules) or the SDM (New FP Rules), their entry has been made in the 'Khatonis'

One copy of this order has to be provided to the concerned FP to be placed along with the basic documents. DM should initiate action for maintaining property register where copies of map and order of implementation should be kept and this has to be testified by the SDM/ Tehsildar during their annual inspection. If the format of the property register has not been finalised then Orders for the same have to be passed by the forest department or adequate amendments have to be made in the by-laws.

- 3.2. It has to be assessed whether the villagers want to expand the area of FPs and if additional non-ZA land is available, then after a meeting of the entire Gram Sabha action should be taken for the same.
- 3.3. If there is no non-ZA land available within a village and if there are more than 50 adults in the village according to the 1991 census who own cattle, then the compartments of the neighbouring reserved forests can be formed as FPs. These compartments of the reserved forests have to be delineated on the maps and all the other related documents have to be prepared by the range officer of the concerned forest division. Since the reserved forest area has also to be used for the constitution of FPs and documented accordingly, its implementation has to be done by the DFO who is a competent authority for this purpose. It is to be noted that even after the formation of FP, the reserved forest will retain its existing legal status (Indian Forest Act vide Rule 28) and this too is a forest activity for which no prior sanction of Government of India is required. This procedure has been adopted earlier in Udham Singh Nagar and Pilibhit districts.

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- 3.4. There can be instances where a village has small size of non-ZA land but their requirement of fodder or fuel cannot be met from the newly formed or the proposed FP within the non-ZA area. In such situations the adjacent reserved forest can also be used for the formation of FP. The extent of the reserved forest to be included in the FP can be decided in the meeting of gram sabha. Such meeting can be organised by the concerned forest range officer with the help of the Tehsildars.
- 3.5. The main purpose of the formation of FP is to ensure that the requirement of fuel, fodder and other needs of the village population is met locally. The rights and entitlements mentioned in the 1915 forest settlement have now become inadequate because of the phenomenal increase in the human and animal population. In the same way there has been drastic decline in the distribution of minor timber for petty domestic needs of the people. Therefore, these basic needs can be met from out of the village forests raised under rule 28 of 1927 Indian Forest Act. This assessment of minimum requirement and the requisite size of village forest need to be done in the meeting of the gram sabhas called for the constitution of FP in the village. The divisional forest officer (DFO) and the sub-divisional magistrate (SDM) together will state the reasons for the inclusion of the requisite support area from out of the Reserved Forest and the non-Zamidari Abolition land (Civil/*Soyam* Forest).
- 3.6. Fuel and fodder compartments will be carved out of the reserved forest whose boundaries meet the boundaries of the adjacent revenue villages. In such compartments, plantation of fuel, fodder and grass species etc., will commence from 2003-2004. As far as possible, a fodder and grass nursery will be raised in these villages with the help and cooperation of the existing or proposed forest panchayat. All DFOs, will review the conditions of the revenue villages located adjacent to the reserved forests. While submitting their assessment regarding the fuel and fodder supply they will also suggest which forest compartments could be allotted to which forest panchayat. For

this purpose, necessary amendments should be made in the annual working plans. If there is any doubt about the size and shape of the support area of any forest panchayat, then the DM along with the DFO will make an assessment of the size of such an area based on the human and animal population of the concerned village in consultation with the district veterinary officer. It is clarified to all DMs and DFOs that supply of adequate fuel and fodder to the villagers is an important responsibility from the point of view of agriculture development, milk production and employment generation. All DFOs will ensure that atleast 50 per cent area of the nurseries will be devoted to raising of grass and trees species used for fodder purpose. Such nurseries should be shifted to places which are nearest to the adjacent villages so that the rural people could benefit from them. This work of shifting of existing nurseries and location of new nurseries nearer to revenue villages should be completed within the year 2003-2004.

3.7. Considering the dominance of pine trees in the forests of the State, concerned DFOs will have to make special efforts to raise plants and grasses of fodder species in these nurseries. For this purpose, they should make use of the planting material available with Bhisoda Farm Almora. They should also take the help of research branch of the forest department. Shri Jagat Singh Choudhury ‘Jangli’ has successfully demonstrated the planting of different fodder and grass species together in Rudraprayag district. Concerned forest conservators may consult him also on this.

3.7.1 Forest conservator, forest panchayat, should adopt the format for the dissemination of information in the following way and the concerned DFOs and DMs should also review the progress accordingly.

S.No.	District	No. of revenue villages	Villages covered under FPs	Difference	No. of proposed FPs	Not covered
1	2	3	4	5	6	7

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- 3.8. To achieve these objectives, action should be taken as follows :
- 3.8.1 Formation of FPs mentioned in column 4 above should be formalised with a compliance order and it should be ensured that a copy of this order is made available to the concerned FP for record in the register of property.
- 3.8.2 For the revenue villages mentioned in column 6 above, Orders for the formation of forest panchayat should be issued by the competent authorities and a copy of that Order should be marked to the village panchayat.
- 3.8.3 A date should be fixed for the meeting of the gram sabhas of all the revenue villages mentioned in column 7 above. If the number of uncovered villages is more than the number of 'Patwaris' (village revenue official), Village Development Officer, Panchayati Raj Officer, Assistant Development Officer (Forest) and FP Inspectors, then accordingly, two or more dates should be fixed for the whole district. All these officials will be responsible to call and hold the meeting of the gram sabhas. For this purpose, a special meeting should be held at the district headquarters to give necessary direction to these officials so that the gram sabha meetings called by them are held in a meaningful manner.
- 3.8.4 After this meeting, Patwari of the concerned area should be made responsible to follow up the constitution of forest panchayat by collecting written resolutions from the villagers along with the copy of the cadastral maps of the delineated area with positions of boundary pillars etc. If necessary, retired revenue 'Amins' or Patwaris may be engaged for this work.
- 3.8.5 In such villages where there is no Civil/Soyam forest (non-ZA land) and the FP has to be carved out of the compartments of adjacent reserved forest, local forest officer like forest guard or petrol should also be invited to the gram sabha meetings to complete all formalities with the help of the maps drawn from the range forest officer.

- 3.8.6 For the extension of the area of forest panchayat, by allotting forest land from non-ZA areas or reserved forest, the issue should be dealt with in the meetings as per the procedure laid in 3.8.2 and 3.8.5 above or by holding separate meetings for this purpose.
- 3.8.7 All such meetings should be completed by April and May and formalities for the formation of new forest panchayats or extension of the area of old FPs may be completed latest by July, 2003.
- 3.8.8 The task of micro-planning in FP forest land should be carried out by the divisional forest officer by August-September with the help of range officers, Dy. Rangers, ADO (Forest) and FP inspectors.

**Constitution of Forest Panchayat Fund Christened as Village Development Fund or Revolving Fund and its Use :**

4. The purpose of forest panchayat fund is to support different afforestation works, micro-plan implementation and other forestry related activities of the forest panchayats. Many FPs implementing JFM programme keep project related fund in their bank accounts. The DMs will ensure that such FPs will not keep their funds in any other account. Otherwise it will be treated violation of the JFM rules. Transfer of such funds to any other place including district headquarters would amount to violation of the rule even if it is kept in the FP account.
5. It has been brought to the notice of the Government that the DMs have deposited FP fund in various small saving instruments in the form of fixed deposits or other long-term investments schemes and the practice has continued and the funds meant for the benefit of forest panchayats have been misused. All DMs and DFOs will ensure the following action in respect of FP fund.
  - 5.1 A FP revolving fund should be constituted at the district level by drawing 10 per cent of FP fund where the FP fund is Rs. 1000 or more. FPs having less than Rs. 1000 in their account will not

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contribute to the revolving fund. Any amount of fund of the FPs deposited in any long-term deposit scheme should be immediately released to FP's village development fund and in future, district administration will not use FP's fund for placing in any long-term fixed deposits or saving accounts.

- 5.2 In addition to the above mentioned forest panchayat revolving fund, no amount of FP's fund will be kept in any form at the district headquarters. The above mentioned district forest panchayat revolving fund will be operated jointly by the DM and the DFO based in the headquarters.
- 5.3 All payments by Uttaranchal forest corporations made to Forest panchayats in future will be in the form of account payee cheques drawn in favour of the concerned FP. The total dues if amounting to Rs. 1000 or more will be paid in two slabs i.e. 10 per cent to district forest panchayat revolving fund and the remaining 90 per cent to the FP. The payment will be made to DFO based at district headquarters who will ensure that all the cheques have been deposited in the accounts of the concerned FPs and the district FP revolving fund.
- 5.4 All payments due to the FPs by Uttaranchal forest development corporation shall be released to FP as per the arrangement worked out in para 5.3 above.
- 5.5 Forest conservator, forest panchayat will see to it that all payments due to the FPs are being made in accordance with the above scheme and any deviation in this will be informed to the Government for necessary action. Any deviation of these orders will be treated as non-compliance of Government rules.
- 5.6 The district forest panchayat revolving fund will be used for the constitution of new FPs or expansion of the old FPs only. A separate Government order will be issued for the use of the revolving fund by the forest department, or any other department dealing with the

management of FPs or village forest constituted under rule 28 of Indian Forest Act. The fund available with different FPs will be used and controlled in accordance with the provisions made in the FP regulations notified by the Government.

### **Forest Panchayat Elections and Preparation of Micro Plans**

6. It is the responsibility of the district administration to conduct timely elections of all FPs in the same manner as they conduct elections of Panchayati Raj and cooperative institutions. DM while assigning this responsibility to the Dy. Collector in his establishment, should ensure that FP system is reformed and as in case of other elections and elections are also held within the stipulated time.
7. Forest conservator and the divisional forest officer will ensure that micro plans of forest panchayat forests are made part of the annual action plans of FPs. Here, forest panchayat includes JFM committees also. The pattern adopted for forest panchayat will also apply to JFM committees too.

### **Human Resources Management in Forest Panchayats**

8. There are many officials connected with the work of forest panchayats whose performance and responsibilities have to be reviewed. Forest conservator (forest panchayat) will ensure that the review work of ADO (Forest) is done at the departmental level by the divisional forest officer regularly. ADO (Forest) posts had been created earlier in all the border districts and in some other districts also. Planning of the above mentioned human resources should be done by the DFO and the DM in the following format.

District	Assistant Development Officer (Forest)		Forest Panchayat Inspector		No. of Forest Panchayats Covered
	Sanctioned posts	Filled in posts	Sanctioned posts	Filled in posts	
(1)	(2)	(3)	(4)	(5)	(6)

9. All DFOs should prepare the above statement for their districts. The nodal divisional forest officer will send the statement of filled in ADO (Forest) posts to his forest conservator and to forest conservator (FP) who in turn while preparing the list of ADO (Forest) district and block-wise, will ensure that the vacant posts of ADO (Forest) are filled with staff from forest department on deputation basis. These posts have been created block-wise and they work under the administrative control of the block development officer and draw their salary through them. List of forest panchayats of all the blocks will be prepared separately and communicated to all blocks by the nodal DFO. He will also ensure that all the activities mentioned in this Circular including constitution of new forest panchayats and extension of the area of the existing forest panchayats will be carried out through the concerned ADOs (Forest). Where ADO (Forest) posts have been created, the concerned ADO (Forest) will ensure that different rural development schemes like organisation of SHGs comprising BPL families of forest panchayat, villages, plantation of medicinal herbs etc. are taken up with the help of SHGs. The DFOs will intimate the targets for the constitution of forest panchayat, implementation of micro-plan etc. to the ADOs (Forest) through their controlling officer i.e. BDOs. Conservator of Forest (FP) will ensure that the sanctioned posts of ADO (Forest) remain filled, for this purpose a list of foresters and forest guards should be kept ready so that they could be posted quickly on deputation in these posts. Conservator of Forest (FP) will prepare a joint gradation list of ADO (Forest), which is approved by the chief conservator of forest.
10. In the same way, commissioners of both Garhwal and Kumaon divisions will get the list prepared of forest inspectors prepared regions-wise. A list of senior *patwaris* who are fit for promotion to the post of supervisor Kanongo and are willing to join as forest inspectors on deputation should be maintained so that in the event of any vacancy arising, the post could be filled immediately. A statement showing district, block and tahsil-wise posts of forest inspectors,

whether filled or vacant, should be made available to the conservator of forest for monitoring. In this connection, if any clarification is required by the conservator, the same could be sought from the Principal Secretary revenue by endorsing a copy of the letter to the Principal Secretary and Commissioner-Forest and Rural Development. The Additional Secretary of Forest will get both the lists prepared – sanctioned ADO (Forest) posts block and district-wise and sanctioned FP inspectors posts, tahsil and district-wise prepared through the revenue and forest departments. At the state level, a forest panchayat personnel review committee will be constituted for human resources planning for ADO (Forest) and FP inspectors. This committee will keep track of the vacancies and the matters connected with the process of filling them on monthly basis. The committee will also oversee the distribution of work among the staff as stated above. The Conservator of Forest (FP), through the secretary and addl. secretary, forest department will issue a monthly progress report in such a manner that it is available by first monday of the month. Copies of the monthly progress report should also be distributed in the monthly workshop of conservators and other senior officials. The copies should be made available to DMs and divisional commissioners by the Forest Conservator (FP).

11. It is clarified that all the posts of ADO (F) are to be filled in by the staff of forest department who are one rank below that of ADO. Similarly, the posts of forest inspectors in the districts are also to be filled by functionaries of revenue department who are one rank below the ADO. It is clear that with the increase in the number of FPs and growing importance of community forestry works, there is a need for more posts of ADO(F). It would be better if these posts are created in each block according to the number of FPs in each block. There are 95 community development blocks in the State and the difference between the existing number of ADO(F) and forest inspectors could be divided in the same ratio between the two categories and the new posts are filled from the personnel from forest and revenue

departments as stated above. These additional posts are to be created on three-year basis and are proposed to be filled from the concerned feeder groups by reducing the lower ranking staff in these departments. This will cause least dissatisfaction among the personnel of the two departments. Every panchayat inspector's jurisdiction should coincide with the area of the Community Development Block.

### **Integration of Forestry and Development Work through Forest Panchayat**

12. Forest panchayats are constituted under rule 28 of Indian Forest Act 1927 as village forest. Therefore, the responsibility of the integrated development vests in the forest department and forest department officials at different levels are responsible for their planned development. Conservator of forest along with DFO, while on tour will review the working of FPs in their areas specially in respect of forestry related works. They will also keep a watch on election processes etc. and any shortcoming noticed will intimate to the district magistrate in writing so as to rectify the mistakes. The FPs should also get the benefit of activities carried out by the forest department such as plantation of bamboo, cane and fodder species, bio-compost, eco-tourism etc. The programmes of rural development and other development departments should also be implemented in FP areas through the forest department. The Nodal Conservator (FP) will see to it that the benefit of schemes of National Afforestation and Eco-Development Board, Government of India reach the people in FP areas also.
13. The Department of Rural Development is carrying out a campaign called *operation SHG* in which all families below the poverty line are to be organised into SHGs. So, far more than 20,000 SHGs have been constituted in inhabited villages. After this campaign by the forest department, there will also be atleast one FP in each revenue village and there is need to integrate the work of SHG with the work of FP. The forest panchayat consists of all the adult members of that

village while the SHG comprises only the persons below the poverty line. This way, these SHGs will be able to contribute substantially to help those whose livelihoods are linked with the protection and conservation of the forests. The DFO can involve these SHGs in various forestry activities such as nursery, afforestation, micro-planning, collection of medicinal plants etc. For example, the FP can engage the village SHG(s) in various activities like maintenance of plant nurseries, water conservation works, works related to watershed management, forest protection etc. As and when the SHGs are strengthened, they will become entitled to assistance from SGSY of the rural development department and after that from the commercial banks. For this purpose, forestry related works are most appropriate and therefore, it should be ensured that all wage related activities of forest panchayats are carried out through the SHGs so that the SHGs are benefitted.

14. It should therefore, be given top priority that all the works of forest panchayat are implemented through the SHGs. If there is no SHG in any FP, then efforts should be made first to organise SHGs in those villages to carry out forestry related activities. By this way, it will ensure that wage payment under afforestation works which constitutes about 75 per cent of its total cost are made to the local residents of the village. This will lead to greater local participation in forestry works and a sense of ownership of the assets created. In future, all land based and forestry activities involving payment of wages will be carried out with the help of local villagers possibly through the SHGs. Divisional project officers may collect the necessary circular regarding formation of SHGs from the Chief Development Officers (CDO). To ensure people's participation in the forestry activities, care should be taken to check the convenience of villagers, members of SHGs, specially women members and see that the forestry and land based activities are planned in such a way that they do not clash with the agriculture related activities of the people. With good planning and close consultation with the people in the villages,

specially the women, this objective can be easily achieved. Otherwise also the main purpose of rural micro-planning is to bring about this integration between the time and resources of the people. When the process of micro-planning will be implemented commonly, such problems will get automatically solved. Even without any formal micro planning, it should be ensured that local villagers are engaged in these activities.

#### **Monthly Progress Statement Despatch and Annual Report**

15. Conservator of forest (forest panchayat) will ensure that the above orders are implemented in their totality. For this purpose, they can arrange issuance of Government order and review at the government level. He will get in touch with the DFOs and other conservators of forest as required either directly or through the good offices of the CCF. He will visit different districts and hold meetings with the divisional commissioners, district magistrates/divisional forest officers to ensure compliance of these guidelines. He will also participate in some of the training programmes organised by the forestry training institute for FP members.

Haldwani Conservator of Forest (FP) will collect necessary information, prepare a monthly progress report on each point mentioned in these guidelines and make it available to the divisional commissioners, district magistrate, divisional forest officers, conservators of forest and others. He will also prepare an annual report for presentation to the forest department.

16. Conservator of Forest (FP) will ensure formation of federation of forest panchayats at the block, district and State levels. He will also prepare the progress reports of the activities of JFM committees which will be included with monthly progress and annual report of the forest panchayat.

**Publication, PMU, Forest Department & CFD**

17. There will be close coordination between Project Management Unit (PMU), forest department and CFD, Uttaranchal Forestry Research Institute Haldwani. The above proposals will be presented by the FDA for the strengthening of forest panchayats through the Project Management Unit. All publications of forest panchayats will be done through CFD only.
18. The recommendations of the International workshop on 'A Decade of JFM – Restropect and Introspection' held in New Delhi on 19-20, 2000 and National Workshop on 'Technological Innovations and Research for Applications in JFM' held in ICFRE, Dehradun on 3-4, February, 2003 should be collated and field tested. The Conservator of Forest (FP) will ensure action on the recommendations through various agencies. Conservator of Forest (FP) will also make efforts to strengthen the forest panchayats of Uttaranchal in various democratic, legal, economic and administrative aspects. For this purpose, good practices followed in other States and countries in benefit sharing, gender equity etc. dimensions will be adopted in our State. Annual conferences will also be organised of FP functionaries at block, district, division and State level in which discussion should be focused on present status and future direction with a work plan for the next year.

## ACKNOWLEDGEMENT

Uttaranchal has one of the oldest known Community Based Resource Management Institution called Forest Panchayats. These Bodies have an illustrious history of having been born out of a successful popular protest against the takeover of the village forest by the colonial State during the early twentieth century. I had an opportunity to study the status of these Forest Panchayats under the individual research scheme of NIRD in 2003. This report is the outcome of that endeavour. This was a quick study based on documentary research and structured discussion with some knowledgeable persons. Subsequently the then DG, NIRD, Shri Lalit Mathur found the report interesting and wanted it to be published with some additions and modifications. The present report has been revised and updated accordingly.

I feel happy to express my sincere gratitude to the Director General and Dy. Director General, NIRD for their constant support in the course of this study. My sincere thanks are also due to Dr. R.S. Tolia, the then Principal Secretary and Commissioner, Forest and Rural Development Departments, Government of Uttaranchal for sharing his rich knowledge and experience on Forest Panchayats during my field visit. I also thank Dr. B.M. Harbola, Joint Director, Uttaranchal Academy of Administration, Nainital for the logistic help during the field work. Special thanks are due to Shri. A.R. Sinha, Director, F&VPTRI, Haldwani for sharing his views and providing reference material on the subject.

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Dehradun

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A STUDY OF FOREST PANCHAYATS  
OF UTTARANCHAL**

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